CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2016

Item 15, Report No. 7, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 16, 2016, as follows:

By receiving the following Communications:

C7. Confidential Communication from the City Solicitor, dated February 12, 2016; and
C10. Mr. Mark Christie, Manager, Ministry of Municipal Affairs and Housing, dated February 11, 2016.

15 VOP 2010 PROPOSED MODIFICATIONS TO SCHEDULE 2 "NATURAL HERITAGE NETWORK"
(Referred)

The Committee of the Whole recommends:

1) That the Natural Heritage Network Study and any potential Schedule 2 Modifications be referred to the next Comprehensive Review of the Vaughan Official Plan;

2) That the following report of the Deputy City Manager, Planning & Growth Management and the Director of Policy Planning & Environmental Sustainability, dated January 12, 2016, be received; and

3) That the following Communications be received:

C1. Deputy City Manager, Planning & Growth Management, dated January 28, 2016;
C4. Mr. Don Given, Malone Given Parsons Ltd., Renfrew Drive, Markham, on behalf of CountryWide Home Woodend Place Inc., dated February 1, 2016;
C5. Deputy City Manager, Planning & Growth Management, dated February 2, 2016; and
C6. Mr. Don Given, Malone Given Parsons Ltd., Renfrew Drive, Markham, on behalf of Block 41 Landowner's Group, dated February 1, 2016.

Regional Councillor Di Biase declared an interest with respect to this matter insofar as it relates to Block 27, as his children own land in Block 27 given to them by their maternal Grandfather, and did not take part in the discussion or vote on the matter.

Recommendation

Council, at its meeting of January 19, 2016, adopted the following recommendation (Item 6, Report No. 2):

By receiving the following Communications:

C1. Mr. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated January 12, 2016;
C2. Mr. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated January 12, 2016;
C3. Mr. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated January 12, 2016; and
C4. Mr. Barry A. Horosko, Horosko Planning Law, North Queen Street, Toronto, dated January 11, 2016.

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a legal firm that represents landowners which may be impacted in the decision, and did not take part in the discussion or vote on the matter.

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Regional Councillor Di Biase declared an interest with respect to this matter insofar as it relates to Block 27, as his children own land in Block 27 given to them by their maternal Grandfather, and did not take part in the discussion or vote on the matter.

Recommendation of the Committee of the Whole meeting of January 12, 2016:

The Committee of the Whole recommends:

1) That consideration of this matter be deferred to the February 2, 2016 Committee of the Whole meeting in accordance with Communication C12 from Deputy City Manager, Planning & Growth Management, dated January 12, 2016, as follows:

    1. That Attachments 2 and 3 be replaced with a revised Attachment 2 (Revised Modified Schedule 2), to address correspondence received by the Committee and further discussions with landowners, appellants and staff;

    2. That staff amend the revised Schedule 2, as necessary, to incorporate any development approvals, including Ontario Municipal Board (OMB) decisions affecting the Natural Heritage Network such as Official Plan Amendment 744, and to address any appropriate revisions based on staff review of the correspondence received on this item in advance of the March 23rd OMB Pre-hearing Conference; and

    3. That the report and recommendations be deferred to the February 2, 2016 Committee of the Whole meeting to allow additional time for stakeholder review and comment of the original Attachment 2, Attachment 3 and the Revised Attachment 2;

2) That the deputation of Mr. Don Givens, Malone Given Parsons Ltd., Renfrew Drive, Markham and Communication C11, dated January 12, 2016, be received; and

3) That the following Communications be received:

    C1. Ms. Caterina Facciolo, Brattys LLP, Keel Street, Vaughan, dated January 11, 2016;
    C2. Confidential Communication from Legal Counsel and the City Solicitor, dated January 11, 2016;
    C3. Mr. Aaron Hershoff, TACC Developments, Applewood Crescent, Vaughan, dated January 11, 2016;
    C4. Ms. Katarzyna Sliwa, Davies Howe Partners LLP, Spadina Avenue, Toronto, on behalf of Block 27, dated January 11, 2016;
    C5. Ms. Katarzyna Sliwa, Davies Howe Partners LLP, Spadina Avenue, Toronto, on behalf of Block 42, dated January 11, 2016;
    C6. Ms. Katarzyna Sliwa, Davies Howe Partners LLP, Spadina Avenue, Toronto, on behalf of Galcat, dated January 11, 2016;
    C7. Mr. Mark McConville, Humphries Planning Group Inc., Chrislea Road, Vaughan, dated January 11, 2016;
    C8. Mr. Mark R. Flowers, Davies Howe Partners LLP, Spadina Avenue, Toronto, dated January 11, 2016;
    C9. Mr. Ryan Mino-Leahan, KLM Planning Partners Inc., Jardin Drive, Concord, dated January 12, 2016; and
    C10. Mr. Alan Miliken Heisey, Papazian | Heisey | Myers, Barristers & Solicitors, King Street W, Toronto, dated January 12, 2016.

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Report of the Deputy City Manager, Planning & Growth Management and the Director of Policy Planning & Environmental Sustainability, dated January 12, 2016.

Recommendation

The Deputy City Manager, Planning & Growth Management and the Director of Policy Planning & Environmental Sustainability, in consultation with the City Solicitor, recommend:

1. THAT Council endorse the modifications to Schedule 2 ("Modified Schedule 2") of the Vaughan Official Plan 2010 as it appears in Attachment 2, save and except for those lands that are subject to a site-specific or area-specific appeal to VOP 2010;

2. THAT staff be directed to attend the Ontario Municipal Board to seek an Order approving Schedule 2 as modified; and,

3. THAT staff continue to update the Natural Heritage Network database in advance of the next Ontario Municipal Board prehearing to reflect modifications resulting from the development application review process and/or other Ontario Municipal Board decisions.

Contribution to Sustainability

Council's endorsement and the Ontario Municipal Board's approval of Modified Schedule 2, as proposed in this report, will contribute to the following action items in Green Directions Vaughan:

1.3.2. Through the development of the City's new Official Plan, and in partnership with the Toronto and Region Conservation Authority, ensure protection of remaining natural features and explore opportunities for habitat restoration in headwater areas, along riparian corridors, and around wetlands.

3.2.4. Develop a comprehensive Natural Heritage Strategy that examines the City's natural capital and diversity and how best to enhance and connect it. As part of this action:

- Develop an inventory of Vaughan's natural heritage, and identify opportunities for habitat restoration.

- Ensure that policies in the City's new Official Plan protect all ecological features and functions as per current provincial and regional policies, and also include consideration for locally significant natural features and functions.

The refinement of the Natural Heritage Network ("NHN") is a key element of Green Directions Vaughan.

Economic Impact

There are no requirements for new funding associated with this report. The approval of the Modified Schedule 2 will assist in the resolution of VOP 2010 appeals to the Ontario Municipal Board ("OMB" or "Board"), thereby reducing the potential for contested hearings and allocation of City's resources to those hearings.

Communications Plan

The proposed modifications to Schedule 2 have been previously communicated through the public consultation process associated with the NHN Study. A summary of the stakeholder and broader public consultation processes and resulting outcomes was provided in the staff report to the Committee of the Whole (Public Hearing) on June 17, 2014 and in the staff report to the Committee of the Whole on April 14, 2015. The complete study recommendations and Modified Schedule 2 were presented to Committee of the Whole on June 16, 2015.

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Purpose

The purpose of this report is to obtain Council's endorsement of the Modified Schedule 2 of VOP 2010 and obtain an Order from the OMB approving Schedule 2, as modified, save and except for those lands that are subject to a site-specific or area-specific appeal to VOP 2010. Schedule 2 is an important interpretation tool for the VOP 2010 policies, especially when considering the policies of Chapter 3. Schedule 2 is the only schedule of VOP 2010 that has not been approved by the OMB. The timely approval of the Modified Schedule 2 will assist with the resolution, withdrawal or scoping of outstanding VOP 2010 appeals to the OMB, and will bring greater certainty to the City, appellants, landowners and the public with respect to Vaughan's NHN and the implementation and applicability of VOP 2010.

The approval of Schedule 2 is a prerequisite to undertaking the Municipal Comprehensive Review that Council has directed be completed by the first quarter of 2018.

Background - Analysis and Options

Executive Summary

This staff report provides the following information:

- The VOP 2010 approval process;
- An overview of the appeals related to Schedule 2 "Natural Heritage Network"
- An outline of the proposed modifications to Schedule 2

VOP 2010 Approval Process

The Vaughan Official Plan 2010 ("Plan" or "VOP 2010") was the result of an extensive public consultation and review process initiated in 2007. The Plan contains policies, as well as maps, appendices and schedules of general application.

The Plan was adopted by City Council on September 7, 2010, and was subsequently modified on September 27, 2011, March 20, 2012 and April 17, 2012. The Plan was endorsed by the Region of York Council (the "Region") with certain modifications on June 28, 2012, following the 180 day decision period prescribed by the Planning Act (the "Act"). To date, 148 appeals have been filed to the OMB.

The OMB has approved the majority of policies and schedules of both Volume 1 and Volume 2 of the Plan as a result of various motions for partial approval brought by the City, certain appellants or parties. All of the policies of Chapter 3 "Environment" of VOP 2010 pertaining to Vaughan's environment and NHN have been fully approved by the Board and are in effect for all lands in Vaughan save and except those lands that are subject to a site-specific appeal.

The approved policies of Chapter 3 rely on and operate in conjunction with the information provided for on Schedule 2 "Natural Heritage Network". There are currently 31 outstanding appeals to VOP 2010 pertaining to Schedule 2 as adopted by Council on September 7, 2010 ("Adopted Schedule 2"). The lands subject to these appeals are identified on Attachment 3 to this report. An additional five appeals to VOP 2010 reference Schedule 2 as an outstanding site-specific issue, however, there are no natural heritage features identified on the respective sites and it is anticipated that the appeals will be scoped in the near future.

Recognizing that the City's NHN mapping would be updated during the course of the OMB appeal process, the Adopted Schedule 2 has not yet been approved by the OMB and is the only schedule to VOP 2010 that is not yet in effect. As a result, there is a disconnect between the approved policies of VOP 2010 and the unapproved Schedule 2 that needs to be resolved in order to fully implement the policies and intent of VOP 2010.

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Since the adoption of VOP 2010 on September 7, 2010, updated information pertaining to Vaughan's NHN mapping has been acquired and a number of modifications to the Adopted Schedule 2, as described throughout this report, are proposed in order to reflect the best information available to the City. The proposed modifications will resolve a number of outstanding appeals related to Schedule 2 and the NHN and will provide a foundation for resolving additional site-specific appeals related thereto.

Comparison of Adopted Schedule 2 and Modified Schedule 2

Policy Context

The NHN depicted on Modified Schedule 2 is based on the best available information, and relies on the policy framework of Chapter 3 of VOP 2010 to determine the ultimate extent of the NHN. Policy 3.2.3.2 provides direction that "the policy text prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network". Policies 3.2.2.1 and 3.2.2.2 require that the natural heritage inventory is maintained and updated on an ongoing basis using the environmental data gathered through land-use planning studies, Environmental Assessments, infrastructure development, development applications, and other means.

The proposed modifications to Schedule 2 incorporate planning decisions that reflect:

- Settlements of appeals to VOP 2010;
- Recent Ontario Municipal Board decisions;
- Development applications approved by Council; and
- Various studies and reports reviewed by City staff in support of the above.

Transparent Criteria for Natural Feature Mapping

Criteria for the refinement of Core Features identified on Modified Schedule 2 was provided by the City's consultants for the NHN study, North-South Environmental in their final report on the NHN. The Core Features identified on the Modified Schedule 2 reflect the articulation of Core Features provided for in policy 3.2.3.4 of VOP 2010. The limits of all Core Features were reviewed based on the available digital data, results of field investigations, and alignment of Core Feature boundaries with planning approvals.

Review of Core Features Delineation in the Modified Schedule 2

City staff reviewed the Core Features delineation in comparison to the following City information:

- Official Plan Amendments at secondary plan scales (e.g., OPA 600, OPA 601, OPA 604, OPA 610);
- Approved Block Plans and Plans of Subdivision outside of Block Plan applications;
- Current zoning information, particularly areas delineated as Open Space 1 (OS1) zones;
- City of Vaughan 'Parks, Open Spaces, Woodlots, Storm ponds and Facilities Map' (March 2014) (for internal use only); and
- Review of all VOP 2010 modifications presented to Council in staff reports of July 28, 2010, September 12, 2011 and April 3, 2012.

Additions to the Core Features in the Modified Schedule 2

The September 7, 2010 Adopted Schedule 2 comprises 6,467 hectares of Core Features. The Modified Schedule 2 comprises a total of 6,985 hectares of Core Features. The additional area represents a total addition of 1,368 hectares of previously unidentified Core Features, and a total deletion of approximately 850 hectares of previously identified Core Features. The net increase of approximately 518 hectares of Core Features identified on Modified Schedule 2 is the result of including the following data:

- The inclusion of select types of significant wildlife habitat (shrub/early successional breeding bird habitat, open country breeding bird habitat, and Special Concern open country breeding bird habitat) based on results of field investigations conducted by North-South Environmental in 2013. These areas comprise the majority of the additional habitat recognized as Core Features on the Modified Schedule 2. The ultimate delineation of Core Features based on significant wildlife habitat is subject to more detailed studies to be submitted as part of complete development applications.

- Areas zoned Open Space 1 ("OS1") as a result of development approvals represent a refinement of natural feature boundaries through the development application review process.

- Other additions are the result of including more stream drainage features and applying a consistent 30 metre area of interest on either side of drainage features, to be evaluated and refined where appropriate through the development review process.

- Select reaches of watercourses were not included in the Core Features in the situation where: (a) information provided by landowners was completed according to the headwater drainage feature ("HDF") guideline (TRCA 2013); and (b) the assessments of the landowner and the City's consulting team were in agreement and resulted in a management recommendation that the drainage feature be categorized for "mitigation".

- Additional wetland and woodland area was made available through digital data sources and verified through aerial images. A combination of digital data sources were used to compile the woodlands and wetlands information, which were then cross-checked against aerial images and development approvals.

Deletions to the Core Features in Modified Schedule 2

Approximately 850 hectares of Core Features identified on the Adopted Schedule 2 are proposed to be deleted in the Modified Schedule 2. The areas that are proposed to be deleted primarily reflect changes to natural features boundaries resulting from development approvals, such as through refinement of valley and stream corridor limits. These areas were identified through a review of parcel fabric, zoning data, and aerial image data as well as by researching approved Site Plan and Draft Plan of Subdivision drawings.

In some instances, the delineation of Core Features on the Adopted Schedule 2 overlapped existing built form and/or infrastructure such as roadways and stormwater management ponds. The Core Features boundaries were corrected such that the Modified Schedule 2 more accurately represents the existing natural feature boundaries and reflects natural areas free of direct impacts from development and infrastructure. Areas of active parkland identified as Core Features in the Adopted Schedule 2 have also been removed in the Modified Schedule 2.

Enhancement Areas

Enhancement Areas depicted on the Modified Schedule 2 reflect a focus on specific habitat types, such as potential grassland or open country habitat, and areas identified for near-term restoration or evaluation of restoration potential and documented through the official plan review process. The evaluation of potential additional Enhancement Areas that may be appropriate for inclusion in the NHN but that are not currently depicted on the Modified Schedule 2 may be completed as part of a Master Environment and Servicing Plan or an Environmental Impact Study. Examples of areas that may be appropriate candidates for Enhancement Areas are areas that can provide connectivity and/or linkage enhancements adjacent to Robinson Creek and the upper Purpleville Creek subwatershed, enhancements for upland habitat to wetlands, and woodland enhancements.

Enhancement Areas depicted on the Adopted Schedule 2 that are not proposed to be maintained on the Modified Schedule 2 include those in relation to:

- stormwater management ponds;
- golf courses;
- cemeteries;
- potential corridors connecting subwatersheds;
- specific woodland enhancement options in Blocks 27, 55 and 28; and
- the Countryside designation in the Oak Ridges Moraine Conservation Plan area.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

Approval of the Modified Schedule 2 at the Ontario Municipal Board will contribute towards the following Term of Council Priorities:

- Update the Official Plan and supporting studies
- Continue to create an environmentally sustainable city

Regional Implications

Policies in the Region of York Official Plan support the efforts of local municipalities to identify and update local greenlands systems. York Region staff was consulted throughout the NHN process that led to the proposed modifications to Schedule 2.

Conclusion

The updated information pertaining to Vaughan's NHN mapping reflects the best and most accurate NHN information available to the City. Council's endorsement and the OMB's approval of the Modified Schedule 2 will resolve a significant disconnect in VOP 2010 and allow staff to fully implement the approved policies of Chapter 3. It is imperative that the Modified Schedule 2 be endorsed by Council and approved by the OMB in order to bring further certainty to the City, appellants, landowners and the public with respect to Vaughan's NHN. In addition, the approval of Schedule 2 is a prerequisite to undertaking the Municipal Comprehensive Review that Council has directed be completed by the first quarter of 2018.

Attachments

1. September 7, 2010 Council-Adopted Schedule 2 to VOP 2010
2. Proposed Modified Schedule 2 to VOP 2010
3. Locations of Outstanding Site-Specific Appeals to Schedule 2 to VOP 2010
4. Communications from the January 12, 2016 Committee of the Whole Meeting
5. Communications from the January 19, 2016 Council Meeting

Report prepared by:

Steven Dixon, ext. 8410
Dawne Jubb, ext. 8385

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

C10 - CL
February 16/16
CW Rpt. 7
Item 15

Ministry of Municipal Affairs and Housing
Municipal Services Office
Central Ontario
777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
Phone: 416 585-6226
Fax: 416 585-6882
Toll-Free: 1 800 668-0230

Ministère des Affaires municipales et du Logement
Bureau des services aux municipalités
du Centre de l'Ontario
777, rue Bay, 2e étage
Toronto ON M5G 2E5
Téléphone : 416 585-6226
Télécopieur : 416 585-6882
Sans frais : 1 800-668-0230

Ontario

February 11, 2016

John MacKenzie, M.Sc.(Pl) MCIP, RPP
Deputy City Manager, Planning & Growth Management
City of Vaughan
2141 Major Mackenzie Drive
Vaughan ON L6A 1T1

Dear Mr. MacKenzie:

Subject: Vaughan Official Plan – Natural Heritage System
MMAH File #: 19-DP-1500-10009

The Ministry of Municipal Affairs and Housing (MAH) remains involved in the appeals of the City of Vaughan Official Plan 2010 ("VOP 2010") to the Ontario Municipal Board (OMB) to ensure matters of provincial interest are appropriately incorporated into the VOP 2010.

The purpose of this letter is to ask the City of Vaughan to take steps, as required under s.3(5) of the *Planning Act*, to bring the natural heritage policies and schedules in the VOP 2010 into effect in a manner that is consistent with the *Provincial Policy Statement, 2014*.

Through the One Window process MAH provides a single voice for the Province on land use matters. Since approximately 2007, the Province has worked directly with the City of Vaughan, the Region of York, the Toronto Region Conservation Authority and other stakeholders to ensure the requirements in provincial policies and plans are incorporated into what became the VOP 2010.

When the VOP 2010 was appealed to the OMB, the Province worked in earnest with the City, Region, TRCA and other stakeholders to scope and resolve appeals, and to bring the plan into conformity with the *Growth Plan* and *Provincial Policy Statement*. We are all pleased that significant progress has been made in the OMB proceedings, and much of the VOP 2010 is now in effect, including Natural Environment policies in Chapter 3.

As you know, the *Provincial Policy Statement, 2014* ("PPS") brought into effect on April 30, 2014, requires the protection of natural features. To do this, the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems need to be maintained, restored, or where possible improved.

In order to properly implement the provision of the PPS , Vaughan's Official Plan must be consistent with the provincial policy, it is therefore imperative that Vaughan's Natural Heritage Network (NHN), which represents Vaughan's natural heritage system, come into force and effect as an element of OMB's approval of the VOP 2010. Your staff report recommendation in support of a partial approval of Schedule 2 of the Official Plan would be in keeping with this requirement.

We understand the City of Vaughan Committee of the Whole ("VCW") received the staff recommendation report on February 2, 2016. However, the VCW did not endorse the recommendations to implement the NHN in the VOP 2010, but instead proposed deferring the implementation of the NHN until the next municipal comprehensive review.

We are significantly concerned that the VCW proposal at the February 2, 2016 meeting negatively impacts joint government efforts to bring the NHN into force, and will also prevent the timely implementation of settlements with the parties relating to the NHN.

The deferral of the NHN into the VOP 2010 for several years is not consistent with the PPS and is contrary to s.3(5) of the *Planning Act*. We are also concerned that this proposal does not conform with the Region of York Official Plan, and that failing to identify applicable natural heritage features introduces uncertainty into planning and development in the City of Vaughan.

In addition, the boundaries of natural heritage areas subject to protection must be identified before undertaking a municipal comprehensive review. The Province will not be in a position to comment on a future Region of York and City of Vaughan municipal comprehensive review until after the NHN in Schedule 2 has come into effect.

Ministry staff therefore request that city staff so advise Council of the City of Vaughan, and request that Council amend the directions received from Committee as a Whole, to reflect the staff recommendation contained in the February 2nd report and associated communications.

We look forward to continuing to work with the City of Vaughan and Region of York to bring the VOP 2010 into effect. Should you have any questions with respect to the matters raised above we would be pleased to meet with you. I can be reached at 416-585-6063.

Sincerely,

Mark Christie
Manager

c.c. V. Shuttleworth – Region of York

VAUGHAN

C 1
COMMUNICATION
CW February 2/16
ITEM - 15

memorandum

DATE: JANUARY 28, 2016

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER
PLANNING & GROWTH MANAGEMENT

SUBJECT: COMMUNICATION

ITEM #15, REPORT #6 – COMMITTEE OF THE WHOLE – FEBRUARY 2, 2016

VOP 2010 PROPOSED MODIFICATIONS TO
SCHEDULE 2 "NATURAL HERITAGE NETWORK"
(REFERRED)

Recommendation

1. That Attachments 2 and 3 of Item #15, Report #6 be replaced with a revised Attachment 2 (Revised Modified Schedule 2), attached hereto, to address correspondence received by the Committee and further discussions with landowners, appellants and staff.

2. That staff amend the Revised Schedule 2, as necessary, to incorporate any development approvals, including Ontario Municipal Board (OMB) decisions affecting the Natural Heritage Network such as Official Plan Amendment 744, in advance of the March 23, 2016 OMB Pre-hearing Conference.

3. That notification of the March 23, 2016 OMB Pre-hearing Conference be advertised in the newspaper and posted to the City's website.

Purpose

The purpose of this communication is to respond to communications received at the January 12, 2016 Committee of the Whole meeting and to obtain direction to incorporate additional changes to the Modified Schedule 2 to reflect any development approvals, including OMB decisions, and to address any appropriate revisions based on staff review of the correspondence received on this item, in advance of the next Vaughan Official Plan 2010 OMB Pre-hearing Conference.

Background – Analysis and Options

Public Consultation

As part of the ongoing Natural Heritage Network study, the revised Schedule 2 has been the subject of an extensive public consultation exercise. The revised Schedule 2 was presented at the June 17, 2014 Committee of the Whole Public Hearing. In advance of the June 17, 2014 public hearing, the following additional consultations took place:

- seven public meetings, including open houses and Committee meetings of Council;
- four community consultation events;
- several presentations to stakeholders such as the Kleinburg Area Ratepayers Association and the Building Industry and Land Development Association (BILD);

- over 20 meetings with individual landowners and/or their consultants; and
- web-based information updates including interactive mapping and an online survey.

Following the presentation and release of the NHN study materials, including the revised Schedule 2, seven additional meetings were held in October and November 2014 to further discuss the proposed modifications in greater detail.

On April 14, 2015, staff reported back to the Committee of the Whole to provide revised details of the proposed Official Plan Amendment, including a revised Schedule 2. At the subsequent Council meeting of April 21, 2015, Council directed staff to schedule additional meetings with stakeholders to discuss further revisions and to clarify the intent of the proposed amendments. Meetings between stakeholders and Staff were held on the following dates:

- May 1, 2015;
- May 15; 2015;
- May 25, 2015;
- May 26; 2015.

The revised Schedule 2, as part of the overall Natural Heritage Network study and associated proposed Official Plan Amendment, proceeded to a further Committee of the Whole meeting on June 16, 2015.

In order to address Council's direction to resolve OMB appeals and to properly reflect the settlement of appeals based on the updated NHN information, a report was taken to Committee of the Whole on January 12, 2016 requesting that the Revised Schedule 2, independent of the complete Official Plan Amendment proposed through the Natural Heritage Network study, be endorsed by Council and forwarded to the Ontario Municipal Board for approval. The modified version would recognize changes resulting from development approvals, OMB decisions and other corrections since the adoption, but would exclude the lands subject to appeals.

Response to January 12, 2016 Correspondence

Correspondence from various landowners and appellants to the Vaughan Official Plan 2010, pertaining to the proposed Modified Schedule 2, was received at the January 12, 2016 Committee of the Whole meeting. Following that meeting, staff met with the stakeholders to further discuss the proposed changes and the stakeholders' concerns.

Lands under Appeal

Through discussions between staff, the landowners and appellants, it was determined that only the Natural Heritage Network information previously endorsed by Council should be identified on the Revised Schedule 2 for those lands that are still subject to an appeal before the OMB. Further, it was determined that a specific notation, confirming that the extent of the Natural Heritage features in these areas will be confirmed through the OMB appeal process, should be included in the Modified Schedule 2.

Staff also received correspondence from certain appellants confirming that the proposed modifications to Schedule 2 will resolve their appeal of the schedule. The notation identifying these appeals has therefore been removed from the Modified Schedule 2 and the revised Natural Heritage Network information is proposed to be approved for these areas.

Lands Subject to Secondary Plans, Block Plans and Development Approvals

Concerns were raised through correspondence and at the January 18, 2016 meeting with stakeholders pertaining to previous and forthcoming Secondary Plan processes, Block Plans and

development approvals that may have conflicting, or result in, NHN information that is different from what is identified on the Revised Schedule 2.

Staff has assured stakeholders that, with respect to Secondary Plans, in the event of a conflict the Secondary Plan (or other Volume 2 policy/schedule) will prevail over the policies and schedules contained in Volume 1, as per Policy 10.2.1.8 of VOP 2010. With respect to block plans and development applications, it is intended that any refinements to the NHN resulting from existing or future block plan or development application approvals, as determined through the appropriate technical studies, will be incorporated into the Revised Schedule 2 without the need for an Official Plan Amendment. As such, staff recommends adding the following text to the Revised Schedule 2 to clarify this intent:

> "The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the NHN. Core features shall be precisely delineated on a site-by-site basis through the approval of *Planning Act* applications, supported by appropriate technical studies. Refinements to the NHN may occur through Secondary Plan, Block Plan or development approval processes and shall be reflected on this schedule without the need for an Official Plan Amendment. Where the Schedule does not accurately reflect an existing development approval, the Schedule may be updated without the need for an Official Plan Amendment."

Administrative Corrections

Various administrative corrections to the Modified Schedule 2 are also included in the Revised Attachment 2, attached hereto, including the addition of certain appellants to Schedule 2 and the revised delineation of certain appeal areas.

The Revised Attachment 2 replaces both Attachment 2 and Attachment 3 from the January 12, 2016 staff report. These attachments were intended to present the same Natural Heritage Network information, with only Attachment 3 identifying the appellant areas. The Revised Attachment 2 consolidates this information into one schedule.

Future VOP 2010 Natural Heritage Network Amendment

There is ongoing discussion with stakeholders regarding the policies and detailed schedules of a more comprehensive and significant amendment, resulting from the ongoing NHN study. Staff will continue to work with stakeholders to address issues of concern with the draft amendment, including concerns pertaining to compensation, and are awaiting additional input from stakeholders on this matter prior to bringing an updated NHN study report and amendment forward for Committee of the Whole's consideration.

Conclusion

There has been significant public consultation with respect to Vaughan's updated Natural Heritage Network information, including proposed revisions to Schedule 2, over the past several years. As a result, a number of appeals pertaining to the NHN will be resolved upon approval of the Revised Schedule 2, and the Board will be able to bring further certainty to the City, parties, applicable land owners and the public with respect to Vaughan's natural heritage. Staff is therefore recommending that Council approve the recommendations set out in the report, with the Revised Attachment 2 (Modified Schedule 2), and that the recommendations be forwarded to the Region of York and the Ontario Municipal Board to seek an Order approving Schedule 2, as modified, save and except for those lands subject to a site- or area-specific appeal.

A more comprehensive amendment to VOP 2010 pertaining to the broader NHN study will be brought forward at a future Committee of the Whole meeting, subject to additional progress being made on matters of concern raised by stakeholders.

Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

/lm

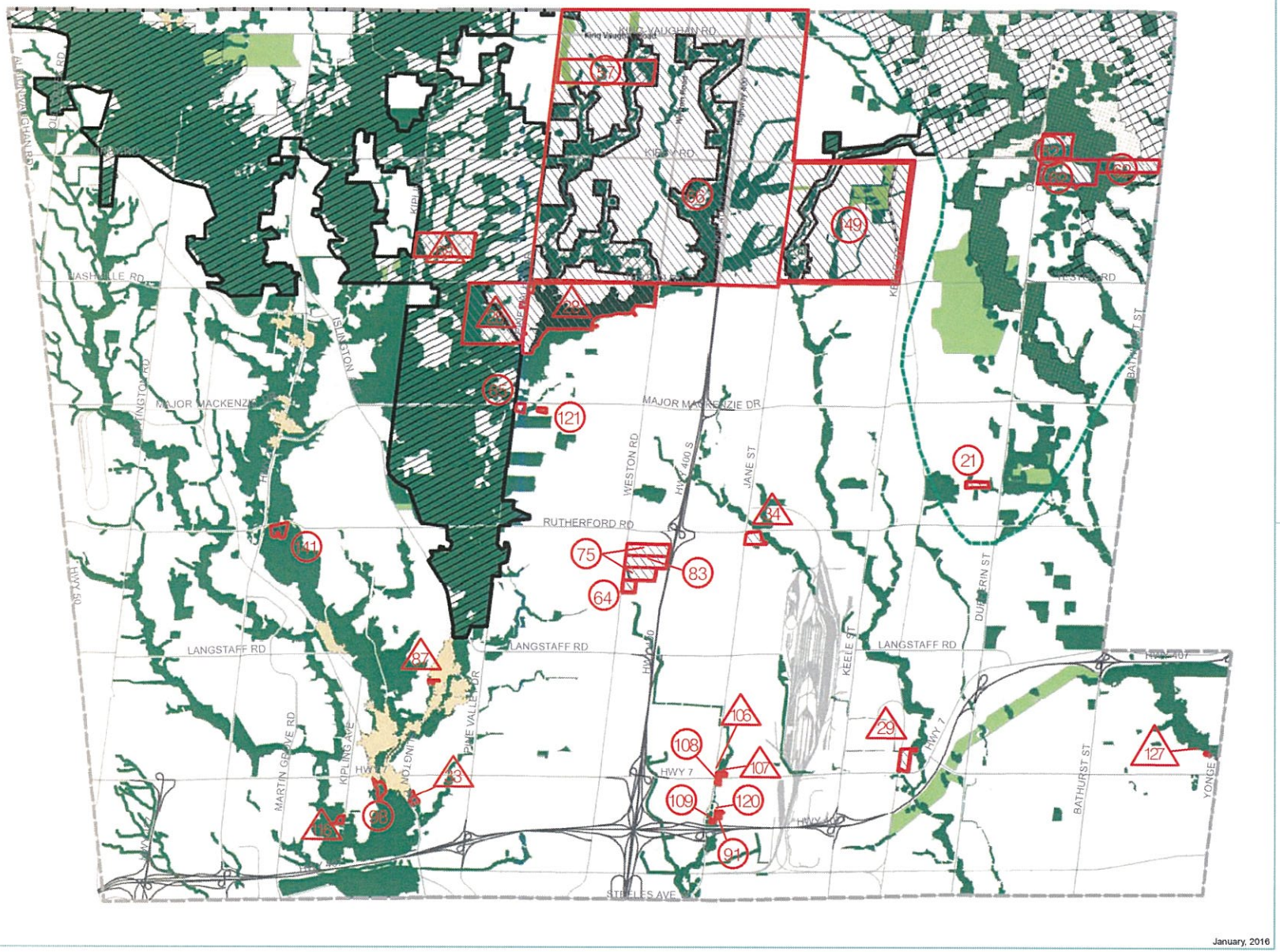
Attachment

1. Revised Attachment 2 to Item #15, Report #6 – Committee of the Whole – February 2, 2016

Copy To: Steve Kanellakos, City Manager
Jeffrey A. Abrams, City Clerk
Roy McQuillin, Director of Policy Planning and Environmental Sustainability

ATTACHMENT 1

Revised Attachment 2 to Item #15, Report #6
Committee of the Whole - February 2, 2016



SCHEDULE 2

VAUGHAN

Natural Heritage Network

- Core Features
- Enhancement Areas
- Built-Up Valley Lands[1]

Greenbelt

- Greenbelt Plan Area Boundary[2]
- Greenbelt Natural Heritage System

ORM Conservation Plan

- Oak Ridges Moraine (ORM)Conservation Plan Boundary[2]
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary
- These lands are subject to site- or area-specific appeals of this Schedule and the Natural Heritage Network (NHN) designations at the Ontario Municipal Board. The extent of the NHN in these areas will be determined through the appeal process

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network. Core features shall be precisely delineated on a site-by-site basis through the approval of *Planning Act* applications, supported by appropriate technical studies. Refinements to the NHN may occur through Secondary Plan, Block Plan or development approval processes and shall be reflected on this schedule without the need for an Official Plan Amendment. Where the Schedule does not accurately reflect an existing development approval, the Schedule may be updated without the need for an Official Plan Amendment.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3 and to the satisfaction of the Toronto and Region Conservation Authority.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.
(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

0 1 2 3 Kilometres

MALONE GIVEN PARSONS LTD.
140 Renfrew Drive, Suite 201
Markham, Ontario L3R 6B3
Tel: 905-513-0170
Fax: 905-513-0177
www.mgp.ca

C 4
COMMUNICATION
CW
February 2/16
ITEM - 15

February 1, 2016

MGP File: *15-2373*

Mayor and Members of Committee
City of Vaughan
2141 Major Mackenzie Drive,
Vaughan ON L6A 1T1

Via Email: clerks@vaughan.ca

Attention: City Clerk's Office

Re: VOP 2010 Proposed Modifications to Schedule 2 "Natural Heritage Network"
Item #15, Report #6 – Committee of the Whole – February 2, 2016
Response on Behalf of CountryWide Homes Woodend Place Inc.

Malone Given Parsons is the planning consultant to CountryWide Homes Woodend Place Inc., the owner of lands municipally known as 11, 31 and 51 Woodend Place in the City of Vaughan.

This letter is submitted on behalf of CountryWide Homes Woodend Place Inc., in follow-up to *Item #15, Report #6 - Committee of the Whole - February 2, 2016* relating to the proposed modifications to VOP2010 Schedule 2 "Natural Heritage Network". CountryWide Homes Woodend Place Inc. supports in principle the proposed modifications to Schedule 2 "Natural Heritage Network" as it relates to 11, 31 and 51 Woodend Place. We continue to maintain our appeal on 31 Woodend Place, an appeal inherited by the previous landowner, and expect that our concerns will be addressed through the development approvals process.

Thank you for this opportunity to comment on the proposed modifications. We respectfully request to be informed of any further proposed mapping or policy modifications to the Natural Heritage Network, specifically as it relates to this property, as well any future stakeholder meetings.

Yours truly,

MALONE GIVEN PARSONS LTD.

Don Given, MCIP, RPP
President

cc Mr. John MacKenzie, MCIP, RPP, Deputy City Manager, Planning and Growth Managemet, City of Vaughan
Mr. Sam Balsamo, CountryWide Homes Woodend Place Inc.

VAUGHAN

memorandum

C 5
COMMUNICATION
CW February 2/16
ITEM - 15

DATE: FEBRUARY 2, 2016

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER
PLANNING & GROWTH MANAGEMENT

SUBJECT: COMMUNICATION (2)

ITEM #15, REPORT #6 – COMMITTEE OF THE WHOLE – FEBRUARY 2, 2016

VOP 2010 PROPOSED MODIFICATIONS TO SCHEDULE 2 "NATURAL HERITAGE NETWORK"
(REFERRED)

Recommendation

1. That staff replace the Schedule 2 included in the January 28, 2016 communication with the modified Schedule 2 dated February 2, 2016.

Purpose

The purpose of this report is to respond to stakeholder concerns received since the January 28, 2016 communication was distributed.

Background and Analysis

To address stakeholder concerns and to clearly identify lands still subject to the outcome of an OMB appeal process, the Revised Schedule 2 was modified to add a new layer which now identifies Ontario Municipal Board appeals through the use of a red outline and a hatch pattern. In addition Schedule 2 was updated to identify lands that upon further detailed review have been identified as being included in a pre-existing appeal immediately north of the Rizmi lands north and west of the intersection of Bathurst Street and Gamble Road.

In addition to posting the January 28, 2016 Communication on the City's website, the updated information was circulated to landowners via their Legal Counsel and to stakeholders that attended additional meetings following the January 2016 Committee of the Whole meeting on this item via email correspondence.

Stakeholders including the Block 41 landowners have indicated that the combined graphical overlay of the hatching for lands subject to OMB appeals and the hatching for lands within the Greenbelt Natural Heritage System creates the potential interpretation that the lands are Natural Linkage Area (shown on the legend as cross hatching), which they are not.

Correspondence was received from owners identifying some concerns with the language related to the explanatory text in the legend of the updated Schedule related to watercourses, waterbodies and vegetative protection zones outside of well-defined valleys. In particular, a number of landowners requested that the language "and to the satisfaction of the TRCA" be removed from the schedule to recognize that there are some areas where TRCA may not have jurisdiction. Also, correspondence was received regarding a request to remove the reference to "block plans" as these are not subject to a statutory Planning Act process.

Staff have reviewed these requests and support the requested modifications. It should be noted that stakeholders continue to have the opportunity to bring forward OMB appeals or raise their concerns at the planned motion for partial approval if any new issues are identified recognizing OMB timelines and procedural requirements.

Conclusion

After additional consultation with stakeholders and upon review of communications received, staff are recommending modifications to Schedule 2 to address stakeholder concerns.

Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

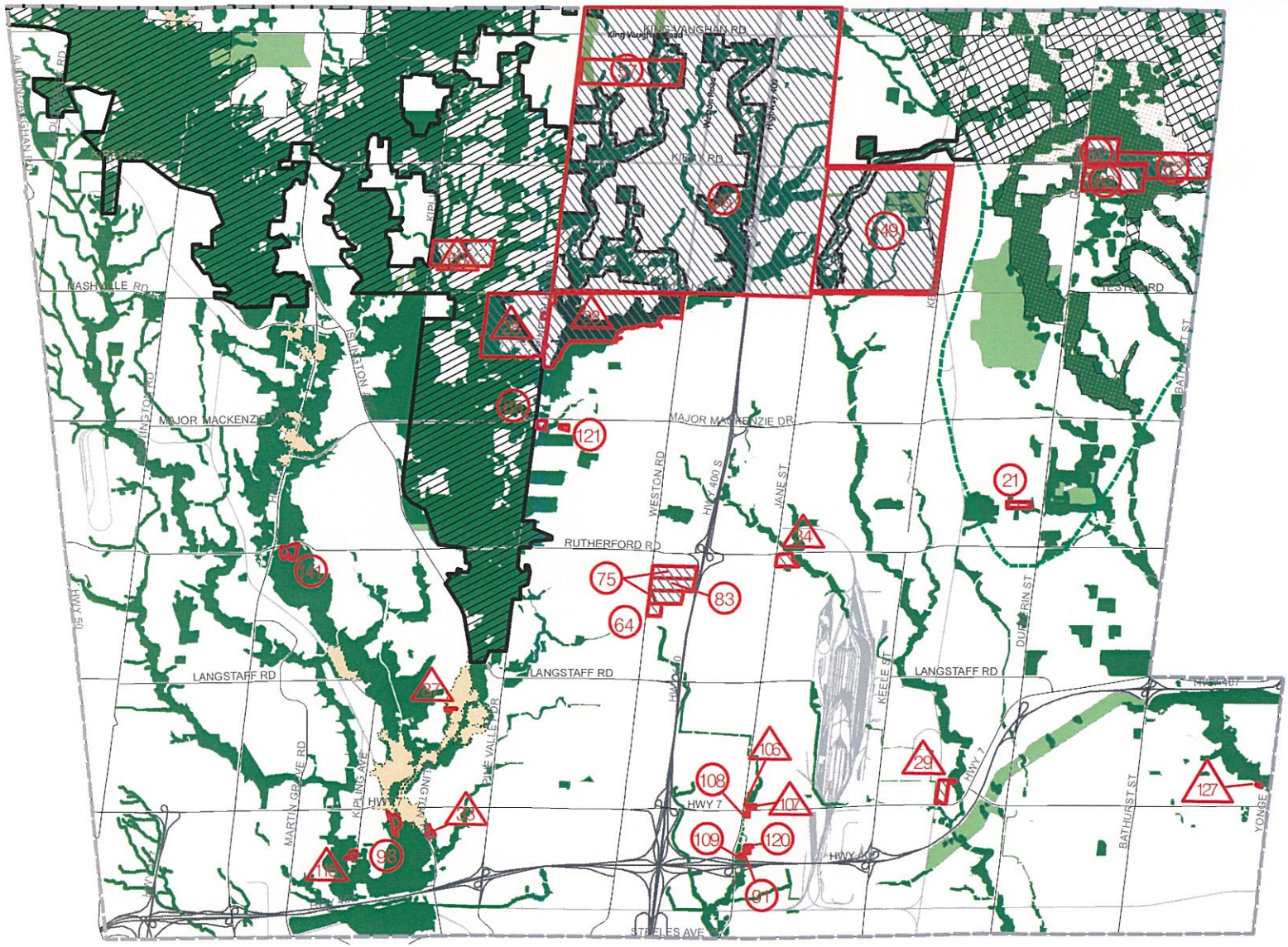
/lm

Attachment

1. Revision to Attachment 2 to Item #15, Report #6 – Committee of the Whole – February 2, 2016.

Copy To: Steve Kanellakos, City Manager
Jeffrey A. Abrams, City Clerk
Roy McQuillin, Director of Policy Planning and Environmental Sustainability

ATTACHMENT 1 TO COMMUNICATION (2) ITEM #15, REPORT #6



February 2, 2016

SCHEDULE 2

VAUGHAN

Natural Heritage Network

- Core Features
- Enhancement Areas
- Built-Up Valley Lands[1]

Greenbelt

- Greenbelt Plan Area Boundary[2]
- Greenbelt Natural Heritage System

ORM Conservation Plan

- Oak Ridges Moraine (ORM)Conservation Plan Boundary[2]
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary
- These lands are subject to site- or area-specific appeals of this Schedule and the Natural Heritage Network (NHN) designations at the Ontario Municipal Board. The extent of the NHN in these areas will be determined through the appeal process

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network. Core features shall be precisely delineated on a site-by-site basis through the approval of *Planning Act* applications, supported by appropriate technical studies. Refinements to the NHN may occur through Secondary Plan or development approval processes and shall be reflected on this schedule without the need for an Official Plan Amendment. Where the Schedule does not accurately reflect an existing development approval, the Schedule may be updated without the need for an Official Plan Amendment.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.
(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

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February 1, 2016

C 6
COMMUNICATION
CW
February 2/16
ITEM - 15

MGP File: *11-2003*

City Clerk
City of Vaughan
2141 Major Mackenzie Drive,
Vaughan ON L6A 1T1

Dear Members of Committee of the Whole:

Re: February 2, 2016 Committee of the Whole
Item #15, Report #6
Proposed Modifications to Schedule 2 Natural Heritage Network
Comments on Behalf of the Block 41 Landowners Group

We are the planners and project manager for the Block 41 Landowners Group in the City of Vaughan. We have received your email sent on January 28, 2016 which outlines the modifications to Schedule 2- Natural Heritage Network.

The revised Schedule 2 was modified to add a new layer which now identifies lands that are subject to Ontario Municipal Board appeals, which includes the Block 41 Lands, among others. Lands which are subject to appeals are identified on Schedule 2 through the use of a red outline and a hatch pattern.

For the portion of the Block 41 Lands which are within the Greenbelt Natural Heritage System, the legend also uses a hatch pattern. The combined graphical overlay of the hatching for lands subject to Ontario Municipal Board appeals and the hatching for lands within the Greenbelt Natural Heritage System creates the potential interpretation that the lands are Natural Linkage Area (shown on the legend as cross hatching), which they are not.

To resolve this mapping issue, we would suggest that the legend for the lands subject to Ontario Municipal Board appeals be modified to only outline those effected properties in red and delete the associated hatching.

Secondly, we are supportive of the inclusion of text which reiterates that the text of Chapter 3 prevails over the mapping shown on Schedule 2 and clarifies how the boundaries of the natural heritage features may be refined though the Secondary Plan process, supported by the appropriate technical studies.

We do believe however that the text relating to watercourses and waterbodies outside of well-defined valleys and the vegetative protection zones goes too far in that it requires that the TRCA be satisfied in areas where they may not have jurisdiction. Therefore we would suggest deleting *"and to the*

satisfaction of the Toronto and Region Conservation Authority".

We thank you for the opportunity to submit comments on the Natural Heritage Network. We continue to request that we be informed of any further proposed mapping or policy modifications to the Natural Heritage Network and any future stakeholder meetings.

Yours truly,

MALONE GIVEN PARSONS LTD.

Don Given, MCIP, RPP
President

cc Ms. Dawne Jubb, City of Vaughan
Mr. Tony Iacobelli, City of Vaughan
Mr. John Mackenzie, City of Vaughan
Block 41 Landowners Group Inc.
Mr. R. Hubbard, Savanta Inc.
Ms. N. Mather, Stonybrook Consulting

COMMITTEE OF THE WHOLE **FEBRUARY 2, 2016**

VOP 2010 PROPOSED MODIFICATIONS TO
SCHEDULE 2 "NATURAL HERITAGE NETWORK"
(Referred)

Council, at its meeting of January 19, 2016, adopted the following recommendation (Item 6, Report No. 2):

By receiving the following Communications:

C1. Mr. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated January 12, 2016;
C2. Mr. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated January 12, 2016;
C3. Mr. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated January 12, 2016; and
C4. Mr. Barry A. Horosko, Horosko Planning Law, North Queen Street, Toronto, dated January 11, 2016.

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a legal firm that represents landowners which may be impacted in the decision, and did not take part in the discussion or vote on the matter.

Regional Councillor Di Biase declared an interest with respect to this matter insofar as it relates to Block 27, as his children own land in Block 27 given to them by their maternal Grandfather, and did not take part in the discussion or vote on the matter.

Recommendation of the Committee of the Whole meeting of January 12, 2016:

The Committee of the Whole recommends:

1) That consideration of this matter be deferred to the February 2, 2016 Committee of the Whole meeting in accordance with Communication C12 from Deputy City Manager, Planning & Growth Management, dated January 12, 2016, as follows:

    1. That Attachments 2 and 3 be replaced with a revised Attachment 2 (Revised Modified Schedule 2), to address correspondence received by the Committee and further discussions with landowners, appellants and staff;

    2. That staff amend the revised Schedule 2, as necessary, to incorporate any development approvals, including Ontario Municipal Board (OMB) decisions affecting the Natural Heritage Network such as Official Plan Amendment 744, and to address any appropriate revisions based on staff review of the correspondence received on this item in advance of the March 23rd OMB Pre-hearing Conference; and

    3. That the report and recommendations be deferred to the February 2, 2016 Committee of the Whole meeting to allow additional time for stakeholder review and comment of the original Attachment 2, Attachment 3 and the Revised Attachment 2;

2) That the deputation of Mr. Don Givens, Malone Given Parsons Ltd., Renfrew Drive, Markham and Communication C11, dated January 12, 2016, be received; and

3) That the following Communications be received:

C1. Ms. Caterina Facciolo, Brattys LLP, Keel Street, Vaughan, dated January 11, 2016;
C2. Confidential Communication from Legal Counsel and the City Solicitor, dated January 11, 2016;
C3. Mr. Aaron Hershoff, TACC Developments, Applewood Crescent, Vaughan, dated January 11, 2016;
C4. Ms. Katarzyna Sliwa, Davies Howe Partners LLP, Spadina Avenue, Toronto, on behalf of Block 27, dated January 11, 2016;
C5. Ms. Katarzyna Sliwa, Davies Howe Partners LLP, Spadina Avenue, Toronto, on behalf of Block 42, dated January 11, 2016;
C6. Ms. Katarzyna Sliwa, Davies Howe Partners LLP, Spadina Avenue, Toronto, on behalf of Galcat, dated January 11, 2016;
C7. Mr. Mark McConville, Humphries Planning Group Inc., Chrislea Road, Vaughan, dated January 11, 2016;
C8. Mr. Mark R. Flowers, Davies Howe Partners LLP, Spadina Avenue, Toronto, dated January 11, 2016;
C9. Mr. Ryan Mino-Leahan, KLM Planning Partners Inc., Jardin Drive, Concord, dated January 12, 2016; and
C10. Mr. Alan Miliken Heisey, Papazian | Heisey | Myers, Barristers & Solicitors, King Street W, Toronto, dated January 12, 2016.

Report of the Deputy City Manager, Planning & Growth Management and the Director of Policy Planning & Environmental Sustainability, dated January 12, 2016.

Recommendation

The Deputy City Manager, Planning & Growth Management and the Director of Policy Planning & Environmental Sustainability, in consultation with the City Solicitor, recommend:

1. THAT Council endorse the modifications to Schedule 2 ("Modified Schedule 2") of the Vaughan Official Plan 2010 as it appears in Attachment 2, save and except for those lands that are subject to a site-specific or area-specific appeal to VOP 2010;

2. THAT staff be directed to attend the Ontario Municipal Board to seek an Order approving Schedule 2 as modified; and,

3. THAT staff continue to update the Natural Heritage Network database in advance of the next Ontario Municipal Board prehearing to reflect modifications resulting from the development application review process and/or other Ontario Municipal Board decisions.

Contribution to Sustainability

Council's endorsement and the Ontario Municipal Board's approval of Modified Schedule 2, as proposed in this report, will contribute to the following action items in Green Directions Vaughan:

1.3.2. Through the development of the City's new Official Plan, and in partnership with the Toronto and Region Conservation Authority, ensure protection of remaining natural features and explore opportunities for habitat restoration in headwater areas, along riparian corridors, and around wetlands.

3.2.4. Develop a comprehensive Natural Heritage Strategy that examines the City's natural capital and diversity and how best to enhance and connect it. As part of this action:

- Develop an inventory of Vaughan's natural heritage, and identify opportunities for habitat restoration.

- Ensure that policies in the City's new Official Plan protect all ecological features and functions as per current provincial and regional policies, and also include consideration for locally significant natural features and functions.

The refinement of the Natural Heritage Network ("NHN") is a key element of Green Directions Vaughan.

Economic Impact

There are no requirements for new funding associated with this report. The approval of the Modified Schedule 2 will assist in the resolution of VOP 2010 appeals to the Ontario Municipal Board ("OMB" or "Board"), thereby reducing the potential for contested hearings and allocation of City's resources to those hearings.

Communications Plan

The proposed modifications to Schedule 2 have been previously communicated through the public consultation process associated with the NHN Study. A summary of the stakeholder and broader public consultation processes and resulting outcomes was provided in the staff report to the Committee of the Whole (Public Hearing) on June 17, 2014 and in the staff report to the Committee of the Whole on April 14, 2015. The complete study recommendations and Modified Schedule 2 were presented to Committee of the Whole on June 16, 2015.

Purpose

The purpose of this report is to obtain Council's endorsement of the Modified Schedule 2 of VOP 2010 and obtain an Order from the OMB approving Schedule 2, as modified, save and except for those lands that are subject to a site-specific or area-specific appeal to VOP 2010. Schedule 2 is an important interpretation tool for the VOP 2010 policies, especially when considering the policies of Chapter 3. Schedule 2 is the only schedule of VOP 2010 that has not been approved by the OMB. The timely approval of the Modified Schedule 2 will assist with the resolution, withdrawal or scoping of outstanding VOP 2010 appeals to the OMB, and will bring greater certainty to the City, appellants, landowners and the public with respect to Vaughan's NHN and the implementation and applicability of VOP 2010.

The approval of Schedule 2 is a prerequisite to undertaking the Municipal Comprehensive Review that Council has directed be completed by the first quarter of 2018.

Background - Analysis and Options

Executive Summary

This staff report provides the following information:

- The VOP 2010 approval process;
- An overview of the appeals related to Schedule 2 "Natural Heritage Network"
- An outline of the proposed modifications to Schedule 2

VOP 2010 Approval Process

The Vaughan Official Plan 2010 ("Plan" or "VOP 2010") was the result of an extensive public consultation and review process initiated in 2007. The Plan contains policies, as well as maps, appendices and schedules of general application.

The Plan was adopted by City Council on September 7, 2010, and was subsequently modified on September 27, 2011, March 20, 2012 and April 17, 2012. The Plan was endorsed by the Region of York Council (the "Region") with certain modifications on June 28, 2012, following the 180 day decision period prescribed by the Planning Act (the "Act"). To date, 148 appeals have been filed to the OMB.

The OMB has approved the majority of policies and schedules of both Volume 1 and Volume 2 of the Plan as a result of various motions for partial approval brought by the City, certain appellants or parties. All of the policies of Chapter 3 "Environment" of VOP 2010 pertaining to Vaughan's environment and NHN have been fully approved by the Board and are in effect for all lands in Vaughan save and except those lands that are subject to a site-specific appeal.

The approved policies of Chapter 3 rely on and operate in conjunction with the information provided for on Schedule 2 "Natural Heritage Network". There are currently 31 outstanding appeals to VOP 2010 pertaining to Schedule 2 as adopted by Council on September 7, 2010 ("Adopted Schedule 2"). The lands subject to these appeals are identified on Attachment 3 to this report. An additional five appeals to VOP 2010 reference Schedule 2 as an outstanding site-specific issue, however, there are no natural heritage features identified on the respective sites and it is anticipated that the appeals will be scoped in the near future.

Recognizing that the City's NHN mapping would be updated during the course of the OMB appeal process, the Adopted Schedule 2 has not yet been approved by the OMB and is the only schedule to VOP 2010 that is not yet in effect. As a result, there is a disconnect between the approved policies of VOP 2010 and the unapproved Schedule 2 that needs to be resolved in order to fully implement the policies and intent of VOP 2010.

Since the adoption of VOP 2010 on September 7, 2010, updated information pertaining to Vaughan's NHN mapping has been acquired and a number of modifications to the Adopted Schedule 2, as described throughout this report, are proposed in order to reflect the best information available to the City. The proposed modifications will resolve a number of outstanding appeals related to Schedule 2 and the NHN and will provide a foundation for resolving additional site-specific appeals related thereto.

<u>Comparison of Adopted Schedule 2 and Modified Schedule 2</u>

Policy Context

The NHN depicted on Modified Schedule 2 is based on the best available information, and relies on the policy framework of Chapter 3 of VOP 2010 to determine the ultimate extent of the NHN. Policy 3.2.3.2 provides direction that "the policy text prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network". Policies 3.2.2.1 and 3.2.2.2 require that the natural heritage inventory is maintained and updated on an ongoing basis using the environmental data gathered through land-use planning studies, Environmental Assessments, infrastructure development, development applications, and other means.

The proposed modifications to Schedule 2 incorporate planning decisions that reflect:

- Settlements of appeals to VOP 2010;
- Recent Ontario Municipal Board decisions;
- Development applications approved by Council; and
- Various studies and reports reviewed by City staff in support of the above.

Transparent Criteria for Natural Feature Mapping

Criteria for the refinement of Core Features identified on Modified Schedule 2 was provided by the City's consultants for the NHN study, North-South Environmental in their final report on the NHN. The Core Features identified on the Modified Schedule 2 reflect the articulation of Core Features provided for in policy 3.2.3.4 of VOP 2010. The limits of all Core Features were

reviewed based on the available digital data, results of field investigations, and alignment of Core Feature boundaries with planning approvals.

Review of Core Features Delineation in the Modified Schedule 2

City staff reviewed the Core Features delineation in comparison to the following City information:

- Official Plan Amendments at secondary plan scales (e.g., OPA 600, OPA 601, OPA 604, OPA 610);
- Approved Block Plans and Plans of Subdivision outside of Block Plan applications;
- Current zoning information, particularly areas delineated as Open Space 1 (OS1) zones;
- City of Vaughan 'Parks, Open Spaces, Woodlots, Storm ponds and Facilities Map' (March 2014) (for internal use only); and
- Review of all VOP 2010 modifications presented to Council in staff reports of July 28, 2010, September 12, 2011 and April 3, 2012.

Additions to the Core Features in the Modified Schedule 2

The September 7, 2010 Adopted Schedule 2 comprises 6,467 hectares of Core Features. The Modified Schedule 2 comprises a total of 6,985 hectares of Core Features. The additional area represents a total addition of 1,368 hectares of previously unidentified Core Features, and a total deletion of approximately 850 hectares of previously identified Core Features. The net increase of approximately 518 hectares of Core Features identified on Modified Schedule 2 is the result of including the following data:

- The inclusion of select types of significant wildlife habitat (shrub/early successional breeding bird habitat, open country breeding bird habitat, and Special Concern open country breeding bird habitat) based on results of field investigations conducted by North-South Environmental in 2013. These areas comprise the majority of the additional habitat recognized as Core Features on the Modified Schedule 2. The ultimate delineation of Core Features based on significant wildlife habitat is subject to more detailed studies to be submitted as part of complete development applications.

- Areas zoned Open Space 1 ("OS1") as a result of development approvals represent a refinement of natural feature boundaries through the development application review process.

- Other additions are the result of including more stream drainage features and applying a consistent 30 metre area of interest on either side of drainage features, to be evaluated and refined where appropriate through the development review process.

- Select reaches of watercourses were not included in the Core Features in the situation where: (a) information provided by landowners was completed according to the headwater drainage feature ("HDF") guideline (TRCA 2013); and (b) the assessments of the landowner and the City's consulting team were in agreement and resulted in a management recommendation that the drainage feature be categorized for "mitigation".

- Additional wetland and woodland area was made available through digital data sources and verified through aerial images. A combination of digital data sources were used to compile the woodlands and wetlands information, which were then cross-checked against aerial images and development approvals.

Deletions to the Core Features in Modified Schedule 2

Approximately 850 hectares of Core Features identified on the Adopted Schedule 2 are proposed to be deleted in the Modified Schedule 2. The areas that are proposed to be deleted primarily reflect changes to natural features boundaries resulting from development approvals, such as through refinement of valley and stream corridor limits. These areas were identified through a

review of parcel fabric, zoning data, and aerial image data as well as by researching approved Site Plan and Draft Plan of Subdivision drawings.

In some instances, the delineation of Core Features on the Adopted Schedule 2 overlapped existing built form and/or infrastructure such as roadways and stormwater management ponds. The Core Features boundaries were corrected such that the Modified Schedule 2 more accurately represents the existing natural feature boundaries and reflects natural areas free of direct impacts from development and infrastructure. Areas of active parkland identified as Core Features in the Adopted Schedule 2 have also been removed in the Modified Schedule 2.

Enhancement Areas

Enhancement Areas depicted on the Modified Schedule 2 reflect a focus on specific habitat types, such as potential grassland or open country habitat, and areas identified for near-term restoration or evaluation of restoration potential and documented through the official plan review process. The evaluation of potential additional Enhancement Areas that may be appropriate for inclusion in the NHN but that are not currently depicted on the Modified Schedule 2 may be completed as part of a Master Environment and Servicing Plan or an Environmental Impact Study. Examples of areas that may be appropriate candidates for Enhancement Areas are areas that can provide connectivity and/or linkage enhancements adjacent to Robinson Creek and the upper Purpleville Creek subwatershed, enhancements for upland habitat to wetlands, and woodland enhancements.

Enhancement Areas depicted on the Adopted Schedule 2 that are not proposed to be maintained on the Modified Schedule 2 include those in relation to:

- stormwater management ponds;
- golf courses;
- cemeteries;
- potential corridors connecting subwatersheds;
- specific woodland enhancement options in Blocks 27, 55 and 28; and
- the Countryside designation in the Oak Ridges Moraine Conservation Plan area.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

Approval of the Modified Schedule 2 at the Ontario Municipal Board will contribute towards the following Term of Council Priorities:

- Update the Official Plan and supporting studies
- Continue to create an environmentally sustainable city

Regional Implications

Policies in the Region of York Official Plan support the efforts of local municipalities to identify and update local greenlands systems. York Region staff was consulted throughout the NHN process that led to the proposed modifications to Schedule 2.

Conclusion

The updated information pertaining to Vaughan's NHN mapping reflects the best and most accurate NHN information available to the City. Council's endorsement and the OMB's approval of the Modified Schedule 2 will resolve a significant disconnect in VOP 2010 and allow staff to fully implement the approved policies of Chapter 3. It is imperative that the Modified Schedule 2 be endorsed by Council and approved by the OMB in order to bring further certainty to the City, appellants, landowners and the public with respect to Vaughan's NHN. In addition, the approval of Schedule 2 is a prerequisite to undertaking the Municipal Comprehensive Review that Council has directed be completed by the first quarter of 2018.

Attachments

1. September 7, 2010 Council-Adopted Schedule 2 to VOP 2010
2. Proposed Modified Schedule 2 to VOP 2010
3. Locations of Outstanding Site-Specific Appeals to Schedule 2 to VOP 2010
4. Communications from the January 12, 2016 Committee of the Whole Meeting
5. Communications from the January 19, 2016 Council Meeting

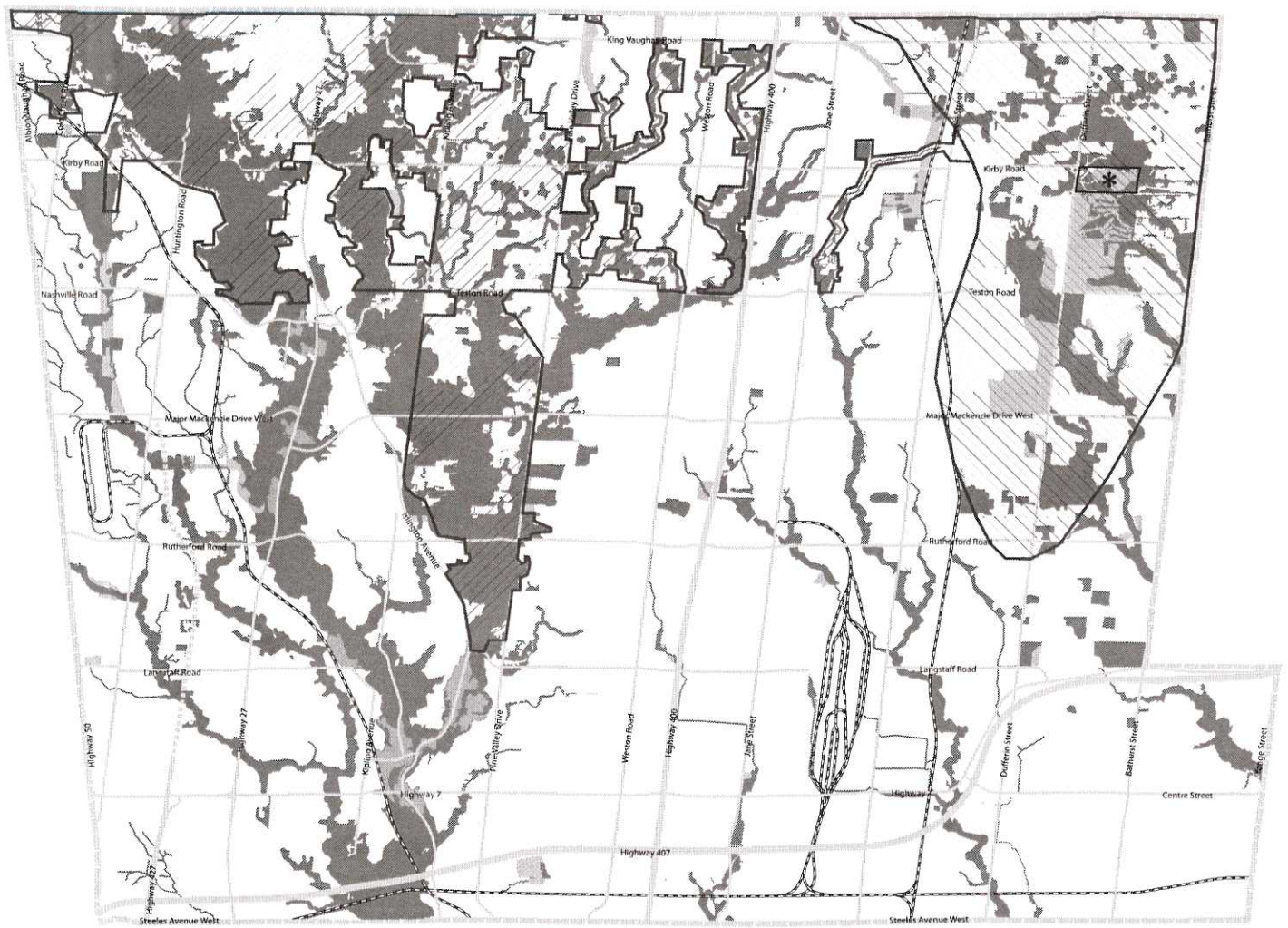
Report prepared by:

Steven Dixon, ext. 8410
Dawne Jubb, ext. 8385

VAUGHAN

SCHEDULE 2

Natural Heritage Network



- Core Features
- Enhancement Areas
- Built-Up Valley Lands
- Greenbelt Plan Area[1]
- Oak Ridges Moraine Conservation Plan Area[1]
- * Minister's Decision on ORMCP Designation Deferred
- Municipal Boundary

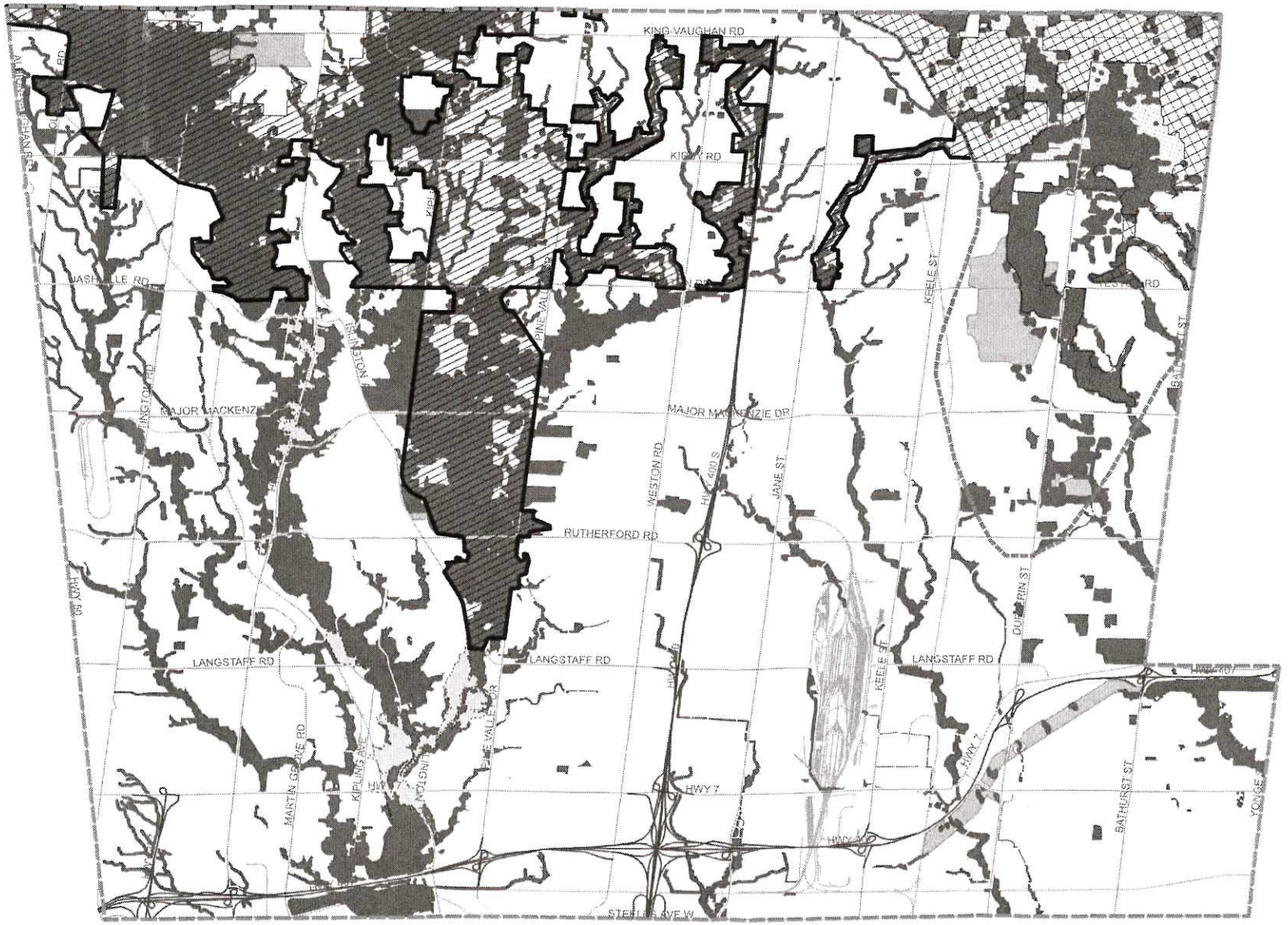
This Schedule is subject to change based on the results of the Natural Heritage Network Study, which will define the Natural Heritage Network by both its natural features and as a natural heritage system in accordance with the Provincial Policy Statement.

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

[1] See Schedule 4 for limits and land use information of the Greenbelt Plan Area and Oak Ridges Moraine Conservation Plan Area

ATTACHMENT 1

September 2010



December, 2015

SCHEDULE 2

VAUGHAN

Natural Heritage Network

- Core Features
- Enhancement Areas
- Built-Up Valley Lands[1]

Greenbelt

- Greenbelt Plan Area Boundary[2]
- Greenbelt Natural Heritage System

ORM Conservation Plan

- Oak Ridges Moraine (ORM)Conservation Plan Boundary[2]
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary

This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

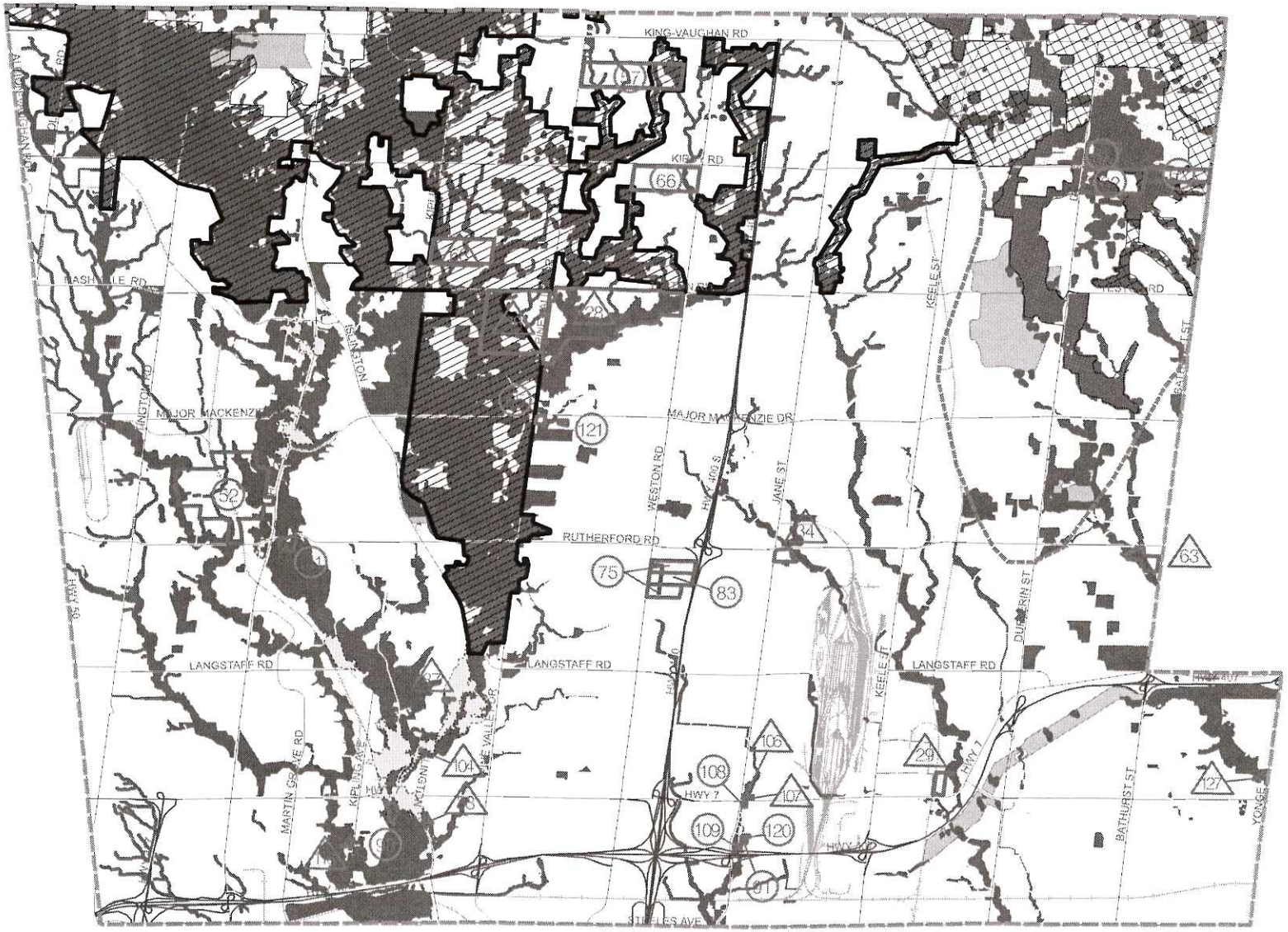
For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3 and to the satisfaction of the Toronto and Region Conservation Authority.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.
(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

0 1 2 3 Kilometres

ATTACHMENT 2



December, 2015

SCHEDULE 2

VAUGHAN

Natural Heritage Network

- Schedule 2 Appellants
- Core Features
- Enhancement Areas
- Built-Up Valley Lands[1]

Greenbelt

- Greenbelt Plan Area Boundary[2]
- Greenbelt Natural Heritage System

ORM Conservation Plan

- Oak Ridges Moraine (ORM)Conservation Plan Boundary[2]
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary

This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3 and to the satisfaction of the Toronto and Region Conservation Authority.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.
(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

0 1 2 3 Kilometres

ATTACHMENT 3

Attachment #4
Communications from the January 12, 2016
Committee of the Whole Meeting

C1. Ms. Caterina Facciolo, dated January 11, 2016.
C2. Confidential Communication from Legal Counsel and the City Solicitor, dated January 11, 2016. (under separate cover)
C3. Mr. Aaron Hershoff, dated January 11, 2016.
C4. Ms. Katarzyna Sliwa, on behalf of Block 27, dated January 11, 2016.
C5. Ms. Katarzyna Sliwa, on behalf of Block 42, dated January 11, 2016.
C6. Ms. Katarzyna Sliwa, on behalf of Galcat, dated January 11, 2016.
C7. Mr. Mark McConville, dated January 11, 2016.
C8. Mr. Mark R. Flowers, dated January 11, 2016.
C9. Mr. Ryan Mino-Leahan, dated January 12, 2016.
C10. Mr. Alan Miliken Heisey, dated January 12, 2016.
C11. Mr. Don Given, dated January 12, 2016.
C12. Deputy City Manager, Planning & Growth Management, dated January 12, 2016.

BRATTYS LLP
BARRISTERS AND SOLICITORS

PLEASE REFER TO:
Caterina Facciolo (Ext: 293)
Email: cfacciolo@bratty.com
Assistant: Linda Lau (Ext: 263)
Email: Llau@bratty.com
Telephone: (905)760-2600

January 11, 2016

C 1
COMMUNICATION
CW – January 12 | 2016
ITEM - 6

Delivered via E-mail

City of Vaughan
Committee of the Whole
2141 Major Mackenzie Drive
Vaughan, ON

Attention: Chair and Members of the Committee of the Whole

Dear Chair and Members of the Committee of the Whole:

Re: VOP 2010 Proposed Modifications to Schedule "2" "Natural Heritage Network"
OMB Case No. PL111184 - City of Vaughan Official Plan 2010
Appellant No. 52 - Novagal Development Inc.

I am writing herein as Counsel for Novagal Development Inc. ("Novagal") with respect to the above referenced matter.

Novagal filed an appeal with respect to the City of Vaughan Official Plan 2010 and is known as Appellant No. 52 in the above noted Ontario Municipal Board proceedings.

Novagal has reviewed the recommendations put forward by the Planning Department in consultation with the City Solicitor regarding the VOP 2010 Proposed Modifications to Schedule 2 "Natural Heritage Network", and notes as follows:

1. It has reviewed Modified Schedule 2 of the Vaughan Official Plan 2010 as it appears in Attachment 2 to the Report, and is supportive of the proposed modifications.

2. It is supportive of the recommendation to direct City staff to attend at the OMB and seek an Order approving Schedule 2 as modified.

In this regard Novagal wants to make it clear that the Order to be approved by the OMB should include the lands subject to the Novagal appeal (which were area specific). Specifically, this will confirm that the modifications being proposed by Staff address Novagal's appeal with respect to Schedule 2, and that the changes include those changes Novagal expected to be brought forward based on its prior dealings with the City, and the Motion for Partial Approval and Modification brought to the Board on October 28, 2015.

Background

Brattys LLP brought a Motion for Partial Approval and Modification forward to the Board on October 28, 2015.

The Board's Decision with respect to that Motion issued November 26, 2015 and the Board's Order with respect to that Motion issued December 8, 2015.

Pursuant to Decision of the Board dated November 26, 2015 and Order dated December 8, 2015, the Board is still to issue an Order approving modifications to Schedule 2 to Volume 1 of the City of Vaughan Official Plan as set out in Exhibit "L" to the Affidavit of Roy Mason sworn October 13, 2015. Modified Schedule 2 of the Vaughan Official Plan 2010 as it appears in Attachment 2 to the Report being considered by this Committee of the Whole is consistent with the amendments to the Schedule already approved in principle by the Board (in the context of the Novagal appeal) and accordingly, Novagal is supportive of same.

Transfer of File to Barry A. Horosko at Horosko Planning Law

Please be advised that I will be commencing maternity leave and closing my law practice at Brattys LLP effective January 15, 2016. Mr. Barry Horosko at Horosko Planning Law is taking on this matter in my absence, and accordingly, any notices issued by Council for the City of Vaughan with respect to this matter should be directed to him at the following address:

Barry Horosko
Horosko Planning Law
300 North Queen Street, Suite 101
Toronto, ON
M9C 5K4

Should you have any questions or concerns in advance of January 15, 2016, please do not hesitate to contact the undersigned at the address and phone number listed on this letter. Please contact Mr. Horosko with respect to this matter after January 15, 2016.

Yours truly,
BRATTYS LLP

Caterina Facciolo

cc: Dawne Jubb, Counsel for the City of Vaughan
Luch Ognibene, The Remington Group Inc.
Roy Mason, KLM Planning Partners Inc.
Barry Horosko, Horosko Planning Law

TACC
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January 11, 2016

DELIVERED BY EMAIL

C 3
COMMUNICATION
CW | January 12|2016
ITEM - 6

City of Vaughan
2141 Major Mackenzie Drive,
Vaughan, ON
L6A 1T1

Clerk's Department

Attention: Mayor and Members of Council

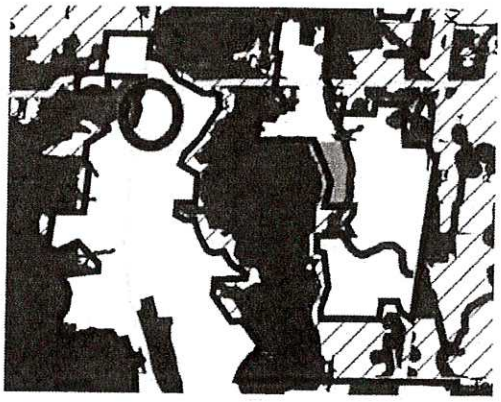
Dear Sirs and Mesdames;

Re: Report 2, Item 6
VOP 2010 PROPOSED MODIFICATIONS TO
SCHEDULE 2 "NATURAL HERITAGE NETWORK"

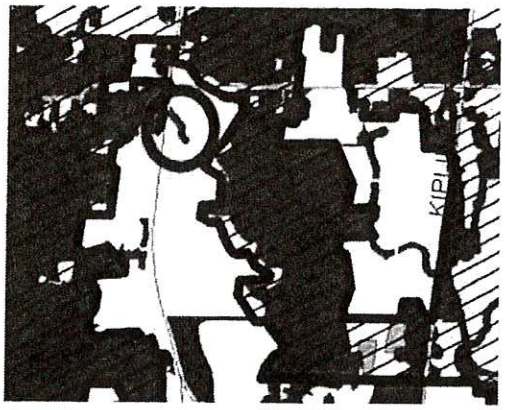
I am writing you on behalf of Copper Creek Golf Club with respect to the above noted report and the negative impact the endorsement of the revised Schedule 2 will have on the future development potential of the lands. Copper Creek's lands are located at the southeast corner of Regional Road / Hwy 27 and Kirby Road and are described as:

- Pt Lt 30 Con 8 Vaughan As In Va19302 Except Va26736, Va48848, Va53955, Pts 1 & 2 Exprop Pl 7492 ,va60842, Va69731 City Of Vaughan; and
- Pt Lt 28 Con 8 Vaughan, Pt Lt 29 Con 8 Vaughan, Pt 1 Pl 65r11296 Save & Except Pts 2, 3 & 4 Pl 65r24893; Vaughan. S/t Va39424. S/t Ease Over Pt 10 Pl 65r24893 In Favour Of Pt Lts 28 & 29 Con 8 Vaughan, Pts 2, 3 & 4 Pl 65r24893, As In Yr213420.

Of concern is that the amended Schedule 2 identifies a new "Core Feature" on Copper Creek's lands. The proposed modification and the original Schedule is shown on the following images:



Schedule as Approved – September 2010



Proposed Modification – December 2015

O Area of Concern

As a landowner we were not duly informed of this proposed change to the City's Official Plan and have not had an opportunity to meet with staff to discuss what the identified feature is, why the feature has been identified for inclusion on the Schedule and what it means for the future use and development of the lands. It is therefore requested that Council direct City staff to meet with representatives of Copper Creek Golf Club and that Schedule 2 not be endorsed until such time as a meeting has occurred and this issue is resolved.

If you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,

TACC DEVELOPMENTS INC

Per:

Aaron Hershoff, MBA, M.C.I.P., R.P.P.

cc: Mr. John MacKenzie, Commissioner of Planning, City of Vaughan
Mr. Silvio De Gasperis, TACC Developments
Mr. Jack Eisenberger, Fieldgate Developments

C 4
COMMUNICATION
CW: January 12/2016
ITEM: 6

Please refer to: **Katarzyna Sliwa**
e-mail: katarzynas@davieshowe.com
direct line: 416.263.4511
File No. 702275

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January 11, 2016

By E-Mail Only to *jeffrey.abrams@vaughan.ca*

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Committee Members

Your Worship and Members of the Committee:

Re: Committee of the Whole ("Committee") Meeting January 12, 2016 – Item 6, VOP 2010 Proposed Modifications to Schedule 2 "Natural Heritage Network"("NHN")
Teston Green Landowners Group ("Block 27")

We write on behalf of Block 27 and its constituent landowner group members as listed in Schedule "A" to this letter.

On June 23, 2015, at its meeting, Council directed City Staff to report back in quarter 4 of 2015 on the NHN Inventory and Improvements Study Completion, Recommendations and associated amendments to VOP 2010 ("Proposed Amendments"). Since that time our client and its consultants have continued to have discussions and met with City Staff. There were four significant areas of disagreement as outlined in our attached submission letter dated June 15, 2015 (attached to this correspondence are previous submissions provided on behalf of Block 27).

To our knowledge no report has been made by City Staff to date. Rather City Staff now asks Council to endorse modifications to Schedule 2 in a vacuum.

The approach taken by City Staff is problematic for several important reasons as outlined below.

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1. Procedural Concerns and No Notice to the Public

First, there are procedural issues, including concerns regarding the lack of notice being provided to the public and stakeholders. What City Staff refers to as modifications to Schedule 2, are actually amendments to the Schedule and to the VOP 2010. They should be brought forward as part of a comprehensive Official Plan Amendment ("OPA") under the *Planning Act*, together with related policy amendments. In fact, we had been assured that the amendments would be made as part of a separate OPA and not lumped into the existing VOP 2010 appeals.

City Staff is adding an additional 1,368 hectares of land to Schedule 2 previously not identified as Core Features. No notice of these modifications is being provided to the public and stakeholders. Those that are not already involved in the NHN or the VOP 2010 appeal have no opportunity to learn about the modifications to Schedule 2 and how they impact their lands. One such example is the land owned by Galcat Investments Inc. located at Pine Valley Drive and Highway 407. A Core Feature is proposed to be added on the land in Schedule 2 and no one has contacted the landowner with notice of this change. Stakeholders who may have had no reason to previously appeal the VOP 2010 have no knowledge that their lands may now contain a Core Feature.

2. Timing

The timing of City Staff's Recommendation is also problematic. Schedule 2 is being brought before the Committee just after the holiday break with very little time for review of the modifications and the resulting impact. The City Staff Report was only available to the public on Thursday January 7, 2016, with no notice to those who are not already monitoring the NHN or VOP 2010.

3. Inconsistencies and Specific Concerns with Modified Schedule 2

Despite the limited time available to review the proposed modifications our client's consultants have already identified several concerns with the modified Schedule, including:

1. New Core Features not previously included, for which justification has not been provided;

2. A Core Feature is shown on the site of a proposed school as reflected in the Secondary Plan map schedule;

3. There are no accompanying policy revisions proposed;

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4. The policy changes recommended by North-South Environmental are not included, despite the June 16, 2015 City Staff Report containing numerous pages of Proposed Amendments;

5. There is disconnect between the Chapter 3 policies before the Ontario Municipal Board (the "Board") and the modified Schedule 2;

6. New Core Features (e.g. headwater drainage features) have been added to Schedule 2 but are not defined in the VOP 2010;

7. Section 3.2.3 of Chapter 3 indicates that the policy text prevails over the mapping shown on Schedule 2. As proposed the policies in Chapter 3 are not consistent with Schedule 2 and Schedule 2 may mislead the reader to think that features do not exist on lands where the policy text indicates otherwise. This is yet another reason for dealing with the Proposed Amendments and Schedule 2 together.

The piecemeal approach taken by City Staff is creating additional inconsistencies between the Schedule 2 mapping and the policies, which are not being brought forward at the same time. Our client has been consistent in the request that Proposed Amendments and NHN mapping, including a Compensation Protocol, and/or principles related to it, must be considered at the same time, and must be part of a comprehensive OPA. The NHN is an interconnected system which stretches throughout the City. Bringing forward parts of Schedule 2 without the complementary policies is a mistake.

4. Appeal Rights Being Thwarted

The notation included in the legend to Schedule 2 compounds the concerns regarding process and lack of notice. The notation suggests that additional changes will be brought forward. It reads:

> *This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.*

The notation suggests that the City's Official Plan environmental policies can be amended or added as these documents change from time to time, without the benefit of public consultation or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable policies and all relevant matters should be included in it.

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5. Additional VOP 2010 Appeals

Rather than resolving VOP 2010 appeals, the approach proposed by City Staff will result in additional appeals being filed.

Although our client had not appealed the VOP 2010, rather choosing the collaborative route of engaging City Staff to discuss concerns, another landowner filed an area specific appeal of some of the VOP 2010 Chapter 3 policies and Schedule 2 which includes the Block 27 lands.

Although, the Block 27 lands are not identified as under appeal in Attachment 3 of the Staff Report, City legal has confirmed that they will be included in a revised version of the Schedule 2. With the modified Schedule 2 proposed to be brought before the Board for approval, our client is left with no choice but to file an appeal of Schedule 2 and the Chapter 3 policies. This is unfortunate considering the progress our client believed to have made in discussions with City Staff.

We respectfully continue to ask that City Staff be directed to meet with our client and our client's consultants and that the NHN mapping be considered at the same time as the Proposed Amendments and a Compensation Protocol, and/or principles related to it, and as part of a comprehensive OPA.

We request that I be added to the list of delegates for the Committee of the Whole meeting.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Katarzyna Sliwa

encl. As above

copy: Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Roy McQuillan, Acting Director Policy, City of Vaughan
Mr. Nik Mracic, Cole Engineering Group Ltd.
Mr. Nick Karakis, Cole Engineering Group Ltd.
Mr. Don Fraser, Beacon Environmental
Mr. John Bousfield, Bousfields Inc.
Client

SCHEDULE "A"

BLOCK 27 LANDOWNER GROUP MEMBERS

Lormel Developments Ltd.

Di Poce Consulting Inc.

Keltree Developments Inc.

West Jane Developments Inc.

Gusgo Holdings Ltd.

Rosehollow Estates Inc.

Erica La Posta, Peter La Posta, Stephen Di Biase,
Adrian Di Biase, Eliana Di Biase

Vincenza Petricca

Heathfield Construction Ltd.

Keele Street Properties Limited

Giuseppe Battistella, Palmira Battistella

Ferrara Glade Investments Inc.

Bayview-Wellington Properties Inc.

Gold Park (Maple) Inc.

Teston Woods Development Corporation

Alderlane Estates Inc.

June 15, 2015

Please refer to: **Katarzyna Sliwa**
e-mail: katarzynas@davieshowe.com
direct line: 416.263.4511
File No. 702275

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June 15, 2015

By E-Mail Only to *jeffrey.abrams@vaughan.ca*

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mayor Bevilacqua and Council Members

Your Worship and Members of Council:

Re: Committee of the Whole ("Committee") Meeting, June 16, 2015
Natural Heritage Network Study ("NHN Study")
Natural Heritage Network Inventory and Improvements Study Completion and Recommended Amendment to the Vaughan Official Plan 2010 (the "Proposed Amendments")
Teston Green Landowners Group ("Block 27")

We write on behalf of Block 27 and its constituent landowner group members as listed in Schedule "A" to this letter.

Since the Committee's meeting on April 14, 2015 our clients and their consultants have had several meetings with City Staff. Progress was made with respect to eight matters – some minor text and definition revisions, and others more significant.

There remain four significant areas of disagreement. We respectfully ask that Staff be directed to continue to meet with our clients and our clients' consultants. We also ask that the Proposed Amendments, Compensation Protocol and NHN mapping be considered at the same time as part of a comprehensive Official Plan Amendment ("OPA").

Our clients' concerns are as follow:

1. **Definition of Significant Valleylands and Corridors, 3.2.3.4**: Staff have treated all valleylands as "significant" without justification. In addition, valley "corridor" has been defined in a way that may result in extending it well beyond the physical limits of the valley.

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The only reference to significant valleylands in the Vaughan Official Plan 2010 is in the definition of "Valley and Stream Corridor" which indicates that further clarification will be provided through the NHN Study and future development applications. The NHN Study does not provide clarity or an explanation, technical or otherwise, for declaring all valleylands significant.

The City is required to provide this clarification by the *Provincial Policy Statement, 2014* ("*PPS*"). It differentiates between "valleylands" and "significant valleylands" (*i.e.*, the latter exhibiting important physical/hydrological/ecological attributes and functions and representing the best examples in a given geographic area).

The *Natural Heritage Reference Manual* clearly states that "the identification and evaluation of significant valleylands based on the recommended criteria from the Ministry of Natural Resources is the responsibility of planning authorities". Staff are - without explanation or justification - treating all valleylands as significant in the context of the *PPS*, the *Oak Ridges Moraine Conservation Plan* ("*ORMCP*") and the *Greenbelt Plan*. This is a clear example of the NHN Study stepping outside of the terms of reference.

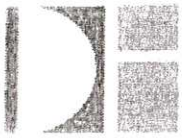
Therefore, inclusion of the following additional text at the end of policy 3.2.3.4 is unjustified and without demonstrated merit - that "All valley corridors in Vaughan are significant valleylands".

Furthermore, the TRCA's definition of "stream corridors" has been used by Staff; however, this is not the same as "permanent and intermittent streams" as defined by the Province. Stream corridors include "depressional features ... whether or not they contain a watercourse". Therefore a "stream corridor" goes well beyond the definition of a "permanent and intermittent stream" because it includes ephemeral drainage features, dry swales and agricultural rills.

The policy should mirror the corresponding *Greenbelt Plan* provision, if not word for word, then at least in intent. Our clients' consultants have recommended that policy 3.2.3.4. a) ii) be revised as follows to provide clarity:

> ii. a minimum 30 metre vegetation protection zone from the feature limit significant valleylands [assuming that these are differentiated from valleylands] and permanent and intermittent streams within the Oak Ridges Moraine and Greenbelt Plan Areas.

2. **Compensation for Non-Significant Woodlands:** Staff's recommendation requires compensation for non-significant woodlands (*i.e.* between 0.2 and 0.5 hectares in size) and indicates that there must be a "net gain" in woodland area. This is not consistent with the policies in the Region's Official Plan.



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LLP

With respect to policy 3.3.3.4, a definition of what would qualify as a net gain has been requested by our clients' consultants, as well as clarification regarding the meaning and intent of "Woodland compensation...vegetation protection zones." If the intent is that compensation will not be accepted within Provincial Plan areas, our clients strongly objects to this approach.

3. **Language in the Proposed Amendments that Elevates an Advisory Agency, such as the TRCA, to a Quasi-Approval-Authority:** This is apparent in the language in items 7, 16 and 17 of the Proposed Amendments.

   For example, Item 7 requires that compensation be to the satisfaction of TRCA for alteration of several core features (*e.g.*, woodlands) that are not within TRCA's legislated jurisdiction, which only relates to wetlands, watercourses and valleys. In addition, with the inclusion of references to publications such as the TRCA's *Living City Policies*, the City's environmental policies can be amended or added to as these documents change from time to time, without the benefit of public consultation or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable polices and all relevant matters should be included in it.

4. **Compensation Protocol**: Staff have indicated that additional studies are required to determine the Compensation Protocol, and have proposed to defer the question to the Secondary Plan process. We have not been provided with any explanation as to how this would occur. Our clients' position is that the Compensation Protocol, Proposed Amendments and NHN mapping must be considered and decided at the same time, and must be part of a comprehensive OPA.

   At the April 14, 2015 Committee meeting we heard from Planning Commissioner Mackenzie that the Compensation Protocol could be ready for late fall or early winter. With the Proposed Amendments and OPA arising from the NHN Study scheduled to come back to Council in September for approval, we urge the Committee that the Compensation Protocol be dealt with at the same time. If required, the entire matter should briefly be deferred to ensure that the Compensation Protocol is included in and consistent with the OPA.

Our previous submissions to the Committee are attached for greater detail and convenience of reference.

We request that I be added to the list of delegates for the Committee of the Whole meeting.

Thank you for the continued opportunity to provide you with comments.

Davies
Howe
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LLP

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Katarzyna Sliwa

encl. As above

copy: Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Tony Iacobelli, Environmental Planner, City of Vaughan
Mr. Gerry Lynch, Cole Engineering Group Ltd.
Mr. Don Fraser, Beacon Environmental
Mr. John Bousfield, Bousfields Inc.
Clients

Please refer to: **Katarzyna Sliwa**
e-mail: katarzynas@davieshowe.com
direct line: 416.263.4511
File No. 702275

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April 13, 2015

By E-Mail Only to *jeffrey.abrams@vaughan.ca*

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mayor Bevilacqua and Council Members

Your Worship and Members of Council:

Re: Item 1, Committee of the Whole Meeting, April 14, 2015
Natural Heritage Network Study ("NHN Study")
Natural Heritage Network Inventory and Improvements Study Completion and Recommended Amendment to Vaughan Official Plan 2010 (the "Proposed Amendments")
Teston Green Landowners Group ("Block 27")

We write on behalf of Block 27. The purpose of this letter is to respectfully request that this matter be deferred to allow for discussions with our clients to continue.

There remain significant problems with the NHN Study and Proposed Amendments. They are detailed in the attached letter dated January 30, 2015.

Leaving aside substantive issues, we are very concerned about the speed with which the City is now proceeding. The NHN Study Staff Report and Proposed Amendments were only made available last week. This does not allow our clients or their consultants a fair and practical opportunity for review, never mind a dialogue with you or your Staff.

We acknowledge that our clients and their consultants have met with Staff and that there has been some progress, but the bottom line is not nearly enough. Many of the serious questions repeatedly raised by our clients' consultants continue to go unaddressed in the NHN Study as presently written. These concerns include a prohibitive impact of the viability of the proposed GO Station.

Davies
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Also significant is the proposal to defer a decision on the NHN habitat compensation protocol (the "Protocol"), treat it separately and shield it from the scrutiny of the *Planning Act* public consultation process. The Protocol, Proposed Amendments and NHN mapping must be adopted at the same time, and must be part of a comprehensive and complete Official Plan Amendment.

We request that I be added to the list of delegates for the Committee of the Whole meeting.

Thank you for the opportunity to provide you with these comments.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Katarzyna Sliwa

encl. As above

copy: Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Tony Iacobelli, Environmental Planner, City of Vaughan
Mr. Gerry Lynch, Cole Engineering Group Ltd.
Mr. Don Fraser, Beacon Environmental
Mr. John Bousfield, Bousfields Inc.
Clients

Please refer to: **Michael Melling**
e-mail: michaelm@davieshowe.com
direct line: 416.263.4515
File No. 702275

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January 30, 2015

By E-Mail Only to *Dawne.Jubb@vaughan.ca*

Ms. Dawne Jubb
Solicitor
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Ms. Jubb:

Re: Teston Green (Block 27) Landowners Group ("Block 27")
Natural Heritage Network Study ("NHN Study")
Proposed Policy Amendments
Chapter 3, Figures 2A, 2B and 2C (the "Proposed Amendments")
Natural Heritage Network Schedule
Vaughan Official Plan 2010 ("VOP 2010")

We write on behalf of Block 27.

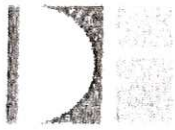
Our clients did not appeal the VOP 2010 despite significant concerns with Schedule 2 and some of the environmental policies in Chapter 3. Rather, they have been working co-operatively with City staff, by way of information exchange and meetings, since the VOP 2010 was adopted and the NHN Study was initiated.

On January 9, 2015 the City produced the Proposed Amendments. Our clients have very significant concerns with them.

These concerns, informed by our client's environmental consultant, Don Fraser of Beacon Environmental, and land use planner, John Bousfield of Bousfields Inc., are outlined in detail below.

Policy 3.3.2.2 Non-Evaluated/Other Wetlands

It is our understanding that the Proposed Amendments are intended to provide a clear distinction between:



Davies
Howe
Partners
LLP

(a) wetlands evaluated as Provincially Significant and those subject to the *Greenbelt Plan* and *Oak Ridges Moraine Conservation Plan*("*ORMCP*"), on the one hand; and

(b) all "other" wetlands (previously referred to as "non-evaluated" wetlands), on the other hand.

Policy 3.3.2.2 of the VOP 2010 says that "non-evaluated wetlands...shall be assessed for their significance, in accordance with criteria provided by the Province...". This appears to intend that, prior to any development or site alteration, a wetland be evaluated in accordance with the Ontario Wetland Evaluation System ("OWES").

Placing the onus on an individual landowner to evaluate a wetland under OWES is inappropriate, for the following reasons:

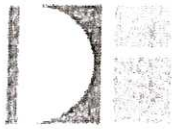
- the determination of a wetland's significance has historically been and should remain the responsibility of the Province, through the Ministry of Natural Resources and Forestry ("MNRF");

- OWES is not the method by which wetlands are assessed for function through the development process; rather, this is done through an Environmental Impact Study ("EIS");

- In almost all cases an OWES wetland evaluation involves examining other private properties to which access is not available; a single landowner cannot do a "wetland complexing" exercise that could encompass many discrete wetland units extending across numerous square kilometres (note: under OWES the evaluator cannot confine an evaluation to a given parcel of land with pre-imposed boundaries); and

- Evaluations under OWES are expensive and time consuming; in addition, the additional delays (and associated costs) incurred while waiting for an evaluation to be reviewed and accepted by the MNRF will add considerable time to an already lengthy and onerous process.

There is also a significant discrepancy with respect to evaluation standards. The "Discussion Notes" related to this policy say that the Proposed Amendments to the policy text are "in conformity with the Regional Municipality of York ["Region"] Official Plan 2010 ["ROP"] policy 2.2.39" and "consistent with ROP policy 2.2.42". However, the Proposed Amendments to policy 3.3.2.2 state that "other wetlands shall be assessed for their significance, in accordance with criteria provided by the Province..." [emphasis added]. This language goes well beyond that of the ROP policies.



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ROP policy 2.2.39 does not include the word "significance", and makes no reference to the application of provincial assessment criteria, or specifically OWES. Rather, it requires "an environmental impact study that determines their importance, functions and means of protection and/or maintenance of function, as appropriate, to the satisfaction of the approval authority"[emphasis added].

Our client's consultant team was involved with the ROP policy amendments and has confirmed that the phrase "shall be assessed for their significance" was removed from a previous version of ROP policy 2.2.39, in recognition that it was the specific intent of the Region to not require a formal wetland evaluation using OWES. The revised VOP 2010 policy 3.3.2.2 continues to include this requirement.

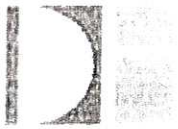
Furthermore, the new subparagraph (c) refers to "other" wetlands "evaluated in accordance with the Region Official Plan", which is misleading, since the Region does not require an "evaluation" *per se*. New subparagraph (c) also says that in cases where an "other" wetland is determined to be appropriate for protection, it "shall have a vegetation protection zone generally no less than 15 metres". This is different from the ROP requirement, which does not stipulate the width of a buffer for any "non-evaluated" or "other" wetlands. Rather, an EIS should determine if a wetland warrants protection and, if so, why and by what means. This may include provision of a vegetation protection zone; however, its width should not be prescribed, but rather dictated by site-specific conditions.

The revised VOP 2010 policy 3.3.2.2 is not in conformity with ROP policy 2.2.39. We request that the VOP 2010 reflect ROP policies 2.2.39 through 2.2.42.

Policies 3.3.3.3 and 3.3.3.4 Woodlands

Based on Beacon's review of the VOP 2010 policy 3.2.3.4 ("Core Features"), the results of the NHN Study, and many past discussions with City staff and North-South Environmental (the City's NHN Study consultant), it had consistently been understood that Core Feature woodlands were defined as those greater than 0.5 ha. This understanding was confirmed by the statement that "All woodland patches greater than 0.5 ha in size are included in the NHN", found on page 29 of the Phase 2 – 4 *NHN Study Report* (prepared by North-South Environmental, May 2014). It is also confirmed by Schedule 2B (Natural Heritage Network – Woodlands), which maps all woodlands greater than 0.5 ha.

The Proposed Amendments to the VOP 2010 policy 3.3.3 appear to include all woodlands greater than 0.2 ha as Core Features, rather than those that are greater than 0.5 ha. These 0.2 to 0.5 ha woodlands are not shown on Schedule 2b, nor do any woodlands falling into this size range appear as Core Features on Schedule



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2 – Natural Heritage Network (either in the current VOP 2010 or as proposed in the North-South Report).

Furthermore, the Proposed Amendments require additional study by a landowner to assess whether these smaller woodlands "meet tests of significance as set out in the ROP". If these woodlands do not meet these *tests* they "can be modified subject to habitat compensation". The proposed VOP 2010 policy 3.3.3.3 does not, however, provide any explanation or definition of "compensation", other than to make reference to providing "a net ecological gain". A clear indication of the compensation parameters is needed to provide certainty and clarity.

The inclusion of these smaller woodlands constitutes a major change from the original VOP 2010, specifically to policy 3.3.3. It not only broadens the definition of a Core Feature woodland, but places an unacceptable onus on a landowner.

One of the objectives identified by the City in revising policy 3.3.3.3 was to reflect the woodland policies in the ROP. However, the Proposed Amendments do not achieve this goal, but rather result in additional confusion.

Specifically, the "tests" described in the Proposed Amendments do not reflect ROP policies 2.2.48 and 2.2.49. The fundamental difference is that these ROP policies speak to the "tests" under which development or site alteration could occur within a "significant woodland" (*i.e.*, a woodland greater than 0.5 ha.) situated within an Urban Area. The proposed policy language in 3.3.3.3 and 3.3.3.4 applies to non-significant (*i.e.*, 0.2 to 0.5 ha.) woodlands and does not permit development or site alteration in any woodland deemed "significant" under the Region's definition (*i.e.*, greater than 0.5 ha.).

Finally, it does not appear that there are any circumstances under which development or site alteration could occur within all or a portion of a woodland greater than 0.5 ha. (notwithstanding the few exceptions listed under proposed VOP 2010 policy 3.2.3.7), even though ROP policy 2.2.49 does permit this in certain circumstances.

For the above reasons any consideration of woodlands 0.2 to 0.5 ha. in size as Core Features must be excluded. It was clearly not the intent of the ROP, the VOP 2010 or the conclusions of the NHN *Study* to include them.

Other Proposed Policy Revisions

Our clients also have concerns with a number of the other policies listed in the City's Table. These include, but are not limited to the following:

i) **Policy 3.2.3.4 and Definitions:** It is unclear how the Minimum Vegetation Protection Zones ("MVPZs") associated with "valley and stream corridors"

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relate to MVPZs applied to other aquatic features addressed in the VOP 2010 (*e.g.*, "sensitive surface water features", valleylands, "headwater drainage features", "waterbodies", watercourses, intermittent and permanent stream, seepage areas and springs, *etc.*). In general, there are far too many terms used to describe water-related features, many of which are not defined in the VOP 2010. This creates overlap and confusion.

Additionally, clarification is needed as it relates to the MVPZ within and outside the *Greenbelt Plan* and *ORMCP* areas. As the policy reads it can be interpreted that the MVPZ from a feature within either the *Greenbelt Plan* or *ORMCP* areas could extend beyond the *Greenbelt Plan* or *ORMCP* boundary, thus creating an additional buffer beyond the *Greenbelt Plan* or *ORMCP*. The boundaries of the *Greenbelt Plan* and *ORMCP* have been fixed for a significant time with the express intention of protecting certain natural features. If there is a feature within the boundary, as set by the Province, then the *Greenbelt Plan* or *ORMCP* boundary should be the buffer limit. The language contained in the policy must provide clarity on this from the outset.

ii) **Policy 3.2.3.11**: Clarification is required as to the meaning of "modifications" to Core Feature boundaries and under what circumstances modifications can occur.

iii) **Policies 3.2.3.13 to 3.2.3.15:** Clarification is also required as to the meaning of "critical function zone of wetlands" and "woodland enhancement" (neither of which are defined terms) in the context of "Enhancement Areas". There is no explanation given as to how these are to be defined and to which wetlands/woodlands they will apply. Proposed policy 3.2.3.15 indicates that these areas are not depicted on Schedule 2 (presumably because they have yet to be identified) and that under a new policy 3.2.3.16 these areas, once identified, "will be incorporated into the [NHN] as Core Features" without requiring an amendment to the Plan. This is a significant concern as it raises undesirable uncertainty as to the full extent of the lands that will ultimately appear as Core Features on Schedule 2.

iv) **Policies 3.2.3.7, 3.2.3.11, 3.3.2.3, 3.3.3.3 and 3.3.3.4:** In all of these policies the wording has been changed to require "the satisfaction of the City and the Toronto and Region Conservation Authority" rather than "the satisfaction of the City in consultation with [emphasis added] the Toronto and Region and Conservation Authority". This goes beyond the corresponding ROP policies, which all use the words "in consultation with". The Region's language accurately reflects the TRCA's advisory role with respect to the interpretation and application of ROP policy and should be similarly utilized in the VOP 2010.

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v) **Proposed Supplemental Graphics to Figure 2, Natural Heritage System**: A detailed examination of the collective impacts of proposed Figures 2A, 2B and 2C has revealed unacceptable consequences for the realization of:

- a cohesive, intensified Mobility Hub surrounding a new Go Transit Station in the northeast;
- a compact, walkable neighbourhood in the southeast;
- east/west connectivity in the centre; and
- the wise use of a limited supply of buildable and serviceable tablelands.

As stated above, our clients had agreed not to appeal the VOP 2010 but rather to continue to work with City staff to address their concerns. They are frustrated that the serious issues repeatedly raised by their consultant team continue to go unaddressed.

We therefore request a meeting with City staff to further discuss these concerns, with the objective of achieving policy language that is clear and fair.

Thank you for the ongoing opportunity to provide you with our comments.

Yours sincerely,
DAVIESHOWEPARTNERSLLP

Michael Melling
MWM:KS

copy: Client
Mr. Don Fraser, Beacon Environmental
Mr. John Bousfield, Bousfields Inc.
Mr. Gerry Lynch, Cole Engineering Group Ltd.

C 5
COMMUNICATION
CW
January 12/2016
ITEM - 6

Please refer to: **Katarzyna Sliwa**
e-mail: katarzynas@davieshowe.com
direct line: 416.263.4511
File No. 702921

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January 11, 2016

By E-Mail Only to *jeffrey.abrams@vaughan.ca*

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Committee Members

Your Worship and Members of the Committee:

Re: Committee of the Whole ("Committee")
Meeting January 12, 2016 – Item 6, VOP 2010 Proposed Modifications to Schedule 2 "Natural Heritage Network"("NHN")
Block 42 Landowners Group Inc. ("Block 42")

We write on behalf of Block 42.

On June 23, 2015, at its meeting, Council directed City Staff to report back in quarter 4 of 2015 on the NHN Inventory and Improvements Study Completion, Recommendations and associated amendments to VOP 2010 ("Proposed Amendments"). Our client had provided the attached submission letter, dated June 15, 2015, to Council in advance of that meeting outlining four significant areas of disagreement.

To our knowledge no report has been made by City Staff to date. Rather City Staff now asks Council to endorse modifications to Schedule 2 in a vacuum.

The approach taken by City Staff is problematic for several important reasons as outlined below.

1. Procedural Concerns and No Notice to the Public

First, there are procedural issues, including concerns regarding the lack of notice being provided to the public and stakeholders. What City Staff refers to as modifications to Schedule 2, are actually amendments to the Schedule and to the VOP 2010. They should be brought forward as part of a comprehensive Official

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Plan Amendment ("OPA") under the *Planning Act*, together with related policy amendments. In fact, we had been assured that the amendments would be made as part of a separate OPA and not lumped into the existing VOP 2010 appeals.

City Staff is adding an additional 1,368 hectares of land to Schedule 2 previously not identified as Core Features. No notice of these modifications is being provided to the public and stakeholders. Those that are not already involved in the NHN or the VOP 2010 appeal have no opportunity to learn about the modifications to Schedule 2 and how they impact their lands.

2. Timing

The timing of City Staff's Recommendation is also problematic. Schedule 2 is being brought before the Committee just after the holiday break with very little time for review of these important modifications and the resulting impact. The City Staff Report was only available to the public on Thursday January 7, 2016, with no notice to those who are not already monitoring the NHN or VOP 2010.

3. Inconsistencies and Specific Concerns with Modified Schedule 2

Despite the limited time available to review the proposed modifications our client's consultants have already identified several concerns with the modified Schedule, including:

1. New Core Features not previously included, for which justification has not been provided;

2. There are no accompanying policy revisions proposed;

3. The policy changes recommended by North-South Environmental are not included, despite the June 16, 2015 City Staff Report containing numerous pages of Proposed Amendments;

4. There is disconnect between the Chapter 3 policies before the Ontario Municipal Board (the "Board") and the modified Schedule 2;

5. New Core Features (e.g. headwater drainage features) have been added to Schedule 2 but are not defined in the VOP 2010;

6. Section 3.2.3 of Chapter 3 indicates that the policy text prevails over the mapping shown on Schedule 2. As proposed the policies in Chapter 3 are not consistent with Schedule 2 and Schedule 2 may mislead the reader to think that features do not exist on lands where the policy text indicates

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otherwise. This is yet another reason for dealing with the Proposed Amendments and Schedule 2 together.

The piecemeal approach taken by City Staff is creating additional inconsistencies between the Schedule 2 mapping and the policies, which are not being brought forward at the same time. Our client continues to request that the Proposed Amendments and NHN mapping, including a Compensation Protocol, and/or principles related to it, must be considered at the same time, and must be part of a comprehensive OPA. The NHN is an interconnected system which stretches throughout the City. Bringing forward parts of Schedule 2 without the complementary policies is a mistake.

4. Appeal Rights Being Thwarted

The notation included in the legend to Schedule 2 compounds the concerns regarding process and lack of notice. The notation suggests that additional changes will be brought forward. It reads:

> *This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.*

The notation suggests that the City's Official Plan environmental policies can be amended or added as these documents change from time to time, without the benefit of public consultation or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable policies and all relevant matters should be included in it.

5. Additional VOP 2010 Appeals

Rather than resolving VOP 2010 appeals, the approach proposed by City Staff will result in additional appeals being filed.

Although our client had not appealed the VOP 2010, rather choosing the collaborative route of engaging City Staff to discuss concerns, another landowner filed an area specific appeal of some of the VOP 2010 Chapter 3 policies and Schedule 2 which includes the Block 42 lands.

Although the Block 42 lands are not identified as under appeal in Attachment 3 of the Staff Report, they should be. With the modified Schedule 2 proposed to be brought before the Board for approval, our client is left contemplating its own appeal. This is unfortunate considering the progress our client believed to have made in discussions with City Staff.

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We respectfully continue to ask that City Staff be directed to meet with our client and our client's consultants and that the NHN mapping be considered at the same time as the Proposed Amendments and a Compensation Protocol, and/or principles related to it, and as part of a comprehensive OPA.

We request that I be added to the list of delegates for the Committee of the Whole meeting.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Katarzyna Sliwa

encl. As above

copy: Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Jim Kennedy, KLM Planning
Client

Please refer to: **Katarzyna Sliwa**
e-mail: katarzynas@davieshowe.com
direct line: 416.263.4511
File No. 702921

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June 15, 2015

By E-Mail Only to *Jeffrey.abrams@vaughan.ca*

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mayor Bevilacqua and Council Members

Your Worship and Members of Council:

Re: Committee of the Whole ("Committee") Meeting, June 16, 2015
Natural Heritage Network Study ("NHN Study")
Natural Heritage Network Inventory and Improvements
Study Completion and Recommended Amendment to the
Vaughan Official Plan 2010 (the "Proposed Amendments")
Block 42 Landowners Group Inc. ("Block 42")

We write on behalf of Block 42.

Since the Committee's meeting on April 14, 2015 our client's consultant has had several meetings with City Staff. Progress was made with respect to eight matters – some minor text and definition revisions, while others more significant.

There remain four significant areas of disagreement. We respectfully ask that Staff be directed to continue to meet with our client's consultant. We also ask that the Proposed Amendments, Compensation Protocol and NHN mapping be considered at the same time as part of a comprehensive Official Plan Amendment ("OPA").

Our client's concerns are as follow:

1. **Definition of Significant Valleylands and Corridors, 3.2.3.4**: Staff have treated all valleylands as "significant" without justification. In addition, valley "corridor" has been defined in a way that may result in extending it well beyond the physical limits of the valley.

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The only reference to significant valleylands in the Vaughan Official Plan 2010 is in the definition of "Valley and Stream Corridor" which indicates that further clarification will be provided through the NHN Study and future development applications. The NHN Study does not provide clarity or an explanation, technical or otherwise, for declaring all valleylands significant.

The City is required to provide this clarification by the *Provincial Policy Statement, 2014* ("*PPS*"). It differentiates between "valleylands" and "significant valleylands" (*i.e.*, the latter exhibiting important physical/hydrological/ecological attributes and functions and representing the best examples in a given geographic area).

The *Natural Heritage Reference Manual* clearly states that "the identification and evaluation of significant valleylands based on the recommended criteria from the Ministry of Natural Resources is the responsibility of planning authorities". Staff are - without explanation or justification - treating all valleylands as significant in the context of the *PPS*, the *Oak Ridges Moraine Conservation Plan* ("*ORMCP*") and the *Greenbelt Plan*. This is a clear example of the NHN Study stepping outside of the terms of reference.

Therefore, inclusion of the following additional text at the end of policy 3.2.3.4 is unjustified and without demonstrated merit - that "All valley corridors in Vaughan are significant valleylands".

Furthermore, the TRCA's definition of "stream corridors" has been used by Staff; however, this is not the same as "permanent and intermittent streams" as defined by the Province. Stream corridors include "depressional features ... whether or not they contain a watercourse". Therefore a "stream corridor" goes well beyond the definition of a "permanent and intermittent stream" because it includes ephemeral drainage features, dry swales and agricultural rills.

The policy should mirror the corresponding *Greenbelt Plan* provision, if not word for word, then at least in intent. Our clients' consultants have recommended that policy 3.2.3.4. a) ii) be revised as follows to provide clarity:

> ii. a minimum 30 metre vegetation protection zone from the feature limit significant valleylands [assuming that these are differentiated from valleylands] and permanent and intermittent streams within the Oak Ridges Moraine and Greenbelt Plan Areas.

2. **Compensation for Non-Significant Woodlands:** Staff's recommendation requires compensation for non-significant woodlands (*i.e.* between 0.2 and 0.5 hectares in size) and indicates that there must be a "net gain" in woodland area. This is not consistent with the policies in the Region's Official Plan.

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With respect to policy 3.3.3.4, a definition of what would qualify as a net gain has been requested by our clients' consultants, as well as clarification regarding the meaning and intent of "Woodland compensation...vegetation protection zones." If the intent is that compensation will not be accepted within Provincial Plan areas, our client strongly objects to this approach.

3. **Language in the Proposed Amendments that Elevates an Advisory Agency, such as the TRCA, to a Quasi-Approval-Authority:** This is apparent in the language in items 7, 16 and 17 of the Proposed Amendments.

   For example, Item 7 requires that compensation be to the satisfaction of TRCA for alteration of several core features (e.g., woodlands) that are not within TRCA's legislated jurisdiction, which only relates to wetlands, watercourses and valleys. In addition, with the inclusion of references to publications such as the TRCA's *Living City Policies*, the City's environmental policies can be amended or added to as these documents change from time to time, without the benefit of public consultation or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable polices and all relevant matters should be included in it.

4. **Compensation Protocol**: Staff have indicated that additional studies are required to determine the Compensation Protocol, and have proposed to defer the question to the Secondary Plan process. We have not been provided with any explanation as to how this would occur. Our client's position is that the Compensation Protocol, Proposed Amendments and NHN mapping must be considered and decided at the same time, and must be part of a comprehensive OPA.

   At the April 14, 2015 Committee meeting we heard from Planning Commissioner Mackenzie that the Compensation Protocol could be ready for late fall or early winter. With the Proposed Amendments and OPA arising from the NHN Study scheduled to come back to Council in September for approval, we urge the Committee that the Compensation Protocol be dealt with at the same time. If required, the entire matter should briefly be deferred to ensure that the Compensation Protocol is included in and consistent with the OPA.

Our previous submission to the Committee are attached for greater detail and convenience of reference.

We request that I be added to the list of delegates for the Committee of the Whole meeting.

Thank you for the continued opportunity to provide you with comments.

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Yours sincerely,
DAVIES HOWE PARTNERS LLP

per: Katarzyna Sliwa

encl. As above

copy: Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Tony Iacobelli, Environmental Planner, City of Vaughan
Mr. Jim Kennedy, KLM Planning
Mr. Don Fraser, Beacon Environmental
Clients

C 6
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ITEM - 6

Please refer to: **Katarzyna Sliwa**
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January 11, 2016

By E-Mail Only to *jeffrey.abrams@vaughan.ca*

Mr. Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Committee Members

Your Worship and Members of the Committee:

Re: Committee of the Whole ("Committee")
Meeting January 12, 2016 – Item 6, VOP 2010 Proposed Modifications to Schedule 2 "Natural Heritage Network"("NHN")
Galcat Investments Inc. ("Galcat")

We write on behalf of Galcat, the owner of lands municipally known as 300 Galcat Drive (the "Lands").

The official plan and rezoning applications for the Lands were approved in 2007 and 2008. Galcat recently submitted a site plan to City Staff for the Lands.

Schedule 2 as modified now shows a Core Feature on the Lands which was not previously included on the Schedule. Galcat is concerned with modified Schedule 2 and any impact this modification has on the site plan already submitted.

Galcat had originally participated in the review of the VOP 2010 because the Lands were proposed to be downzoned. This error was corrected by City Staff and with no additional concerns with the VOP 2010, and Schedule 2 as originally contained therein, Galcat did not file an appeal.

Galcat has received no notice with respect to the proposed modified Schedule 2. Galcat is clearly concerned with the approach being taken as the modification is not consistent with the development approvals for the Lands. Galcat is also concerned with the process from a procedural perspective as it currently has no appeal of the VOP 2010. Any modifications to Schedule 2 should be brought

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forward as part of a comprehensive Official Plan Amendment ("OPA") under the *Planning Act*, together with related policy amendments. It is troubling that City Staff proposes to add an additional 1,368 hectares of land to Schedule 2 previously not identified as Core Features, with no notice of these modifications provided to the public and stakeholders.

The notation included in the legend to Schedule 2 compounds the concerns regarding process and lack of notice. The notation suggests that additional changes will be brought forward. It reads:

> *This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.*

The notation suggests that the City's Official Plan environmental policies can be amended or added to as these documents change from time to time, without the benefit of public consultation or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable policies and all relevant matters should be included in it.

We respectfully ask that Schedule 2 as modified not be approved and that the new Core Feature be deleted.

We request that I be added to the list of delegates for the Committee of the Whole meeting.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Katarzyna Sliwa

encl. As above

copy: Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Roy McQuillan, Acting Director Policy, City of Vaughan
Client

HUMPHRIES PLANNING GROUP INC.

C 7
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CW January 12/2016
ITEM - 6

January 11, 2016
HPGI File: 0449

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L4A 1T1

Attn: Jeffrey Abrams, City Clerk

Re: Comments on Natural Heritage Study - City File - 25.5.4
Committee of the Whole Meeting January 12, 2016
Vaughan 400 North Landowners Group
Blocks 34W and 35

We write on behalf of the Vaughan 400 North Landowners Group (V400NLG), which consists of Blocks 34W and 35 in the City of Vaughan. The current approvals for the lands owned by the V400NLG are embodied in OPA 637, the result of an O.M.B. mediated settlement involving the Province, Region, TRCA, City and our clients. OPA 637's underlying policies for natural heritage purposes are in OPA 450. That is the basis upon which the multi-party agreement was struck. The VOP210 confirms that Secondary Plan policies contained in Volume 2 override the policies contained in Volume 1. Although OPA 637 has been renumbered to follow the formatting of VOP 2010, the text has been copied verbatim in Section 11.4., contained within Volume 2.

Several meetings have occurred between representatives of the V400NLG, City Staff and the NHN consultant team, the most recent of which was held on October 17, 2014. Subsequently, meeting minutes were prepared by the City which confirm agreement that OPA 637 is based on OPA 450 policies, and that it is these underlying policies which are applicable to Blocks 34W and 35, and that the new NHN policies, if they are ultimately approved, will not be subject to the new VOP2010 policies.

The City of Vaughan's meeting minutes from our Oct. 17, 2014 meeting with City Staff are clear: OPA 450 and 637 are the applicable policy framework for the Block 34W and 35 block plan process. As such, we request that Council adopt a resolution which directs staff to:

"Outline and identify Block 34 West and Block 35 with the notation "Subject to OPA 450 as amended by OPA 637" in Modified Schedule 2 of the VOP2010 with notation."

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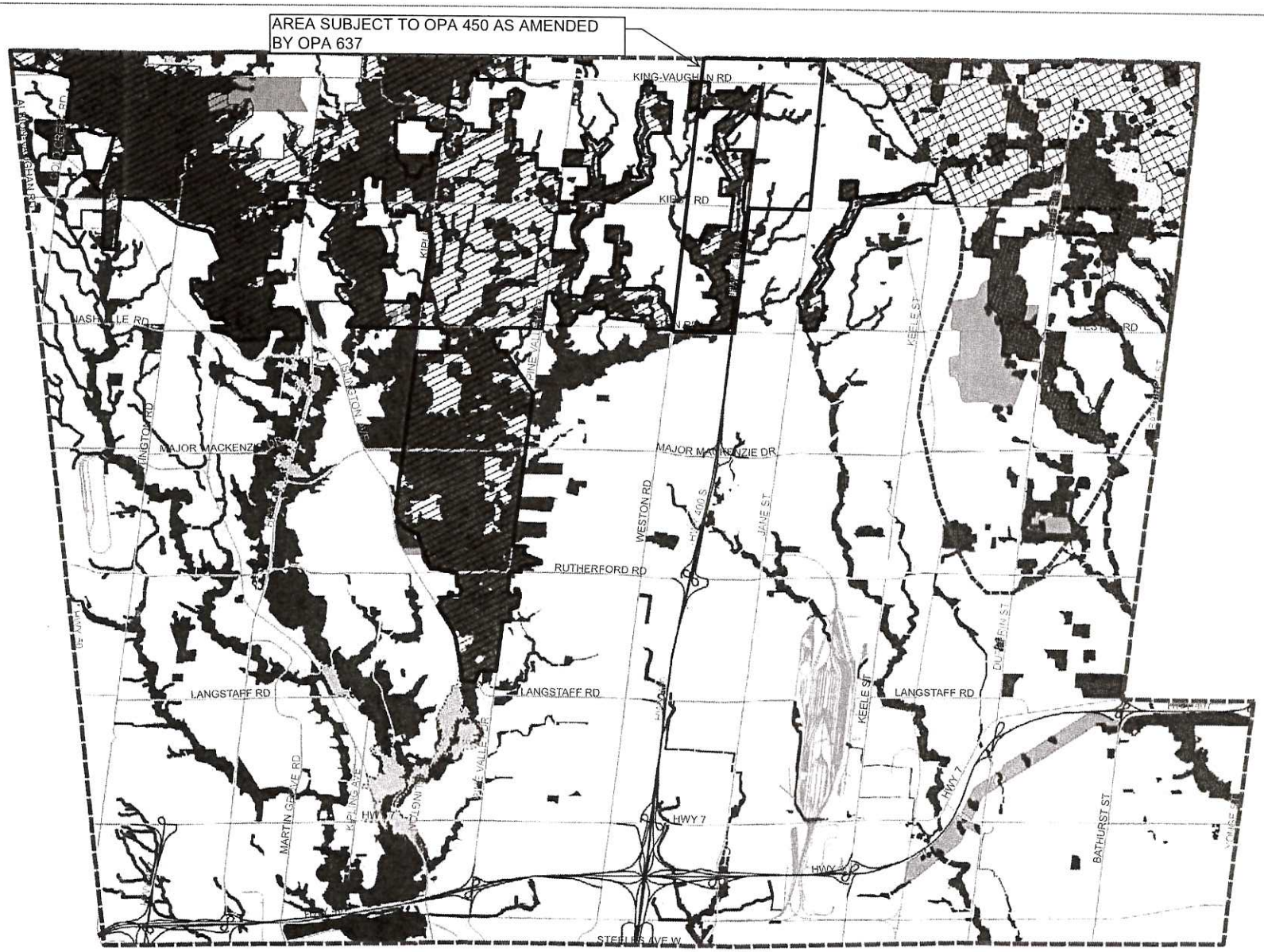
An example of the revised Schedule is attached herein. Should you have any questions, please contact the undersigned at extension 246.

Yours truly,
HUMPHRIES PLANNING GROUP INC.

Mark McConville, MCIP, RPP, MScPl
Senior Planner

cc: Mr. John Mackenzie, Commissioner of Planning
Mr. Roy McQuillon, Manager of Policy Planning
VN400LG Participants



SCHEDULE 2

VAUGHAN

Natural Heritage Network

- Core Features
- Enhancement Areas
- Built-Up Valley Lands[1]

Greenbelt

- Greenbelt Plan Area Boundary[2]
- Greenbelt Natural Heritage System

ORM Conservation Plan

- Oak Ridges Moraine (ORM) Conservation Plan Boundary[2]
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary

This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3 and to the satisfaction of the Toronto and Region Conservation Authority.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.
(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

0 1 2 3 Kilometres

December, 2015

ATTACHMENT 2

Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

Please refer to: ***Mark Flowers***
e-mail: *markf@davieshowe.com*
direct line: *416.263.4513*
File No. 702586

January 11, 2016

C 8
COMMUNICATION
CW January 12/2016
ITEM - 6

By E-Mail to *clerks@vaughan.ca*

City of Vaughan
Committee of the Whole
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Jeffrey A. Abrams, City Clerk

Dear Mr. Abrams:

Re: Proposed Modifications to Vaughan Official Plan (2010)
Schedule 2 - Natural Heritage Network

We are counsel to H & L Title Inc. and Ledbury Investments Ltd. ("Title/Ledbury"), the owners of lands located within the area between Weston Road and Highway 400, south of Rutherford Road, within the Vaughan Mills Centre Secondary Plan ("VMCSP") area.

Title/Ledbury have appealed both the Vaughan Official Plan (2010) ("VOP 2010") and the VMCSP to the Ontario Municipal Board ("OMB"), including the City's proposed identification in both documents of natural heritage features on the lands between Weston Road and Highway 400 in the VMCSP area and related policies.

We are also writing on behalf of Anland Developments Inc. ("Anland"), represented by Ms. Bisset, and 281187 Ontario Ltd. ("281187"), represented by Mr. Borean. Like Title/Ledbury, both Anland and 281187 also own lands between Weston Road and Highway 400 within the VMCSP area and have appealed both the VOP 2010 and the VMCSP to the OMB.

We have received a copy of a staff report entitled "VOP 2010 Proposed Modifications to Schedule 2 'Natural Heritage Network'", which we understand will be considered by the City's Committee of the Whole at its meeting on January 12, 2016, and recommends that Council endorse certain modifications to Schedule 2 – Natural Heritage Network to the VOP 2010 (the "Staff Report").

Davies
Howe
Partners
LLP

Although we recognize that staff is recommending that Council not endorse the proposed modifications to Schedule 2 for lands that are subject to a site-specific or area-specific appeal to VOP 2010, which would include the lands owned by Title/Ledbury, Anland and 281187, we are nonetheless writing to advise that our clients do not support the proposed modifications to Schedule 2 that are identified in Attachments 2 and 3 to the Staff Report in relation to their lands within the VMCSP area.

In particular, we note that staff is proposing a modification to Schedule 2 for lands within the VMCSP area that would identify a 'Core Feature' extending east from Weston Road and then turning south at a right angle to a point between Rutherford Road and Langstaff Road.

Despite the comment in the Staff Report that the "updated information pertaining to Vaughan's NHN mapping reflects the best and most accurate NHN information available to the City", there is no existing natural heritage feature on the lands within the VMCSP area that follows the alignment shown on Attachments 2 and 3 to the Staff Report and that would constitute a 'Core Feature'.

Kindly ensure that we receive notice of any decision made by Council regarding the proposed modifications to Schedule 2 to the VOP 2010.

Yours truly,
DAVIES HOWE PARTNERS LLP

Mark R. Flowers
Professional Corporation

copy: Dawne Jubb, Legal Counsel, City of Vaughan
Laura Bisset, DLA Piper (Canada) LLP
Gerard Borean, Parente Borean LLP

[DHP 00677969]

KLM
PLANNING PARTNERS INC.

64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

C 9
COMMUNICATION
CW January 12/2016
ITEM - 6

P-2579

January 12, 2016

(By E-mail)

City of Vaughan
c/o Jeffrey A. Abrams, City Clerk
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mayor and Members of Council

Re: Committee of the Whole – January 12, 2016 – Item 6
VOP 2010 Proposed Modifications to Schedule 2
"Natural Heritage Network"
City of Vaughan

Dear Mayor and Members of Council:

KLM Planning Partners Inc. is the land use planning consultant for Madison Homes ("Client") who owns lands located at the southwest corner of Lebovic Campus Drive and Ilan Ramon Boulevard ("Subject Lands") in the City of Vaughan.

We have had an opportunity to review the planning staff report being considered by the Committee of the Whole at its meeting on January 12, 2016 in support of the final approval of a modified version of Schedule 2 in VOP 2010. In reviewing the planning staff report and updated Schedule 2, we have noted that our comments to Committee of the Whole dated June 15, 2015 have not been addressed (see copy of previous correspondence attached).

Our client submitted development applications on October 8, 2015 to facilitate the development of 81 residential street townhouses on the subject lands. As previously noted, the updated mapping incorrectly shows a woodland on the western portion of the subject lands.

From information we were able to obtain, the limits of development were staked with the staff from the City of Vaughan and the Toronto and Region Conservation Authority ("TRCA") in 2001

and 2002, which facilitated the submission of a number of development applications on the subject lands.

We request the mapping be updated to reflect the previously approved development applications, or alternatively the City confirm in writing that the future development of these lands will not be impacted by this incorrect mapping as proposed to be approved.

Additionally, in our correspondence to the City in June 2015, we requested to be notified on all matters related to the NHN Network Inventory and Improvements. Notwithstanding our request, we did not receive notice of this meeting until very recently which has not given us sufficient time to respond in a timely manner.

Again, we kindly request that we be notified of any future reports and/or public meetings and open houses regarding this Study and ask that we receive any notice of the Committee of the Whole or Council in this matter.

Trusting the forgoing is in order, please do not hesitate to contact the undersigned if you have any questions or concerns.

Yours very truly,

KLM PLANNING PARTNERS INC.

Ryan Mino-Leahan, MCIP, RPP
Associate/Senior Planner

Copy: John Mackenzie, Deputy City Manager Planning & Growth Management (By E-mail)
Roy McQuillin, Director of Policy Planning & Environmental Sustainability (By E-mail)
Tony Iacobelli, Senior Environmental Planner (By E-mail)
Client

KLM
PLANNING PARTNERS INC.

64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

SI-232

June 15, 2015

(By E-mail)

City of Vaughan
c/o Jeffrey A. Abrams, City Clerk
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mayor and Members of Council

Re: Committee of the Whole – June 16, 2015 – Item 10
Natural Heritage Network Inventory and Improvements
Study Completion and Recommendations
Amendment to the Vaughan Official Plan 2010
City File #25.5.4
City of Vaughan

Dear Mayor and Members of Council:

KLM Planning Partners Inc. is the land use planning consultant for Madison Homes ("Client") who has an interest in the lands located at the southwest corner of Lebovic Campus Drive and Ilan Ramon Boulevard ("Subject Lands") in the City of Vaughan.

We have had an opportunity to review the planning staff report being considered by the Committee of the Whole at its meeting on June 16, 2015. In reviewing the updated land use schedules included in the report, specifically Schedule 2 (Natural Heritage Network – see attached) and Schedule 2B (Natural Heritage Network – Woodlands), we wish to express a concern with the updated Schedules as currently proposed to be approved. The updated mapping incorrectly shows a woodland on the western portion of the subject lands.

From information we were able to obtain, the limits of development were staked with the staff from the City of Vaughan and the Toronto and Region Conservation Authority ("TRCA") in 2001 and 2002, which facilitated the submission of a number of development applications on the subject lands.

Development applications were submitted and approved in 2004 (UJA Master Plan), again in 2008 (DA.07.018) and as recently as 2014 (DA.14.038). The wooded area which is now being shown on the updated Schedules 2 and 2B being considered by the Committee of the Whole were included within the limits of development as established through the review of these past development applications. The wooded areas in question appear to have been subsequently removed in accordance with the site design approved by Vaughan Council. Schedule 2 as adopted by Vaughan Council on September 7, 2010 is generally reflective of the approved alignment of the adjacent valley feature and does not include a woodlot that no longer exists due to past development approvals.

We request the mapping be updated to reflect the previously approved development applications, or alternatively the City confirm in writing that the future development of these lands will not be impacted by this incorrect mapping as proposed to be approved.

We intend to continue to monitor the Natural Heritage Network process and reserve the right to make further submissions if required.

We kindly request that we be notified of any future reports and/or public meetings and open houses regarding this Study and ask that we receive any notice of the Committee of the Whole or Council in this matter.

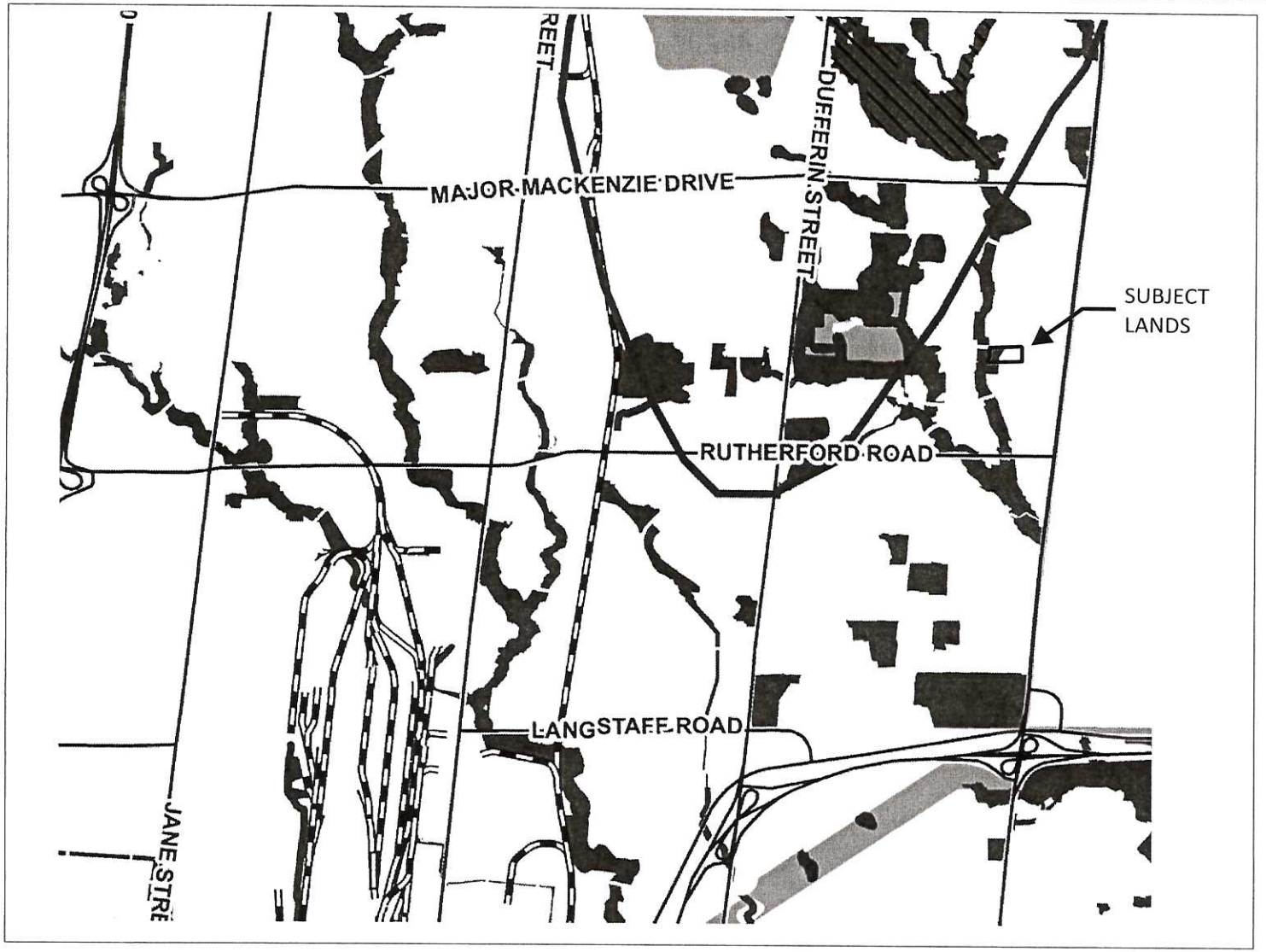
Thank you for the opportunity to comment. If you have any questions, please contact the undersigned.

Yours very truly,

KLM PLANNING PARTNERS INC.

Ryan Mino-Leahan, MCIP, RPP
Associate/Senior Planner

Copy: John Mackenzie, Commissioner of Planning (By E-mail)
Roy McQuillin, Manager of Policy Planning (By E-mail)
Tony Iacobelli, Senior Environmental Planner (By E-mail)
Client



SCHEDULE 2

Natural Heritage Network

Legend

- Core Features
- Enhancement Areas
- Built-Up Valley Lands (1)
- Greenbelt Plan Area Boundary (2)
- Greenbelt Natural Heritage System
- Oak Ridges Moraine Conservation Plan Boundary (2)
- Oak Ridges Moraine Conservation Plan Core and Linkage Areas
- City of Vaughan Boundary
- * Minister's Decision on ORMCP Designation Deferred

This Schedule is subject to change based on the result of the Natural Heritage Network Study, which will define the Natural Heritage Network by both its natural features and as a natural heritage system in accordance with the Provincial Policy Statement.

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3 and to the satisfaction of the Toronto and Region Conservation Authority.

Enhancement Areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.

(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

N W E S

0 1 2 4

Kilometers

North-South Environmental Inc.

Specialists in Sustainable Landscape Planning

May 29, 2015

C 10
COMMUNICATION
CW January 12|2016
ITEM - 6

Subject: FW: Committee of the Whole Meeting January 12, Modifications to Schedule 2

Attachments: Agenda - Committee of the Whole - Jan 12 2016.r Planning Jan 12 2016.pdf; Letter to A Heisey re Tie

From: Alan Heisey [mailto:heisey@phmlaw.com]
Sent: Tuesday, January 12, 2016 10:05 AM
To: Clerks@vaughan.ca
Cc: Peter Li (tiende.ca@gmail.com); WIlson Kok (wilson3818@hotmail.com); rguetter@westonconsulting.com; Jubb, Dawne
Subject: Committee of the Whole Meeting January 12, 2015 - VOP2010 Proposed Modifications to Schedule 2

Committee of the Whole
Please be advised we are the solicitors for Tien de Religion the owners of 5859 Rutherford Road which is the subject of Appeal 141 of Vaughan OP 2010.
Our client has an outstanding OMB appeal of Vaughan OP 2010 as it applies to their property including the Natural Heritage policies of that Plan.
We do not object the advancement of Schedule 2 of the VOP 2010 but our client retains our appeal rights as it relates to its lands through the site specific appeal.
I am writing to confirm that the adoption of any modifications would not prejudice our site specific appeal in any way.
Please provide the author with a copy of the decision arising from this item, notice of any official plan amendment adopted pursuant to this report and notice of any future meetings in respect of this matter
Kindly acknowledge receipt of this email in writing.

A. Milliken Heisey Q.C.
Papazian | Heisey | Myers, Barristers & Solicitors
Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9
Direct: 416 601 2702 | F: 416 601 1818

Website | Bio

From: Arias, Stephanie [mailto:Stephanie.Arias@vaughan.ca]
Sent: Friday, January 8, 2016 12:06 PM
To: Alan Heisey <heisey@phmlaw.com>
Cc: Jubb, Dawne <Dawne.Jubb@vaughan.ca>
Subject: Reply Requested VOP2010 Proposed Modifications to Schedule 2 Appellant 87 CoW Jan 12 2016

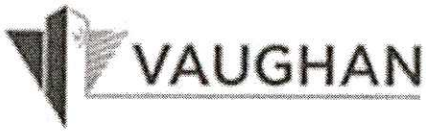
Good afternoon,

Please see attached correspondence and attachments from Dawne Jubb.

Thank you,

Stephanie Arias
Law Clerk
905-832-8585, ext. 8498 | Stephanie.Arias@vaughan.ca

City of Vaughan I Office of The City Solicitor
2141 Major Mackenzie Dr., 4th Floor, Vaughan, ON L6A 1T1
vaughan.ca



RESPECT | ACCOUNTABILITY | DEDICATION

MALONE GIVEN PARSONS LTD.
140 Renfrew Drive, Suite 201
Markham, Ontario L3R 6B3
Tel: 905-513-0170
Fax: 905-513-0177
www.mgp.ca

C 11
COMMUNICATION
CW January 12/2016
ITEM - 6

January 11, 2016

MGP File: 11-2003

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan
L6A 1T1

Attention: City Clerk's Office

RE: City of Vaughan Committee of the Whole Meeting – January 12, 2016
Item 6, VOP 2010 Proposed Modifications to Schedule 2 "Natural Heritage Network"
Block 41 Landowners Group, City of Vaughan
Request for Delegation Status

I am the Block Coordinator for the Block 41 Landowners Group who own approximately 232 hectares of land within Block 41. Block 41 is one of two New Community Areas proposed to accommodate population growth to 2031 in the City of Vaughan.

On behalf of the Landowners I am requesting that Committee either:

- delay dealing with this item until we are able to meet with staff to address outstanding issues, or
- not endorse the proposed modifications to Schedule 2, as they relate to the New Community Areas, for the following reasons:

Timing

The proposed modifications/amendments to Schedule 2 are being brought before Committee with very little time for review. The Staff Report was made publically available on Thursday January 7, 2016 with no prior notice to parties involved in discussions related to the Natural Heritage Network ("NHN")

Ongoing discussions regarding the Natural Heritage Network

On June 23, 2015 Council directed City staff to report back in Q4 of 2015 on progress relating to the Natural Heritage Network Inventory and Improvements, Study Completion and Recommendations and associated amendments to VOP 2010. The Block 41 Landowners Group and City staff have met on a number of occasions to discuss and try and reach consensus on outstanding areas of disagreement. We are therefore surprised and disappointed to note that some of the issues related to mapping that are still under

discussion with City staff are being brought forward as modifications to Schedule 2. These issues have been identified below and on Attachment 1:

1. A Core Feature has been added to Block 41 north of Teston Road with no justification. It is also shown running through Block 40 (immediately south of Block 41) which has a Council approved Block Plan (May 19, 2015) which does not show this Core Feature;
2. Core Features are shown in an area within the Greenbelt Plan area with no existing woodlots or features; and,
3. While the extent of this Core Feature has been decreased, it should not be depicted at all based on ecological fieldwork and analyses completed over several years of study by the Landowners' environmental consultants.

Lack of Accompanying Policy Changes

I note that the previous June 23, 2015 staff report included proposed policy amendments that were to accompany the revised Schedule 2. These policy amendments are no longer being brought forward in conjunction with the proposed modifications to Schedule 2. It is my opinion that proposed policy amendments and modifications to Schedule 2 should be considered at the same time.

Based on these mapping irregularities identified within Block 41, the lack of time available for public review of these modifications, and the lack of accompanying policy recommendations, it is my opinion that it is premature to accept modifications to Schedule 2 and request that Committee not adopt staff's recommendation, in so far as it relates to the New Community Areas,

I respectfully ask that City staff be directed to continue to meet with the representatives of the Block 41 Landowners Group to try and resolve these outstanding issues.

I also request that I be added to the list of delegates for the Committee of the Whole meeting.

Yours truly,

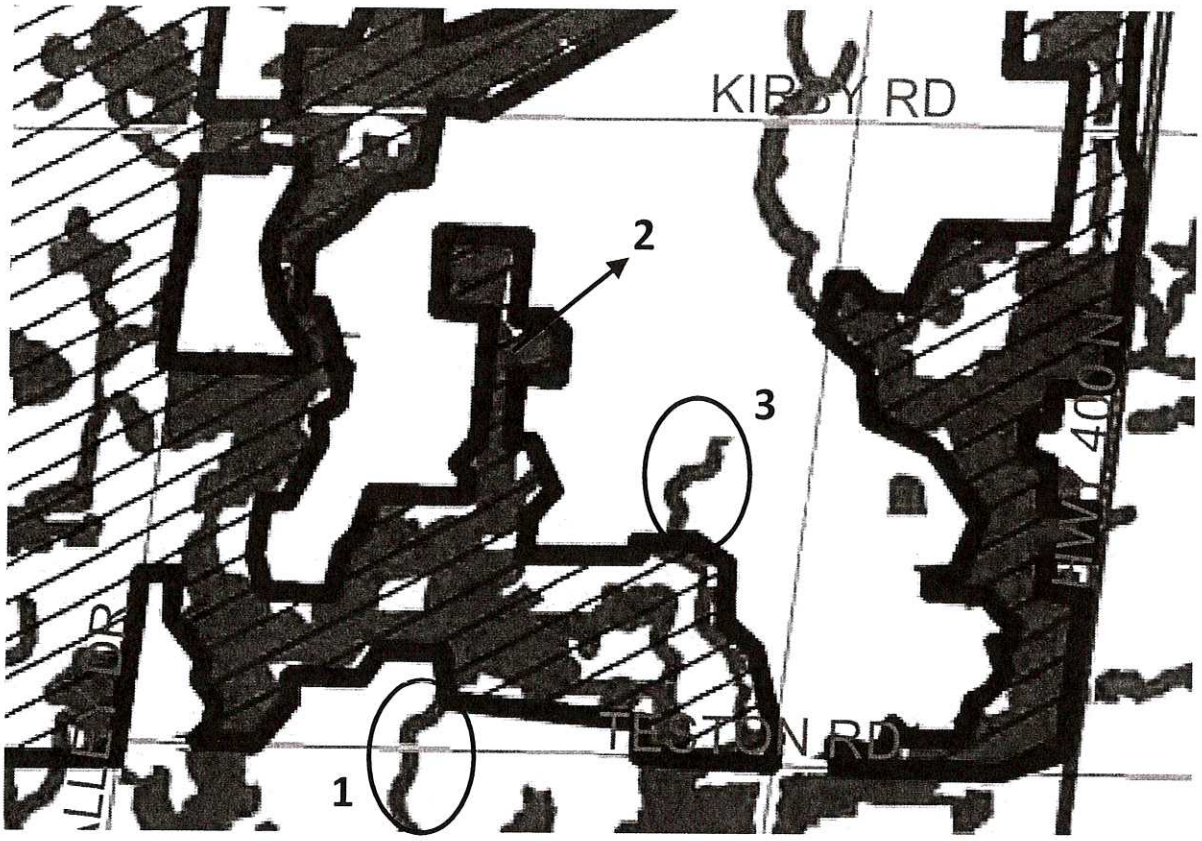
MALONE GIVEN PARSONS LTD.

Don Given, MCIP, RPP
President

cc John Mackenzie, MCIP, RPP, Commissioner of Planning, City of Vaughan
Roy McQuillin, Director of Policy Planning, City of Vaughan
Anna Sicillia, MCIP, RPP Project Manager, New Community Areas, City of Vaughan

Arminé Hassakourians, MCIP, RPP Senior Planner, City of Vaughan
Tony Iacobelli, MSc, MCIP, RPP, Senior Environmental Planner, City of Vaughan
Block 41 Landowners Group Inc.
Block 27 Landowners Group
Nancy Mather, StonyBrook Consulting

Attachment 1: Block 41 – Issues with Proposed Modifications



Source: Proposed Schedule 2 – Natural Heritage Network
Annotated by Malone Given Parsons Ltd.

C12
CW Jan 12 2016
Item #6

VAUGHAN

memorandum

DATE: JANUARY 12, 2016

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER
PLANNING & GROWTH MANAGEMENT

SUBJECT: COMMUNICATION

ITEM #6, REPORT #2 – COMMITTEE OF THE WHOLE – JANUARY 12, 2016

VOP 2010 PROPOSED MODIFICATIONS TO
SCHEDULE 2 "NATURAL HERITAGE NETWORK"

Recommendation

1. That Attachments 2 and 3 of Item #6, Report #2 be replaced with a revised Attachment 2 (Revised Modified Schedule 2), attached hereto, to address correspondence received by the Committee and further discussions with landowners, appellants and staff.

2. That staff amend the revised Schedule 2, as necessary, to incorporate any development approvals, including Ontario Municipal Board (OMB) decisions affecting the Natural Heritage Network such as Official Plan Amendment 744, and to address any appropriate revisions based on staff review of the correspondence received on this item in advance of the March 23rd OMB Pre-hearing Conference.

3. That the report and recommendations be deferred to the February 2, 2016 Committee of the Whole meeting to allow additional time for stakeholder review and comment of the original Attachment 2, Attachment 3 and the Revised Attachment 2.

Purpose

The purpose of this communication is to respond to communications received in advance of the January 12, 2016 Committee of the Whole meeting and to obtain direction to incorporate additional changes to the Modified Schedule 2 to reflect any development approvals, including OMB decisions, and to address any appropriate revisions based on staff review of the correspondence received on this item, in advance of the next Vaughan Official Plan 2010 OMB Pre-hearing Conference.

Background – Analysis and Options

Prior to the January 12, 2015 meeting of the Committee of the Whole, correspondence from various landowners and appellants to the Vaughan Official Plan 2010 was received by staff pertaining to the proposed Modified Schedule 2. Through further discussions between staff, the landowners and appellants, it was determined that only the Natural Heritage Network information previously endorsed by Council should be identified on the Revised Schedule 2 for those lands that are still subject to an appeal before the OMB. Further, it was determined that a specific notation

confirming that the extent of the Natural Heritage features in these areas will be confirmed through the OMB appeal process should be included in the Modified Schedule 2.

Staff also received correspondence from certain appellants confirming that the proposed modifications to Schedule 2 will resolve their appeal of that schedule. The notation identifying these appeals has therefore been removed from the Modified Schedule 2 and the revised Natural Heritage Network information is proposed to be approved for these areas. Staff is interested in receiving comments on features identified in the original versions of Attachments 2 and 3 contained in this report in order to identify stakeholder concerns that may be addressed through OMB appeals.

Various administrative corrections to the Modified Schedule 2 are also included in the Revised Attachment 2, attached hereto, including the addition of certain appellants to Schedule 2 and the revised delineation of certain appeal areas.

The Revised Attachment 2 replaces both Attachment 2 and Attachment 3 from the staff report. These attachments were intended to present the same Natural Heritage Network information, with only Attachment 3 identifying the appellant areas. The Revised Attachment 2 consolidates this information into one schedule.

Conclusion

There has been significant public consultation with respect to Vaughan's updated Natural Heritage Network information over the past several years. As such, staff is recommending that Council approve the recommendations set out in the report, with the Revised Attachment 2 (Modified Schedule 2), and that the recommendations be forwarded to the Region of York and the Ontario Municipal Board to seek an Order approving Schedule 2, as modified, save and except for those lands subject to a site- or area-specific appeal.

To allow for additional time to address discussions with landowners and correspondence received in advance of the January 12, 2016 Committee of the Whole meeting, staff is recommending that the report and recommendations be deferred to the February 2, 2016 Committee of the Whole. This approach will allow staff and stakeholders to identify and address any additional issues raised with respect to the Revised Attachment 2.

Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

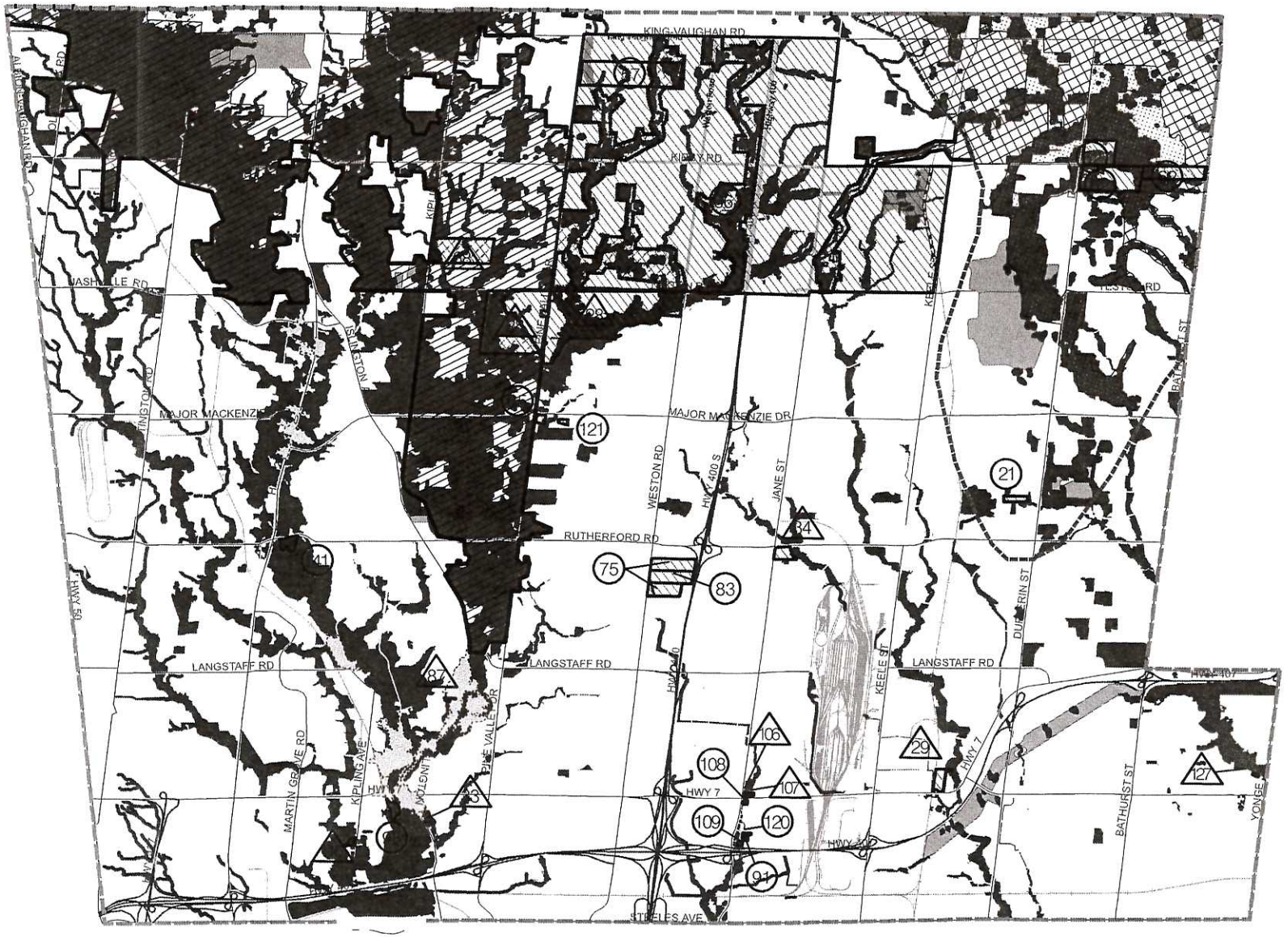
/lm

Attachment

1. Revised Attachment 2 to Item #6, Report #2 – Committee of the Whole – January 12, 2016

Copy To: Steve Kanellakos, City Manager
Jeffrey A. Abrams, City Clerk
Roy McQuillin, Director of Policy Planning and Environmental Sustainable

REVISED ATTACHMENT 2



SCHEDULE 2

VAUGHAN

Natural Heritage Network

- Built-Up Valley Lands[1]
- Core Features
- Enhancement Areas

Greenbelt

- Greenbelt Plan Area Boundary[2]
- Greenbelt Natural Heritage System

ORM Conservation Plan

- Oak Ridges Moraine (ORM) Conservation Plan Boundary[2]
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary
- These lands are subject to site- or area-specific appeals at the Ontario Municipal Board. The extent of the Natural Heritage Network in these areas will be determined through the appeal process.

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3 and to the satisfaction of the Toronto and Region Conservation Authority.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

(1) Data provided by Urban Strategies.

(2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

0 1 2 3 Kilometres

December, 2015

Attachment #5
Communications from the January 19, 2016
Council Meeting

C1. Mr. Quinto M. Annibale, on behalf of Lormel Developments ltd., dated January 12, 2016.
C2. Mr. Quinto M. Annibale, on behalf of Kirbywest ltd., dated January 12, 2016.
C3. Mr. Quinto M. Annibale, on behalf of Pine Valley Inc., dated January 12, 2016.
C4. Mr. Barry A. Horosko, dated January 11, 2016.

LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

Quinto M. Annibale*
***Quinto Annibale Professional Corporation**
Direct Line: 416-748-4757
E-mail: qannibale@loonix.com

January 12, 2016

C 1
Item # 6
Report No. 2 (CW)
Council - January 19/16

By E-Mail Only to jeffrey.abrams@vaughan.ca

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

Attention: Your Worship Maurizio Bevilacqua and Members of Council

Dear Your Worship and Members of Council:

Re: Item 6: Committee of the Whole Meeting, January 12, 2016
OMB Case No. PL111184
Proposed Amendment to Schedule 2 of the Vaughan Official Plan, 2010
Lormel Developments Ltd.
Part of Lots 28 & 29, Concession 4, Parts 1, 2, & 3 on plan 65R32753, City of Vaughan
11273 Jane Street, City of Vaughan

I am the solicitor for Lormel Developments Ltd. ("Lormel"). Lormel is the owner of approximately 52.6 hectares of land located in Block 27 of the City of Vaughan (the "City"), legally described as Part of Lots 28 & 29, Concession 4, Parts 1, 2, & 3 on plan 65R32753, City of Vaughan and municipally known as 11273 Jane Street, City of Vaughan.

Lormel has been actively involved in the natural heritage network study process ("NHN Study"), working with City staff and attending at Council meetings and public meetings both as a member of the Block 27 Landowners Group and as an individual property owner.

The purpose of this letter is to request that the matter of the proposed amendments to Schedule 2 of the Vaughan Official Plan 2010 ("VOP 2010") ("Proposed Amended Schedule 2") be deferred and referred back to staff for further consultation with stakeholders.

Despite the fact that Lormel has actively participated in the NHN Study and is directly affected by the Proposed Amended Schedule 2, Lormel did not receive any notice of council's consideration of this matter.

In our opinion, the proposed amendments to Schedule 2 constitute an amendment to the previously adopted Schedule 2 and to the VOP 2010 which should be brought forward as part of a comprehensive Official Plan Amendment ("OPA") under the *Planning Act*, together with related policy amendments. Lormel acknowledges that the City can make modifications to the previously adopted Schedule 2 and the Policies of the VOP 2010 as part of a settlement of individual appeals, however, making amendments to the previously adopted Schedule 2 on lands that are not currently

under appeal without adequate notice to those affected and without the proper public process being followed is inappropriate.

In its report to Council, Staff have suggested that the Proposed Amended Schedule 2 is the result of an appropriate public process, being the NHN Study. The NHN Study process did not meet the statutory requirements of an OPA as set out in the *Planning Act*, which requirements are meant to protect the public and ensure a robust and appropriate public process. Even worse, my client had been assured that the current proposed amendments to Schedule 2 would be made as part of a separate OPA and not lumped into the existing VOP 2010 appeals; the City is now contemplating taking the exact opposite position.

In addition to the foregoing concerns respecting notice, there are significant problems with the Proposed Amended Schedule 2 and the process leading to Council's consideration of this matter which should be addressed prior to the amendments being adopted by this Council, including those outlined below.

1. **City Staff Have Not Followed the Direction of Council:**

   On June 23, 2015, Council directed City Staff to report back in quarter 4 of 2015 on the NHN Inventory and Improvements Study Completion, Recommendations and associated amendments to the VOP 2010 ("NHN Proposed Amendments"). To our knowledge no report has been made by City staff to date. Rather City staff now asks Council to endorse the Proposed Amended Schedule 2 in a vacuum.

2. **The City Has Not Provided Sufficient time to Review the Proposed Amended Schedule 2:**

   Lormel has serious concerns respecting the speed with which the City is proceeding. The Proposed Amended Schedule 2 is being brought before the Committee just after the holiday break with very little time for review of the proposed amendments and the resulting impact. The staff report was only available to the public on Thursday January 7, 2016, with no notice to those who are not already monitoring the NHN Study or VOP 2010 Appeals, including Lormel – despite the fact that Lormel is directly affected by the proposed amendments. This has not provided a practical opportunity for my client or its consultants to review and provide comments respecting the proposed amendments. Further, it makes a meaningful dialogue between my client and City Council/City staff all but impossible.

3. **Attachment 3 to the Staff Report Is Incorrect:**

   Attachment 3 to the Staff Report, which purports to show the extent of the appeals to the previously adopted Schedule 2, is incorrect. For instance, Kirbywest Ltd. has the entirety of Blocks 27, 34, 35, 41, and 42 under appeal and this is not accurately reflected Attachment 3 to the staff report.

4. **The Proposed Amended Schedule 2 Purports to Thwart Appeal Rights and Fetter Council's Discretion:**

   The notation included in the legend to the Proposed Amended Schedule 2 compounds the concerns regarding process and lack of notice. The notation suggests that additional changes will be brought forward. It reads:

This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.

The above reference notation suggests that the City's Official Plan can be amended from time to time, without the benefit of public consultation, council consideration, or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable policies and all relevant matters should be included in it.

5. The Proposed Amended Schedule 2 Is Incomplete:

The staff recommendations currently before Council include a recommendation that Council approve the Proposed Amended Schedule 2, save and except for those lands that are subject to a site-specific or area-specific appeal to the VOP 2010, as it appears in Attachment 2 to the staff report. The Proposed Amended Schedule 2 does not show the lands currently under appeal. It is our recommendation that if Council does approve staff's recommendations despite my client's objections herein, that the lands under appeal be appropriately shown on the approved Schedule and that the underlying designations be removed as they are not currently before Council for its consideration.

6. The Proposed Amended Schedule 2 Contains Inconsistencies and Raises Additional Concerns:

Despite the limited time available to review the Proposed Amended Schedule 2 our client's consultants have already identified several concerns with the Proposed Amended Schedule 2, including:

1. New Core Features not previously included have been added to Schedule 2 without justification being provided;
2. A Core Feature is shown on the site of a proposed school as reflected in the Secondary Plan map schedule;
3. There are no accompanying policy revisions proposed;
4. There is disconnect between the Chapter 3 policies before the Ontario Municipal Board (the "Board") and the amended Schedule 2; and,
5. New Core Features (e.g. headwater drainage features) have been added to Schedule 2 but are not defined in the VOP 2010.

The piecemeal approach taken by City Staff is creating additional inconsistencies between Proposed Amended Schedule 2 mapping and the policies, which are not being brought forward at the same time. Our client has been consistent in the request that Proposed Amendments and NHN mapping, including the Compensation Protocol must be considered at the same time, and must be part of a comprehensive OPA. The NHN is an interconnected system which stretches throughout the City. Bringing forward parts of Schedule 2 without the complimentary policies is a mistake.

We respectfully ask that City Staff be directed to meet with our client and our client's consultants and that the NHN mapping be considered at the same time as the Proposed Amendments and a Compensation Protocol, and/or principles related to it, and as part of a comprehensive OPA.

There is mention in the staff report that the Proposed Amended Schedule 2 will assist with the resolution, withdrawal, or scoping of outstanding VOP 2010 Appeals to the OMB. This is a very curious statement since Council is not being asked to consider or approve any amendments to lands that are subject to appeal. In any event, the deferral of this matter and continuing discussions with stakeholders and appellants should not delay the resolution of appeals as site or area-specific resolutions can proceed through the regular board process despite the deferral.

With the modified Schedule 2 proposed to be brought before the Board for approval, our client is considering filing an appeal of Schedule 2 and the Chapter 3 policies currently under appeal on its lands. This is unfortunate considering the progress our client believed to have made in discussions with City Staff.

Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

LOOPSTRA NIXON LLP
Per:
For Quinto M. Annibale

cc Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Roy McQuillan, Acting Director Policy, City of Vaughan
Client

LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

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C 2
Item # 6
Report No. 2 (CW)
Council - January 19/16

January 12, 2016

By E-Mail Only to jeffrey.abrams@vaughan.ca

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

Attention: Your Worship Maurizio Bevilacqua and Members of Council

Dear Your Worship and Members of Council:

Re: Item 6: Committee of the Whole Meeting, January 12, 2016
OMB Case No. PL111184
Proposed Amendment to Schedule 2 of the Vaughan Official Plan, 2010
Kirbywest Ltd. (Appellant No. 66)
Part of the East Half of Lot 30, Concession 6, City of Vaughan
3893 Kirby Road, City of Vaughan

I am the solicitor for Kirbywest Ltd. ("Kirbywest"). Kirbywest is the owner of approximately 42 hectares of land located in Block 41 of the City of Vaughan (the "City"), legally described as Part of the East Half of Lot 30, Concession 6, City of Vaughan and municipally known as 3893 Kirby Road, City of Vaughan.

Kirbywest is appellant No. 66 in OMB Case No. PL111184. Kirbywest's appeal includes several policies of the Vaughan Official Plan 2010 ("VOP 2010") and Schedule 2 as it applies to the entirety of Blocks 27, 34, 35, 41, and 42. In addition, Kirbywest has been actively involved in the natural heritage network study process ("NHN Study"), making written submissions, working with City staff, and attending at Council meetings and public meetings both as a member of the Block 41 Landowners Group ("Landowners Group") and as an individual property owner.

The purpose of this letter is to request that the matter of the proposed amendments to Schedule 2 of the VOP 2010 ("Proposed Amended Schedule 2") be deferred and referred back to staff for further consultation with stakeholders.

There are significant problems with the Proposed Amended Schedule 2 and the process leading to Council's consideration of this matter which should be addressed prior to the amendments being adopted by this Council, including those outlined below.

1. **City Staff Have Not Followed the Direction of Council:**

   On June 23, 2015, Council directed City Staff to report back in quarter 4 of 2015 on the NHN

Inventory and Improvements Study Completion, Recommendations and associated amendments to the VOP 2010 ("NHN Proposed Amendments"). To our knowledge no report has been made by City Staff to date. Rather City Staff now asks Council to endorse the Proposed Amended Schedule 2 in a vacuum.

2. Proper Process Has Not Been Followed:

According to City Staff, the Proposed Amended Schedule 2 will add an additional 1,368 hectares of Core Features to the previously adopted Schedule 2. This constitutes an amendment to the previously adopted Schedule 2 and to the VOP 2010 which should be brought forward as part of a comprehensive Official Plan Amendment ("OPA") under the *Planning Act*, together with related policy amendments. While there is no doubt that the City can make modifications to the previously adopted Schedule 2 and the Policies of the VOP 2010 as part of a settlement of individual appeals, making amendments to the previously adopted Schedule 2 on lands that are not currently under appeal without adequate notice to those affected and without the proper public process being followed is inappropriate.

In its report to Council, Staff have suggested that the Proposed Amended Schedule 2 is the result of an appropriate public process, being the NHN Study. The NHN Study process did not meet the statutory requirements of an OPA as set out in the *Planning Act*, which requirements are meant to protect the public and ensure a robust and appropriate public process. Even worse, my client had been assured that the current proposed amendments to Schedule 2 would be made as part of a separate OPA and not lumped into the existing VOP 2010 appeals.

3. The City Has Not Provided Sufficient time to Review the Proposed Amended Schedule 2:

Kirbywest has serious concerns respecting the speed with which the City is proceeding. The Proposed Amended Schedule 2 is being brought before the Committee just after the holiday break with very little time for review of the proposed amendments and the resulting impact. The staff report was only available to the public on Thursday January 7, 2016, with no notice to those who are not already monitoring the NHN Study or VOP 2010 Appeals. This has not provided a practical opportunity for my client or its consultants to review and provide comments respecting the proposed amendments. Further, it makes a meaningful dialogue between my client and City Council/City staff all but impossible.

4. Attachment 3 to the Staff Report Is Incorrect:

Attachment 3 to the Staff Report, which purports to show the extent of the appeals to the previously adopted Schedule 2, is incorrect. As is mentioned above, my client has the entirety of Blocks 27, 34, 35, 41, and 42 under appeal and this is not accurately reflected Attachment 3 to the staff report.

City staff have acknowledged this error and have advised that Attachment 3 will be corrected prior to being considered by the Committee of the Whole, however, as of the time of writing this letter we are not in receipt of a revised Attachment 3 and therefore cannot comment the accuracy of any such revision.

5. The Proposed Amended Schedule 2 Purports to Thwart Appeal Rights and Fetter Council's Discretion:

The notation included in the legend to the Proposed Amended Schedule 2 compounds the concerns regarding process and lack of notice. The notation suggests that additional changes will be brought forward. It reads:

> *This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.*

The above reference notation suggests that the City's Official Plan can be amended from time to time, without the benefit of public consultation, council consideration, or the appeal rights available under the *Planning Act*. The Official Plan is intended to be a clear statement of applicable policies and all relevant matters should be included in it.

City staff have advised that this text will be removed from the Proposed Amended Schedule 2 prior to being considered by the Committee of the Whole, however, as of the time of writing this letter we are not in receipt of a revised Schedule 2.

6. The Proposed Amended Schedule 2 Is Incomplete:

The staff recommendations currently before Council include a recommendation that Council approve the Proposed Amended Schedule 2, save and except for those lands that are subject to a site-specific or area-specific appeal to the VOP 2010, as it appears in Attachment 2 to the staff report. The Proposed Amended Schedule 2 does not show the lands currently under appeal. It is our recommendation that if Council does approve staff's recommendations despite my client's objections herein, that the lands under appeal be appropriately shown on the approved Schedule and that the underlying designations be removed as they are not currently before Council for its consideration.

7. The Proposed Amended Schedule 2 Contains Inconsistencies and Raises Additional Concerns:

Despite the limited time available to review the Proposed Amended Schedule 2 our client's consultants have already identified several concerns with the Proposed Amended Schedule 2, including:

1. New Core Features not previously included have been added to Schedule 2 without justification being provided;
2. There are no accompanying policy revisions proposed;
3. There is disconnect between the Chapter 3 policies before the Ontario Municipal Board (the "Board") and the amended Schedule 2; and,
4. New Core Features (e.g. headwater drainage features) have been added to Schedule 2 but are not defined in the VOP 2010.

The piecemeal approach taken by City Staff is creating additional inconsistencies between Proposed Amended Schedule 2 mapping and the policies, which are not being brought forward at the same time. Our client has been consistent in the request that Proposed Amendments and NHN mapping, including the Compensation Protocol must be considered at the same time, and must be part of a comprehensive OPA. The NHN is an interconnected system which stretches throughout the City. Bringing forward parts of Schedule 2 without the complimentary policies is a mistake.

We respectfully ask that City Staff be directed to meet with our client and our client's consultants and that the NHN mapping be considered at the same time as the Proposed Amendments and a Compensation Protocol, and/or principles related to it, and as part of a comprehensive OPA.

There is mention in the staff report that the Proposed Amended Schedule 2 will assist with the resolution, withdrawal, or scoping of outstanding VOP 2010 Appeals to the OMB. This is a very curious statement since Council is not being asked to consider or approve any amendments to lands that are subject to appeal. In any event, the deferral of this matter and continuing discussions with stakeholders and appellants should not delay the resolution of appeals as site or area-specific resolutions can proceed through the regular board process despite the deferral.

My client remains hopeful that its concerns can be resolved and looks forward to continuing to work with the City respecting this matter.

Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

LOOPSTRA NIXON LLP
Per:
For Quinto M. Annibale

cc Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Roy McQuillan, Acting Director Policy, City of Vaughan
Client

LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

Quinto M. Annibale*
***Quinto Annibale Professional Corporation**
Direct Line: 416-748-4757
E-mail: qannibale@loonix.com

January 12, 2016

C 3
Item # 6
Report No. 2 (CW)
Council - January 19/16

By E-Mail Only to jeffrey.abrams@vaughan.ca

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

Attention: Your Worship Maurizio Bevilacqua and Members of Council

Dear Your Worship and Members of Council:

Re: Item 6: Committee of the Whole Meeting, January 12, 2016
OMB Case No. PL111184
Proposed Amendment to Schedule 2 of the Vaughan Official Plan, 2010
MCN (Pine Valley) Inc. (Appellant No. 57)
12011 Pine Valley Road, Vaughan

I am the solicitor for MCN (Pine Valley) Inc. ("MCN"). MCN is the owner of approximately 64 hectares of land located on the east side of Pine Valley Road, south of King-Vaughan Road, municipally known as 12011 Pine Valley Road.

MCN is appellant No. 57 in OMB Case No. PL111184 and has been actively involved in the natural heritage network study process ("NHN Study"), making written submissions, working with City staff, and attending at Council meetings and public meetings.

The purpose of this letter is to request that the matter of the proposed amendments to Schedule 2 of the VOP 2010 ("Proposed Amended Schedule 2") be deferred and referred back to staff for further consultation with stakeholders.

In my opinion, further consultations with staff may result in revisions to Schedule 2 which more accurately reflect the existing condition on my client's lands which in turn would result in the total withdrawal of my clients appeal. Staff has been helpful in addressing concerns to this point, which is why my client is surprised that staff have decided to proceed in this manner, rather than continue discussions with affected stakeholders.

While progress has been made respecting the accuracy of the mapping of heritage features on my clients lands, including staff's acknowledgement of the removal of an enhancement area, there continue to be significant issues with the Proposed Amended Schedule 2 and the process leading to Council's consideration of this matter which should be addressed prior to the amendments being adopted by this Council, including those outlined below.

1. **Concerns with Process:**

On June 23, 2015, Council directed City Staff to report back in quarter 4 of 2015 on the NHN Inventory and Improvements Study Completion, Recommendations and associated amendments to the VOP 2010 ("NHN Proposed Amendments"). To our knowledge no report has been made by City staff to date.

According to City Staff, the Proposed Amended Schedule 2 will add an additional 1,368 hectares of Core Features to the previously adopted Schedule 2. This constitutes an amendment to the previously adopted Schedule 2 and to the VOP 2010 which should be brought forward as part of a comprehensive Official Plan Amendment ("OPA") under the *Planning Act*, together with related policy amendments. While there is no doubt that the City can make modifications to the previously adopted Schedule 2 and the Policies of the VOP 2010 as part of a settlement of individual appeals, making amendments to the previously adopted Schedule 2 on lands that are not currently under appeal without adequate notice to those affected and without the proper public process being followed is inappropriate.

In its report to Council, Staff have suggested that the Proposed Amended Schedule 2 is the result of an appropriate public process, being the NHN Study. The NHN Study process did not meet the statutory requirements of an OPA as set out in the *Planning Act*, which requirements are meant to protect the public and ensure a robust and appropriate public process. Even worse, my client had been assured that the current proposed amendments to Schedule 2 would be made as part of a separate OPA and not lumped into the existing VOP 2010 appeals.

2. **Sufficient time to Review the Proposed Amended Schedule 2 Has Not Been Provided:**

MCN has serious concerns respecting the speed with which the City is proceeding. The NHN Study and proposed amendments were only made available for review on Thursday January 7, 2016 and are to be considered by the Committee of the Whole on today – this has not provided a practical opportunity for my client or its consultants to review and provide comments respecting the NHN Study and the proposed amendments. Further, it makes a meaningful dialogue between my client and City Council/City staff all but impossible.

3. **Concerns with Notation on Proposed Amended Schedule 2:**

The notation in the legend to the Proposed Amended Schedule 2 raises additional concerns with respect to the process being followed by the City and the notice provided to stakeholders and affected landowners, or the lack thereof. The notation reads as follows:

> *This Schedule is subject to change based on the results of the Natural Heritage Network Study, undertaken by North-South Environmental Inc. (2015), which will define the Natural Heritage Network by both its natural features and as a Natural Heritage System in accordance with the Provincial Policy Statement.*

The above referenced notation suggests that the City's Official Plan can be amended without the benefit of public consultation, council consideration, or the appeal rights available under the *Planning Act*.

City staff have advised that this text will be removed from the Proposed Amended Schedule 2 prior to being considered by the Committee of the Whole, however, as of the time of writing this letter we are not in receipt of a revised Schedule 2.

4. The Proposed Amended Schedule 2 Is Incomplete:

The staff recommendations currently before Council include a recommendation that Council approve the Proposed Amended Schedule 2, save and except for those lands that are subject to a site-specific or area-specific appeal to the VOP 2010, as it appears in Attachment 2 to the staff report. The Proposed Amended Schedule 2 does not show the lands currently under appeal. It is our recommendation that if Council does approve staff's recommendations despite my client's objections herein, that the lands under appeal be appropriately shown on the approved Schedule and that the underlying designations be removed as they are not currently before Council for its consideration.

5. The Proposed Amended Schedule 2 Contains Inconsistencies and Raises Additional Concerns:

Despite the very short period of time that our client's consultants have had to review the Proposed Amended Schedule 2, they have identified several concerns including the following:

1. New Core Features not previously included have been added to Schedule 2 without justification being provided, including on my clients lands;
2. There are no accompanying policy revisions proposed; and
3. There is disconnect between the Chapter 3 policies before the Ontario Municipal Board (the "Board") and the amended Schedule 2.

We respectfully ask that City Staff be directed to meet with our client and our client's consultants to continue to refine the Schedule 2 so that it accurately reflects the existing conditions on the ground.

There is mention in the staff report that the Proposed Amended Schedule 2 will assist with the resolution, withdrawal, or scoping of outstanding VOP 2010 Appeals to the OMB. This is a very curious statement since Council is not being asked to consider or approve any amendments to lands that are subject to appeal. In any event, the deferral of this matter and continuing discussions with stakeholders and appellants should not delay the resolution of appeals as site or area-specific resolutions can proceed through the regular board process despite the deferral.

My client remains hopeful that its concerns can be resolved and looks forward to continuing to work with the City respecting this matter.

Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

LOOPSTRA NIXON LLP
Per:

FOR Quinto M. Annibale

cc Ms. Dawne Jubb, Solicitor, City of Vaughan
Mr. John Mackenzie, Commissioner of Planning, City of Vaughan
Mr. Roy McQuillin, Acting Director Policy, City of Vaughan
Client

HOROSKO
PLANNING LAW

Please refer to: Barry Horosko (Ext. 339)
Email: bhorosko@horoskoplanninglaw.com
Or to: Ashley Moraes (Ext. 339)
Email: ashley@horoskoplanninglaw.com

January 11, 2016

C 4
Item # 6
Report No. 2 (CW)
Council - January 19/16

Committee of the Whole
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Mayor and Members of Council

Dear: Mayor and Members of Council

Re: OMB Case No. PL111184
Vaughan Official Plan 2010 ("VOP 2010")
Proposed Modifications to Schedule 2 – Natural Heritage Network
Possible Resolution of Appeal of VOP2010 by Rutherford Land Development Corp. ("RLDC")
Caldari Land Development Corporation

We act as legal counsel to Rutherford Land Development Corporation ("Rutherford") and Caldari Land Development Corporation ("Caldari") regarding the above referenced matter. Rutherford is the owner of significant lands on the south-east corner of Jane Street and Rutherford Road. These lands are in the Vaughan Mills Secondary Plan area and are currently the subject of an Ontario Municipal Board appeal and recently determined upcoming Mediation at the Ontario Municipal Board.

Caldari is the new owner of the lands formerly known as the Stronach Family Trust Lands. These lands are located immediately south of the Rutherford land parcel and immediately east of Tesmar Holdings lands on Jane Street.

We are writing to express comments regarding how the Committee of the Whole should approach these two adjacent parcels of land, in related land ownership, at the Ontario Municipal Board and respectfully suggest that there should be a similar treatment of both land parcels.

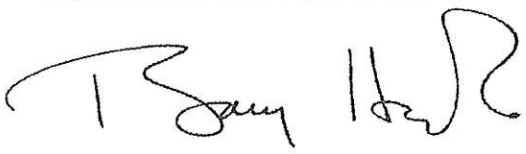
The recommendations before Committee address whether a small stand of trees on the Caldari lands and a small row of trees on the Rutherford lands should be added to the Natural Heritage System under the Vaughan Official Plan 2010 where they were not included in the Official Plan that was adopted in 2010. The Report recommends that the Rutherford lands should be deferred by Council as being subject to a site specific Ontario Municipal Board appeal. We support that recommendation for a variety of reasons. This includes the need for a resolution of a number of appeals at the Ontario Municipal Board when Rutherford, Tesmar Development and Magna are concerned. This is subject to an upcoming Ontario Municipal Board Mediation and includes consideration in that discussion of how the Caldari lands should be developed. One issue will be how to treat the stand of trees on the south property line of the Rutherford lands which involves how to treat the adjacent Caldari trees stand. The matters are related and it is anticipated that the Caldari lands will also be subject to an Ontario Municipal Board appeal regarding the Natural Heritage System proposal.

In brief, our request of Committee is that both matters be treated the same and that the recommendations for both sites should be deferred due to outstanding Ontario Municipal Board appeals and considered together.

We have had the opportunity to discuss this matter with staff and they are receptive to this suggestion.

In the circumstances, our request is that Committee defer the Report recommendations regarding the Rutherford and Caldari sites.

Yours truly,
HOROSKO PLANNING LAW



Barry A. Horosko

cc: M. Cortellucci & L. Kot
Rutherford Developments & Caldari Developments
D. Jubb, Vaughan Legal Department