

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

Item 44, Report No. 52, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on December 10, 2013, as follows:

By striking out recommendations 1) and 2) of the Committee of the Whole, dated November 26, 2013 and approving the following:

That the recommendation in the report of the Commissioner of Planning, dated November 26, 2013, be approved, subject to the following amendments:

- 1) THAT Council adopt the modified language set out in proposed Policy 4.2.6.4 (b) (iii), forming Attachment 2 to Communication C9 of the Commissioner of Planning, dated December 10, 2013, to maintain the original intent of Policy 4.2.1.2 of OPA 600, until completion of the conditional donation process for the subject lands, at which time a re-designation to a more appropriate land use such as the Historical Site designation described above shall be initiated by the City through an Official Plan Amendment in consultation with the Province and First Nations.;***
- 2) THAT the detailed development limits will be subject to additional assessment and refinement through the Block Plan process; and***

That the following Communications be received:

C3. Mr. David Toyne, dated November 25, 2013; and

C12. Mr. Mark Yarranton, KLM Planning Partners Inc., Jardin Drive, Concord, dated December 6, 2013.

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**OFFICIAL PLAN AMENDMENT FILE OP.03.008
PINE HEIGHTS ESTATES**

WARD 3 – VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated November 26, 2013, be approved, subject to the addition into section 10.3 of the draft amendment of the policy language referred to in Communication C1, from Mr. John Zipay, Gilbert Court, Burlington, dated November 12, 2013, and Communication C7, from the Commissioner of Planning, dated November 26, 2013;**
- 2) That the following be approved:**
 - 1. That Official Plan Amendment Application OP.03.008, be approved as an amendment to OPA 600, and that the amendment forming Attachments 3, 4A, 4B and 4C to this report be brought forward for adoption, subject to final staff review and Council consideration of the proposed revisions contained in the submission dated November 25, 2013, from KLM Planning Partners Inc.;**
 - 2. That upon Council approval of this amendment and upon withdrawal or resolution of owners OMB appeals of the Vaughan Official Plan 2010, this amendment become part of site specific policies of volume 2 of the VOP 2010;**
 - 3. That subject to staff review and confirmation by appropriate authorities, the limits of development for Block 40/47, save and except storm water management ponds shown in the MESP and Block Plan, shall be the greater of the development limit**

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staked by the Schaeffer and Dzaldov Limited, June 2004 (including top-of-bank and significant vegetation), the long term stable top of bank, flood plain, predicated meander belt, and the Provincially Significant Wetlands within the valley, plus the appropriate buffers as required in the approved Official Plan Amendment;

4. That staff include an appropriate mitigating measure between the proposed block plan farmland to the south including but not limited to a fence and or vegetation buffer; and
 5. That staff report back to Council on their assessment of the above recommendations;
- 3) That the deputation of Mr. Mark Yarranton, KLM Planning Partners Inc., Jardin Drive, Concord, and Communication C17, dated November 25, 2013, be received; and
 - 4) That the coloured elevation drawings submitted by the applicant be received.

Recommendation

The Commissioner of Planning recommends that:

1. Official Plan Amendment Application OP.03.008 (Pine Heights Estates) BE APPROVED, as an amendment to OPA 600, and that the amendment forming Attachments 3, 4A, 4B and 4C to this report be brought forward for adoption, subject to final staff review;
2. That upon approval, the amendment be incorporated into Volume 2 of the Vaughan Official Plan 2010.

Contribution to Sustainability

The proposed official plan amendment, as modified, will meet the 1994 York Region Official Plan's requirements for community building and will follow the sustainability initiatives outlined by Green Directions as listed below:

Objective 1.3: To support enhanced standards of stormwater management at the City and work with others to care for Vaughan's watersheds.

The preservation and enhancement of significant environmental features and functions within the subject lands have been provided for in the policy language for the Official Plan Amendment, and details of mitigations measures will be finalized at the Block Plan stage.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On May 11, 2012 a Public Hearing was held in respect of this Official Plan amendment application. The notice of Public Hearing was mailed to landowners within 200 metres of the subject lands. In addition, a notice was mailed to the Kleinburg & Area Ratepayers Association and Millwood Woodend Ratepayers' Association. The notice was posted on Vaughan's website www.vaughan.ca, online *City Page* on May 17, 2012, in addition to signage posted on-site on May 16, 2012.

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Following the Public Hearing, a subsequent draft of the Official Plan Amendment was submitted to the City and circulated to the appropriate commenting agencies for review. This report addresses the comments received through that process.

Purpose

To obtain approval of Official Plan Amendment Application OP.03.008 (Pine Heights Estates), as modified, which will provide a secondary plan level of regulation as prescribed in OPA 600 to permit the development of the subject lands while maintaining the complex ecosystem functions and cultural heritage attributes associated with the subject lands.

Background – Analysis and Options

The Amendment Area

The subject lands are located on the south side of Teston Road, east and west of Pine Valley Drive, north of Cold Creek, in parts of Lots 23, 24, and 25 Concessions 6 and 7, City of Vaughan. The lands have a total area of approximately 234 hectares, including the valley lands. The tableland portion is estimated to have an area of approximately 135 hectares. The lands also form part of the Vellore Village 1 area as shown on Schedule “B” of OPA 600.

The location of the subject lands and existing land use context and zoning are shown on Attachment 1 *Context Location Map* and Attachment 2 *Location Map*.

The Policy Framework

i. OPA No. 600

OPA 600 was adopted by Vaughan Council on September 25, 2000 and approved by the Regional Municipality of York on June 29, 2001. It includes the following specific policies for the subject lands:

- i) The lands shall be the subject of a comprehensive plan providing the technical basis to support secondary plan land use designations consistent with the planning approach of OPA 600;
- ii) The lands will be planned for predominately “executive housing” on large lots with full municipal services;
- iii) The gross density within the designated area shall be between 5.0 and 7.5 units per hectare;
- iv) The projected housing unit yield is 1,000 low density units to accommodate a population of 3,490.

The proposed unit number, mix of housing and population figures for the Pine Heights Estate Community will be determined through the Block Plan process.

OPA 600 further requires that the secondary plan area be developed by way of Block Plan approval. The applicants have submitted a corresponding Block Plan application under file BL.40/47.2003 (Pine Heights Estates). Block Plan approval will take place after the adoption of this Official Plan Amendment and will form the basis for the submission of the individual draft plan of subdivision and zoning amendment applications. Staff is processing the Block Plan applications in conjunction with the Official Plan Amendment application. The information contained in the Block Plan submission is informing the evaluation of the proposed Official Plan amendment.

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ii. Vaughan Official Plan 2010

The application for Official Plan Amendment was submitted prior to the adoption of the Vaughan Official Plan 2010. The application has therefore been evaluated under the policies of OPA 600. Upon approval of the proposed amendment, the approved secondary plan will be incorporated into Chapter 12 of Volume 2 of VOP 2010 as an “Area Subject to an Area Specific Plan”.

Basis for the Amendment

Six participating landowners within Blocks 40/47 have submitted an Official Plan Amendment application to re-designate the subject lands from “Urban Area” and “Valley Lands” under OPA 600 to “Low Density Residential”, “Valley Lands”, “Medium Density Residential-Commercial”, “Stormwater Management Ponds”, “Neighbourhood Commercial Centre”, “Parks”, “Elementary School”, “Institutional”, “Greenway System” and “Historical Site” in the manner shown on Schedule 2 to the amendment, attached to this report. The application proposes four stormwater management ponds, four neighbourhood parks, one neighbourhood commercial centre and one elementary school.

The Official Plan Amendment application proposes land uses for four non-participating land owners, located at the southeast corner of Weston Road and Teston Road. The amendment provides for designations consistent with the participating owners including “Low Density Residential”, “Valley Lands” and “Medium Density Residential/Commercial”. While not participating in the Block Plan process, these owners will be required to pursue their own development interests in consideration of the required Official Plan policies and any necessary studies required to fulfill the requirements of the Block Plan process.

The redesignation to specific urban land use categories will facilitate the review of the Block Plan submission.

Specifically, the application proposes to amend OPA 600 to:

- Increase the range in residential density from the permitted range of 5.0 – 7.5 units per hectare (2.0 – 3.0 units per acre) in Section 4.2.1.2. to a range of 5.0 – 11.0 units per hectare (2.0 – 4.5 units per acre);
- Permit street townhouses within the Low Density Residential Areas, provided that they are located adjacent to Pine Valley Drive and that the maximum permitted net density on a site does not exceed 18.0 units per net residential hectare;
- Permit a net residential density of 11 – 40 units per hectare in the medium density residential-commercial areas, with the exception of the lands at the south east corner of Pine Valley Drive and Teston Road which shall have a maximum net density of 80 units per hectare and permit stacked townhouses and low rise apartment buildings;
- Identify the Skandatut site under the “Historical Site” designation to permit only passive open space uses and ensure an appropriate interface with the adjoining residential development including other forms of creditable parkland, pursuant to the 5% dedication under the *Planning Act*, which shall act as a buffer while providing access and a visible presence within the community;
- Maintain the “Valley Lands” designation on the lands identified as the “Peninsula Lands” in Attachment 3 to this report, with the understanding that a developable area may be determined through further studies to the satisfaction of the City and TRCA, in which case development may proceed under the “Low-Rise Residential” designation without further amendment to OPA 600;

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- Amend Section 4.2.2.4 (v) to permit a Gross Leasable Area of less than 5,000 m², from the required 5,000 – 15,000 m² in OPA #600, under the “Neighbourhood Commercial Centre” designation;
- Amend Schedule J “Transportation City Road Network” in OPA 600 by adding Primary Collector Roads to the subject lands, as identified in Attachment 4C to this report;
- Amend Section 8.2.4.c (i) to allow for road right-of-way widths of both 23m and 20m for Primary Roads;
- Amend Schedule G1 in OPA 600 to add the Provincially Significant East Humber Wetland Complex, as shown in Attachment 4a and 4b to this report;
- Amend Section 5.10 “Wetland Protection” to reference the Provincially Significant East Humber Wetland Complex shown on Schedule G1;
- Amend Section 4.2.6.4. of OPA 600 to require the submission of Cultural Heritage Impact Assessments for structures listed by the City’s Inventory of Significant Structures, as well as further archaeological assessments prior to the Block Plan approval. The future Teston Road and Pine Valley Drive intersection Environmental Assessment and resulting design of Pine Valley Drive will need to address the potential for a jog elimination at the corner of Teston Road and Pine Valley Drive. It will be important that the Environmental Assessment consider the preservation of the structure at 10733 Pine Valley Drive.
- Adding a new subsection to Section 5.5.2 of OPA 600 to require the completion of a hydrogeological study as part of the MESP to define the local pre-development water balance and to establish site specific water balance criteria that will maintain the ecological functions of related features and demonstrate how the appropriate proportions of infiltration and evaporation/reuse measures for stormwater management will achieve water balance objectives to the satisfaction of the City in consultation with the TRCA;
- Adding Section 5.15 “Species-At-Risk” to acknowledge that Species-At-Risk and their habitats, as defined in the Species At Risk Act and associated regulations and guidelines, have been identified in Block 40/47, and require, through the preparation of the MESP, Block Plan and conditions of development approval, arrangements for the protection or enhancement of habitat to the satisfaction of the appropriate agencies;
- Adding a new clause to Section 4.2.4.1. “Greenway System” to investigate the feasibility of providing public trails and crossings within the valley system and to evaluate connections with other potential public trail initiatives in the Humber River Valley.
- To recognize two existing cemeteries designated as “Institutional”;

Previous Version of the Application (May 2003)

On May 20, 2003 Official Plan amendment application file OP.08.2003 was considered by Committee of Whole. The initial application proposed a unit count of 883, a density of 6.2 units per hectare, and an estimated population of 3,089 (assuming 3.49 ppu). The application did not proceed to approval. The application has been subsequently revised to reflect changes desired by the landowners and input received from agencies and stakeholders resulting in the current revised application.

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The Consultation Process, Agency Circulation and Comments Received

In April 2011, the applicant submitted a revised Official Plan Amendment and additional supporting documentation including responses to address comments from the original OPA in 2003. A subsequent modification was submitted in February 2012, which formed the basis for the June 05, 2012 Public Hearing report to Committee of the Whole. While numerous agency comments have been received, no public comments have been received since the public hearing. The extract from the Council Meeting Minutes of June 26, 2012, including the key areas of consideration, forms Attachment 6 to this report.

Following the preliminary review of the proposed Official Plan Amendment, the applicant submitted a revised version of the Official Plan Amendment on December 14, 2012. The revised amendment was circulated to the appropriate commenting agencies and responses were received by the Policy Planning Department. A number of issues were identified and subsequent meetings have been held between the City, proponents and various commenting agencies to resolve the issues and formulate appropriate policy language to ensure that an adequate level of detail is provided in the Official Plan Amendment to provide a clear direction for the Block Plan and MESP processes.

Policies to address the issues identified through the re-circulation of the application have been incorporated into the modified Official Plan Amendment, forming Attachment 3 to this report. It is important to note that the modified language proposed by the Policy Planning Department in consultation with York Region, the Provincial Ministries and the TRCA provides the necessary framework for ensuring the issues identified through the most recent circulation of the Amendment are addressed through the Block Plan and ultimately through the implementing subdivision plans and zoning by-law.

The outstanding issues identified through the re-circulation of the application are as follows:

i. Region of York

Generally, the Region of York was satisfied that the application for the Official Plan Amendment met the requirements of the 1994 York Region Official Plan, but have strongly encouraged that the requirements of the 2010 Regional Official Plan be implemented where possible. With respect to the current application, the Region identified two key areas of concern:

1. Section 4.3.4 of the York Region Official Plan requires municipalities to provide a minimum of 25% affordable housing units across the Region in each of the area municipalities. The Region has expressed that it is unclear how the application intends to contribute to these requirements. Subsequent information may need to be provided at the Block Plan and Draft Plan of Subdivision to address this requirement.
2. Schedule B of OPA 600 identifies the intersection of Teston Road and Pine Valley Drive as an area for "Possible Road Re-Alignment". The jog elimination and preferred alignment are currently under review and York Region continues to protect for the right-of-way requirements for all options relating to the elimination of the jog. The general location of the lands that may be affected by the realignment have been identified in the proposed modifications to Schedule B of OPA 600, forming Attachment 4A to this report. In addition, an amendment to policy 8.2.3 "Arterial Roads" of OPA 600 has been added by Planning Staff to protect for the potential realignment. The Region of York Environmental Assessment update for Teston Road and the design of the intersection of Pine Valley Drive and Teston Road will confirm the exact amount of land required at this location.

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ii. Province of Ontario

The Ministry of Municipal Affairs and Housing submitted comments in conjunction with the Ministry of Natural Resources and the Ministry of Culture, Tourism and Sports through the One Window circulation process. After reviewing the re-circulated material, matters of provincial interest that had been raised in their previous comments from 2011 remained outstanding. Their concerns related primarily to archaeology and natural heritage, and their associated effects on land use decisions in the Secondary Plan. Specifically, the following areas of concern were raised:

1. Archaeology

A heritage assessment report for the building at 10733 Pine Valley Drive is still outstanding. In response it is proposed to modify the Official Plan Amendment (Section 4.2.6.4 of OPA 600) such that heritage impact assessments for all properties or structures listed within the City's Inventory of Significant Structure are required prior to Block Plan approval.

A heritage impact assessment for the area of the East Humber River tributary to determine whether or not it is a cultural heritage landscape has not yet been submitted. A similar amendment to Section 4.2.6.4 of OPA 600 has also been included in the proposed amendment to satisfy this requirement.

The proposed amendment includes new policy regarding the area designated as a Historical Site, which limits the permitted uses on the site to "passive open space". As part of the long term protection of the site, the Province has suggested that more details be included about what types of activities or development are permissible under "passive open space". Specific policy language was provided by the Ministry to this effect, which has been included in Section 4.2.6.4 of OPA 600. At the time of finalization of the report, City staff were provided with proposed adjustments to the wording from landowners. Staff is assessing the proposed wording and will communicate findings of their review to the Committee of the Whole.

2. Natural Heritage

Concerns were raised regarding the Peninsula Lands being located within the Region's Natural Heritage System, designated as 'Greenlands System' in the York Region Official Plan, and noted that because of this, any refinements to the Region's Greenlands System will require a local official plan amendment. OPA 600 currently identifies the lands as "Valley Lands". It is recommended that this designation remain in place, as shown in Attachment 4A of this report, until such time that it is demonstrated the lands are suitable for development. A City of Vaughan Council resolution was passed in March 2012 to remove the requirement for a local official plan amendment in the event that these lands are determined to have any development potential. An amendment to Section 4.2.1.2 of OPA 600 has been included to reflect this resolution.

Peninsula Lands – The Province also emphasized that the Peninsula Lands are surrounded by significant valleyland features, and that MNR staff have recently identified a number of groundwater seeps and discharges in the valleylands surrounding the Peninsula Lands. As such, impact of development on adjacent features, such as the valleylands and seeps, will need to be assessed. Policy 4.2.1.2.x has been included in the modified version of the Official Plan Amendment to address this concern.

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Wetlands – MNR staff has identified a number of unevaluated wetlands within the study area that are currently being reviewed. Concerns have been raised regarding the protective buffers around these and other features; the amount and location of infrastructure required for the proposed development; the potential development of a trail network in the valley system; and, the need for reference data and/or site observations that demonstrate there will be no negative impact on the wetland complex located within the study area. A number of policies have been included in the modified Official Plan Amendment to address these concerns and establish the appropriate framework to inform the Block Plan process. These policies are primarily located in the amendments to Section 4.2.1.2, identified in Attachment 3 to this report.

Impacts on Groundwater - Based on field observation conducted by MNR staff, wetlands and watercourses in the study area receive important groundwater contributions from seeps. There is potential that the change in land use from agricultural to residential will impact groundwater flows from the tablelands to features in the valley, particularly the cold water fishery and habitat of the endangered Redside Dace. A number of policies have been included in the modified Official Plan Amendment to address these concerns and establish the appropriate framework to inform the Block Plan process. These policies can primarily be located in the amendments to Section 4.2.1.2, identified in Attachment 3 to this report.

Species-at-Risk - A number of species-at-risk have been identified on the subject lands, including the Red Side Dace and Butternut Tree. The Province has requested that technical considerations be integrated into the planning process to the extent possible. Proposed policy 4.2.1.2.xi to the modified amendment identifies the need to adequately protect the endangered and threatened species and establishes several policies in that regard.

3. Toronto and Region Conservation Authority

The TRCA identified a number of opportunities to further recognize the environmental sensitivities of the Block 40/47 community and build upon the proposed policies to comprehensively address the areas of concern. Generally, the TRCA's comments pertained to: Ensuring ground and surface water flows and flow paths are protected and maintained; providing buffers that protect sensitive features; and assessing the development potential of the "Peninsula Lands". Several policies were created in consultation with the TRCA to address their concerns in the following areas:

a. Water Quality and Quantity

The maintenance of pre-development ground and surface water flows following development is imperative given the sensitive water-based features in the area. The need to sufficiently analyze the hydroperiod for the natural features within the study area and establish water balance criteria to maintain the ecological functions has been identified. This includes establishing approaches to stormwater management that address water quality, quantity, recharge, erosion control and other relevant considerations. Policies have been included in the modified official plan amendment to address these concerns.

b. Sensitive Land Features

Including appropriate buffers around all sensitive land features and a comprehensive analysis of how all wetland features and functions will be protected, including the analysis of adjacent lands and the contiguous wetland area, forms part

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of the necessary requirements for protecting the sensitive land features located in the study area. Policies to this effect have been included in the modified version of the amendment, particularly under Section 4.2.1.2, which specifically addresses the subject lands.

Policies to ensure the adequate analysis of the Peninsula Lands were also raised by the TRCA, and have been addressed as noted above.

c. **Endangered and Threatened Species and Significant Wildlife Habitat**

Concerns similar to those raised by the Province were identified by the TRCA. They have been addressed through proposed policy 4.2.1.2.xi to the modified amendment, which identifies the presence of significant features and species at risk, and establishes several policies to ensure they are protected throughout the development process.

d. **Monitoring**

To provide for testing and maintenance of the final development form of the subject lands in the future, the TRCA has requested that a specific monitoring program be established to assess the efficacy of buffer restoration areas, habitat compensation, function of Low Impact Development Measures, post-development function of water-based features, erosion and sediment control and other areas related to ground and surface water conditions. A monitoring policy has been included in the modified official plan amendment to address this concern.

Relationship to Vaughan Vision 2020/Strategic Plan

The proposed modifications to the Block 40/47 North Official Plan Amendment Application OP.03.008 (Pine Heights Estates) are consistent with the priorities set by Council in the Vaughan Vision 20/20 Plan, and in particular with the City's commitment to preserve our heritage and lead and promote environmental responsibility and sustainability.

Regional Implications

The Region of York is the approval authority for the proposed amendment. The application has been circulated to the Region of York for review and comment. The subject lands are designated "Urban Area" by the Regional Official Plan. The proposed Official Plan Amendment, as modified, has been prepared in keeping with the policy requirements and provisions of the 1994 York Region Official Plan. It meets policy 5.2.7 of the Regional Official Plan requiring the completion of a comprehensive Secondary Plan by way of a local municipal official plan amendment for new areas of development, and policy 4.3.11 requiring area municipal official plans to provide a mix and range of housing within each community to meet community housing needs. The provision of land use designations including "Neighbourhood Commercial", "Parks", "Greenway System", "Institutional" and "Historical Site" meet the requirements of Section 5.2 of the Plan.

The Region may wish to consider expediting the planning and design of their roads within the amendment area in light of this Official Plan Amendment, recognizing that the planning for New Community Areas including Block 41, located immediately north of this amendment area, will begin next year.

The Region of York will provide further comments through the Block Plan, Draft Plan of Subdivision and Zoning By-law approvals processes.

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Conclusion

The issues identified in this report have been considered through the technical review of the Official Plan Amendment application in addition to the comments expressed at the Public Hearing and from other external agencies. In particular, it has been reviewed in the context of: the applicable Provincial, Regional and City policies and the requirements expressed by all commenting agencies; the land uses being proposed in regards to density, sustainability and the environment; servicing and transportation infrastructure requirements; and, the review of the supporting studies.

Staff are satisfied that the overall direction of the land use plan is consistent with the intent of OPA 600, with respect to the distribution of uses and densities, heritage preservation and the protection measures for the jog elimination. The majority of the policies incorporated into the draft amendment address issues related to the environment, particular as it applies to the preservation and functioning of the extensive valley system that defines the amendment area.

The draft amendment, presented in Attachment 3 to this report, addresses the concerns identified to date and provides the necessary policy framework to ensure the continued protection of the site's unique environmental attributes, while allowing for the development of the subject lands in a manner consistent with the policies of OPA 600 and the Region of York Official Plan (1994) and the 1997 Provincial Policy Statement. The attached version of the Plan has been reviewed by the affected Provincial Ministries and the TRCA and they are satisfied with the policies therein.

One of the intents of the draft secondary plan is to provide policies that will guide the preparation of the implementing Block Plan, draft plan of subdivision and zoning amendment applications. Adoption of the amendment will allow the Block Plan to move to approval, subject to the completion of the detailed analyses that are on-going and the resolution of any outstanding issues.

Therefore, it is recommended that Official Plan Amendment application OP.03.008 (Pine Heights Estates) be approved, as reflected in the Official Plan Amendment forming Attachments 3, 4A, 4B and 4C to this report, and that the amendment be brought forward for adoption subject to final staff review.

Attachments

1. Location Map
2. Context Map
3. Proposed Official Plan Amendment for Approval
- 4A. Proposed Official Plan Amendment to Schedule B "Vellore Urban Village 1"
- 4B. Proposed Official Plan Amendment to Schedule G1 "Wetlands"
- 4C. Proposed Official Plan Amendment to Schedule J "Transportation – City Road Network"
5. Property Ownership
6. Extract from Council Meeting Minutes of June 26, 2012

Report Prepared By:

Steven Dixon, Planner, ext. 8410
Roy McQuillin, Manager of Policy Planning, ext. 8211

(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.)