

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.

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**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:

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- 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.

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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:

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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.)