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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.

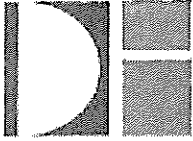
There remain four significant areas of disagreement. We respectfully ask that Staff be directed to continue to meet with our client's consultant. We also ask that the Proposed Amendments, Compensation Protocol and NHN mapping be considered at the same time as part of a comprehensive Official Plan Amendment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

c_20
Communication
CW: <u>June 16/15</u>
Item: <u>10</u>

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



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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.

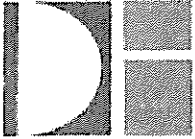
Therefore, inclusion of the following additional text at the end of policy 3.2.3.4 is unjustified and without demonstrated merit - that "All valley corridors in Vaughan are significant valleylands".

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 policies and all relevant matters should be included in it.

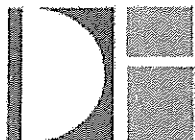
4. Compensation Protocol: Staff have indicated that additional studies are required to determine the Compensation Protocol, and have proposed to defer the question to the Secondary Plan process. We have not been provided with any explanation as to how this would occur. Our client's position is that the 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.

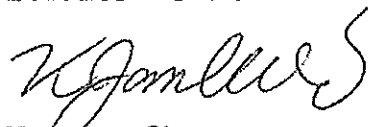
We request that I be added to the list of delegates for the Committee of the Whole meeting.

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