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File: P-2152

November 25, 2013

City of Vaughan Clerk's Department
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Vaughan, Ontario
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Communication
CW: Nov 26/17
Item: A4

**Attention: Mayor Maurizio Bevilacqua
Members of Council**

**Re: Committee of Whole Meeting – November 26, 2013
Official Plan Amendment File OP.03.008
Pine Heights Estates
Ward 1- Vicinity of Pine Valley Drive and Teston Road
Our Client: Block 40/47 Developers Group Inc.**

We act on behalf of the Block 40/47 Developers Group Inc. . We would like to thank staff and Council for bringing this matter forward, in consideration that the application for the Amendment to OPA 600 commenced in February 2003 and considerable time and effort has gone into the planning for the area.

It is important to note that the Region of York who is currently the approval authority for the OPA has confirmed that the OPA application before you should be processed under the Planning Act that was in force at the time of commencement and be subject to the 1996 Provincial Policy Statement, the 1994 Regional Official Plan and Vaughan's OPA 600. In addition, it has been confirmed by the City through Mr. John Mackenzie and the Ministry of Municipal Affairs and Housing that the subject Secondary Plan, Block Plan and any further Planning Act applications required to implement the approved land uses within Block 40/47 are not required to conform to the provisions of the Greenbelt Plan based on the transitional provisions set out in Section 24(2) of the Greenbelt Act. Accordingly, our clients applications that have been filed should not be subject to new policies and guidelines that are a departure from the policies found under OPA 600.

Considerable time and effort has been expended through the preparation of numerous versions of the MESP and Block Plan which was most recently completely updated in May of 2013, trying to keep pace with the ever changing policy and guidelines. Accordingly, City staff and agencies are supporting policies within the proposed Secondary Plan Amendment in terms of the environmental policies that go beyond existing policies of OPA 600.

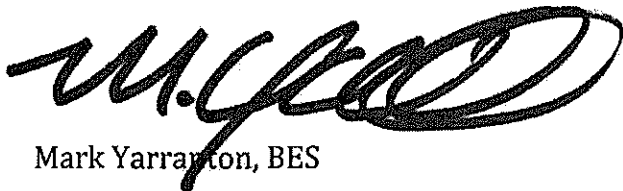
We have reviewed the proposed final Official Plan Amendment found at Attachment 3 of the staff report and we wish to request a number of minor revisions that provide clarification that we feel are important to the continual processing and implementation of our proposed MESP and Block Plan. These proposed revisions, that we would respectfully request Council to approve are attached to this letter in a track change version of the Official Plan Amendment found in its original form at Attachment 3 to the staff report.

In addition, in terms of the continual processing of the MESP and Block Plan, we are concerned that staking of limits of development that occurred with the City and TRCA in attendance back in 2004 may be re-considered. In order to bring closure to this issue, we would request that the limits of development for Block 40/47, save and except stormwater management ponds shown in the MESP and Block Plan, be the greater of the development limit staked by Schaeffer and Dzaldov Limited, June 2004 (including top-of-bank and significant vegetation), the long term stable top of bank, flood plain, predicted meander belt, and the Provincially Significant Wetlands within the valley, plus the appropriate buffers as required in the approved Official Plan Amendment and that staff be so directed.

We plan to be in attendance at the November 26, 2013 should you have any questions.

Yours truly,

KLM PLANNING PARTNERS INC.

A handwritten signature in black ink, appearing to read 'M. Yarrington', with a large, stylized loop at the end.

Mark Yarrington, BES

cc: Mr. Jeffrey A. Abrams – City Clerk
Mr. John MacKenzie – Commissioner of Planning
Block 40/47 Developers Group Inc.

I DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 600 to the Official Plan of the Vaughan Planning Area is hereby amended by:

1. Redesignating the lands identified on Attachment 1 of this report from "Urban Area" and "Valley Lands" 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 Attachment 4a;
2. Amending Schedule "B" – Vellore Urban Village 1 to Official Plan Amendment No. 600 as identified in Attachment 4a, attached hereto;
3. Amending Schedule G1 – Wetlands to Official Plan Amendment No. 600 as identified in Attachment 4b, attached hereto;
4. Amending Schedule "J" –Transportation City Road Network to Official Plan Amendment No. 600 as identified in Attachment 4c, attached hereto;
5. Amending Section 4.2.1.1 v., by deleting it in its entirety and replacing it with the following:
 - v. Notwithstanding the above, within the lands of Block 40 and 47, north of Cold Creek, south of Teston Road, east and west of Pine Valley Drive and designated as Low Density Residential on Schedule B, the following shall apply:
 - a. The overall range of permitted gross density will be between 5.0 and 11.0 units per hectare (2 and 4.5 units per acre), calculated on the area of developable lands.
 - b. Street Townhouses may also be permitted within the Low Density Residential Areas within the above noted lands, 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.
6. Amending Section 4.2.1.2 by deleting subsection i., ii. and iii and adding the following policies:

- i. The lands within Blocks 40 and 47, north of Cold Creek, south of Teston Road, east and west of Pine Valley Drive are identified on Schedule B as "Low Density Residential", "Valley Lands", "Medium Density Residential-Commercial", "Stormwater Management Ponds", "Neighbourhood Commercial Centre", "Parks", "Elementary School", "Institutional", "Greenway System" and "Historical Site". Significant Wildlife Habitat, Significant Woodlands, Significant Valleylands and Provincially Significant Wetlands are located within and adjacent to the subject lands. Prior to the determination of the development limits for the subject lands, an Environmental Impact Study (EIS) is required to identify the locations and demonstrate the protection of these features such that all proposed development will not result in a negative impact to the features and their associated functions, including the hydroperiod, and consistent with an integrated, ecosystems approach to planning as set out in Section 5.4.2 of this Plan. Sufficient reference data and site specific observations must be completed to the satisfaction of the City, TRCA and Ministry of Natural Resources. The following policies shall apply to the lands described above, in addition to any other requirements in this Plan:

ii. Water Quality and Quantity

The appropriate permitted development pattern for this area shall be confirmed based on the following being completed to the satisfaction of the City and TRCA, prior to the approval of the Block Plan and subsequent Draft Plan of Subdivision:

- a. An assessment that confirms pre-development ground and surface water flows will be maintained post-development from head water drainage features that may be proposed to be removed or realigned to ensure sustainable flows to downstream features;
- b. An approximate post development water balance calculation to demonstrate that any infiltration deficit will be mitigated to protect the features and functions relying on surface or ground water contributions;

- c. An exploration of any proposed mitigation measures to demonstrate no negative impact on the features and functions and the hydroperiod of the natural features, and,
 - d. A features-based Water Balance that demonstrates maintenance of the hydroperiod for all woodlands, wetlands and water courses to be retained.
- iii. A hydrogeological study as part of the ME/SP for this area will be used to define the local pre-development water balance and establish site specific water balance criteria that 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.
- iv. To ensure the maintenance of ground and surface water quality and quantity throughout the Block 40/47 area, the following policies shall apply to all development within the subject lands:
 - a. All development and site alteration, infrastructure and recreational uses meet TRCA's stormwater management criteria for water quantity, water quality, erosion control and water balance for groundwater recharge and for natural features, as more specifically described in TRCA's Stormwater Management Criteria document.
 - b. Approaches to stormwater management shall use a series of measures that form a treatment 'train', including low impact approaches to achieve the criteria listed above and to mitigate potential impacts.
 - c. As the development progresses through all stages of the development process, increasingly detailed reports may be required to demonstrate consistency with the criteria outlined in (a) and (b) above. At each stage of the process, studies shall be completed and implemented to the satisfaction of the City of Vaughan and the TRCA.
- v. Notwithstanding Policy 5.9.1.3 of this Plan, where it has been demonstrated through a

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comprehensive technical report that there are no reasonable alternative sites and

alignments, underground infrastructure and related structures may be permitted in the valley corridor where it is demonstrated that:

- a. Impacts to the quality and quantity of groundwater and surface water including stream baseflow are minimized and mitigated;
- b. Impacts on groundwater flow and discharge are minimized and mitigated;
- c. Erosion hazards are avoided;
- d. All options for horizontal and vertical alignments to avoid, minimize and or mitigate impacts on aquifers and surface water receptors have been considered;
- e. Dewatering and dewatering discharge during and post construction will be managed;
- f. Design and construction technologies are used to reduce risk of hydrological and ecological impacts and minimize grade alterations to existing topography; and
- g. A contingency plan is provided to address maintenance and spills.

vi. Sensitive Land Features

Appropriate buffers will be required around all sensitive land features in accordance with the City, TRCA and Provincial requirements. To ensure the implementation of appropriate buffers, the following requirements shall be applied when establishing buffer areas around sensitive land features:

- a. A minimum 10 metre restored buffer from the greatest extent of the stable top of bank, long-term stable top of slope, flood plain, predicted meander belt, or dripline of the significant vegetation contiguous to the valley/stream corridor, for all development and site alteration;
- b. For grading associated with stormwater management ponds, a minimum 5 metre restored buffer is required from the drip-line of significant vegetation and wetlands provided it can be demonstrated that there will be no negative impact on the features and functions. Where public trails are provided adjacent to stormwater management ponds, they should be located along the street frontage of such facilities; and

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c. All buffers will be established in accordance with Provincial requirements. Where a conflict exists between Provincial requirements and the above policies, the more restrictive provision or standard shall apply.

vii. Known unevaluated wetlands in Block 40/47 shall be assessed for their significance in accordance with the criteria defined in the Ontario Wetland Evaluation System.

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viii. An adjacent lands analysis for lands with 120 metres of all wetlands in the Block 40/47 area identified on Schedule G1 and those determined to be Provincially Significant in accordance with policy 4.2.1.2 vii, must be completed prior to development, and demonstrate that:

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- a. there will be no loss of wetland features and functions, including the hydroperiod of the wetland (timing, volume, and duration of water);
- b. there will be no loss of contiguous wetland area;
- c. subsequent demand for development will not cause increased pressure on the wetland in the future; and,
- d. the minimum vegetation protection zone between the wetland and the proposed development is sufficient to address items (a) through (c) above.

ix. Notwithstanding Policy 4.2.1.2.viii, where it is determined by the City and TRCA that it is appropriate to relocate wetlands, the recreated wetland habitat must be established in accordance with the following requirements:

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- a. Wetland habitat must be of a similar nature, character and area;
- b. Outside of existing significant features and that any relocation within the defined valley is in addition to the wetlands that occur in the valley and will constitute an enhancement to the ecological function of the valley system;
- c. Minimize the extent of earth works which may cause additional habitat losses;
- d. Be outside of the regulated habitat for Redside Dace, or be subject to compliance with Endangered Species Act requirements;
- e. Suitable for wetland creation in terms of soils and hydrologic conditions; and
- f. Construction (including access) of these wetlands will not damage other features.

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x. With respect to the land feature identified as the 'Peninsula Lands' within the Block 40 proposed Block Plan, the precise limits of the valley land, and development land, in

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proximity of and inclusive of the 'Peninsula Lands' will be established to the satisfaction of the City and the TRCA through the Block Plan process based on studies and criteria as established by the City in conjunction with the TRCA. If it is determined by the City in conjunction with the TRCA that developable land is identified through these studies and in accordance with the criteria prescribed by the City and TRCA then the Low Density Residential designation will apply to the developable lands without further amendment to this Plan.

xi. If it is demonstrated that development in the Peninsula Lands is appropriate based on policy 4.2.1.2.ix, then prior to the approval of any development applications associated with this area, in addition to all requirements of this Plan, the impact on the features adjacent to the Peninsula, including valleylands and seeps, shall be assessed and the following shall be completed to the satisfaction of the City, TRCA and Province:

- a. That the access to the peninsula be designed and located to minimize alteration of, and intrusion into, the valley;
- b. That any areas outside of the area deemed appropriate for development be planted in a manner that discourages human entry and enhances the features and functions of the area;
- c. A cultural/archaeological heritage study be completed and that such features be maintained in situ or removed; and
- d. All development permitted on the peninsula shall use Low Impact Development (LID) stormwater management techniques, and there shall not be any stormwater management ponds located on the peninsula. Where LID techniques convey surface water into the valley system, it shall also be demonstrated that such conveyance will not have a negative impact on the features or functions within the valley.

xii. Endangered and Threatened Species and Significant Wildlife Habitat:

The lands within Blocks 40 and 47, north of Cold Creek, south of Teston Road, east and west of Pine Valley Drive are located within the East Humber watershed, and

more specifically traversed by several tributaries of the Cold Creek system. Cold Creek is a high quality, sensitive cold water system that supports a diverse range of aquatic species and provides habitat for the endangered Redside Dace. Ground and surface water sensitivities are also present given the network of tributaries and wetlands. Both valley land and table land wetland features are present. A substantial, continuous block of forest exists within the well defined valley systems, supporting a number of flora and fauna species of concern including a number of area sensitive, forest dependent breeding birds and the endangered butternut tree, and provides a range of ecosystem services, meeting the criteria for Significant Wildlife Habitat in the Provincial Policy Statement.

The above aquatic, terrestrial, and landscape attributes combine to create a significant valley system within the context of the Provincial Policy Statement. It is essential that any impacts resulting from urbanization of the area be carefully considered through ecologically-based site design, in accordance with Section 2.7 of this Plan, in order to protect and enhance the long term health, function and ecology of the natural and open space systems within the community and broader watershed landscape, including the population viability of endangered and threatened species and significant wildlife habitat.

- a. Within the lands described above, the habitat of Species at Risk has been identified. Through the preparation of the ME/SP, Block Plan and conditions of development approval, arrangements shall be made for the protection or enhancement of habitat to the satisfaction of the agency having jurisdiction.
- b. The habitat of endangered and threatened species and significant wildlife habitat shall be identified and mapped.
- c. Development or site alteration is not permitted on adjacent lands to significant habitat of endangered and threatened species or significant wildlife habitat unless it is demonstrated that there will be no negative impacts on the feature or its ecological function, or where compliance with Endangered Species Act requirements has been demonstrated.

xiii. Greenbelt Plan

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The Block Plan and any further Planning Act applications required to implement the permitted uses within Block 40/47 are not required to conform to the provisions of the Greenbelt Plan based on the transitional provisions of Section 24(2) of the Greenbelt Act.

ix. Monitoring:

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To provide for testing and maintenance of the final development form in the future for the lands identified in this Section, a monitoring program shall be established through the MESP process, which may assess the following:

- a. success/functions of buffer restoration areas;
- b. success/functions of habitat compensation areas;
- c. function of Low Impact Development (LID) measures;
- d. features that are subject to features-based water balance (headwater drainage features and small tributaries and wetlands) to confirm their post development function, including flows and erosion;
- e. erosion and sediment controls (including pond clean outs) in terms of water quality; and
- f. other areas related to ground and surface water conditions as required by TRCA and the City.

7. Amending Section 4.2.1.3.1 by adding the following policy:

- d. Notwithstanding the above, within the lands of Block 40 and 47, north of Cold Creek, south of Teston Road, east and west of Pine Valley Drive designated as Medium Density Residential-Commercial on Schedule B, the following shall apply:
 - i. The minimum net residential density on any site shall be 11 units per net residential hectare. The maximum net residential density on any site shall be 40 units per hectare, 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 stacked townhouses and low rise apartment buildings to a maximum height of 5 stories shall also be permitted.
 - ii. Within the Medium Density Residential-Commercial designation located on the

west side of Pine Valley Drive south of the Primary Road, commercial uses as permitted in section 4.2.1.3 shall not be permitted.

8. Amending Section 4.2.2.4, Neighbourhood Commercial Centre, by adding Sub-section vii., as follows:

- vii. Notwithstanding the policies above, the following shall apply to the lands located on the southeast corner at the intersection of Teston Road and Pine Valley Drive and designated Neighbourhood Commercial Centre on Schedule "B":
 - a. The Gross Leasable Area (GLA) may be less than 5,000 square metres.

9. Amending Section 4.2.4.1 – Greenway System by adding the following section:

- vi. The identified Greenway System on Schedule B within Block 40/47 is considered conceptual to allow the City to investigate the feasibility of providing public trails and crossings within the valley system and to evaluate connections with other potential public trail initiatives within the Humber River. The feasibility shall consider, amongst other matters, the impact on features and functions within the Valley in consultation with the TRCA and MNR. In the event it is determined that the construction of the Trail is not feasible, an amendment to the Official Plan will not be required to approve the Block Plan.

10. Amending Section 4.2.6.4, Planning for Cultural Heritage Conservation, by numbering the first paragraph of section 4.2.6.4.i as paragraph "a", and adding the following subsections:

- b. Block 40/47
 - i. Heritage impact assessments shall be required for all properties or structures listed within the City's Inventory of Significant Structure prior to Block Plan approval to determine the need for any mitigation. In addition, the potential realignment of Teston Road and Pine Valley Drive shall consider the potential impact on the existing property that has been listed in the City's Inventory located at the southeast corner of Teston Road and Pine Valley Drive, municipally known as 10733 Pine Valley Drive.

The Stage 1 and Stage 2 Archaeological Assessments prepared for the area have identified a number of archaeological sites or find spots. Prior to development proceeding, further archaeological assessment will be submitted for approval to the Ministry of Tourism and Culture as required.

- ii. Prior to any development occurring in the amendment area, a heritage impact assessment for the area of the East Humber River tributary shall be conducted to determine whether or not the area constitutes a cultural heritage landscape.
- iii. The location of the Historical Site within Block 40/47 is shown on Schedule "B". As of May 9, 2012 these lands are subject to a conditional donation agreement between the owner and Toronto Region Conservation Authority that contains provisions for these lands to be transferred into public ownership. Appendix "III" identifies the limit of the Historical Site that has been assessed and surveyed by the Ministry of Tourism and Culture and qualified archaeologists retained by the owners. Permitted uses shall include passive open space. As part of the preparation of the Block Plan and Urban Design Guidelines, consideration will be given to ensuring an appropriate interface with the adjoining residential development including incorporating other forms of creditable parkland adjacent to the Historical Site as a means of providing access and a visible presence within the community. The adjacent parkland shall provide appropriate buffers, which shall be determined in consultation with, and to the satisfaction of, the City, the Province and First Nations, for the benefit of the Historical Site.

No alteration or soil disturbance shall take place within lands identified as "Historical Site" on Schedule B. This restriction shall remain in place until a licensed consultant archaeologist has recommended in a report that the site has no further cultural heritage value or interest, and the Ministry of Tourism, Culture and Sport has stated its satisfaction with that report and entered it into the Ontario Public Register of Archaeological Reports according to section 48(3) of the *Ontario Heritage Act*.

11. Amending Section 5.10, Wetland Protection, by deleting the first paragraph and replacing it as follows:
 1. The Provincially Significant King-Vaughan Wetland Complex, the Provincially Significant Phillips-Bond Thompson Lake Wetland Complex located in Vaughan and the Provincially Significant East Humber Wetland Complex within the Block 40 and 47, north of Cold Creek, south of Teston Road, east and west of Pine Valley Drive are identified on Schedule G1. The locally significant Tormore Wetland Complex and the locally significant Keele Wetland are also identified on Schedule G1.
12. Amending Section 5.10.1, subsection 1 by deleting it in its entirety and replacing it with the following:
 1. The Provincially Significant King-Vaughan Wetland Complex, the Provincially significant Phillips-Bond Thompson Lake Wetland Complex and the Provincially Significant East Humber Wetland Complex is identified on Schedule G1. These wetland complexes shall be protected from incompatible development.
13. Amending Section 8.2.3, Arterial Roads, by adding the following subsections after paragraph "g":
 - h. The Pine Valley Drive and Teston Road realignment for the purposes of eliminating the existing jog remains under review. The preferred alignment is being considered by the Region of York and all options for right-of-way requirements are being protected. As such, the general location of lands within Blocks 40 and 47 that may be affected by the realignment are shown on Schedule B. These lands may be subject to Holding Zone provisions under the Planning Act, implemented through subsequent development applications. If it is determined through the Environmental Impact Assessment review that the lands are not required for the realignment, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan.
 - i. Road intersections within the Regional road system are to be designed in conformity with York Region's Road Design Guidelines.

14. Amending Section 8.2.4, Primary Roads and Collector Roads, by adding subsection viii to part c, as follows:

- viii. Notwithstanding Section 8.2.4.c.i., a primary road in the Block 40/47 area shall consist of both 23.0 m and 20.0 m public right-of-ways and shall be established through the approval of the Block 40/47 Block Plan and Draft Plans of Subdivision.

II IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented by way of preparation and approval of Block Plan(s), plans of subdivision, amendments to the zoning by-law and site plan approval(s), pursuant to the "Planning Act" and the requirements of OPA 600.

III INTERPRETATION

The provisions of the Official Plan of The Vaughan Planning Area as amended from time to time regarding the interpretation of that plan shall apply with respect to this Amendment.