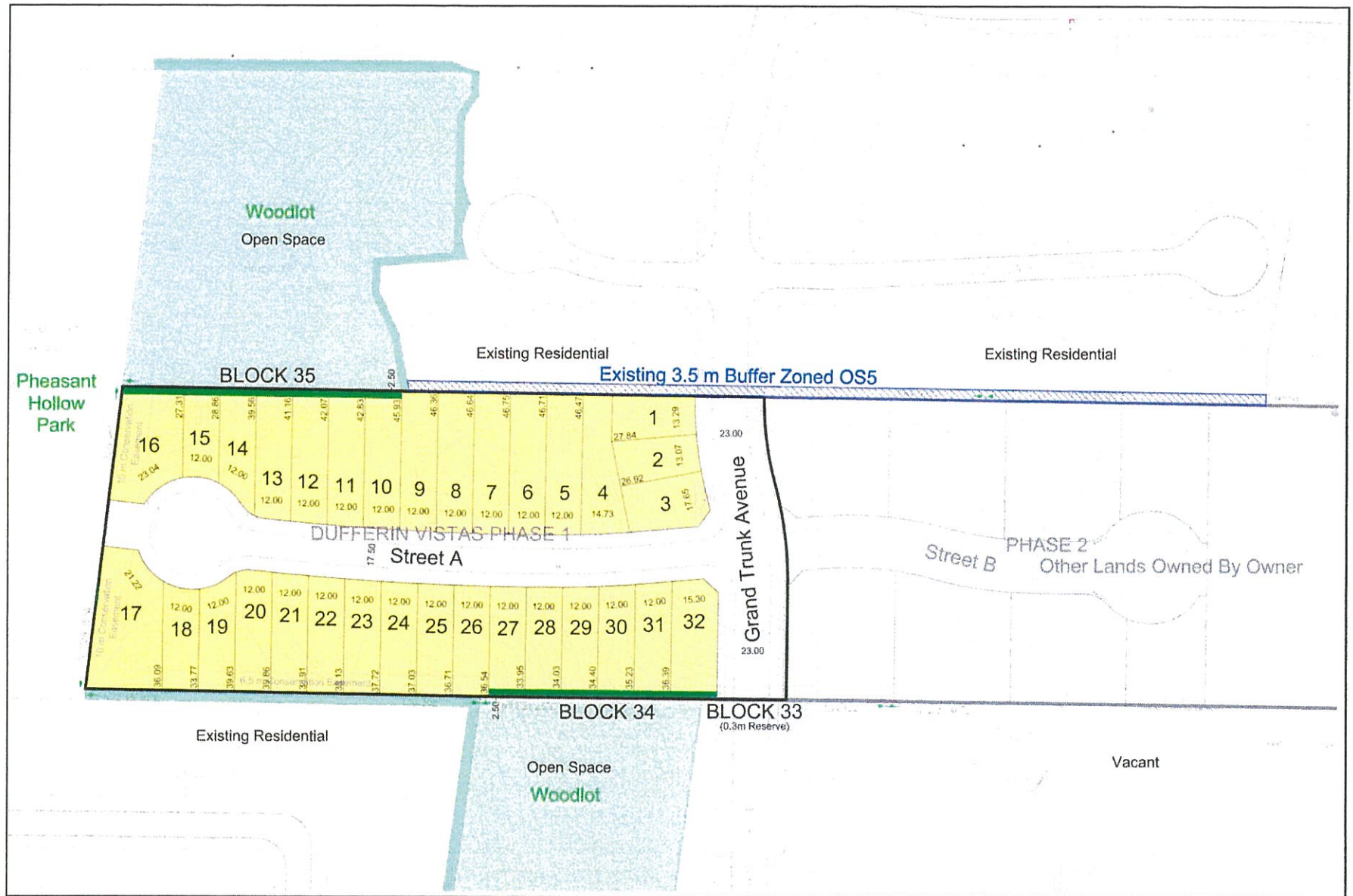


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| COMMUNICATION | |
| CW - | FEB 7/17 |
| ITEM - | 5 |

Dufferin Vistas Subdivision 230 Grand Trunk Avenue

Committee of the Whole
February 7, 2017

Phase 1 Buffers



Surrounding Buffers



RES.#A75/16 -**PUBLIC RECORD - DECISION OF THE ONTARIO MUNICIPAL BOARD REGARDING AN APPEAL OF THE VAUGHAN OFFICIAL PLAN 2010 BY DUFFERIN VISTAS LTD. (FORMALLY EUGENE AND LILLIAN IACOBELLI)**

230 Grand Trunk Avenue (formerly 9500 Dufferin Street)
 Planning Block 18, West of Dufferin Street and North of Rutherford Road,
 City of Vaughan, York Region. Reporting of a Decision respecting one
 appeal of the Vaughan Official Plan 2010 by the Ontario Municipal Board
 (OMB) and information respecting the Official Plan policies supported by
 the TRCA and landowner, Dufferin Vistas Ltd., as approved by the OMB.

Moved by: Glenn De Baeremaeker
 Seconded by: Mike Mattos

THAT the following Resolution #A142/15 approved at Authority Meeting #7/15, held on July 24, 2015, be received and become a public record:

THAT the participation of Toronto and Region Conservation Authority (TRCA) as a party before the Ontario Municipal Board (OMB) be re-affirmed as it relates to the subject appeal of the Vaughan Official Plan (VOP 2010) on lands on the west side of Dufferin Street, north of Rutherford Road, municipally known as 230 Grand Trunk Avenue (formerly 9500 Dufferin Street), in the City of Vaughan.

THAT TRCA staff be directed to appear on behalf of TRCA on the subject appeal before the OMB and to continue to represent TRCA on matters relating to natural heritage and Provincial interest (landform, erosion, water management, hazard lands);

THAT staff be directed to continue to work towards a settlement with City of Vaughan, the appellant and other parties to ensure that the requirements of The Living City Policies, TRCA's Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), Oak Ridges Moraine Conservation Plan (ORMCP) and Provincial Policy Statement (PPS) are met;

AND FURTHER THAT a copy of this report be sent to the Regional Municipality of York and the Province of Ontario for the purposes of updating them on the outstanding OMB appeal and for their information.

AMENDMENT
RES.#A76/16

Moved by: Glenn De Baeremaeker
 Seconded by: Mike Mattos

THAT the following be inserted after the main motion:

THAT Toronto and Region Conservation Authority (TRCA) request that the Province of Ontario and the Region of York work with City of Vaughan and TRCA staff to implement the requirements of the Ontario Municipal Board (OMB) approved Official Plan Amendment as it relates to the Oak Ridges Moraine Conservation Plan, the Endangered Species Act and the Provincial Policy Statement;

AND FURTHER THAT TRCA request that the City of Vaughan confirm the implementation of the policy requirements within future Decisions under the Planning Act.

THE AMENDMENT WAS CARRIED

THE MAIN MOTION, AS AMENDED, WAS CARRIED

THE RESULTANT MOTION READS AS FOLLOWS:

THAT the following Resolution #A142/15 approved at Authority Meeting #7/15, held on July 24, 2015, be received and become a public record:

THAT the participation of Toronto and Region Conservation Authority (TRCA) as a party before the Ontario Municipal Board (OMB) be re-affirmed as it relates to the subject appeal of the Vaughan Official Plan (VOP 2010) on lands on the west side of Dufferin Street, north of Rutherford Road, municipally known as 230 Grand Trunk Avenue (formerly 9500 Dufferin Street), in the City of Vaughan.

THAT TRCA staff be directed to appear on behalf of TRCA on the subject appeal before the OMB and to continue to represent TRCA on matters relating to natural heritage and Provincial interest (landform, erosion, water management, hazard lands);

THAT staff be directed to continue to work towards a settlement with City of Vaughan, the appellant and other parties to ensure that the requirements of The Living City Policies, TRCA's Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), Oak Ridges Moraine Conservation Plan (ORMCP) and Provincial Policy Statement (PPS) are met;

AND FURTHER THAT a copy of this report be sent to the Regional Municipality of York and the Province of Ontario for the purposes of updating them on the outstanding OMB appeal and for their information.

THAT Toronto and Region Conservation Authority (TRCA) request that the Province of Ontario and the Region of York work with City of Vaughan and TRCA staff to implement the requirements of the Ontario Municipal Board (OMB) approved Official Plan Amendment as it relates to the Oak Ridges Moraine Conservation Plan, the Endangered Species Act and the Provincial Policy Statement;

AND FURTHER THAT TRCA request that the City of Vaughan confirm the implementation of the policy requirements within future Decisions under the Planning Act.

RATIONALE

The purpose of this report is to provide a status update for the information of the Authority on the OMB appeal of the "Natural Areas – Core Features" designation of 230 Grand Truck Avenue by Dufferin Vistas Ltd. The report also outlines the policy requirements supported by the OMB, TRCA and Dufferin Vistas.

History Details:

Since Resolution #A142/15 was approved on July 24, 2015, TRCA staff worked with the appellant to negotiate a settlement which ensures the requirements of The Living City Policies, TRCA's Ontario Regulation 166/06, ORMCP and PPS will be met as the development foot print is defined (relative to any historical or existing features on site). Given the appellant had not completed any detailed technical review of the site, policies were included that require study of the natural features on the property as part of future development planning proposals (*i.e.*, Draft Plan of Subdivision and/or Zoning By-Law Amendment Applications). The requirements for further technical review and assessment of natural heritage features on the site was requested and included within the detailed site specific Official Plan Amendment for the subject site.

A copy of the OMB Decision (dated March 9, 2016) including the site specific amendment is attached. The following is a summary of the policy requirements that were included:

The property is divided into 3 segments, each subject to different policies based on the features present.

Eastern: The eastern parcel was recognized as containing natural heritage and hazard features including a watercourse associated with the Don River, along with wetland areas and significant vegetation including endangered species. An approximate extent was agreed to; however the precise limits of this area will be finalized through the future Natural Heritage Evaluation.

Middle: The mid-portion of the site was recognized as potentially containing natural heritage and hazard features which would require further assessment and review as part of the future development review process. As such, this portion was designated Low Rise Residential Special Study Area; necessitating further study before development, if any, would be permitted.

Technical studies (examining existing features) that are required include:

- A Natural Heritage Evaluation;
- Geotechnical/Slope Stability Analysis;
- Hydrogeological Study/Analysis;
- Water Balance;
- Landscape Restoration Plan;
- Functional Servicing Report (FSR); and
- Planning Report, including Oak Ridges Moraine Conformity.

The submission of these studies which will determine the extent of the natural features and hazards on the site, if any, will be required prior to the consideration of any site alteration or development approvals on the property. The future development patterns and features for preservation/conservation including the ways and means to achieve this will be determined through the submitted studies and recognized through the zoning by-law and future development planning processes. The final boundary between the Natural Area and Low-Rise Residential Special Study Areas will be determined through the above-noted studies and through staking of the natural features which has yet to be completed.

Western: The west side of the property was designated for low-rise residential development. The TRCA does not regulate this portion of the property and acts as technical advisors to both the City and the Regional Municipal of York. The policies require appropriate technical studies and ORM Conformity.

The City of Vaughan, Region of York and the Province of Ontario did not participate in the protection of the natural features nor in the development of the OP policies approved by the OMB. They did not present any witnesses at the OMB hearing.

Residents in the area were involved in the OMB process. Since the Decision was released, TRCA staff have been contacted by residents and media. Several residents advised that their concerns were not reflected in the OMB Decision. Much of the discussion took place in closed session due to the legal nature of the process and therefore information available is limited.

DETAILS OF WORK TO BE DONE

The appellant has recently submitted a Draft Plan of Subdivision Application (19T-16V001) to the City of Vaughan. A copy of the application along with some of the technical studies have been circulated for TRCA review. TRCA technical review is continuing at this time and comments will be submitted to the City accordingly.

TRCA staff will continue their review and to dialogue with the applicant, City staff and their consultants to ensure the policies approved by the OMB are implemented and respected and that the appropriate protections are put in place for natural features on the site.

Report prepared by: Kevin Huang, extension 5307

Emails: khuang@trca.on.ca

For Information contact: Kevin Huang, extension 5307 and June Little, extension 5756

Emails: khuang@trca.on.ca; jlittle@trca.on.ca

Date: May 27, 2016

Attachments: 3

August 2, 2013

CFN 35564

BY E-MAIL (brenda.macdonald@vaughan.ca) AND MAIL

Ms. Brenda MacDonald
Clerk's Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. MacDonald:

**Re: Clearance of Conditions - Phase 3
Draft Approved Plan of Subdivision 19T-02V10 - Phase 3
Part of Lot 17, Concession 3
Planning Block 18 - West Side of Dufferin Street and North of Rutherford Road
City of Vaughan, York Region
(1275620 Ontario Inc.)**

This letter follows receipt of a request for clearance of conditions of draft plan approval for Draft Approved Plan of Subdivision 19T-02V10 - Phase 3, for Part of Lot 17, Concession 3, in the City of Vaughan. This requested was received on July 2, 2013.

In accordance with conditions of draft approval issued by the City of Vaughan on July 9, 2004, we advise that Toronto and Region Conservation Authority (TRCA) conditions have been fulfilled as follows:

Condition No. 87:

All detailed engineering and technical submissions have been received and reviewed by TRCA technical staff. We are satisfied with the proposed stormwater management strategy. We note that a permit under Ontario Regulation 158 (Fill, Construction and Alterations to Waterways) had been issued for Stormwater Management Pond C1, which receives stormwater flows from the applicant's lands (Permit No. C-06065, issued on March 9, 2006). With the above duly noted, we consider this portion of the condition to have been fully satisfied.

Condition No. 88:

No red-line revisions were necessary. This condition is satisfied.

Condition No. 89:

As part of this condition, the applicant was to submit a revised draft plan depicting the 2.5 m buffer on proposed lots abutting open space blocks. At this time, the 2.5 m buffer has been provided along the western edge of Lots 1, 5 and 6; as these lots abut a tableland woodlot (Block 12, Plan 65M-).

Unfortunately, the 2.5 m buffer has not been provided along the southern flank of Lots 6 to 11 inclusive. It is noted that a tableland woodlot was formerly located on the adjacent lands to the south (Iacobelli). This feature was removed by the adjacent landowner. However, it is our understanding that this feature is to be restored as per orders under York Region's Tree Removal By-Law. Given that this was a natural feature on the adjacent lands and still should be treated as such, we request that City of Vaughan staff implement the 2.5 m buffer requirement along the southern flank of Lots 6 to 11 inclusive. This noted, we ultimately defer clearance of this condition to Mr. Rob Bayley, City of Vaughan. TRCA staff have no further issues in this regard.

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Member of Conservation Ontario

August 2, 2013.

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Condition No. 90:

Please see Condition No. 89 above. TRCA staff defers clearance of this condition to City of Vaughan staff.

Condition No. 91:

It is noted that dedication of the open space blocks will be to the City of Vaughan. This condition has been satisfied.

Condition No. 92:

This condition has been satisfied through Zoning By-law 172-2005, passed by the Council of the City of Vaughan on June 15, 2005.

Condition No. 93:

This portion of the condition has been satisfied by Section 21.7.1 of the executed copy of the subdivision agreement.

Condition No. 94:

A copy of the executed subdivision agreement was received on July 2, 2013. This condition has been met.

Recommendation:

On the basis of the above comments, TRCA staff has **no objections** to the clearance of Draft Approved Plan of Subdivision 19T-02V10 - Phase 3, and provides TRCA clearance herein.

Fee:

We acknowledge receipt of the \$2,500 subdivision clearance fee (additional phase) and thank the applicant for its submission.

We trust these comments are of assistance. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Kevin Huang, MES, MCIP, RPP
Senior Planner
Planning and Development
Extension 5307

/KH

c.c.: Carol Birch, City of Vaughan (E-mail: carol.birch@vaughan.ca)
Rob Bayley, City of Vaughan (E-mail: rob.bayley@vaughan.ca)
Rosemarie Humphries, Humphries Planning (E-mail: rhumphries@humphriesplanning.com)

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CITY OF VAUGHAN
SUBDIVISION AGREEMENT

Birch, Carol

From: Bayley, Rob
Sent: Thursday, August 15, 2013 11:54 AM
To: Birch, Carol
Subject: Clearance of Condition 19T-02V10 Phase 3 TRCA Condition No. 89

Hi Carol,

As discussed, this e-mail shall serve to confirm that Urban Design does not require the 2.5 buffer as redlined on the Draft Plan. The buffer block should not be provided between two private properties. However, the zoning should remain on the lands.

Should the adjacent land be developed, any buffer can be taken at the same time the woodlot is conveyed to the City.

Thanks,

Rob Bayley, O.A.L.A., C.S.L.A.
Manager of Urban Design