

# AIRD & BERLIS LLP

Barristers and Solicitors

Christopher J. Williams

Direct: 416.865.7745

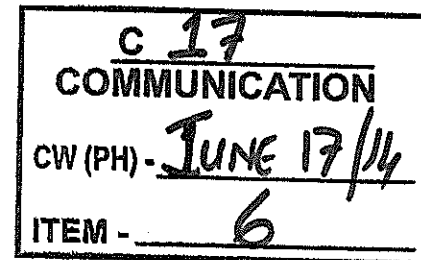
E-mail: cwilliams@airdberlis.com

June 17, 2014

Our File No. 111248

## BY EMAIL

Mr. Tony Iacobelli  
Senior Environmental Planner  
Policy Planning Department  
Vaughan City Hall, Level 200  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1



Dear Mr. Iacobelli:

**Re: Natural Heritage Network Study  
4603 and 4611 Highway 7**

We act on behalf of 2058258 Ontario Limited ("Forest Green Homes") with respect to the lands municipally known as 4603 and 4611 Highway 7 in the City of Vaughan (the "Site"). Please accept this letter and the attachments as our written submission for the purposes of subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13.

We have had the opportunity to review the June 17, 2014 staff report, entitled "Natural Heritage Network, Inventory and Improvements Phases 2 to 4, Final Consulting Team Report and Recommendations, Amendments to the Vaughan Official Plan 2010" including the related attachments. We understand that draft amendments to the Vaughan Official Plan 2010 are being considered by the Committee of the Whole on June 17, 2014 as recommended by City Staff in the noted staff report. We have commented on this matter previously.

Based on our review of the staff report and the related attachments, it appears that our client's concerns have not been satisfactorily addressed. We have enclosed our previous submission to City Staff, dated February 20, 2014, setting out our client's concerns respecting the Natural Heritage Network Study in connection with the Site. These concerns remain. In particular, we request that the Natural Heritage Network boundary be revised to be consistent with the Toronto and Region Conservation Authority staked top of bank and 10 metre setback. We are concerned with any amendments that may impose greater or new restrictions on lands adjacent to the Natural Heritage Network or change its boundaries.

We request formal Notice of any amendments to the Vaughan Official Plan 2010 pursuant to subsection 17(23) of the *Planning Act* resulting from this Study.

June 17, 2014  
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Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Christopher J. Williams

CJW/jc

cc. G. Bisnaire  
A. Benson  
R. Humphries

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# AIRD & BERLIS LLP

Barristers and Solicitors

Christopher J. Williams

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February 20, 2014

Our File No. 111248

BY COURIER

Mr. Tony Iacobelli  
Senior Environmental Planner  
Policy Planning Department  
Vaughan City Hall, Level 200  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Mr. Iacobelli:

**Re: Natural Heritage Network Study  
4603 and 4611 Highway 7**

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We act on behalf of 2058258 Ontario Limited ("Forest Green Homes") with respect to the lands municipally known as 4603 and 4611 Highway 7 in the City of Vaughan (the "Site"). The Site is located on the south side of Highway 7, west of Pine Valley Drive. It comprises an area of 1.71 hectares and is currently vacant.

Further to our conference call of Tuesday, January 28, 2014, we are writing to provide you with comments on behalf of our client regarding the Natural Heritage Network Study (the "Study") and its potential impact(s) to the Site. To assist with your review, copies of all documents referenced in this letter are included on the enclosed DVD.

As you are aware, the eastern portion of the Site is designated Mid-Rise Residential and the western portion of the Site is designated Natural Areas by Schedule 13 of the City of Vaughan Official Plan 2010, currently under appeal to the Ontario Municipal Board ("VOP 2010"). The portion of the Site designated Natural Areas comprises part of the Natural Heritage Network and is identified as Core Features by Schedule 2 of the VOP 2010.

On March 29, 2012 Humphries Planning Group Inc., on behalf of Forest Green Homes, filed applications for Official Plan Amendment and Zoning By-law Amendment to permit the development of the Mid-Rise Residential designated portion of the Site. A Site Plan Approval application was filed on October 2, 2013. The portion of the Site designated Natural Areas is to remain vacant with the exception of a required stormwater headwall within the south side of the valley. With approval of the development proposal, the Natural Areas designated land is to be conveyed to the Toronto Region Conservation Authority ("TRCA").

Prior to filing the above-described development applications, our client, together with the TRCA determined an appropriate development limit that included a 10 metre buffer from the staked top of bank. The staked top of bank and 10 metre setback have been shown on all appropriate plans and drawings filed in support of the applications, including the enclosed Site Plan, prepared by Burka Architects Inc., dated September 30, 2013.

Through the processing of the applications, our client has also undertaken extensive environmental work including the preparation of the following reports:

- Environmental Impact Statement, prepared by Dillon Consulting, dated March 2013.
- A Feasibility Study for Municipal Servicing and Stormwater Management, prepared by Land-Pro Engineering Consultants Inc., dated March 14, 2012 and revised December 18, 2012.
- Environmental Assessment and Development Feasibility Analysis, prepared by Stantec Consulting Ltd., dated March 7, 2012.

The above-listed reports were circulated to the TRCA on November 18, 2013 with TRCA comments issued on January 23, 2014. The TRCA has not identified any significant or insurmountable concerns with the proposed development but has requested that additional information be provided prior to issuance of conditions of Site Plan Approval. Our client is actively working to satisfy these requirements.

We have reviewed the draft Study mapping, dated November 4, 2013 and are concerned as part of the developable portion of the Site has been included in the Study area. This land runs easterly from the Jersey Creek valley system but is beyond the top of bank staked with the TRCA on May 9, 2007 and associated 10 metre setback. Additionally, as set out in the enclosed letter from the TRCA, dated May 28, 2009, our client has agreed to provide monetary compensation to the TRCA for the assessed loss of this partial feature. Consequently, this land has been incorporated into the proposed development scheme as the location of a future stormwater management facility. We respectfully request that the NHN boundary be revised to be consistent with the TRCA staked top of bank and 10 metre setback. We trust that the information contained on the enclosed DVD provides sufficient evidence to support this refinement.

Finally, we understand that upon completion of the Study an amendment to the VOP 2010 may be made. We request notification of any proposed amendments to the VOP 2010 resulting from this Study. We are particularly interested in any amendments that may impose greater or new restrictions on lands adjacent to the NHN or change its boundaries.

We would be pleased to meet with you in future should the need arise. Please do not hesitate to contact the undersigned if you require any additional information. Thank you.

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Yours truly,

AIRD & BERLIS LLP



Christopher J. Williams

CJW/ee

cc. G. Bisnaire  
A. Benson  
R. Humphries

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