



**WESTON
CONSULTING**

planning + urban design

C23-1

C 23	
COMMUNICATION	
CW (PH) -	JUNE 17/14
ITEM -	6

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

June 17, 2014
File 5873-1

Dear Mayor and Members of Council,

**RE: Phase 2 – 4 Natural Heritage Network Study
11211 Weston Road, City of Vaughan**

Weston Consulting is the planning consultant for the owner of the property municipality described as 11211 Weston Road, in the City of Vaughan (the 'subject property').

The subject property is located on the east side of Weston Road, between Kirby Road and Teston Road. It is approximately 25 acres in area. The eastern portion of the subject property (approximately 19.5 acres) is located within the Protected Countryside of the Greenbelt. The western portion of the Subject Property (approximately 5.5 acres) is located outside of the Greenbelt.

Based on our review of the 'Phase 2 – 4 Natural Heritage Network Report' (NHN Report), dated May 2014, the portion of the property outside of the Greenbelt is not identified as 'Core Features' under the Natural Heritage Network. However, it appears that the new Schedules as presented in Figure 7 & 8 of the NHN Report, do identify the following:

1. The designation of "Woodlands" on or near the subject property as illustrated on the proposed Schedule 2B attached to the NHN Study Report; and
2. The designation of "SWH Amphibian Breeding Habitat – Woodlands" on or near the subject property in accordance with Schedule 2C attached to the NHN Study Report.

With regard to these designations, please be advised that the owners of the subject property have previously submitted an appeal of the new Official Plan to the Ontario Municipal Board ("the Board") on the basis that certain land use schedules were not consistent with OPA 637. We note that the inconsistencies included Schedule 2, the "Natural Heritage Network", which identified a "Core Feature" on a portion of the Subject Property that is outside of the Greenbelt. Furthermore, the owners of the subject property commissioned Dillon Environmental to undertake a review of the wooded area located at the subject property in further support of the appeal. It was Dillon's findings that the wooded area outside of the Greenbelt is not dense enough to constitute a Woodland nor consistent with the intention of the York Region Official Plan and the City's (proposed) Official Plan to exclude plantations that are established for the purpose of producing Christmas trees from being classified as Woodlands.

During the course of the appeal, City Staff confirmed that the identified discrepancies between OPA 637 and the new Official Plan were the result of mapping errors in the latter. In order to address the concerns and to make the new official plan consistent with OPA 637, the City, the TRCA and the property owner agreed to several modifications which removed the "Natural Areas" designation from Schedule 1, 2 and 13. These modifications has the effect of restoring the Low-Rise Residential designation and removing environmental designation and overlays of the western portion of the Subject Property, outside of the Greenbelt (Minutes of Settlement Attached).

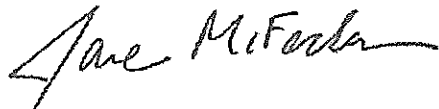
In regards to the City's NHN Study, comments were previously submitted to the City on behalf of the owner of the subject property with respect to Phase 1 of the Study on January 15, 2014. It appears that no consideration for previous comments has been included in the Phase 2-4 Study nor the Staff Report dated June 17, 2014. We formally request that you remove the designations on Schedule 2B and 2C identified on the subject property outside of the Greenbelt in accordance with OPA 637 and the recently approved modifications to Schedule 1, 2, and 13 of the new Official Plan (attached to the Minutes of Settlement).

Please add me to your consultation list and provide me with any notice of decision related to this matter. Please contact me at extension 225 if you have any further questions.

Yours truly,

Weston Consulting

Per:



Jane McFarlane, MES (PI), MCIP, RPP
Senior Planner

c. Amber Stewart, Amber Stewart Law
Clients

C 23.3

OMB Case No. PL111184

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

IN THE MATTER OF s. 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: Ronni Rosenberg (No. 37) (See Attachment 1 for list of other Appellants)
Subject: Failure of the Regional Municipality of York to announce a decision
respecting the proposed new Official Plan for the City of Vaughan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184

MINUTES OF SETTLEMENT

BETWEEN:

RONNI ROSENBERG

("the Appellant")

- and -

THE CORPORATION OF THE CITY OF VAUGHAN

("the City")

- and -

TORONTO AND REGION CONSERVATION AUTHORITY

("TRCA")

WHEREAS the Appellant is an owner of the property municipally described as 11211 Weston Road, and legally described as Parts of Lot 28 and 29, Concession 5, in the City ("the Subject Property");

AND WHEREAS the eastern portion of the Subject Property (approximately 19.5 acres) is located within the Protected Countryside of the Greenbelt, and regulated by the *Greenbelt Plan, 2005*, and the western portion of the Subject Property (approximately 5.5 acres) is located outside of the Greenbelt.

AND WHEREAS the western portion of the Subject Property (located outside of the Greenbelt) is designated as "*Low Rise Residential*" pursuant to Official Plan Amendment

C 23.4

OMB Case No. PL111184

No. 637 ("OPA 637"), which was adopted by the City in 2010 and approved by the Ontario Municipal Board ("the Board") on August 3, 2011;

AND WHEREAS the City adopted the City of Vaughan Official Plan, 2010 ("the New OP") on September 7, 2010, which was forwarded to the Regional Municipality of York for approval;

AND WHEREAS certain schedules to the New OP were not consistent with OPA 637 in relation to the western portion of the Subject Property (located outside of the Greenbelt);

AND WHEREAS on June 28, 2012, the Appellant filed an appeal of the New OP to the Board for non-decision;

AND WHEREAS the TRCA has indicated that it has an interest in the Appellant's appeal;

AND WHEREAS the Appellant, the City, and the TRCA (together, "the Parties") have engaged in settlement discussions with a view to resolving the Appellant's concerns with the New OP;

NOW THEREFORE, in consideration of the sum of \$2.00, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Appellant acknowledges, and will advise any potential future purchasers of the Subject Property, that portions of the Subject Property are subject to *Ontario Regulation 166/06* and that the limits of the natural features will be determined in accordance with *Ontario Regulation 166/06*.
2. The Appellant will bring a motion to the Board returnable on December 2, 2013, for an Order allowing the Appellant's appeal, in part, and for:
 - a) An Order of the Board pursuant to s. 17(50) of the *Planning Act*, amending Volume 1 of the New OP, as follows:

C 23.5

OMB Case No. PL111184

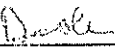
- i) By amending Schedule 1 - "Urban Structure", to include a "*Community Area*" designation for the portion of the Subject Property that is outside of the Greenbelt, as shown on Attachment 1;
 - ii) By amending Schedule 2 - "Natural Heritage Network", to remove the "*Core Features*" designation from the portion of the Subject Property that is outside of the Greenbelt, as shown on Attachment 2; and
 - iii) By amending Schedule 13 - "Land Use", to include a "*Lands Subject to Approved Area Specific Secondary Plans*" designation for the portion of the Subject Property that is outside of the Greenbelt, as shown on Attachment 3;
- b) An Order of the Board pursuant to s. 17(50) of the *Planning Act*, amending Volume 2 of the New OP, by deleting policies 11.4.1 to 11.4.11, including Map 11.4.A, and inserting into section 11.4 the text and schedules of OPA 637, which is already in force.
- 3. The Appellant shall submit an Affidavit by a qualified land use planner in support of the motion, and shall have a witness available at the hearing to provide oral evidence in support of the motion, if necessary.
 - 4. The City and the TRCA shall indicate to the Board that they are in support of the Appellant's motion.
 - 5. The Parties shall each bear their own costs in respect of the Appellant's appeal, including the motion.
 - 6. The Parties acknowledge that these Minutes of Settlement and the modifications contemplated in paragraph 2, if approved by the Board, constitute a full and final settlement of the Appellant's appeal.

C 23.6

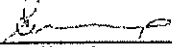
OMB Case No. PL111184

7. The Parties warrant that they have had the opportunity to consult or have consulted with legal counsel, and that they understand all of the terms of and obligations contained in these Minutes.
8. These Minutes can be signed in counterparts, and a facsimile, photocopy, or email copy of these Minutes is as binding as the original thereof.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement as of the dates noted below.



Witness Name:
Date: Dec 26, 2013.
DANIEL
ROSENBERG



Ronni Rosenberg
Date: Dec 26, 2013

Witness Name:
Date:

The Corporation of the City of
Vaughan

Name:
Date:

I have the authority to bind the
Corporation.

Witness Name:
Date:

Toronto and Region
Conservation Authority

Name:
Date:

I have the authority to bind the
Corporation.

C 23.7

OMB Case No. PL111184

7. The Parties warrant that they have had the opportunity to consult or have consulted with legal counsel, and that they understand all of the terms of and obligations contained in these Minutes.
8. These Minutes can be signed in counterparts, and a facsimile, photocopy, or email copy of these Minutes is as binding as the original thereof.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement as of the dates noted below.

Witness Name:

Date:

Nancy Boyd

Witness Name:

Date: Dec. 17, 2013

Ronni Rosenberg

Date:

[Signature]

The Corporation of the City of
Vaughan

Name: CLAUDIA STORTZ

Date: Dec. 17, 2013

I have the authority to bind the
Corporation.

Witness Name:

Date:

Toronto and Region

Conservation Authority

Name:

Date:

I have the authority to bind the
Corporation.

C 23.8

OMB Case No. PL111184

7. The Parties warrant that they have had the opportunity to consult or have consulted with legal counsel, and that they understand all of the terms of and obligations contained in these Minutes.
8. These Minutes can be signed in counterparts, and a facsimile, photocopy, or email copy of these Minutes is as binding as the original thereof.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement as of the dates noted below.

Witness Name:
Date:

Ronni Rosenberg
Date:

Witness Name:
Date:

The Corporation of the City of
Vaughan

Name:
Date:

I have the authority to bind the
Corporation.

Witness Name:
Date:

Brian Denney
Toronto and Region
Conservation Authority

Name: BRIAN DENNEY CEO
Date: Dec 4/15.

I have the authority to bind the
Corporation.

C 23.9

Minutes of Settlement - Attachment 1



EXHIBIT D - MODIFIED SCHEDULES



SCHEDULE 1

Urban Structure

- Urban Boundary
- Urban Growth Boundary
- Employment Areas
- Residential Areas
- Community Areas
- Neighborhood Areas
- Employment Areas
- Retail Facilities
- Industrial Areas
- Warehouse/Manufacturing Districts
- Primary Districts
- Local Districts
- Regional Interconnection Districts
- Regional Interconnection Districts within Employment Areas
- Primary Interconnection Districts
- Primary Interconnection Districts within Employment Areas
- Parking and Transit Land Use
- Railway
- Subway Extension
- Regional Subway Extension
- BO Transit Network
- Greenbelt Plan Area
- Old Ridge Road Corridor Plan Area
- Urban Growth Corridor Boundary
- Historic
- Municipal Boundary

1. See Schedule 4 for land use information of the Greenbelt Plan Area and Old Ridge Road Corridor Plan Area.

C 23.10

Minutes of Settlement - Attachment 2

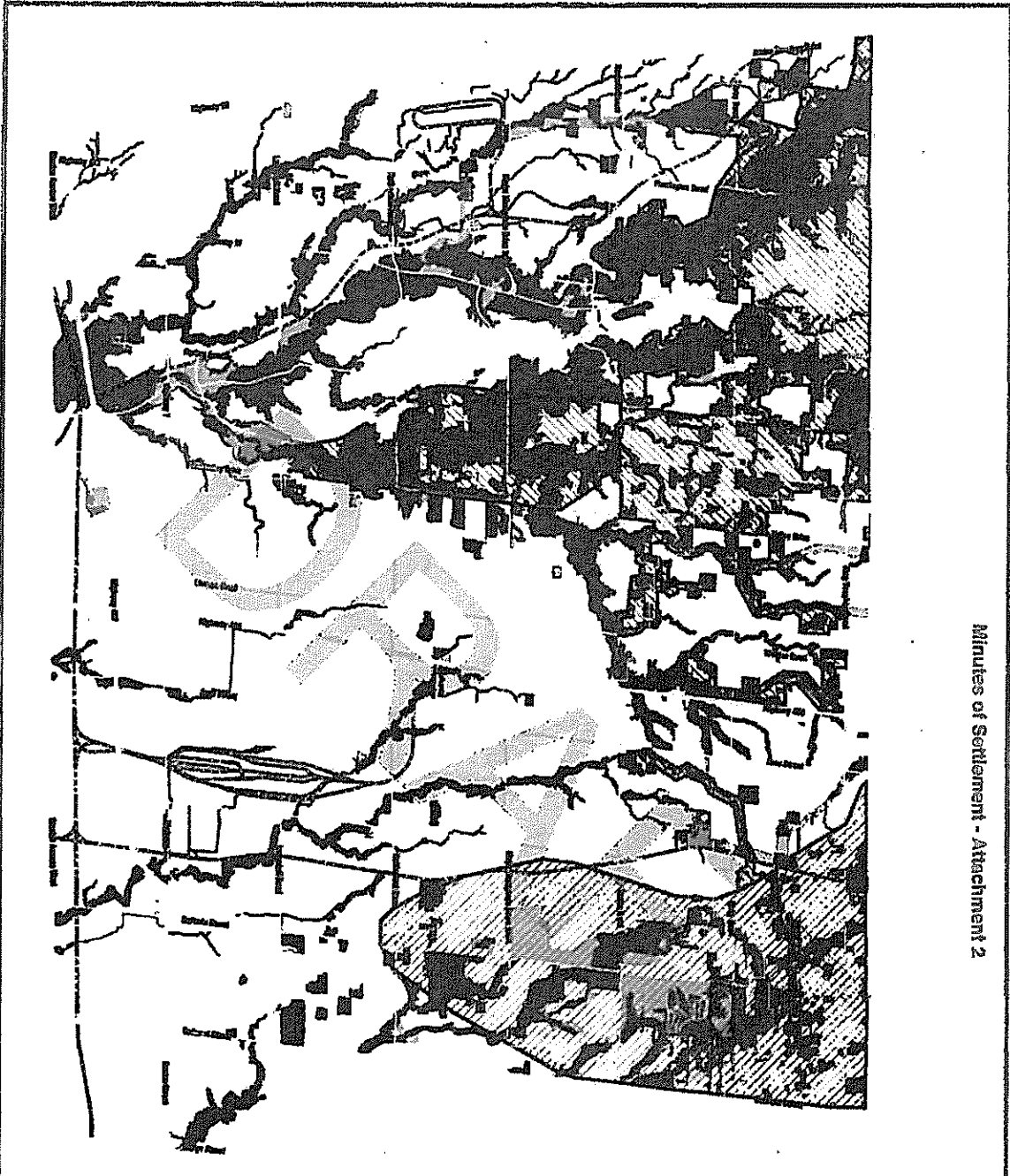









EXHIBIT 2
Natural Heritage
Network

-  Core Features
-  Enhancement Areas
-  Buffer to Valley Lands
-  Greenbelt Plan Area*
-  Oak Ridge Natural Conservation Plan Area†
-  Wetland's Location on OCMAP Designated Island
-  Municipal Boundary

This Schedule is subject to change based on the results of the Natural Heritage Network Study, which will define the Natural Heritage Network by both the natural features and as a natural heritage system in accordance with the Provincial Policy Statement.

The policy set in Chapter 5 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network.

* See Schedule 4 for further and more information of the Greenbelt Plan Area and Oak Ridge Natural Conservation Plan Area.

C 23.11



**SCHEDULE 12
Land Use**



Legend

- Natural Areas
- Parks
- Forest Open Spaces
- Agricultural
- Rural
- Low-Density Residential
- Medium-Density Residential
- Single-Family Residential
- High-Density Residential
- Community Commercial/Industrial
- Employment Commercial/Industrial
- General Employment
- Heavy Employment
- Major Institutional
- New Community Areas
- Towns, Villages and Development
- Planning and Urban Land
- Institutional and Public
- Lands Subject to Approval and Special Services (Parks & Recreation)

Notes:

- Natural Areas
- Parks
- Forest Open Spaces
- Agricultural
- Rural
- Low-Density Residential
- Medium-Density Residential
- Single-Family Residential
- High-Density Residential
- Community Commercial/Industrial
- Employment Commercial/Industrial
- General Employment
- Heavy Employment
- Major Institutional
- New Community Areas
- Towns, Villages and Development
- Planning and Urban Land
- Institutional and Public
- Lands Subject to Approval and Special Services (Parks & Recreation)

Map of Vancouver Island

Map of Vancouver Island showing the location of the subject lands in relation to the surrounding areas.