



*Rec'd Dec 1/04 RMY Clerk's
Distributed to PED Dec 1/04*

AIRD & BERLIS LLP

Barristers and Solicitors
Patent and Trade Mark Agents

N. Jane Pepino, C.M., Q.C.

Direct: 416.865.7727

E-mail: jpepino@airdberlis.com

DELIVERED

File: 86106

November 26, 2004

Greenbelt Consultations
Ministry of Municipal Affairs and Housing
14th Floor, 777 Bay Street
Toronto, ON M5G 2E5

Attention: Audrey Bennett

Dear Ms. Bennett:

Draft Greenbelt Plan

We act on behalf of a landowners group representing the majority of landowners in Block 41 in the City of Vaughan. These lands are bounded by Teston Road to the south, Kirby Road to the north, Weston Road to the east and Pine Valley Drive to the west. The lands are described as Block 41, Lots 26-30, Concession 6, City of Vaughan, Regional Municipality of York.

Our clients are both confused and concerned about the status of these lands with respect to the Draft Greenbelt Plan issued by your Ministry. The Draft Greenbelt Plan released on October 28 shows the lands as Protected Countryside and Schedule 4 of that document depicts these lands as part of the Natural Heritage System. Map 57 of the more detailed draft Greenbelt Plan drawings released on November 11 shows much of this concession Block designated as Protected Countryside, with smaller areas designated as "Woodlands, Watercourse and Wetlands". We believe that there has been a mapping error.

Block 41 is not entirely vacant at the moment. An estate residential development, the Purpleville Community, is located at the northwest quadrant, a significant Natural Gas compressor station lies in the north central portion of the Block, and several farm residences are located around its perimeter. As well, two estate residential subdivisions lie to the southeast of the Block. Attached as Schedule 1 is an air photo showing the features of the Block 41 lands, and surrounding context.

Mapping Flawed:

We share the concern and objection raised throughout the public and stakeholder consultations that the base mapping upon which the draft Greenbelt Plan is reported to be

based, continues to be unavailable or, if available, inconsistent with existing Conservation Authority mapping, MNR mapping, Municipal Heritage features mapping and, in the particular case of Block 41, the approved Official Plan documents. Consistent with the approach taken in other areas of the Greenbelt, designations for environmental features should be consistent with the mapping and designations of the local approved Official Plan Amendment. Official Plan Amendment 600 is the approved policy document in force on the Block 41 land, which conforms with the Region of York Official Plan, and which incorporates an ecosystem approach to planning.

No Major Environmental Features:

Block 41 sits within the Humber River watershed. Section 5.4.1 of the draft Greenbelt Plan describes how the Greenbelt boundaries are to be determined beyond approved urban boundaries. Specifically, these rules apply to "major river valleys connecting Lake Ontario to the Oak Ridges Moraine and the Niagara Escarpment". A review of a variety of technical background information reveals that there are three primary valleys within the Humber River watershed that satisfy this rule: East Humber River, Main Humber River and West Humber River. Attached as Schedule 2 is a map showing the three valleys of the Humber River, depicting the connectivity of these three major valleys with the Oak Ridges Moraine, and showing the location of Block 41 in relationship to these environmental features. Block 41 is some 2.5 km east (at the closest point) from the major valley associated with East Humber River.

Also as shown on Schedule 2, the Block 41 lands and immediate environs support no provincially or regionally important Areas of Natural and Scientific Interest (ANSIs), Provincially Significant Wetlands (PSWs) or TRCA Environmentally Significant Areas (ESAs). Only secondary and more minor valley features touch upon Block 41. These features are less well-defined, further north and east in the Block.

Most of the minor valley system in Block 41 is devoid of forest cover, and in some cases, has been fragmented by existing residential use. Remaining terrestrial vegetation patches, as defined by TRCA, (Terrestrial Natural Heritage Strategy System, TNHSS) are identified as being of only Fair Quality. Even with the restoration proposed by TRCA, none of the terrestrial patches in Block 41 will increase in quality above "Fair". These patches are also characterized by the City of Vaughan as less than mature forest, existing in patches associated with drainage features.

All of the above demonstrates that there is no scientific merit or environmental need to encumbering Block 41 with a Greenbelt designation.

The Intent of Vaughan's Rural Designation:

No justification exists for "rural" designations as used in the Vaughan Official Plan, to be included within the Greenbelt Plan. The fact that these lands are intended and targeted

for future growth has been recognised by Vaughan, the Region and, indeed, by the Province.

Unlike many other GTA municipalities, Vaughan does not "pre-designate" growth areas in its primary plan. Consistent with the planning approach within the City of Vaughan, Block 41 has been left in a rural designation, pending a Block planning process which would then not only detail rounding out the existing development within the concession Block with new development, but also amend the primary designation. A Block is typically an area of 1,000 acres surrounded by major road infrastructure. As part of the Block/Secondary Plan process, detailed master environmental and servicing studies are undertaken to assess the Natural Hazard and Natural Heritage features of the land proposed for development to determine the appropriate form of development, as well as measures necessary to mitigate potential impacts. With respect to Block 41, these studies would constitute mere refinements to the existing protections provided to Natural Hazard and Natural Heritage features provided under Official Plan Amendment 600.

Vaughan's Commitment to Growth in Block 41:

As part of its unique approach, Vaughan has endorsed Block 41 lands to be subject to over sizing and cost sharing agreements with landowners to the south, to ensure that services presently being installed contemplate and provide for the orderly development of the Block 41 lands, abutting to the north. Presently, existing residents within the Block are on local septic systems. Sanitary systems, including the Jane-Rutherford Sewer and the twinning of the Maple Collector Sewer, have been proposed and constructed in anticipation of the development of the Block 41 and surrounding lands. Sanitary servicing of the Block 41 lands would occur via a trunk sanitary sewer that is currently being built to the intersection of Weston Road and Teston Road, at the southeast corner of the Block. The introduction of sanitary services to the Block would serve not only new development, but also protect the environment by providing opportunity to disconnect existing septic services and conveying the sewage from existing development both within and abutting the Block to the receiving wastewater treatment plant, for treatment.

Region's Commitment to Growth in Block 41:

From the Regional perspective, anticipated growth for these lands, together with others in the vicinity, is reflected by the fact that in 2003, the Region of York conducted a transportation study, in the form of a Municipal Class Environment Assessment, to identify the appropriate form for Teston Road necessary to provide the capacity to accommodate future growth. The preferred alternative has been selected and designed and provides for upgrades along the Teston Road frontage of Block 41, with implementation to commence shortly. In addition, the Region of York and the Province's Ministry of Transportation have approved an interchange with Highway 400 at Teston Road, just southeast of the block, affording it excellent accessibility.



With respect to water supply, the Region of York recently completed a 10-year study to identify sources of water to supply future growth within the Region, and implementation of the findings of this study have commenced. The selected option is to obtain water from Peel Region, with the services to be provided along a corridor that eventually travels along the Teston Road frontage of Block 41 to the Keele Street Reservoir and pumping station. The proximity of the water service further demonstrates that, from an economic perspective, Block 41 is a sensible location for development and growth.

Provincial Commitment to Growth in Block 41:

From the Provincial perspective, the lands south of the Moraine in the City of Vaughan have been recognized as the next area of growth required by the Province in the Greater Golden Horseshoe Growth Plan (Places to Grow), presumably given their proximity to existing development, the present pattern of existing intermittent development, and the readily available servicing infrastructure capacity, including rapid transit.

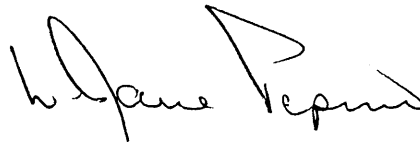
Conclusion:

Compared to the fragmented development that occurs or is often planned in many areas where municipal services and road improvements require significant extension, and for which the distance to community amenities and employment centres escalate the propensity for excessive travel, Block 41 is an ideal growth area adjacent to existing and planned development and with all the necessary infrastructure at the boundary.

The Greenbelt Plan as it effects Block 41 is not based on accurate mapping and therefore not on good science. Moreover, as matter of public policy, the freezing of these lands as Protected Countryside ignores the intended pattern of growth for the City of Vaughan, and is inappropriate particularly at a time when the Province is attempting to minimize sprawl and "leap-frogging" by concentrating intensified growth in those areas where both private economic decisions, and public infrastructure decisions have been made based on the expectation of orderly and incremental growth.

Yours very truly,

AIRD & BERLIS LLP



N. Jane Pepino, C.M., Q.C.

NJP/sh
Enclosures
cc: Listed on page 5



c.c. All with enclosures:

The Honourable Dalton McGuinty, Premier
The Honourable John Gerretsen, Minister, MMAH
The Honourable Greg Sorbara, Minister, Finance
The Honourable David Caplan, Minister, Public Infrastructure Renewal

John MacKenzie, Special Assistant, Greenbelt & Planning, MMAH
Mario Racco, MPP, Thornhill
Victor Doyle, Manager, Community Planning, MMAH

Chairman Bill Fisch, Region of York
Bryan Tuckey, Commissioner, Planning, Region of York

Mayor Michael Di Biase, City of Vaughan
Members of Council, City of Vaughan
Michael DeAngelis, City Manager, City of Vaughan

\\ODMA\PCDOCS\DOCS\1800140\1



AIRD & BERLIS LLP
Barristers and Solicitors
Patent and Trade Mark Agents



SCHEDULE 1

REFERENCE: YORK REGION AERIAL PHOTOGRAPHY, 1999
DATE: NOVEMBER 2004
SCALE: NTS