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FILE NUMBER 68457-00001

December 11, 2009

DELIVERED BY COURIER

The Regional Municipality of York
C/O Bryan Tuckey
Commissioner of Planning and Development Services
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Bryan:

Re: The Region of York Official Plan - Presented to Regional Committee, December 2, 2009

We act on behalf of the Aurora 2C Landowners Group (the "Group"), which includes Mattamy (Aurora) Ltd., Emanuel Convalescent Foundation, St. John's Road Development Corp. (Metrus), J. McLeod Properties, Veluew Land Group Inc., York Region Christian Seniors Home, Shimvest Investment Ltd., and MI Developments Inc. (Magna), and we respectfully submit this response to the Region of York on the York Region Official Plan - December 2009 (the "ROP - December 2009") presented to the Planning and Economic Development Committee December 2, 2009.

The Aurora 2C Landowners Group lands (the "Area 2C lands") are located within the Town of Aurora's Area 2C Secondary Plan Area which is generally bounded by the Newmarket/Aurora boundary to the north, Leslie Street to the east, a tributary of the East Holland River and the Aurora 2B community to the west, and Wellington Street to the south, in the Town of Aurora. The Group owns approximately 224 hectares in north east Aurora, representing approximately 94% of the net developable land in Aurora's last remaining secondary plan area west of Leslie St.

The Group has been an active participant in the York Region Official Plan Review process and have previously submitted their comments and expert opinion to the Region in respect to the Draft York Region Official Plan document released for public comment in June 2009. In addition, Group members are active members of BILD and have been involved in the detailed review and commenting provided by BILD on the ROP on behalf of the industry. The Group continues to support the position submitted by BILD on the ROP - December 2009.

The Group is concerned with a number of issues which were initially identified by the Group in the letter dated October 14, 2009 and submitted by their consultants, Malone Given Parsons Ltd., to the Region on the Draft ROP – June 2009. These are significant issues and they have yet to be satisfactorily addressed in the ROP – December 2009 that will be presented to Council on December 17, 2009. Therefore, the Group will submit further requests to the Ministry of Municipal Housing and Affairs detailing our concerns with the ROP - December 2009 and our requested changes. If the ROP - December 2009 is not modified to reflect the Group's concerns and requests, the Group may choose to seek an appeal of the ROP to the Ontario Municipal Board.

Since the submission of previous correspondence, the Group has received clarification on certain issues and concerns from Regional staff and have therefore not repeated those issues in this letter. However, we reserve the right to request additional policy modifications to ensure that matters of clarification are adequately addressed in the ROP - December 2009, prior to adoption. Specifically, the Group continues to be concerned with the following policies and schedules, which remain outstanding in the revised ROP – December 2009:

Issue 1: Regional Greenlands System and Woodlands Policies and Mapping

Map 2, Regional Greenlands System, identifies the local municipal greenlands systems, and Map 5, Woodlands, identifies woodlands that *may* be significant. Policy 8.4.3 in the ROP - December 2009 states that Maps 1 to 12 “indicate the general location” of the features shown and that exact boundaries shall be defined in local official plans and zoning by-laws. However, the Group is concerned that the draft policies combined with the mapping have the overall effect of essentially locking in the limits and locations of the natural features/systems components, specifically woodlands, as shown on the maps. This removes any flexibility by the Region or local municipalities to refine or remove these features in accordance with environmental systems objectives, which is fundamental to the planning and development approvals process.

Specifically, the Group is concerned with the woodlands policies in Section 2.2 and the associated mapping. These policies, combined with Map 5, will essentially identify woodlands within the Area 2C lands as significant although such woodlands have **not** been identified by the Town of Aurora's consultant, North South Environmental, in consultation with LSRCA, as significant during the Town's Natural Heritage System Evaluation for the Aurora 2C lands. In addition, these woodlands were not identified as significant as part of the feature staking exercise completed by LSRCA in 2008.

Policy 2.1.41 was added to the ROP – December 2009 and states that site specific studies can be used to determine or verify the significance of woodlands identified in Map 5 and an amendment to the ROP would not be required if such studies determine that a woodland does not meet the criteria identified in policy 2.2.39 of the ROP. However, Policy 2.2.39 states that “significant

woodlands" include any woodland that meets one of the listed criteria. One of the listed criteria includes a woodland over 2 hectares that occurs within the Regional Greenlands System, and thereby removes any opportunity or approval process to refine the limits of significant woodlands as per the current work completed by the Town and LSRCA.

Currently, there is an open application by the Landowners Group to the Town of Aurora for an Official Plan Amendment to establish a secondary plan for the subject lands and associated land use policies. This application is consistent with the Natural Heritage System work completed and endorsed by the Town of Aurora. A map is attached to this letter which illustrates the dripline limit of significant woodlands as staked by LSRCA and the Natural Heritage System limit superimposed on top of the Region's significant woodlands mapping. As the attached map illustrates, Map 5, Woodlands, identifies a large amount of land which has not been included as woodlands by the Town of Aurora and LSRCA through their Natural Heritage Systems evaluation and the evaluation criteria defined in policy 2.2.39 would on the contrary identify these lands as significant woodlands.

We hereby request that the Map 5, Woodlands, be revised to remove lands from the woodlands designation that have not been identified as woodlands by the Town of Aurora and LSRCA. Map 5 should be consistent with the significant woodlands and Natural Heritage System identified by the Town of Aurora as defined for the Area 2C lands and all woodlands that are not part of the Natural Heritage System for the Area 2C lands should be removed from Map 5, Woodlands. Alternatively, we request that Map 5, Woodlands, be removed from the ROP – December 2009 prior to adoption in its entirety. In addition, we request that Policy 2.2.39 be revised so that the criteria for the evaluation of the significance of woodlands are not associated with whether it occurs in the Regional Greenlands System.

Issue 2: Minimum Vegetation Protection Zones

Policy 2.2.42 of the ROP – December 2009 includes a fixed minimum vegetation protection zone (the "buffer") of 10 metres from the dripline of significant woodlands, and Policy 2.2.34 of the ROP – December 2009 sets a buffer of 30 metres from the wetlands illustrated in Map 4. It is the Group's understanding, through correspondence with the Region, that Map 4 only includes evaluated wetlands by MNR.

We hereby request that the ROP – December 2009 policies and mapping with respect to buffers and vegetative protection zones be removed and instead, policies be inserted to state that the ultimate extent of fixed buffers and vegetative protection zones will be determined by the local municipalities as part of the normal course of the development approvals process. In addition, we would request that Policy 2.2.35 and 2.2.43 be amended to permit site alteration in vegetation protection zones, to permit consideration of the placement of trails and other infrastructure, such as storm water management facilities, within these areas.

Issue 3: Transition Policies - Section 8.4

On behalf of the industry, BILD requested that transitional policies be included within the ROP. New policies 8.4.13 to 8.4.15 were added to the ROP – December 2009 to this regard; however, these policies are not clear and very ambiguous. The transitional policies do not provide clarity as to which provisions of the ROP – December 2009 are applicable to applications and which are not. The ROP – December 2009's transitional policies as they currently stand are without meaning.

We would request that the policies in the ROP – December 2009 are refined in order to clearly explain the criteria for determining which applications would be subject to the ROP. Specifically, we request clarification regarding the Region's definition of an "application". We recommend that the transitional policies should apply the commonly accepted principle whereby applications are judged and decisions are made under the rules and restrictions that were in place when the application was submitted. Additionally, where an OPA or ZBA has been amended prior to the ROP's effective date, further applications required under the *Planning Act* or *Condominium Act* to implement the previous approvals should not be required to conform to the ROP.

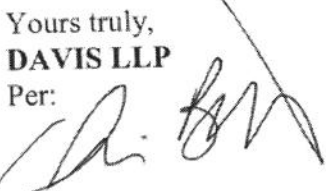
As stated above, our client has been active throughout the draft ROP consultation process. However, there have been a number of concerns expressed by our client which have not been addressed by the Region in its revisions to the ROP – December 2009, as outlined above. If these significant concerns are not addressed, our client will have no option but to submit an appeal of the matter to the Ontario Municipal Board.

We would be pleased to discuss our concerns in greater detail with you. Please do not hesitate to contact the undersigned and/or Ms. Alexis Alyea of Davis LLP, at (416) 365-3500, or Mr. Don Given and/or Ms. Allyssa Thienes of Malone Given Parsons Ltd, at (905) 513-0170.

Yours truly,

DAVIS LLP

Per:



Chris Barnett
CMB/axa

cc. Aurora 2C Landowners Group
Malone Given Parsons Ltd.

DETAILS OF WOODLANDS MAPPING

AURORA 2C WEST Aurora, Ontario

-  Aurora 2C West Secondary Plan Area
-  Proposed Natural Heritage System Limit
-  Woodland Features (Staked with LSRCA May/June 2008)

-  Lakes
-  Regional Forest
-  Woodlots
-  Forest



Prepared by:
**MALONE GIVEN
PARSONS LTD.**

Date:
October 2008

Source:
The Regional Municipality of York, Geomatics
Department. The Regional Municipality of York
has provided the data for this map. The data is
provided as is. The Regional Municipality of York
does not warrant the accuracy of the data.