

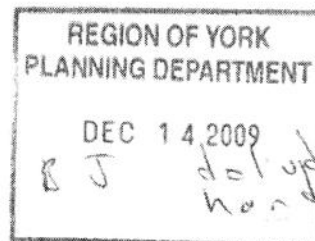
Received December 14, 2009

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Templeton Planning Ltd.
Land Use Planning and Development Consultants

December 11, 2009

Commissioner of Planning
The Regional Municipality of York,
Planning and Development Services Department
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1



Dear Sir;

Re: York Region Official Plan 2009

We act as planning consultants to the participating landowners in the Block 40/47 Plan area in the City of Vaughan. That block plan area is located south of Teston Road east and west of Pine Valley Drive and is bounded by Weston Road to the east and tributaries of the Humber River to the south and west.

It is understood that the Regional Council may soon adopt its new Official Plan and our purpose in writing is to express a concern regarding certain of the numbered maps that form part of the proposed new Plan. Specifically we are concerned about the Urban Area boundary change that affects that part of Block 40/47 south of Teston Road and west of Pine Valley Drive. That change appears to affect Maps 1, 2, 3 and 5 and perhaps others as well and it has the effect of reducing the amount of land designated Urban Area.

We assume that the reason for the change to the Urban Area boundary is due to the Provincial Green Belt Plan that was approved in 2005. In December 2004 we wrote a letter to the Province requesting that the proposed Greenbelt boundary be revised. Notwithstanding our letter the Province approved the boundary without the change we had requested and we wrote again on March 11, 2005. The latter was written to Mr. John Zipay, City of Vaughan Commissioner of Planning as well. Copies of both of our letters are attached hereto.

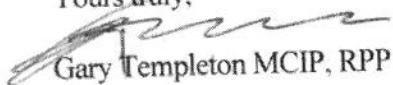
Also attached to this letter are copies of letters from MMAH (April 11, 2005) and from the City of Vaughan (April 12, 2005). The MMAH letter indicates that the Greenbelt Plan allows an official Plan approval to be recognized were the official plan was amended prior to December 16, 2004 to specifically designate land use(s). That comment was made in connection with our statement that the subject lands were designated "Urban Area" by Vaughan's OPA No. 600. The Ministry letter goes on to say that pursuant to Section 5.2.1 of the Greenbelt Plan "...any further planning applications required to implement such an official plan approval are not required to conform with the Greenbelt Plan". In addition to the foregoing the Ministry letter states that "Section 24 of the Green Belt Act does not require

planning applications in the Protected Countryside that commenced before December 16, 2004 to conform with the Greenbelt Plan".

Applications for approval of an Official Plan Amendment secondary plan and for approval of a Block Plan were filed with the City of Vaughan in February 2003. A number of submissions have been made by the Block Plan team in connection with the subject applications and those were circulated by the City of Vaughan to the Region of York and other agencies for review/comment and as some issues are still being addressed approvals continue to be pursued (now expected in 2010). As a result it is our opinion, supported by the attachments to this letter, that our applications are "grandfathered" or "transitioned" relative to the Greenbelt Plan.

At this time we are concerned that the mapped changes proposed by the Region's new Official Plan will mean that Block 40/47 will potentially require an amendment to it because the Urban Area boundary is being reduced to match the Green Belt Plan. As a result we must indicate our opposition to the mapping changes that would give rise to that reduction. We also request to be notified of any further action by the Region of York in regard to the proposed new Official Plan so that the Block Plan landowners' group can consider its options.

Yours truly,



Gary Templeton MCIP, RPP

Encl.

Cc: Block 40/47 Landowners
George Karakokkinos

Templeton Planning Ltd.
Land Use Planning and Development Consultants

December 13, 2004

Ministry of Municipal Affairs and Housing,
777 Bay Street, 14th Floor,
Toronto, Ontario
M5G 2E5
(Fax # 416 585 4245)

(Attention: Mr. Victor Doyle, Manager)

Dear Sir;

Re: Draft Greenbelt Plan, 2004
Block 40/47
Pine Heights Estates
City of Vaughan

We act as planning consultants to the Block 40/47 Landowners Group in regard to lands which they own south of Teston Road, east and west of Pine Valley Drive in the City of Vaughan. The proposed Block Plan for the area involves parts of Lots 23, 24 and 25, in Concessions 6 and 7. The lands are designated "Urban Area" and "Valleylands" by OPA 600 and form part of Vellore Urban Village 1. Applications for approval of an Official Plan Amendment and a Block Plan for an executive housing development were filed with the City of Vaughan early in 2003 and are now in the latter stages of processing.

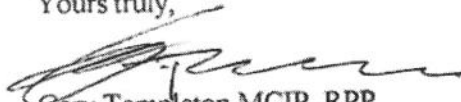
This letter is being written to request that the boundary of the Province's Draft Greenbelt Plan be revised in relation to the westerly portion of the Block 40/47 area. Specifically, the area of concern lies south of Teston Road and west of Pine Valley Drive where the Greenbelt limit is proposed to extend well into the proposed Block 40/47 development area. The map accompanying this letter reflects an overlay of the proposed Block Plan on the Draft Greenbelt Plan. Since the filing of applications almost two years ago, the consulting team for the Landowners Group has worked closely with the City of Vaughan and with the Toronto Region Conservation Authority to establish a precise development limit and detailed plan. Two site walks with both of those public authorities have occurred and the development limit shown on the attached map reflects the staked and surveyed line established in the spring of 2004. That line has a scientific basis and reflects a close degree of consensus between the landowners and the public authorities and accordingly we submit that the Greenbelt limit should be adjusted so as to coincide with it.

In discussions with the City of Vaughan, planning staff raised a question as to whether or not Block 40/47 is even affected by the proposed Greenbelt legislation since our applications have

been filed well in advance of the proposed effective date. In addition they point out that the proposed Greenbelt boundary is not precise and is to be specifically defined by the Surveyor General so that it can be located with precision. Notwithstanding those points it is our understanding that Vaughan staff also support our request that the Greenbelt mapping should be revised to reflect the development limit established earlier this year through the process described above.

On behalf of the Block 40/47 Landowners Group we request that the boundary of the Draft Greenbelt Plan be revised to reflect the surveyed development limit for the west side of the Block Plan area as portrayed on the attached plan. If an electronic file of the attached plan would assist, please contact the undersigned to provide an email address and one will be forwarded. We would also request to receive confirmation that this matter will be attended to.

Yours truly,



Gary Templeton MCIP, RPP

Cc: Mr. John Zipay, Commissioner of Planning, City of Vaughan
Mr. Sam Speranza
Mr. Joseph Pandolfo

Templeton Planning Ltd.
Land Use Planning and Development Consultants

March 11, 2005

Ministry of Municipal Affairs and Housing,
777 Bay Street, 14th Floor,
Toronto, Ontario
M5G 2E5
(Attention: Mr. Victor Doyle, Manager)

And

Mr. John Zipay,
Commissioner of Planning,
City of Vaughan,
2141 Major Mackenzie Drive,
Vaughan, Ontario
L6A 1T1

Dear Sirs;

**Re: Provincial Greenbelt Plan
Block 40/47
Pine Heights Estates
City of Vaughan**

We act as planning consultants to the Block 40/47 Landowners Group in regard to lands which they own south of Teston Road, east and west of Pine Valley Drive in the City of Vaughan. The proposed Block Plan for the area involves parts of Lots 23, 24 and 25, in Concessions 6 and 7. The lands are designated "Urban Area" and "Valleylands" by OPA 600 and form part of Vellore Urban Village 1. Applications for approval of an Official Plan Amendment and a Block Plan for an executive housing development were filed with the City of Vaughan early in 2003 and are now in the latter stages of processing.

In our letter dated December 13, 2004 we requested that the boundary of the then proposed Greenbelt be revised in relation to the westerly portion of the Block 40/47 area. The specific area of concern identified in our letter lies south of Teston Road and west of Pine Valley Drive where the Greenbelt limit was proposed to extend well into the proposed Block 40/47 development area. We attached a map to our letter which showed the mapping revision being requested and we advised that such a revision would be appropriate because it reflects a

veyed development limit established in the Spring of 2004, during a site walk involving the City of Vaughan and the Toronto Region Conservation Authority.

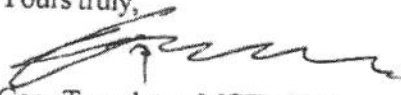
The recent issuance of final Greenbelt mapping was a disappointment to the Block 40/47 Landowners in that the revision, which we sought, appears to have been largely ignored by the Province. It does appear that the final Greenbelt map was adjusted in accordance with the northerly portion of our proposed limit as shown on the plan attached to this letter. However the bulk of the limit continues to be a straight diagonal line intersecting Pine Valley Drive to the south and bearing no relationship to any Official Plan designation or physical feature on the ground as far as we are aware.

Subsequent to the issuance of final Greenbelt Plan policies and mapping at the end of February 2005, the writer had telephone conversations with staff at the Ministry of Municipal Affairs and Housing (MMAH) and at the City of Vaughan. The advice which was received verbally from both was that since the Block Plan lands are already designated for urban purposes and since applications for development have been in process since February 2003, the subject lands would be "grandfathered" or "transitioned". We have also been referred to Section 5.2.1 of the Greenbelt Plan and we have been advised that policies therein dealing with the continuation of previous approvals, will apply and will enable the conclusion of development approvals within Block 40/47 on the basis of the development limit staked in 2004.

The verbal assurances from both MMAH and the City provide us with some comfort, although in our view the mapping ought to have been revised in accordance the information we provided to the Ministry in our December 13, 2004 letter. What we now seek are written assurances from both the MMAH and the City of Vaughan that the processing of the Block 40/47 Plan will be able to continue utilizing the development limit staked in 2004, notwithstanding that the final Greenbelt boundary appears to significantly intrude into the area proposed for development.

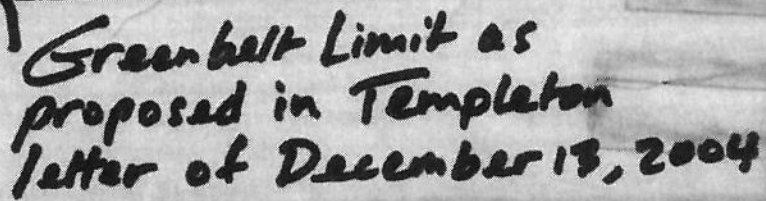
As the Block 40/47 Landowners continue to have serious concerns in regard to the Greenbelt boundary as it affects the Block Plan, a prompt response providing written assurances would be welcomed.

Yours truly,



Gary Templeton MCIP, RPP

Cc: Ms. Karen Antonio-Hadcock, Senior Planner, City of Vaughan
Mr. Sam Speranza
Mr. Joseph Pandolfo
Mr. John Alati



attached to letter to MMAH & Zipay
Mar 11/05

Ministry of Municipal
Affairs and Housing
Provincial Planning and
Environmental Services Branch
777 Bay St 14th Flr
Toronto ON M5G 2E5
Telephone: (416) 585-6014
Fax: (416) 585-4245

Ministère des Affaires
municipales et du Logement
Direction des services provinciaux pour
l'aménagement et l'environnement
777, rue Bay 14^e étage
Toronto ON M5G 2E5
Téléphone: (416) 585-6014
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April 11, 2005

Mr. Gary Templeton, M.C.I.P., R.P.P.
Templeton Planning Ltd.
71 Tyler Street
Aurora, ON, L4G 2N1

Dear Mr. Templeton:

Thank you for your letter dated March 11, 2005 regarding a planning application on your client's lands.

The draft Greenbelt Plan was introduced in October 2004 based on advice from the Greenbelt Task Force and information from provincial data sources. A series of public consultations were held and written submissions were received from municipalities, stakeholders, and numerous individuals commenting on the draft Greenbelt Plan. The draft Greenbelt Plan was reviewed based on what the government heard in these consultations and was revised where consistent with the goals and objectives of the Greenbelt.

The *Greenbelt Act, 2005* received Royal Assent on February 24, 2005, and authorized the designation of a Greenbelt Area and the establishment of a Greenbelt Plan. Ontario Regulation 59/05 was filed on February 28, 2005 to designate a Greenbelt Area. The Greenbelt Plan was approved by Order in Council on February 28, 2005. The Greenbelt Plan sets out land use policies and includes four schedules, including Schedule 1, which shows the extent of the Greenbelt Plan Area and the Protected Countryside designation, and Schedule 4, which shows the Natural Heritage System with the Protected Countryside.

The implementation of the Greenbelt Plan, including transitional matters, bringing municipal planning documents into conformity with the Greenbelt Plan, and considering any new applications in the Greenbelt, will be done through the normal planning process. As such and in keeping with Ontario's land use planning system, the municipal implementation model on which the Greenbelt Plan is based, and the detailed knowledge at the municipal level, municipalities are responsible for reviewing and deciding on applications under the *Planning Act* or *Condominium Act*, using provincial advice and input as appropriate.

You state your client's land is designated "Urban Area" by Amendment No. 600 to the Vaughan Official Plan. Section 5.2.1 of the Greenbelt Plan allows an official plan approval to be recognized through the conformity exercise where the official plan was amended prior to December 16, 2004 to specifically designate land use(s). In addition, Section 5.2.1 states that any further planning applications required to implement such an official plan approval are not required to conform with the Greenbelt Plan.

You also stated that a planning application for an official plan and block plan was filed with the City of Vaughan in early 2003. The *Greenbelt Protection Act, 2004* placed a one-year moratorium on applications for new urban uses on designated rural and agricultural lands in the Greenbelt Study Area retroactively to December 16, 2003. Subsequently, the *Greenbelt Act, 2005* was passed and Section 24 does not require planning applications in the Protected Countryside that commenced before December 16, 2004 to conform with the Greenbelt Plan.

If you have any questions, please call me directly at 416-585-6109.

Sincerely,



Victor Doyle, M.C.I.P., R.P.P.
Manager

c.c. Ms. Karen Antonio-Hadcock, Senior Planner, City of Vaughan
Ms. Barbara Jeffrey, Planning Department, Region of York

174/05



The City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1
Tel (905) 832-2281

Gary Templeton
Templeton Planning Ltd.
71 Tyler Street
Aurora, ON L4G 2N1

April 12, 2005

Dear Mr. Templeton:

**Re: Provincial Greenbelt Plan & Greenbelt Act, 2005
Block 40/47 Pine Heights Estates
OP.03.008 & BL40/47.2003**

This letter is in response to your March 11, 2005 letter requesting clarification on the status of the Block 40/47 Secondary Plan and Block Plan in relation to the Final Greenbelt Plan.

Block 40/47 is designated as "Urban Area" and "Valley Lands" in OPA 600. Applications for the Secondary Plan and Block Plan were submitted in February 2003 and are currently in process. Subsequently, the Province's Greenbelt Plan has designated a portion of the urban lands in Block 40/47 land area as "Protected Countryside".

Section 7 of the *Greenbelt Act* requires that all decisions made under the *Planning Act* or *Condominium Act, 1998* must conform to the Greenbelt Plan. Notwithstanding this, Section 24 deals specifically with applications which were commenced prior to December 16, 2004, and states that "Section 7 applies to applications, matters, or proceedings commenced on or after December 16, 2004 relating to areas designated as Protected Countryside in the Greenbelt Plan except as may be otherwise prescribed." The Minister has prescribed in Ontario Regulation 61/05 specific types of applications which have commenced prior to December 16, 2004, but still must conform with the Greenbelt Plan. These applications include official plan amendments for mineral aggregate uses and official plan amendments within the Towns of Markham, Whitchurch-Stouffville, and Richmond Hill, and in the City of Toronto.

The subject applications do not fall within the parameters of Ontario Regulation 61/05, and it is our understanding that the applications are transitional, and are not required to conform to the provisions of the Greenbelt Plan as per subsection 24(2) of the *Greenbelt Act*.

Further, the Greenbelt Plan defers to municipal official plans for the precise delineation of settlement areas and subsection 5.2.1, states;

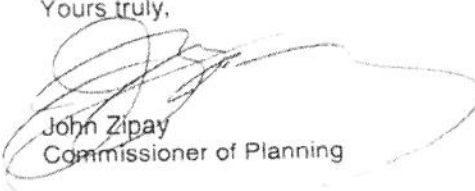
"Where an official plan was amended prior to December 16, 2004 to specifically designate land uses, this approval may continue to be recognized through the conformity exercise addressed in Section 5.3, and any further applications required under the Planning Act or Condominium Act, 1998 to implement the official plan approval are not required to conform with this Plan."

On this basis, and on our interpretation of the *Greenbelt Act, 2005*, Ontario Regulation 61/05 and the Greenbelt Plan, it is our understanding that the subject secondary plan, block plan, and any further

Planning Act applications required to implement the approved uses within Block 40/47 are not required to conform to the provisions of the Greenbelt Plan.

Please confirm the above interpretation with the Ministry of Municipal Affairs and Housing and your legal counsel prior to finalizing any transaction; legal, financial or otherwise concerning these lands. This letter is provided as the City's interpretation, and it is not to be relied upon.

Yours truly,



John Zipay
Commissioner of Planning

/KAH

Copy to:

Victor Doyle, Ministry of Municipal Affairs and Housing
Diana Birchall, Director of Policy Planning/Urban Design
Marco Ramunno, Director of Development Planning
Karen Antonio-Hadcock, Senior Planner, Environmental, Development Planning
Anna Sicilia, Planner, Policy Planning/Urban Design