

Submission Number	Date of Submission:	Submission Author:
D05.2009. 1.138	December 11, 2009	Davis LLP
D05.2009.1.160	February 2, 2010	Malone Given Parsons
D05.2009.1.161	February 11, 2010	Malone Given Parsons
D05.2009.1.166	March 22, 2010	Malone Given Parsons
		On behalf of Aurora 2C Landowners Group

Comments or Requested Change to Draft Official Plan**Analysis and Recommendation****D05.2009. 1.138 Davis LLP, December 11, 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.

Regional Planning staff, together with Town of Aurora Planning Staff met with the Aurora 2C Landowner representatives to discuss the content of their submissions and to resolve their outstanding issues with the ROP.

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 of criteria. One of the listed criteria includes a woodland over 2 hectares that occurs within the Regional Greenlands System, and thereby removes any

Maps within the Regional Official Plan identify features which are protected by Provincial legislation. With regard to the accuracy of the mapping, Policy 8.4.1. states:

“That the goals, objectives, policies, Tables 1, 2 and 3, Definitions and Maps contained herein constitute the York Region Official Plan. Chapter 1, other tables, graphics, text contained in the sidebars and introductory text of each section in this Plan, and Figures 1 and 2 are intended to be illustrative and are provided for information only. Unless otherwise specified in this Plan, any deviation from these provisions is prohibited or will require an amendment to this Plan.

Policy 2.2.40 and 2.2.41 address the landowner group concerns and are as follows:

40. That Map 5 identifies *woodlands* that may be significant based on available information and data. Due to the scale of the mapping in this Plan, the extent of the *significant woodland* coverage may not be clearly visible on Map 5. This mapping at a larger scale is available from York Region.

41. That site specific studies can be used to determine or verify the significance of

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 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, the 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 planning process.

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 and further request that Map 5, Woodlands, be revised to be consistent with the significant woodlands and Natural Heritage System identified by the Town of Aurora as defined for the Area 2C lands and that all woodlands that are not part of the Natural Heritage System for the Area 2C lands 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

woodlands. An amendment to this Plan shall not be required if a site specific study determines that a *woodland* does not meet any of the criteria identified in policy 2.2.39 of this Plan.

A modification to the woodlands on Map 5 will be presented to Council for their consideration which reflects the discussion with the 2C representatives.

The Region is committed to maintaining the policies on minimum buffers for features within the ROP.

While policy 2.2.43 prohibits development and site alteration from occurring within significant woodlands, the definition of "development" excludes "activities that create or maintain

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.

Do5.2009.1.160 MGP February 2, 2010

Thank you for the opportunity to meet with you and Barbara Jeffery on January 21st, 2010 to discuss submissions made by MPG and Davis LLP on behalf of the Aurora 2C Landowners Group on the Regional Official Plan December 2009.

As requested, please find enclosed with this letter the digital shapefiles for the survey feature limits within the Area 2C lands west of Leslie Street. These feature limits were

infrastructure authorized under an environmental assessment, Planning Act, or Condominium Act process;"

The transition provisions in the Regional Official Plan are such that applications submitted prior to the approval of the Plan are not subject to its provisions; however, proponents are encouraged to work with the policies of the Plan. Policies 8.4.15 and 8.4.16 (formerly 8.4.14 and 8.4.15) are as follows:

15. That applications received on/or after the date of this Plan's approval be subject to the policies of this Plan.

16. That proponents with pending applications at the time of this Plan's approval be encouraged to work with the Region to re-examine the proposed applications based on the policies in this Plan.

The digital shapefiles sent by MGP for the Aurora 2C lands were reviewed against York's Region's data. A modification to the Map 2 (the Regional Greenlands System) and Map 5 (Woodlands) is proposed that reflects the agreement between York Region staff, Town of Aurora Staff and the Aurora 2C landowners

staked in the field by LSCRA in consultation with the Town of Aurora, the Town of Aurora's consultant (North South Environmental) and the Landowners Groups' consultant (Beacon Environmental). Also enclosed is the digital file for the natural heritage system (NHS) identified for protection by the Aurora 2C Landowners Group as part of submitted in their OPA application November 2008. This NHS has been based on the staked feature limit and is generally consistent with the NHS identified in by the Town of Aurora in their Natural Heritage Evaluation 2006. Attached is a drawing that illustrates the staked feature limits and the NHS.

It was my understanding from our meeting that the Region will revise Map 5 - Woodlands from the Regional Official Plan December 2009 to be consistent with the significant woodland features surveyed by LSRCA in 2008 and would revise Map 2 - Regional Greenlands System to be consistent with this NHS. I would appreciate if the Region could confirm this understanding and provide the Group with copies of the revised mapping at the earliest convenience.

I would also appreciate it if you could confirm my understanding with regards to how the transitional policies will be applied to the Aurora 2C Landowners Group OPA application submitted November 2008. It was my understanding that you appreciated the Landowners Group's concern with regard to how the transitional policies in the Regional Official Plan December 2009 would be applied to their application and that you agreed the Aurora 2C Landowners Group OPA application should be process under the rules at the time of submission of application which would be the Regional Official Plan 2006.

group on the environmental features within the secondary plan area.

As stated above, the transition provisions in the Regional Official Plan are such that applications submitted prior to the approval of the Plan are not subject to its provisions; however, proponents are encouraged to work with the policies of the Plan. Policies 8.4.15 and 8.4.16 (formerly 8.4.14 and 8.4.15) are as follows:

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16. That proponents with pending applications at the time of this Plan's approval be encouraged to work with the Region to re-examine the proposed applications based on the policies in this Plan.

Do5.2009.1.161 MGP February 11, 2010 (Letter to Minister Bradley)

York Region continues to be committed to achieving sustainable building standards which are higher than the minimum standards

I am writing on behalf of Aurora 2C Landowners Group (Landowners Group) in response to the Region of York Official Plan that was recently adopted by Regional Council on December 16, 2009. It is my understanding that this document is currently with the Ministry of Municipal Affairs and Housing for review and approval.

The Landowners Group made a number of submissions to the Region of York during their Growth Plan conformity Official Plan Review process and commented on a number of issues of concern. Our most recent submission to the Region was in response to the Draft Regional Official Plan as presented to the Region of York Planning and Economic Development Committee on December 2, 2009 and subsequently adopted by Regional Council on December 16, 2009.

With the short timeframe provided for review of the document prior to adoption by Regional Council, our clients were not able to provide a full response. Our clients have now had an opportunity to review the York Region Official Plan December 2009 policies and have additional comments specifically with respect to the Section 5.2 "Sustainable Cities, Sustainable Communities" particularly the Sustainable Buildings sub-section.

Our clients and I understand there is a regulatory move in many jurisdictions that future housing and land development incorporate more efficient materials and building systems. Our clients acknowledge and support the approach taken to have more efficient and sustainable housing and note that many of these objectives are and should continue to be governed by the Ontario Building Code which is consistently being updated in response to many of the planning policies articulated in the ROP.

It is within this context that we have concern with policies 5.2.20 through 5.2.44 of the York Region Official Plan December 2009. Although a number of these referenced policies are written with the words "to encourage", policy 5.2.42 *"...requires local municipalities to develop programs to ensure the **successful implementation** (emphasis added) of the sustainable building policies of this plan"*.

Our concern with these policies lies with the fact that some of these policies or all the

established by the Ontario Building Code. The ROP requires that the local municipalities establish implementation programs to achieve the policies of the ROP, as it is the local municipalities who are responsible for issuing building permits, and therefore the successful implementation of these programs.

policies taken together may not be achievable. We wish to ensure that the Region will consider these policies in the context of the local official plan conformity exercises as targets rather than prescriptive requirements. We are concerned that these policies do not provide the local municipality with any guidance or principles with regard to what is appropriate. This may result in each municipality interpreting/implementing this requirement in a variety of ways and an inconsistency of approaches across the Region.

We request that in order to provide consistency in expectation across the Region, the Region take a leadership role and establish a committee that can provide guidance on what standards are acceptable and consistency across the Region. This committee should monitor the various requirements of each Municipality and establish a standard of expectation. We also ask that a representative from the Aurora 2C Landowners Group be allowed to sit on this Committee and provide valuable insight into what is realistically achievable

REQUEST FOR NOTIFICATION OF INTENT TO APPROVE THE YORK OFFICIAL PLAN

With regards to the York Region Official Plan December 2009 currently under review by the Ministry, we are concerned that input and revisions received during the Ministry's review from the Region or the various municipalities may modify the Official Plan without our awareness. Therefore, we request the Ministry to notify us of any modification to the Region's Official Plan prior to approval by the Ministry.

Lastly we wish to advise the Group reserves its right to provide comments and make submissions on other aspects of the ROP that were not addressed in this letter or our earlier correspondence. A fulsome review of the ROP December 2009 is still ongoing. In the same way, the Group continues to reserve its right to appeal to the OMB with respect to any concerns or issues that arise as a result of the ROP regardless of whether they are addressed in earlier correspondence.

Do5.2009.1.166 MGP March 22, 2010

Thank you for the opportunity to meet with yourself and Barbara Jeffery on January 21st, 2010 to discuss submissions made by MPG and Davis LLP on behalf of the Aurora 2C Landowners Group with regard to the Region of York Official Plan December 2009.

The Aurora 2C Landowners Group appreciates the opportunity to review the Region's proposed revisions to the Regional Official Plan Woodland and the Regional Greenlands System mapping for Aurora 2C lands, as attached. The Aurora 2C Landowners Group is generally in agreement with the revised mapping for woodlands and the Greenlands System premised on the following understanding:

1. Refinements or modifications to the Greenlands System or its boundaries will not require an amendment to the Regional Official Plan. In accordance with policy 2.1.5 and policy 2.1.6, the Regional Greenlands System illustrates local municipal greenlands system "schematically" and boundaries outside the Greenbelt Plan Area and Oak Ridges Moraine Conservation Area "are approximate". Revisions or refinements to the Greenlands System and the boundaries in accordance with the development approvals process will not require an amendment to the Regional Official Plan. As such, any refinements or modifications to the natural heritage system or its boundary as part of the development approvals process for the Aurora 2C lands will not require an amendment to the Regional Official Plan.
2. Crossings, trails, passive recreational uses, grading and other infrastructure required to service the future Aurora 2C community such as stormwater management facilities, water and wastewater systems, and streets are permitted within the Greenlands System. In accordance with the natural heritage system work completed by the Town of Aurora and endorsed by Town Council; road crossings, trails, stormwater facilities, grading, and water and wastewater systems will be necessary within the Greenlands System of Aurora 2C and will be directed to the locations identified by the Town's Natural Heritage Evaluation study. It is our understanding that policy 2.1.12 of the Regional Official Plan December 2009 permits such uses within the Greenlands System.
3. It is our understanding the Regional Official Plan December 2009 policies with regard to the Greenlands System (section 2.1) includes buffers from significant environmental features. Section 2.1 states that *"The Regional*

Yes, policy 2.1.5, 2.1.6, and 2.1.9 provides for refinement to the Regional Greenlands System to occur outside of the Oak Ridges Moraine and the Greenbelt. An amendment to the Regional Official is not required for these refinements.

While policy 2.1.1 protects the Regional Greenlands System from new development and site alteration, the definition of "development" is as follows:

The creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. activities that create or maintain infrastructure authorized under an environmental assessment, Planning Act, or Condominium Act process; or,
- b. works subject to the Drainage Act.

In addition, policy 2.1.14 provides parameters for infrastructure within the Regional Greenlands system.

Greenlands System on Map 2 contains key natural heritage features and key hydrologic features and the adjacent lands necessary to maintain these features in a linked system". Therefore, we are of the understanding that a buffer will NOT be applied or be required from the boundary of the Greenlands System illustrated in 2C or in the Regional Official Plan.

4. The woodlands mapping for Area 2C as illustrated has yet to be confirmed through the development approvals process and the extent of the woodlots identified may be modified or refined through the secondary planning and development approvals process/Environmental Impact Statement within an amendment to the Regional Official Plan. We understand policy 2.2.41 of the ROP December 2009 permits site specific studies to determine or verify the significance of woodlands and an amendment to the Regional Official Plan would not be required if such study determines that a woodland boundary should be refined or is determined not to be significant.

Thank-you for addressing concerns raised by the Aurora 2C Landowners Group with regard to the Region of York Official Plan December 2009; with the refinement to the mapping addressed, the Group no longer has any significant issues with ROP December 2009. Please feel free to contact me at 905.513.0170 ext. 109 if you would like to discuss or if have any questions. Thanks again for working with us to resolve our concerns with the Regional Official Plan December 2009.

The ROP does not require any buffers from the outer boundary of the Regional Greenlands System. The buffers prescribed in the ROP are feature-based (woodlands, and wetlands)

Correct, policy 2.2.40 and 2.2.41 provide that site specific studies of the woodlands identified on Map 5 be conducted, and that an amendment to the ROP is not required for woodlands that do not meet the criteria in policy 2.2.39.

DAVIS | LLP

FROM THE OFFICE OF Chris Barnett
DIRECT LINE 416.365.3502
DIRECT FAX 416.777.7407
E-MAIL cbarnett@davis.ca

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:

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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 of 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.

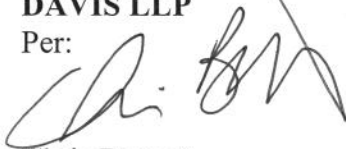
We would request that the policies in the ROP – December 2009 are refined in order to clearly explain the criteria for determining which applications would be subject to the ROP. Specifically, we request clarification regarding the Region's definition of an "application". We recommend that the transitional 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

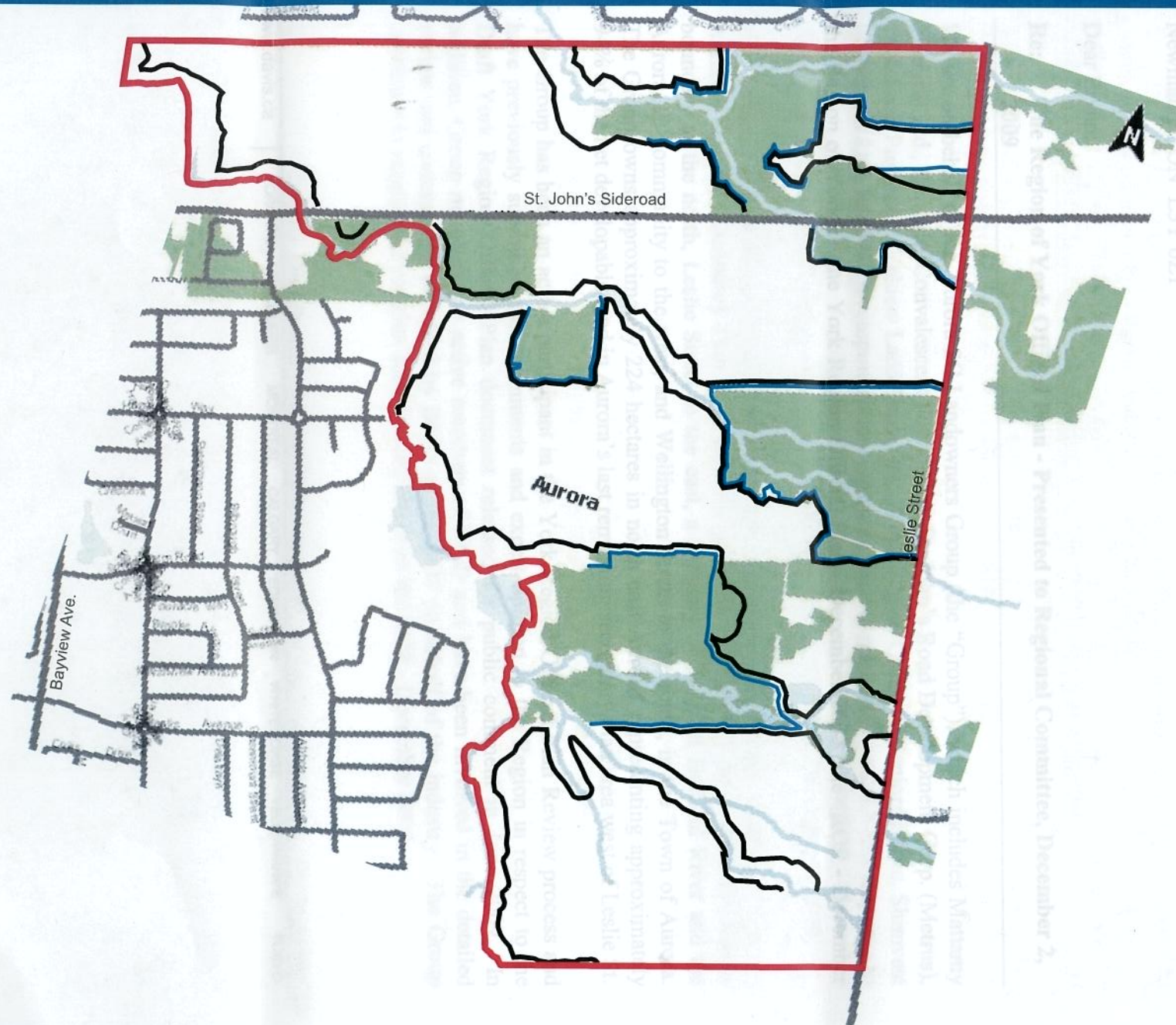
Per:



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 2009

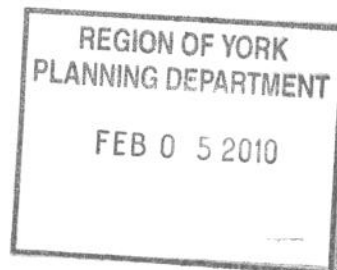
Source:
 The Regional Municipality of York, Geomatics.
 The Significant Woodlands mapping is based on BEST AVAILABLE DATA.
 Retrieved from The Region of York website October 13, 2009.



February 2, 2010

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The Regional Municipality of York
c/o Karen Antonio-Hadcock
Long Range & Strategic Planning
Planning and Development Services
17250 Yonge Street
Newmarket, ON L3Y 6Z1



VIA Courier and Email: Karen.antonio-hadcock@york.ca

05:1496

Dear Karen,

Re: Aurora 2C Landowners Group
Environmental Features Mapping for the Regional Official Plan December 2009

Thank you for the opportunity to meet with you and Barbara Jeffery on January 21st, 2010 to discuss submissions made by MPG and Davis LLP on behalf of the Aurora 2C Landowners Group on the Regional Official Plan December 2009.

As requested, please find enclosed with this letter the digital shapefiles for the survey feature limits within the Area 2C lands west of Leslie Street. These feature limits were staked in the field by LSCRA in consultation with the Town of Aurora, the Town of Aurora's consultant (North South Environmental) and the Landowners Groups' consultant (Beacon Environmental). Also enclosed is the digital file for the natural heritage system (NHS) identified for protection by the Aurora 2C Landowners Group as part of submitted in their OPA application November 2008. This NHS has been based on the staked feature limit and is generally consistent with the NHS identified in by the Town of Aurora in their Natural Heritage Evaluation 2006. Attached is a drawing that illustrates the staked feature limits and the NHS.

It was my understanding from our meeting that the Region will revise Map 5 - Woodlands from the Regional Official Plan December 2009 to be consistent with the significant woodland features surveyed by LSRCA in 2008 and would revise Map 2 -Regional Greenlands System to be consistent with this NHS. I would appreciate if the Region could confirm this understanding and provide the Group with copies of the revised mapping at the earliest convenience.

February 2, 2010

Page 2

Re: Aurora 2C Landowners Group
Environmental Features Mapping for the Regional Official Plan December 2009

I would also appreciate it if you could confirm my understanding with regards to how the transitional policies will be applied to the Aurora 2C Landowners Group OPA application submitted November 2008. It was my understanding that you appreciated the Landowners Group's concern with regard to how the transitional policies in the Regional Official Plan December 2009 would be applied to their application and that you agreed the Aurora 2C Landowners Group OPA application should be process under the rules at the time of submission of application which would be the Regional Official Plan 2006.

Please feel free to contact me at 905.513.0170 ext. 109 if you would like to discuss or if have any questions. Thanks again for meeting with us to resolve our concerns with the Regional Official Plan December 2009.

Yours very truly,

MALONE GIVEN PARSONS LTD.

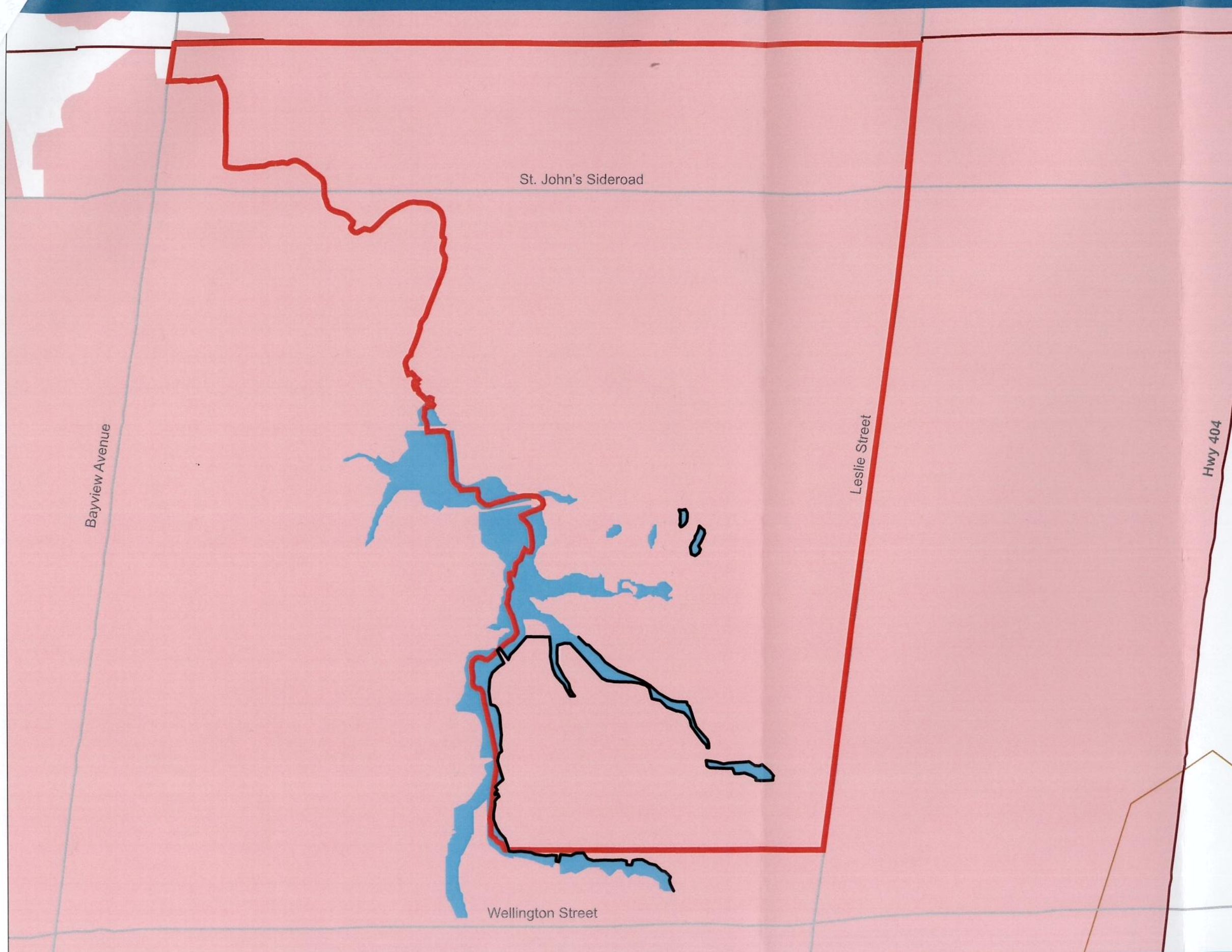


Don Given, MCIP, RPP
President

cc. Barbara Jeffery, Region of York, Email: Barbara.jeffery@york.ca
Marco Ramunno, Town of Aurora, Email: mramunno@e-aurora.ca
Jim Kyle, Town of Aurora, Email: jkyle@e-aurora.ca
Chris Barnett, Davis & Co., Email: cbarnett@davis.ca
Aurora 2C Landowners Group Via Email

DETAILS OF WETLAND MAPPING

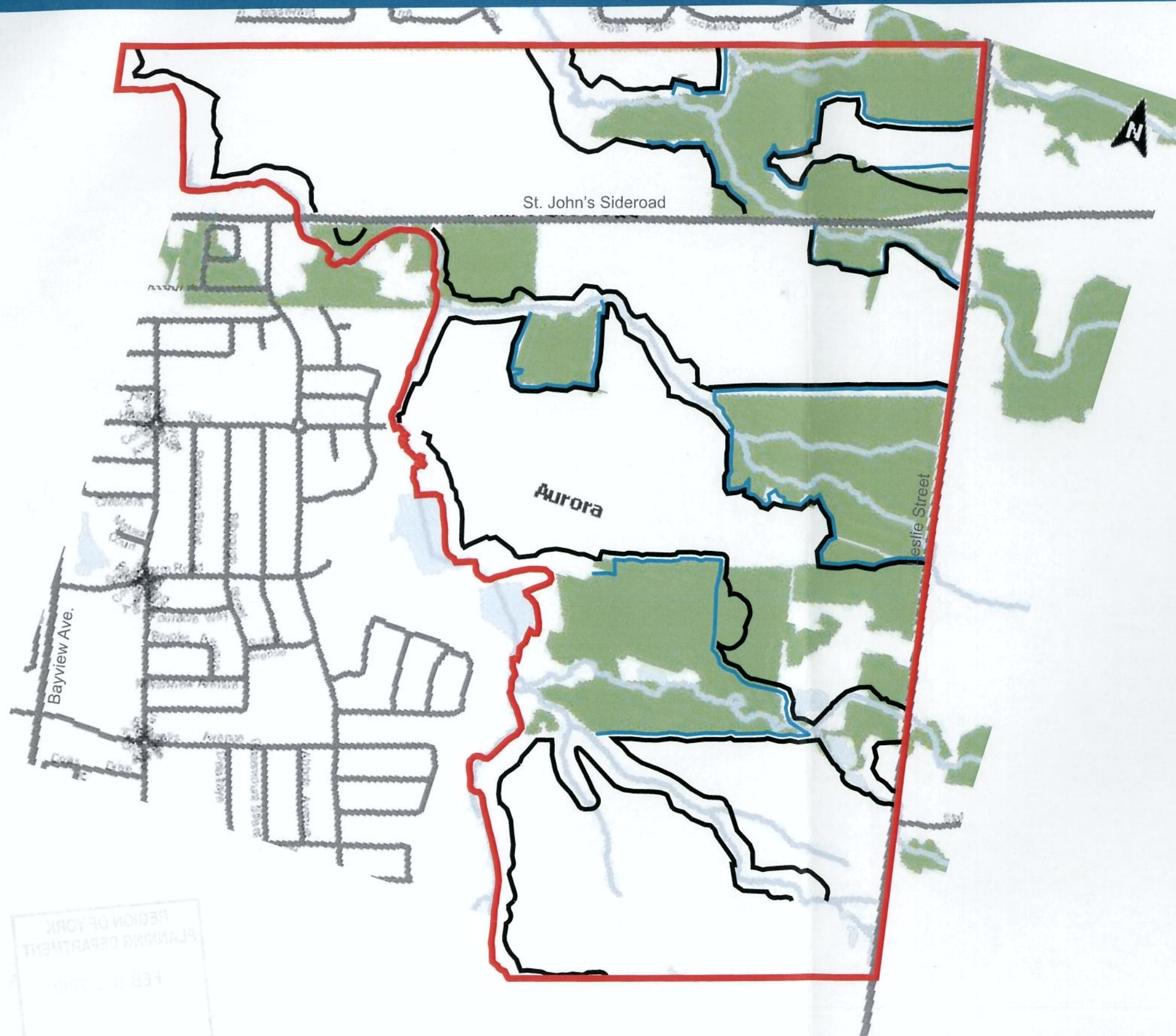
AURORA 2C WEST Aurora, Ontario



- Aurora 2C West Secondary Plan Area
- Staked Wetland Feature (MNR Sept. 2008/not evaluated)
- ORM Boundary
- Wetlands
- Towns and Villages
- Urban Areas

DETAILS OF WOODLANDS MAPPING

AURORA 2C WEST Aurora, Ontario



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

- Lakes
- Regional Forest
- Woodlots
- Forest
- York Neighbourhoods
- York Municipalities

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

Date:
October 2009

Source:
The Regional Municipality of York, Geomatics.
The Significant Woodlands mapping is based on BEST AVAILABLE DATA.
Retrieved from The Region of York website October 13, 2009.

REGION OF YORK
PLANNING DEPARTMENT
FEB 0 2 2010



140 Renfrew Drive, Suite 201
Markham, Ontario, Canada L3R 6B3
Tel: (905) 513-0170, Fax: (905) 513-0177
dgiven@mgp.ca

February 11, 2010

Minister of Municipal Affairs and Housing
Government of Ontario
777 Bay Street, 17th Floor
Toronto, Ontario M5G 2E5

05:1496

Dear Minister Bradley,

Re: Comments and Concerns with the York Region Official Plan December 2009

I am writing on behalf of Aurora 2C Landowners Group (Landowners Group) in response to the Region of York Official Plan that was recently adopted by Regional Council on December 16, 2009. It is my understanding that this document is currently with the Ministry of Municipal Affairs and Housing for review and approval. .

The Landowners Group made a number of submissions to the Region of York during their Growth Plan conformity Official Plan Review process and commented on a number of issues of concern. Our most recent submission to the Region was in response to the Draft Regional Official Plan as presented to the Region of York Planning and Economic Development Committee on December 2, 2009 and subsequently adopted by Regional Council on December 16, 2009.

With the short timeframe provided for review of the document prior to adoption by Regional Council, our clients were not able to provide a full response. Our clients have now had an opportunity to review the York Region Official Plan December 2009 policies and have additional comments specifically with respect to the Section 5.2 "Sustainable Cities, Sustainable Communities" particularly the Sustainable Buildings sub-section.

Our clients and I understand there is a regulatory move in many jurisdictions that future housing and land development incorporate more efficient materials and building systems. Our clients acknowledge and support the approach taken to have more efficient and sustainable housing and note that many of these objectives are and should continue to be governed by the Ontario Building Code which is consistently being updated in response to many of the planning policies articulated in the ROP.

It is within this context that we have concern with policies 5.2.20 through 5.2.44 of the York Region Official Plan December 2009. Although a number of these referenced policies are written with the words "to encourage", policy 5.2.42 "...*requires local municipalities to develop programs to ensure the successful implementation (emphasis added) of the sustainable building policies of this plan*".

Our concern with these policies lies with the fact that some of these policies or all the policies taken together may not be achievable. We wish to ensure that the Region will consider these policies in the context of the local official plan conformity exercises as targets rather than prescriptive requirements. We are concerned that these policies do not provide the local municipality with any guidance or principles with regard to what is appropriate. This may result in each municipality interpreting/implementing this requirement in a variety of ways and an inconsistency of approaches across the Region.

We request that in order to provide consistency in expectation across the Region, the Region take a leadership role and establish a committee that can provide guidance on what standards are acceptable and consistency across the Region. This committee should monitor the various requirements of each Municipality and establish a standard of expectation. We also ask that a representative from the Aurora 2C Landowners Group be allowed to sit on this Committee and provide valuable insight into what is realistically achievable.

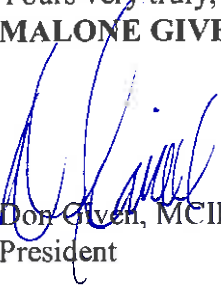
REQUEST FOR NOTIFICATION OF INTENT TO APPROVE THE YORK OFFICIAL PLAN

With regards to the York Region Official Plan December 2009 currently under review by the Ministry, we are concerned that input and revisions received during the Ministry's review from the Region or the various municipalities may modify the Official Plan without our awareness. Therefore, we request the Ministry to notify us of any modification to the Region's Official Plan prior to approval by the Ministry.

Lastly we wish to advise the Group reserves its right to provide comments and make submissions on other aspects of the ROP that were not addressed in this letter or our earlier correspondence. A fulsome review of the ROP December 2009 is still ongoing. In the same way, the Group continues to reserve its right to appeal to the OMB with respect to any concerns or issues that arise as a result of the ROP regardless of whether they are addressed in earlier correspondence.

Please feel free to contact me at 905.513.0170 ext. 109 if you would like to discuss or if have any questions.

Yours very truly,
MALONE GIVEN PARSONS LTD.



Don Given, MCIP, RPP
President

cc. Fareed Amin, *Deputy Minister, MMAH, Email: fareed.amin@ontario.ca*
Robert Taylor, *Assistant Deputy Minister, MMAH, Email: robert.taylor@ontario.ca*
John Waller, *Region of York, Email: john.waller@york.ca*
Barbara Jeffery, *Region of York, Email: barbara.jeffery@york.ca*
Karen Antonio-Hadcock, *Region of York, Email: karen.antonio-hadcock@york.ca*
Chris Barnett, *Davis & Co., Email: cbarnett@davis.ca*
Aurora 2C Landowners Group



March 22, 2010

140 Renfrew Drive, Suite 201
Markham, Ontario, Canada L3R 6B3
Tel: (905) 513-0170, Fax: (905) 513-0177
dgiven@mgp.ca

The Regional Municipality of York

c/o Karen Antonio-Hadcock

Long Range & Strategic Planning
Planning and Development Services
17250 Yonge Street
Newmarket, ON L3Y 6Z1

VIA Courier and Email: karen.antonio-hadcock@york.ca

05:1496

Dear Karen,

Re: Revised Woodlands and Greenlands Mapping in the Regional Official Plan December 2009

Thank you for the opportunity to meet with yourself and Barbara Jeffery on January 21st, 2010 to discuss submissions made by MPG and Davis LLP on behalf of the Aurora 2C Landowners Group with regard to the Region of York Official Plan December 2009. The Aurora 2C Landowners Group appreciates the opportunity to review the Region's proposed revisions to the Regional Official Plan Woodland and the Regional Greenlands System mapping for Aurora 2C lands, as attached. The Aurora 2C Landowners Group is generally in agreement with the revised mapping for woodlands and the Greenlands System premised on the following understanding:

1. Refinements or modifications to the Greenlands System or its boundaries will not require an amendment to the Regional Official Plan. In accordance with policy 2.1.5 and policy 2.1.6, the Regional Greenlands System illustrates local municipal greenlands system "schematically" and boundaries outside the Greenbelt Plan Area and Oak Ridges Moraine Conservation Area "are approximate". Revisions or refinements to the Greenlands System and the boundaries in accordance with the development approvals process will not require an amendment to the Regional Official Plan. As such, any refinements or modifications to the natural heritage system or its boundary as part of the development approvals process for the Aurora 2C lands will not require an amendment to the Regional Official Plan.
2. Crossings, trails, passive recreational uses, grading and other infrastructure required to service the future Aurora 2C community such as stormwater management facilities, water and wastewater systems, and streets are permitted within the Greenlands System. In accordance with the natural heritage system work completed by the Town of Aurora and endorsed by Town Council; road crossings, trails, stormwater facilities, grading, and water and wastewater systems will be necessary within the Greenlands System of Aurora 2C and will be directed to the locations identified by the Town's Natural Heritage Evaluation study. It is our

March 22, 2010

Page 2

Re: Revised Woodlands and Greenlands Mapping in the Regional Official Plan December 2009

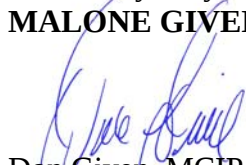
understanding that policy 2.1.12 of the Regional Official Plan December 2009 permits such uses within the Greenlands System.

3. It is our understanding the Regional Official Plan December 2009 policies with regard to the Greenlands System (section 2.1) includes buffers from significant environmental features. Section 2.1 states that *"The Regional Greenlands System on Map 2 contains key natural heritage features and key hydrologic features and the adjacent lands necessary to maintain these features in a linked system"*. Therefore, we are of the understanding that a buffer will NOT be applied or be required from the boundary of the Greenlands System illustrated in 2C or in the Regional Official Plan.
4. The woodlands mapping for Area 2C as illustrated has yet to be confirmed through the development approvals process and the extent of the woodlots identified may be modified or refined through the secondary planning and development approvals process/Environmental Impact Statement within an amendment to the Regional Official Plan. We understand policy 2.2.41 of the ROP December 2009 permits site specific studies to determine or verify the significance of woodlands and an amendment to the Regional Official Plan would not be required if such study determines that a woodland boundary should be refined or is determined not to be significant.

Thank-you for addressing concerns raised by the Aurora 2C Landowners Group with regard to the Region of York Official Plan December 2009; with the refinement to the mapping addressed, the Group no longer has any significant issues with ROP December 2009. Please feel free to contact me at 905.513.0170 ext. 109 if you would like to discuss or if have any questions. Thanks again for working with us to resolve our concerns with the Regional Official Plan December 2009.

Yours very truly,

MALONE GIVEN PARSONS LTD.



Don Given, MCIP, RPP
President

Attachments

Revised Greenlands and Woodlands mapping from the Region of York

cc.

Barbara Jeffery, *Region of York*, Email: Barbara.jeffery@york.ca
Marco Ramunno, *Town of Aurora*, Email: mramunno@e-aurora.ca
Jim Kyle, *Town of Aurora*, Email: jkyle@e-aurora.ca
Chris Barnett, *Davis & Co.*, Email: cbarnett@davis.ca
Aurora 2C Landowners Group *Via Email*





Submission Number
D05.2009.1.139

Date of Submission:
December 11, 2009

Submission Author:
Templeton Planning Ltd on behalf of landowners in Block
40/47 City of Vaughan

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Lands in Block 40/47 were designated Urban Area in Vaughan OPA 600. Applications for Secondary Plan and Block plans were submitted in February 2003 prior to the Greenbelt coming into force and effect.

As these plans predate the Greenbelt Plan, these plans fall within policy 5.2.1 of the Greenbelt Plan and subsequent applications are not required to conform to the Greenbelt Plan.

Maps showing the Urban Areas should be modified to reflect the approved urban area in accordance with the Secondary Plan Area

Comments reflect the correct interpretation of the Greenbelt Plan. The applications were commenced in advance of the Greenbelt Plan and are therefore transitioned.

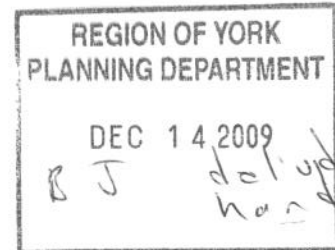
Map 5 to the current Regional Official Plan designates the lands as Urban Area

Maps in the Adopted Official Plan will be modified to reflect the Block 47 developable area. Map 8 will be modified to extend the Agricultural Policy Area to lands not designated Urban Area.

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.

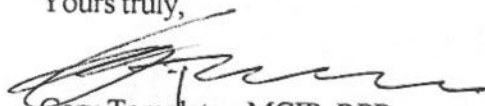
This letter is being written to request that the boundary of the Province's Draft Greenbelt Plan be revised in relation to the westerly portion of the Block 40/47 area. Specifically, the area of concern lies south of Teston Road and west of Pine Valley Drive where the Greenbelt limit is proposed to extend 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.

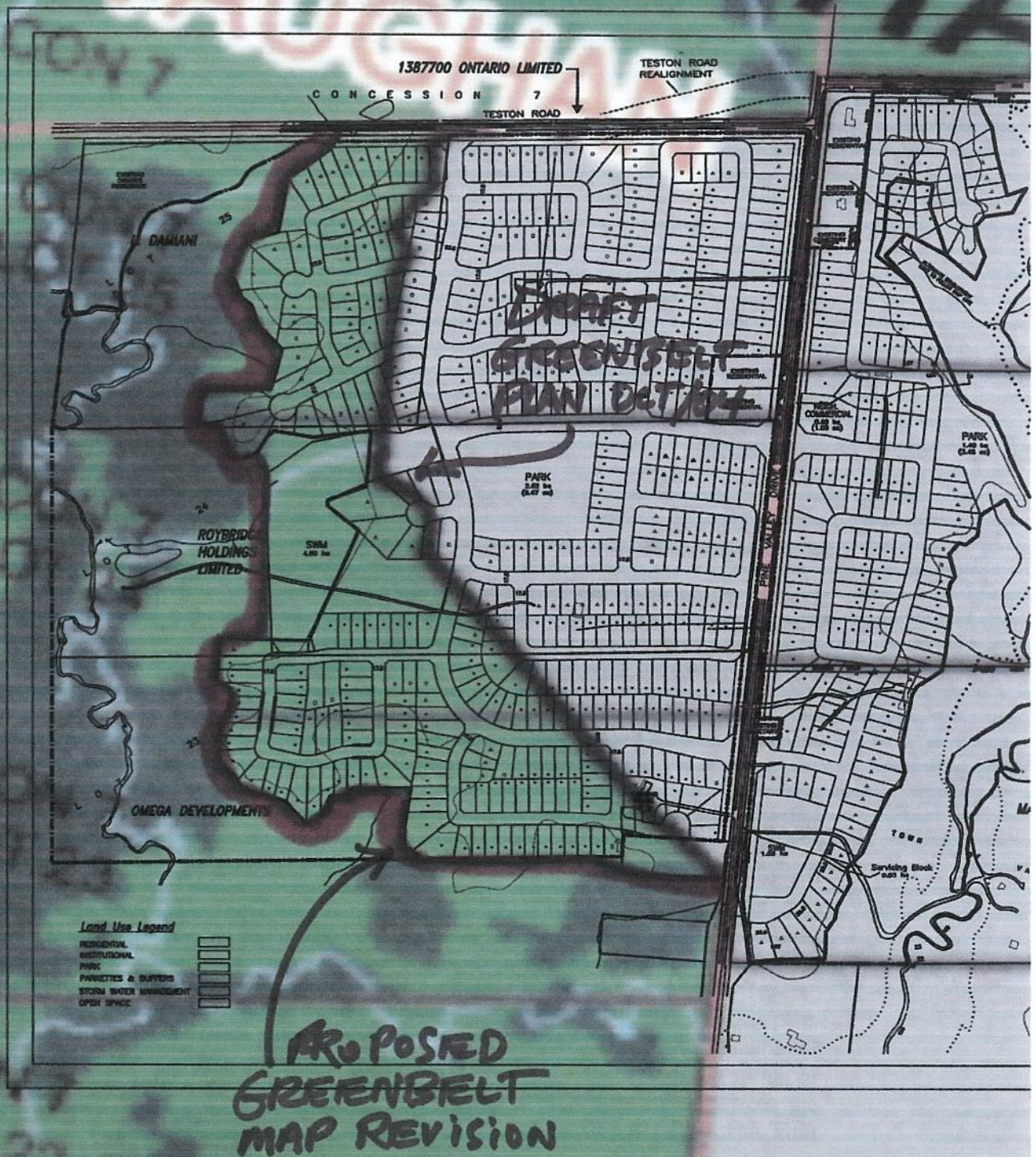
On behalf of the Block 40/47 Landowners Group we request that the boundary of the Draft Greenbelt Plan be revised to reflect the surveyed development limit for the west side of the Block Plan area as portrayed on the attached plan. If an electronic file of the attached plan would assist, please contact 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



attached to letter to MMAH
Dec 13/04

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.

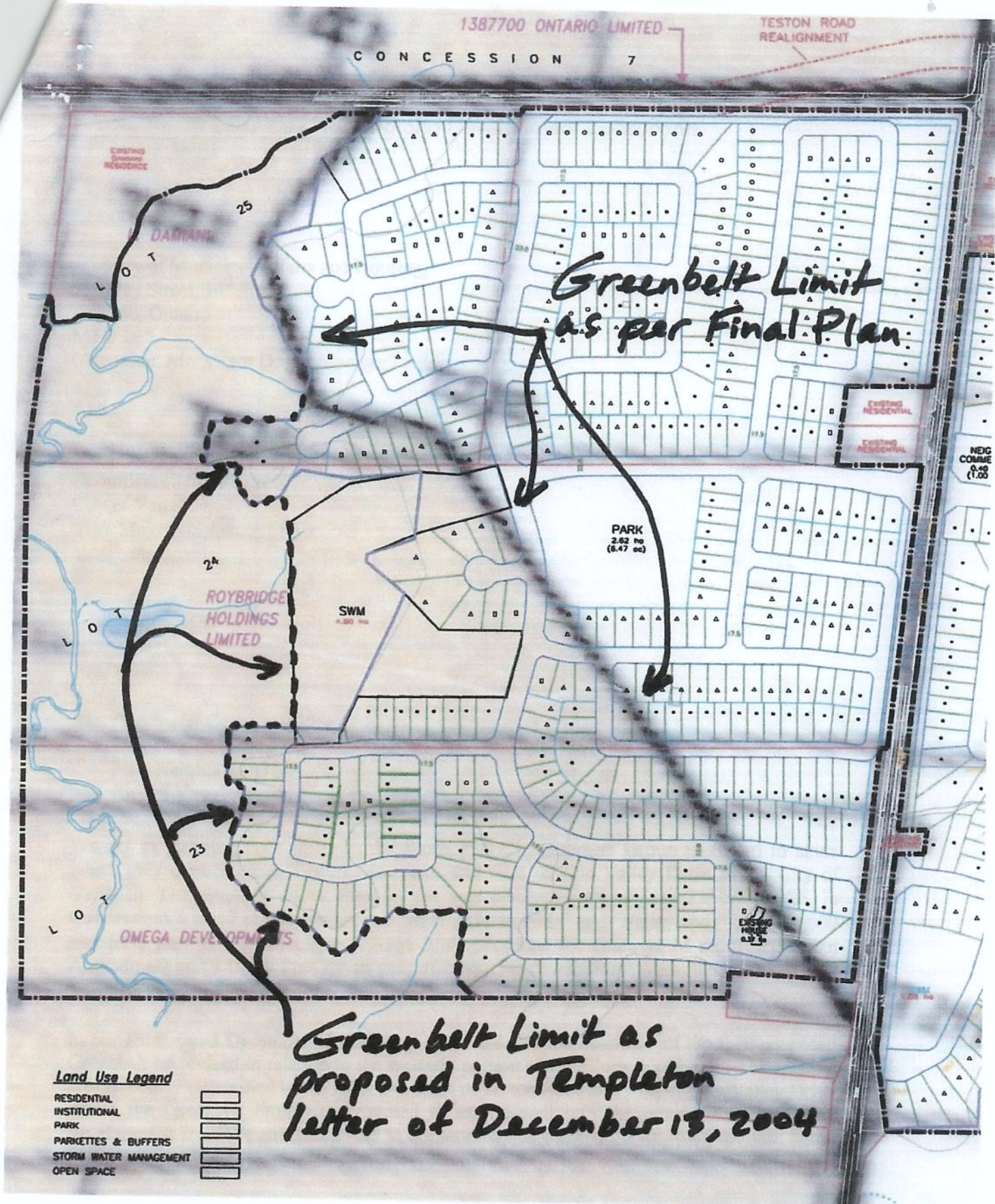
As the Block 40/47 Landowners continue to have serious concerns in regard to the Greenbelt boundary as it affects the Block Plan, a prompt response providing written assurances would be welcomed.

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
Télécopieur: (416) 585-4245



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,

A handwritten signature in cursive script, appearing to read "Victor Doyle".

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

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;

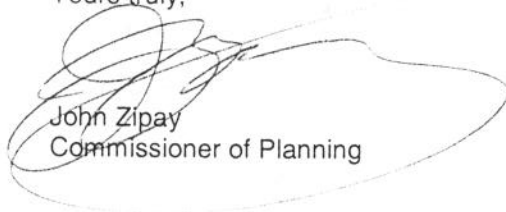
"Where an official plan was amended prior to December 16, 2004 to specifically designate land uses, this approval may continue to be recognized through the conformity exercise addressed in Section 5.3, and any further applications required under the Planning Act or Condominium Act, 1998 to implement 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

Submission Number
D05.2009. 1.140
D05.2009.169

Date of Submission:
December 15, 2009
March 16, 2010

Submission Author:
Marina Ferrante, Laceby Real Estate
Meridian Planning on behalf of Marina Ferrante

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Ms. Ferrante wrote in December regarding the designation of lands adjacent to the hamlet of Snowball as Agricultural on Map 8.

Ms. Ferrante represents several properties which fall both within the hamlet designation of Snowball and outside of the hamlet but inside of the Hamlet Study Area.

Ms. Ferrante is of the opinion that the settlement boundaries for the hamlet of Snowball should be expanded to reflect the Snowball Study Area.

The lands subject to Ms. Ferrante's request are entirely within the Oak Ridges Moraine Conservation Plan (ORMCP) and partially within the ORMCP Hamlet of Snowball. The Hamlet boundaries are fixed until the review of the Oak Ridges Moraine Conservation Plan is undertaken in 2015.

Subject to other policies in both the Regional Official Plan and the Township's Plan, it may be possible that some additional development might take place on those lands within the hamlet boundary

Township of King and Regional staff met with Ms. Ferrante in on December 17, 2009 to explain the above nature of the hamlet boundaries. A follow-up letter was sent to Ms, Ferrante explaining the above.

In March 2010, Meridian planning advised that they represent Ms. Ferrante and are assisting her to determine the development potential on her lands within the hamlet boundaries.

Since the Regional Plan implements the provincial document, they advise that Ms. Ferrante does not intend to appeal the Regional Plan in regard to these lands.



December 15, 2009

Mr. Denis Kelly
Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Dear Mr. Kelly:

RE: Map 8 Snowball Designation of Lands

I have a number of issues regarding the proposed Map 8 designation of the lands around the Hamlet of Snowball.

I represent the landowners of the lands located in the Hamlet of Snowball. 1475 Wellington St. W., 37.83 acres., 1229 Wellington St. W., 50 acres and 15340 Dufferin Street, about 98 acres, the latter 2 properties of which I am also part owner.

Our issues focus on proposed zoning of the lands to Agricultural. The subject properties all lie within the boundaries of the Snowball Study Area/Amendment Boundary as defined in Schedule 5 of the Township of King Official Plan (Snowball Hamlet Plan Land Use Area). Portions of the properties are zoned Transitional and portions fall within the settlement area within the Oak Ridges Moraine Plan. The settlement boundaries as defined in the Oak Ridges Moraine Plan in Snowball, in our opinion, should reflect the boundaries of the Snowball Study Area instead of just the Transitional zoned area. There have been incidents in the Township, in the past, where community boundaries have mirrored the integrity of land ownership boundaries, which is not the case in Snowball.

We respectfully submit our concerns and issues regarding rezoning properties to Agricultural within the Snowball Hamlet Study Area/Amended Boundary, which may hinder future development applications for the properties noted above.

... / cont'd pg. 2



Page 2

Map 8 Snowball Designation of Lands

As one of the landowners, I will be representing the interest of all the landowners in the above mentioned properties at a meeting scheduled on Thursday, December 17, 2009 at 10:00 a.m., to discuss these issues with Ms. Barbara Jeffrey, Manager, Land Use Policy and Environment Long Range and Strategic Planning Branch, and Stephen Kitchen, Director of Planning, Township of King.

Thank you for consideration of our request.

Yours truly,

A handwritten signature in black ink that reads "Marina Ferrante".

Marina Ferrante
Sales Representative
Laceby Real Estate Limited

/mf
attachs.

cc: Barbara Jeffrey, Manager, Land Use Policy and Environment Long Range and Strategic
Planning Branch, Regional Municipality of York
Patrick Draper, Director of Economic Strategy and Tourism, Regional Municipality of York
Stephen Kitchen, Director of Planning, Township of King
Jamie Smyth, Economic Development Officer, Township of King

Ermo Ferrante, Landowner, 15340 Dufferin St. & 1229 Wellington Street – Hamlet of Snowball
Marina Ferrante, Landowner, 15340 Dufferin St. & 1229 Wellington Street – Hamlet of Snowball
Fausto Ferrante, Landowner, 15340 Dufferin St. & 1229 Wellington Street – Hamlet of Snowball
Liviana Ferrante, Landowner, 15340 Dufferin St. & 1229 Wellington Street – Hamlet of Snowball
Tommasina Castellan, Landowner, 15340 Dufferin St. & 1229 Wellington Street – Hamlet of Snowball
Corrado Ferrante, Landowner, 1475 Wellington St. W. – Hamlet of Snowball
Consiglia Ferrante, Landowner, 1475 Wellington St. W. – Hamlet of Snowball
Maria Ferrante, Landowner, 1475 Wellington St. W. – Hamlet of Snowball
Augusta Cantalini, Landowner, 1475 Wellington St. W. – Hamlet of Snowball
Mario Cantalini, Landowner, 1475 Wellington St. W. – Hamlet of Snowball



Township of
King

Schedule 5

Snowball Hamlet Plan Land Use Plan

-  Snowball Study Area/
Amendment Boundary
-  Unopened Road Allowance
-  Existing Roads

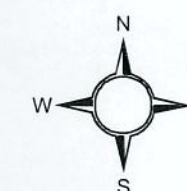
-  Hamlet Commercial
-  Hamlet Residential
-  Hazard Lands
-  Restricted Industrial

-  Oak Ridges Moraine Countryside Area
-  Oak Ridges Moraine Natural Linkage Area
-  Oak Ridges Moraine Rural
Settlement Area

(Source: MMAH, February 2003)



Produced by:
Geomatics Division, Planning and Development Services Department;
Township of King Planning Department
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October 2003



200 0 200 400 m



MAP 8

AGRICULTURAL AND RURAL AREAS



- Rural Area
- Agricultural Area
- Holland Marsh Specialty Crop Area
- Towns and Villages
- Hamlet
- Oak Ridges Moraine Boundary
- Greenbelt Plan Area Boundary
- Provincial Highways
- Existing
- Under Construction
- Municipal Boundary
- Regional Boundary



5 2.5 0 5 Km

December 2009

Produced by: Geomatics
 Planning and Development Services Department
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© Copyright, The Regional Municipalities of Durham and Peel, County of Simcoe, City of Toronto
 © Queen's Printer for Ontario 2003-2009, Includes Greenbelt and Oak Ridges Moraine Boundaries and Water Features

March 16, 2010

Mr. John Waller
Director of Long Range and Strategic Planning
Planning and Development Services
Regional of Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Waller:

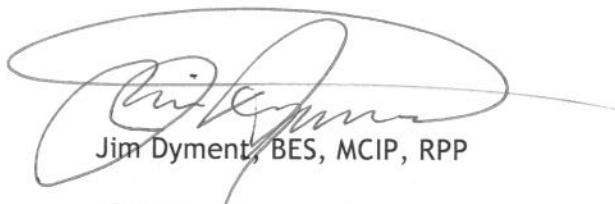
**Re: Appeal of Regional Official Plan from Marina Ferrante
Community of Snowball, Township of King
Our File No. 3900**

On December 15, 2009 Marina Ferrante filed a letter of concern regarding the Region's decision to adopt a new Official Plan as it relates to property she owns in the Community of Snowball, Township of King.

We have been retained by Ms. Ferrante to assist her in determining the development potential of the lands. Having reviewed the Regional Official Plan in relation to the Oak Ridges Moraine Plan and Greenbelt Plan we recognize that the York Regional Official Plan as it relates to the above-noted policies implements the upper tier Provincial documents as required under the provisions of Provincial Policy Statement (PPS) and the Planning Act. Having advised our client of this, she has instructed us to write to the Region to advise that she does not intend to appeal the Regional Official Plan.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,
MERIDIAN PLANNING CONSULTANTS INC.



Jim Dymont, BES, MCIP, RPP
JD/jrw

C Marina Ferrante
Macintosh HD:CURRENT WORK-(JRW):3900 Ferrante Marina Snowball King Advice:3900 ltr Waller-WithdrawAppeal-Mar1610(jrw).docx

Submission Number
D05.2009. 1.141

Date of Submission:
December 15, 2009

Submission Author:
IBI Group
On behalf of Dorsay and Bazil
Developments

Comments or Requested Change to Draft Official Plan**Analysis and Recommendation**

As you are aware from our previous correspondence dated October 19, 2009, we are planning consultants to Dorzil Developments (Bayview) Ltd., owners of approximately 98 acres (40 hectares) of land at the northwest quadrant of 2nd Concession Road and Green Lane in the Town of East Gwillimbury. Our previous correspondence outlined our concerns and objections related to the draft York Region Official Plan with respect to our client's property and included comments on the following items:

- the proposed Regional floor space index requirement of 2.5 on Regional Corridors;
- an absence of policy regarding transitional development;
- the designation of our clients lands and surrounding area as 'Potential Urban Expansion...' as opposed to the desired 'Urban Area' designation;
- discrepancies with Town and Region mapping with respect to wellhead areas;
- request for clarification with respect to the Regional Greenlands System regarding private development applications and their ability to make refinements to the System without requiring an amendment to the Official Plan similar to the Region and local municipalities;
- the proposed 10 metre minimum vegetation protection zone, which we feel should be delineated by way of an Environmental Impact Statement (EIS);
- mandatory LEED performance accreditation for development projects.

We have extensively reviewed the 'Annotated Version of the Regional Official Plan' dated December 2009 and the related November 25, 2009 'Draft York Region Official Plan – June 2009 – Submission Analysis' and as such our client endorses several of the revisions made as they have alleviated a number of our aforementioned concerns, including:

- discrepancies with Town and Region mapping with respect to wellhead areas;
- request for clarification with respect to the Regional Greenlands System regarding private development applications and their ability to make refinements to the System without requiring an amendment to the Official Plan similar to the Region and local municipalities;
- mandatory LEED performance accreditation for development projects, which now appropriately encourages LEED performance accreditation instead of requiring the same.

While our client does support several of the revisions made to the draft Official Plan, we would like to update Council with our continued concerns and objections. We take note and comment on the following specific policy sections with respect to our client's lands:

- We continue to object to draft policy 5.4.23 which requires for a Floor Space Index (FSI) requirement of 2.5 on Regional Corridor's (Green Lane) calculated on the basis of individual development blocks. To note, the Town's draft Official Plan references an FSI of 1.0 along the same corridor and 1.5 FSI at the Local Centre comprising the four quadrants of Green Lane and 2nd Concession Road. Through our discussions with Regional staff, it is our understanding that the Region intends to require that the Town comply with the Region's FSI targets for Corridors and Centres.

Our client generally supports the notion of additional density along the Regional Corridor and in the Centre; however, they maintain significant concerns with the viability of achieving a density averaging 2.5 FSI per development block. It is our view that such a level of density is not desirable in terms of the resultant built environment.

We feel that it is evident from the Density Study provided in our previous Oct. 19, 2009 correspondence, which was created to assist Council in understanding the scale of density and height that is necessary to achieve 2.5 FSI, illustrates clearly that whether spread out over an aggregate basis as a Development Block would infer or consolidated onto individual parcels, the 2.5 FSI requirement is not achievable. We request that the Region endorse the Town's already ambitious FSI goal of 1.0 and 1.5 for Region Corridor's and Local Centre's respectively.

Policy 5.4.23 speaks to densities for the 4 Regional Centres. With respect to the lands along Green Lane, which have been identified as a Regional Corridor, policies 5.4.33 and 34 apply which state:

33. That minimum densities for key development areas be established within secondary plans, consistent with:

- a. a 3.5 floor space index per development block at, and adjacent to, the Steeles West Station on the Spadina Subway Extension, and the Steeles Station on the Yonge Subway Extension;
- b. a 2.5 floor space index per development block, at, and adjacent to, the 407 Transitway Station on the Spadina Subway Extension, and the Clark and Royal Orchard Stations on the Yonge Subway Extension; and,
- c. an appropriate floor space index per development block for lands at or adjacent to other rapid transit stations and/or other select areas, as determined by the local municipality, in consideration of community context and character.

34. To require a comprehensive approach to

Additionally, the 'Development Block' concept, over which the density requirement is to be calculated and which to be defined at the local level is currently not defined in the Town Official Plan. We request that if the Region is to keep the 'Development Block' concept that this be done in conjunction with the local Official Plans. We do not support this Region policy at this time as it relies on local policies that are currently absent and thus has the potential to create contentious issues.

We note and reiterate that the draft Region Official Plan contains no policies with respect to transitional development within the Regional Corridors and has not proposed to provide any with the latest draft Official Plan revisions.

Numerous other jurisdictions, including the Town of East Gwillimbury and Town of Newmarket with respect to this specific Regional Corridor (Green Lane) and the City of Burlington with respect to a highly urban mixed use area in that municipality, include policies within their Official Plans which acknowledge that development of the scale such as that envisioned along the York Regional Corridor is likely to proceed over an extended period of time and, as a result, development, while meeting Official Plan objectives for the area, may initially occur both at intensities which are less than the maximums permitted and in a phased manner.

We would request the Region thoroughly consider a similar policy with respect to the Green Lane Regional Corridor.

It was our understanding in our previous correspondence (dated Oct. 19, 2009) based on our discussions with Regional staff, that prior to Council's adoption of the final revised Official Plan our client's lands as well as surrounding lands currently designated in the draft Plan as "Potential Urban Expansion – Location, Size and Phasing to be Determined" on Map 1 – Regional Structures would have the designation revised to "Urban Area". The Region's response to our comment regarding this expectation was that a specific identification of urban expansion areas will be brought forward in an Amendment to the Plan in early 2010.

intensification along Regional Corridors. Local municipalities will establish key development areas and other forms of intensification along Regional Corridors. Key development areas, once established, will support an overall long term density target of 2.5 floor space index for developable areas.

Regional Staff will be working with the Town of East Gwillimbury in the finalization of the Official Plan and the secondary plans for the key development areas along Green Lane to ensure that the development blocks are defined.

Policy 5.4.34 speaks to an overall long term density target. The local plan can provide more specificity on how to transition into achieving this long term target for the Regional Corridors.

The Region released an updated Land Budget in March 2010, in addition to a staff report detailing the proposed process for the urban boundary expansions in Markham, Vaughan, and East Gwillimbury as Regional Official Plan Amendments 1, 2, and 3.

Regional staff will be proceeding to a statutory public hearing in June of 2010, and proposed adoption of the late 2010/early 2011.

We object to the continued designation of the subject lands and surrounding areas as “Potential...” and respectfully request and urge Regional Council to revise the designation prior to the adoption of the final revised Region Official Plan.

We continue to have concerns with Section 2.2.37 Key Natural Heritage Features and Key Hydrologic Features, which requires that outside of the Oak Ridges Moraine and the Greenbelt, a minimum vegetation protection zone of 10 metres shall be provided from the outer limits of a significant woodland.

In our opinion the determination of development setbacks for natural heritage features should be delineated through an Environmental Impact Statement (EIS). We note that an EIS is a requirement of the draft Regional Plan for development adjacent to such woodlands. We feel that a standardized boundary is arbitrary and should be delineated on a site specific basis which varies greatly with environmental and topographic considerations.

With respect to Section 3.3.13, added to the Annotated Version of the draft Official Plan dated December, 2009, we have concerns with the policy language encouraging the consideration of a Development Charge for hospitals and social housing. It is our view that Development Charges for such uses, which are intended to be for those in need, are not appropriate and as such we request that the Region remove Section 3.3.13 before adopting the final version of the Official Plan.

Another item that was added to the Annotated Version of the draft Official Plan we take issue with is the new Section 14G which provides that the Regional Greenlands System Plan is to identify hazard lands and hazardous sites, incorporate them into the Greenlands System and include an appropriate buffer or access allowance.

Similar to our aforementioned objection with Section 2.2.37, it is our opinion the determination of boundaries and buffers should be delineated and established through the undertaking of an EIS as delineating boundaries otherwise is arbitrary in nature and has no scientific rationale as a basis for an item that we feel should be based on sound environmental and topographic considerations.

The whitebelt lands in the Town of East Gwillimbury are subject to the Lake Simcoe Protection Plan which requires a minimum vegetation protection zone of 30m for all key natural heritage features and key hydrologic features. The Lake Simcoe Protection Plan policies have been incorporated into the ROP December 2009 version, and the subject policies with respect to key natural heritage and key hydrologic features include policies 2.2.14 through 2.2.29.

This policy allows the Region to consider the introduction of social housing and hospital development charges, and does not require the Region to do so. Any amendments to the Development Charges would be subject to a separate public process.

The comment is referring to Policy 5.6.14g. The identification of hazardous lands and sites is consistent with the requirements of the PPS to protect these areas from development and site alteration.

As stated above, for the subject lands, the Lake Simcoe Protection Plan applies, which has required minimum vegetation protection zones to be 30m.



IBI Group
308–30 Eglinton Avenue West
Mississauga ON L5R 3E7 Canada
tel 905 890 3550
fax 905 890 7081

December 15, 2009

via email: regionalclerk@york.ca

Regional Chairman Fisch and Members of Regional Council
c/o Mr. Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street,
Newmarket, Ontario
L3Y 6Z1

Dear Chairman Fisch and Members of Regional Council:

**YORK REGION DRAFT OFFICIAL PLAN ANNOTATED VERSION COMMENTS
DORSAY DEVELOPMENT CORPORATION & BAZIL DEVELOPMENTS INC.
NORTHWEST QUADRANT OF GREEN LANE AND 2ND CONCESSION ROAD**

As you are aware from our previous correspondence dated October 19, 2009, we are planning consultants to Dorzil Developments (Bayview) Ltd., owners of approximately 98 acres (40 hectares) of land at the northwest quadrant of 2nd Concession Road and Green Lane in the Town of East Gwillimbury. Our previous correspondence outlined our concerns and objections related to the draft York Region Official Plan with respect to our client's property and included comments on the following items:

- the proposed Regional floor space index requirement of 2.5 on Regional Corridors;
- an absence of policy regarding transitional development;
- the designation of our clients lands and surrounding area as 'Potential Urban Expansion...' as opposed to the desired 'Urban Area' designation;
- discrepancies with Town and Region mapping with respect to wellhead areas;
- request for clarification with respect to the Regional Greenlands System regarding private development applications and their ability to make refinements to the System without requiring an amendment to the Official Plan similar to the Region and local municipalities;
- the proposed 10 metre minimum vegetation protection zone, which we feel should be delineated by way of an Environmental Impact Statement (EIS);
- mandatory LEED performance accreditation for development projects.

We have extensively reviewed the 'Annotated Version of the Regional Official Plan' dated December 2009 and the related November 25, 2009 'Draft York Region Official Plan – June 2009 – Submission Analysis' and as such our client endorses several of the revisions made as they have alleviated a number of our aforementioned concerns, including:

- discrepancies with Town and Region mapping with respect to wellhead areas;
- request for clarification with respect to the Regional Greenlands System regarding private development applications and their ability to make refinements to the System without requiring an amendment to the Official Plan similar to the Region and local municipalities;

December 15, 2009

- mandatory LEED performance accreditation for development projects, which now appropriately encourages LEED performance accreditation instead of requiring the same.

While our client does support several of the revisions made to the draft Official Plan, we would like to update Council with our continued concerns and objections. We take note and comment on the following specific policy sections with respect to our client's lands:

- We continue to object to draft policy 5.4.23 which requires for a Floor Space Index (FSI) requirement of 2.5 on Regional Corridor's (Green Lane) calculated on the basis of individual development blocks. To note, the Town's draft Official Plan references an FSI of 1.0 along the same corridor and 1.5 FSI at the Local Centre comprising the four quadrants of Green Lane and 2nd Concession Road. Through our discussions with Regional staff, it is our understanding that the Region intends to require that the Town comply with the Region's FSI targets for Corridors and Centres.

Our client generally supports the notion of additional density along the Regional Corridor and in the Centre; however, they maintain significant concerns with the viability of achieving a density averaging 2.5 FSI per development block. It is our view that such a level of density is not desirable in terms of the resultant built environment.

We feel that it is evident from the Density Study provided in our previous Oct. 19, 2009 correspondence, which was created to assist Council in understanding the scale of density and height that is necessary to achieve 2.5 FSI, illustrates clearly that whether spread out over an aggregate basis as a Development Block would infer or consolidated onto individual parcels, the 2.5 FSI requirement is not achievable. We request that the Region endorse the Town's already ambitious FSI goal of 1.0 and 1.5 for Region Corridor's and Local Centre's respectively.

Additionally, the 'Development Block' concept, over which the density requirement is to be calculated and which to be defined at the local level is currently not defined in the Town Official Plan. We request that if the Region is to keep the 'Development Block' concept that this be done in conjunction with the local Official Plans. We do not support this Region policy at this time as it relies on local policies that are currently absent and thus has the potential to create contentious issues.

- We note and reiterate that the draft Region Official Plan contains no policies with respect to transitional development within the Regional Corridors and has not proposed to provide any with the latest draft Official Plan revisions.

Numerous other jurisdictions, including the Town of East Gwillimbury and Town of Newmarket with respect to this specific Regional Corridor (Green Lane) and the City of Burlington with respect to a highly urban mixed use area in that municipality, include policies within their Official Plans which acknowledge that development of the scale such as that envisioned along the York Regional Corridor is likely to proceed over an extended period of time and, as a result, development, while meeting Official Plan objectives for the area, may initially occur both at intensities which are less than the maximums permitted and in a phased manner.

We would request the Region thoroughly consider a similar policy with respect to the Green Lane Regional Corridor.

- It was our understanding in our previous correspondence (dated Oct. 19, 2009) based on our discussions with Regional staff, that prior to Council's adoption of the final revised Official Plan our client's lands as well as surrounding lands currently designated

December 15, 2009

in the draft Plan as "Potential Urban Expansion – Location, Size and Phasing to be Determined" on Map 1 – Regional Structures would have the designation revised to "Urban Area". The Region's response to our comment regarding this expectation was that a specific identification of urban expansion areas will be brought forward in an Amendment to the Plan in early 2010.

We object to the continued designation of the subject lands and surrounding areas as "Potential..." and respectfully request and urge Regional Council to revise the designation prior to the adoption of the final revised Region Official Plan.

- We continue to have concerns with Section 2.2.37 Key Natural Heritage Features and Key Hydrologic Features, which requires that outside of the Oak Ridges Moraine and the Greenbelt, a minimum vegetation protection zone of 10 metres shall be provided from the outer limits of a significant woodland.

In our opinion the determination of development setbacks for natural heritage features should be delineated through an Environmental Impact Statement (EIS). We note that an EIS is a requirement of the draft Regional Plan for development adjacent to such woodlands. We feel that a standardized boundary is arbitrary and should be delineated on a site specific basis which varies greatly with environmental and topographic considerations.

- With respect to Section 3.3.13, added to the Annotated Version of the draft Official Plan dated December, 2009, we have concerns with the policy language encouraging the consideration of a Development Charge for hospitals and social housing. It is our view that Development Charges for such uses, which are intended to be for those in need, are not appropriate and as such we request that the Region remove Section 3.3.13 before adopting the final version of the Official Plan.
- Another item that was added to the Annotated Version of the draft Official Plan we take issue with is the new Section 14G which provides that the Regional Greenlands System Plan is to identify hazard lands and hazardous sites, incorporate them into the Greenlands System and include an appropriate buffer or access allowance.

Similar to our aforementioned objection with Section 2.2.37, it is our opinion the determination of boundaries and buffers should be delineated and established through the undertaking of an EIS as delineating boundaries otherwise is arbitrary in nature and has no scientific rationale as a basis for an item that we feel should be based on sound environmental and topographic considerations.

Please accept these comments on behalf of our client, Dorzil Developments (Bayview) Ltd. Should you have any questions or concerns regarding the above comments please do not hesitate to contact the undersigned.

Yours Truly,
IBI Group



Scott Arbuckle, MCIP, RPP
Associate

December 15, 2009

cc. Clients paulbailey@bazil.ca, rdunn@dorsay.ca
John Waller, Director, Long Range and Strategic Planning Branch, York Region
john.waller@york.ca
Barb Jeffery, manager, Land Use Policy and Environment, York Region
barbara.jeffrey@york.ca

Submission Number
D05.20091.142

Date of Submission:
December 15, 2009

Submission Author:
Malone Given Parsons Ltd (on behalf of Neamsby
Investments and Fulton Homes (Rodeo Fine Homes))

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Property: Several parcels with frontage on 14th Avenue, east of Middlefield Road; Markham.

We have concerns with the additions and amendments made to the employment land policies in draft Section "4.3 Protecting Employment Lands". Of particular concern is new policy 4.3.2 which states: "To protect all employment lands identified in local municipal official plans. These lands are strategic and vital to the Regional economy and are to be protected for employment land uses."

We also have an issue with policy 4.3.7 where the word "Regional" was added before the term 'municipal comprehensive review'.

The employment land policies in the ROP are consistent with and complement the employment land policies in the Growth Plan.

The municipal comprehensive review exercise includes:

- The use of the Growth Plan's forecasts;
- The completion of an intensification strategy that demonstrates the planning for a minimum 40% residential intensification;
- An assessment of the available residential and employment land supplies and demonstration of the need for a proposed urban expansion; and
- A demonstration of how the minimum designated greenfield area density target of 50 people and jobs per hectare is to be achieved.

The exercise includes an analysis across the regional market area. Policy 4.3.9 (formerly 4.3.7) is consistent with policy 5.1.12.

These amendments in policy from the first draft of the

Regional OP to the final draft serve to impact our client's intentions in a negative way and compromise discussions that have been held with the local municipality on the future development of our client's lands in southeast Markham.



140 Renfrew Drive, Suite 201, Markham
Ontario, Canada L3R 6B3
Tel: 1-905-513-0170 x113
Fax: 1-905-513-0177
www.mgp.ca
(dgiven@mgp.ca)

December 15, 2009

Mr. Bryan Tuckey, MCIP, RPP
Commissioner of Planning and Development Services
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

09-1888

Dear Mr. Tuckey:

**Re: York Region Official Plan Review
Submission Regarding Draft Official Plan**

Malone Given Parsons Ltd. are the planning consultants to Neamsby Investments and Fulton Homes (Rodeo Fine Homes), the owners of several parcels with frontage on 14th Avenue, east of Middlefield Road in the Town of Markham. We have been retained to review York Region's Draft Official Plan and understand the impacts the proposed policies may have on our client's development options in the future.

We have concerns with the additions and amendments made to the employment land policies in draft Section "4.3 Protecting Employment Lands". Of particular concern is new policy 4.3.2 which states; "To protect all employment lands identified in local municipal official plans. These lands are strategic and vital to the Regional economy and are to be protected for employment land uses." We also have an issue with policy 4.3.7 where the word 'Regional' was added before the term 'municipal comprehensive review'.

These amendments in policy from the first draft of the Regional OP to the final draft serve to impact our client's intentions in a negative way and compromise discussions that have been held with the local municipality on the future development of our client's lands in southeast Markham.

Thank you for allowing us the opportunity to comment on the Region's Draft Official Plan. Please do not hesitate to contact me at 905-513-0170 ext. 109 should you have any questions or comments with respect to our submission.

Yours very truly,
MALONE GIVEN PARSONS LTD.



Don Given, MCIP, RPP
President

cc: Bruce Macgregor, *Chief Administrative Officer, York Region*
John Waller, *Director, Long Range and Strategic Planning Branch, York Region*
Barbara Jeffrey, *Manager, Land Use Policy and Environment, York Region*
Region of York Clerks Department
Randy Peddigrew, *Neamsby Investments*
Frank Mauro, *Fulton Homes*

Submission Number
D05.2009. 1.143

Date of Submission: December 15, 2009

Submission Author:
Townsend and Associates
On behalf of Aryeh Construction Ltd.
8293 and 8303 Warden Ave. Markham

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

On October 6, 2009, we submitted comments on the June 2009 draft of the proposed York Regional Official Plan. Those comments are attached hereto for ease of reference. Since that submission, we have taken the opportunity to review the December 2009 draft of the ROP and offer the following additional comments on the proposed policies.

To provide contextual background to the ensuing comments, we note that applications for an official plan amendment, zoning by-law amendment, and draft plan of subdivision were filed with the Town of Markham, and have subsequently been appealed to the Ontario Municipal Board. The purpose of these proposed amendments is to allow for the development of a residential 20-storey point tower with a 6-storey base on the northerly portion of the Subject Lands, and two residential 20-storey point towers with a 6-storey base and two residential 20-storey point towers with a 5-storey base on the southerly portion of the Subject Lands.

On Map 1 of the ROP, our client's lands are encapsulated by a Regional Centre. The corresponding policy for Regional Centres and Corridors, as found under section 5.4 of the ROP text, states at Policy 9:

That all new buildings shall front the major street. Reverse lotting on the street, and/or surface parking between a building's main entrance and the street, are not permitted.

Our client's development proposal contemplates the orientation of the new residential buildings towards a new east-west collector road and an internal driveway, as opposed to Warden Avenue, which runs adjacent to the Subject Lands.

We view this policy as being unduly restrictive and not allowing for the unique characteristics of individual sites to be taken into account. On the Subject Lands, for example, a designated heritage building is proposed to be relocated to front onto Warden Avenue. A prominent, public view of the heritage building would be unfeasible should the proposed new buildings be required to front in this direction. We suggest that this policy be reworded to *encourage* the fronting of new buildings towards major roads, considering each project on a site-specific basis.

Submission 1.066 was previously responded to in the December 2009 report to Regional Council.

If Planning Act applications have been submitted for the subject lands prior to the approval of the Regional Official Plan, then the following transition policies apply: 8.4.15 and 8.4.16, formerly 8.4.14 and 8.4.15) as follows:

15. That applications received on/or after the date of this Plan's approval be subject to the policies of this Plan.

16. That proponents with pending applications at the time of this Plan's approval be encouraged to work with the Region to re-examine the proposed applications based on the policies in this Plan.

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

PLEASE REFER TO:
Lyn Townsend (Ext. 222)
Email: lyn.townsend@ltownsend.ca
Assistant: Kate King (Ext. 221)
E-mail: kate.king@ltownsend.ca

December 15, 2009

The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Mr. Bryan Tuckey, Commissioner of Planning and Development Services
Mr. Denis Kelly, Regional Clerk

Dear Sirs:

**Re: PROPOSED YORK REGION OFFICIAL PLAN, DECEMBER 2009 DRAFT
Aryeh Construction Limited**

We represent Aryeh Construction Limited with respect to the review of the proposed York Region Official Plan. Our client owns lands municipally known as 8293 and 8303 Warden Avenue, within the Town of Markham (the "Subject Lands").

On October 6, 2009, we submitted comments on the June 2009 draft of the proposed York Regional Official Plan. Those comments are attached hereto for ease of reference. Since that submission, we have taken the opportunity to review the December 2009 draft of the ROP and offer the following additional comments on the proposed policies.

To provide contextual background to the ensuing comments, we note that applications for an official plan amendment, zoning by-law amendment, and draft plan of subdivision were filed with the Town of Markham, and have subsequently been appealed to the Ontario Municipal Board. The purpose of these proposed amendments is to allow for the development of a residential 20-storey point tower with a 6-storey base on the northerly portion of the Subject Lands, and two residential 20-storey point towers with a 6-storey base and two residential 20-storey point towers with a 5-storey base on the southerly portion of the Subject Lands.

On Map 1 of the ROP, our client's lands are encapsulated by a Regional Centre. The corresponding policy for Regional Centres and Corridors, as found under section 5.4 of the ROP text, states at Policy 9:

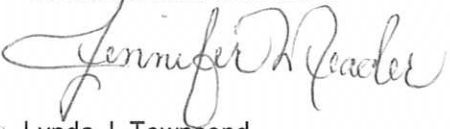
That all new buildings shall front the major street. Reverse lotting on the street, and/or surface parking between a building's main entrance and the street, are not permitted.

Our client's development proposal contemplates the orientation of the new residential buildings towards a new east-west collector road and an internal driveway, as opposed to Warden Avenue, which runs adjacent to the Subject Lands.

We view this policy as being unduly restrictive and not allowing for the unique characteristics of individual sites to be taken into account. On the Subject Lands, for example, a designated heritage building is proposed to be relocated to front onto Warden Avenue. A prominent, public view of the heritage building would be unfeasible should the proposed new buildings be required to front in this direction. We suggest that this policy be reworded to *encourage* the fronting of new buildings towards major roads, considering each project on a site-specific basis.

We would request that this letter be brought to Council's attention as our comments under the requirements of the *Planning Act*.

Yours truly,
TOWNSEND AND ASSOCIATES


for: Lynda J. Townsend

cc. Client
Mr. Harry Edwards, Pro-Dell Investments Inc., development consultant to the client
Mr. Peter Swinton, PMG Planning Consultants, planning consultant to the client

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

October 6, 2009

The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Mr. Bryan Tuckey, Commissioner of Planning and Development Services
Mr. Denis Kelly, Regional Clerk

Dear Sirs:

Re: PROPOSED YORK REGION OFFICIAL PLAN, JUNE 2009 DRAFT
Aryeh Construction Limited

We represent Aryeh Construction Limited with respect to the review of the proposed York Region Official Plan. Our client owns lands municipally known as 8293 and 8303 Warden Avenue, within the Town of Markham. We offer the following comments on the June 2009 draft policies (the "draft OP").

Affordable Housing

Our client is deeply concerned with policies 3.5.4 – 3.5.7 and 5.4.6.e, requiring that 25% of new housing units across the Region and 35% of new housing units in Regional Centres and Regional Corridors be affordable and offered through a mix and range of housing types.

Our client also objects to the definition of "affordable" in the draft OP, which renders the above-referenced policies financially unfeasible. With the rising cost of housing and its associated new infrastructure, provision of new units at this rate would compel the development industry to subsidize a significant portion of all affordable housing, the cost of which would ultimately be passed on to the home buyer purchasing above the affordability limit. Furthermore, it is inequitable to make these costs the responsibility of new home buyers and new employment uses, with no portion being born by the various levels of government and the existing community. For the same reasons, our client objects to policy 3.5.11, considering the introduction of a social housing development charge.

Our client is also concerned with the implementation of the aforementioned affordable housing policies. If the 25% and 35% requirements will be applied at the Secondary Plan level, it is unclear how the costs will be distributed equitably among all development applications within the secondary planning area. Nor do we understand how the Region intends to ensure that the affordable units remain in the possession of low-income households and that they will not be transferred at a value above the affordability limit.

The Regional Greenlands System

Our client has concerns with the draft OP's policies relating to adjacent lands and minimum vegetation protection zones for the Natural Heritage System within the Protected Countryside designation of the Greenbelt Plan as well as for Significant Woodlands. Such policies include 2.2.4, 2.2.8, 2.2.13, 2.2.14, 2.2.16, and 2.2.37, as well as the associated delineation of the Greenland System on Maps 1 to 8, which constitute part of the official plan. We would suggest that a caveat be applied to all of the maps, indicating that the extent of the Greenland System is only approximate and will be further refined through future planning processes occurring at the local level.

Foremost, it is our client's position that the Region has agreed to specific setbacks for the features on its property. Comments were provided to the Town of Markham through their Environmental Policy Review and Consolidation Study, resulting in boundary adjustments of the Greenway System and Natural Heritage Network such that our client's lands would be further than the ten metre setbacks that were being considered. Maps 1 and 2 of the draft OP do not appear to reflect these adjustments and the policies indicate 30 metre and 120 metre setbacks. As such, we would request a transitional clause or special exemption ensuring that the agreed-to setbacks are applied to future development on our client's property, in lieu of the adjacent land and minimum vegetation protection zone policies identified above.

Phasing Growth

Our client is concerned with policies 5.1.6 to 5.1.8, which impose specific requirements for phasing of development. These policies could unduly restrict fair competition among developers within a specific precinct area.

Public Art

Our client is also concerned with policy 5.4.6.k, which encourages public art policies within secondary plans and the dedication of 1% of the capital budget of all major municipal buildings to public art. It is our client's position that imposing this policy will increase the cost of housing for the private sector. We suggest that the wording of this policy should clearly indicate that financing of public art will occur on a voluntary basis. It should not be a mandatory requirement for future development.

We understand that comments on this version of the draft OP were also provided by Malone Given Parsons Ltd. on behalf of BILD York Chapter. We adopt the comments in that submission as they relate to affordable housing and the Regional Greenland System.

We would request that this letter be brought to Council's attention as our comments under the requirements of the *Planning Act*.

Yours truly,
TOWNSEND AND ASSOCIATES



for: Lynda J. Townsend

cc. Client
Mr. Peter Swinton, PMG Planning Consultants

Submission Number
D05.2009.1.144

Date of Submission:
December 15, 2009

Submission Author:
Bousfields Inc (on behalf of Woodbine International Centre Corporation and Woodbine International Hotel Corporation)

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Property: 9390 Woodbine Avenue; Markham.

Our client has very recently submitted applications for an Official Plan Amendment and rezoning to the Town of Markham to permit residential uses as part of an integrated mixed-use centre on the above-noted site. The site is designated *Business Corridor Area* in the Town of Markham Official Plan and is subject to a site-specific policy introduced by Official Plan Amendment No. 181.

It is our opinion that the proposed mixed-use development does not involve a “conversion” of the land to a non-employment use within the meaning of either the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. In this regard, the proposal is to maintain the primary employment function of the site, while adding permission for a secondary residential component that is over and above the employment function.

The lands will be subject to transition policies 8.4.14, 15 and 16 (formerly policies 8.4.13, 14 and 15).

8.4.14 To recognize legally existing and approved land uses as they exist at the time this Plan is approved.

8.4.15 That applications received on/or after the date of this Plan's approval be subject to the policies of this Plan.

8.4.16 That proponents with pending applications at the time of this Plan's approval be encouraged to work with the Region to re-examine the proposed applications based on the policies in this Plan.

Within this context, proposed Policy 4.3.12 of the draft Regional Official Plan may be of concern. In accordance with

Provincial policy, it provides that, except as provided in Policy 4.3.13 (the provisions related to “municipal comprehensive reviews”), the conversion of employment lands to non-employment uses is not permitted. However, it goes on to state in paragraph (b) that, for the purposes of Policy 4.3.12, “uses not permitted on employment lands include residential, institutional, major retail and non-ancillary commercial/retail”.

It is unclear whether the intent of paragraph (b) is to expand the meaning of the word “conversion” to include the addition of uses such as residential. If that is the intent, it is our opinion that this policy goes beyond what is provided for in the Provincial policy and is undesirable in planning policy terms. In this latter regard, it is our opinion that the addition of residential uses as part of a mixed-use development can be highly desirable in specific circumstances i.e. where the proposed development contributes to the achievement of the jobs forecasts for the municipality, while not introducing land use constraints which would inhibit the development of adjacent and nearby employment lands for employment uses.

The Region’s Official Plan complements the Growth Plan in protecting employment lands.

ROP policy 4.3.5 (formerly 4.3.2):

To protect all employment lands identified in local municipal official plans. These lands are strategic and vital to the Regional economy and are to be protected for employment land uses.

ROP policy 4.3.4 (formerly 4.3.3):

To require local municipalities to designate and protect employment lands in local municipal official plans.

ROP Policy 4.3.8 (formerly 4.3.6) indicates the following :

That the conversion of employment lands to non-employment land uses is not permitted. For the purposes of this policy:

- a. employment lands are lands that are designated for employment uses including land designated as industrial and business park in local official plans; and,
- b. uses not permitted on employment lands include residential, *major retail* and non *ancillary uses*.

Policy 4.3.9 (formerly 4.3.7) indicates that the conversion of employment lands to non-employment uses may be considered as part of a municipal comprehensive review:

That notwithstanding policy 4.3.8, the conversion of

employment lands to non-employment land uses may be considered, together with local municipalities, provided that a Regional municipal comprehensive review has been completed in accordance with the applicable policies, forecasts and land budget of the Region.



BOUSFIELDS INC.

Project No. 0780

December 15, 2009

Mr. Bryan Tuckey, Commissioner
Regional Municipality of York
Planning and Development Services
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

Dear Mr. Tuckey:

**Re: York Regional Official Plan
Comments on behalf of Woodbine International Centre
9390 Woodbine Avenue, Town of Markham**

On behalf of our client, Woodbine International Centre Corporation and Woodbine International Hotel Corporation, we are pleased to submit herewith the following comments regarding the draft York Regional Official Plan, which we are advised will be considered by Regional Council at its meeting on December 16, 2009.

Our client has very recently submitted applications for an Official Plan Amendment and rezoning to the Town of Markham to permit residential uses as part of an integrated mixed-use centre on the above-noted site. The site is designated *Business Corridor Area* in the Town of Markham Official Plan and is subject to a site-specific policy introduced by Official Plan Amendment No. 181.

It is our opinion that the proposed mixed-use development does not involve a "conversion" of the land to a non-employment use within the meaning of either the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. In this regard, the proposal is to maintain the primary employment function of the site, while adding permission for a secondary residential component that is over and above the employment function.

Within this context, proposed Policy 4.3.12 of the draft Regional Official Plan may be of concern. In accordance with Provincial policy, it provides that, except as provided in Policy 4.3.13 (the provisions related to "municipal comprehensive reviews"), the conversion of employment lands to non-employment uses is not permitted. However, it goes on to state in paragraph (b) that, for the purposes of Policy 4.3.12, "uses not permitted on employment lands include residential, institutional, major retail and non-ancillary commercial/retail".

It is unclear whether the intent of paragraph (b) is to expand the meaning of the word "conversion" to include the addition of uses such as residential. If that is the intent, it is our opinion that this policy goes beyond what is provided for in Provincial policy and is undesirable in planning policy terms. In this latter regard, it is our opinion that the addition of residential uses as part of a mixed-use development can be highly desirable in specific circumstances i.e. where the proposed development contributes to the achievement of the jobs forecasts for the municipality, while not introducing land use constraints which would inhibit the development of adjacent and nearby employment lands for employment uses.

Thank you for your consideration of these comments. If you require any additional information, please do not hesitate to contact me or Kate Cooper of our office.

Yours very truly,

Bousfields Inc.


Peter F. Smith, MCIP, RPP

cc: *Mr. Sheldon Esbin - Romspen Investment Corporation*
Mr. Charles Moon - Yorkville Corporation
Mr. Sol Wassermuhl - IBI Group/Page + Steele Architects

Submission Number
Do5.2009. 1. 145
(see also 1.080)

Date of Submission:
December 15, 2009

Submission Author:
Weston Consulting on behalf of (on behalf of 1625489
Ontario Limited)

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
Subject lands are within the Greenbelt Plan and are designated Rural Commercial in the East Gwillimbury Official Plan and zoned for Commercial Highway in the East Gwillimbury zoning bylaw. Draft Town of East Gwillimbury Official Plan retains the site specific permissions Subject lands are also part of the Towns Natural Heritage system as a designated B and C area – policies indicate that these development and site alteration may be permitted through an EIS demonstrating no negative impacts to features and functions. Town’s draft Plan recognizes flexibility in the boundaries and limits Acknowledge that there have been changes to the transition policies in the adopted Plan, concerns remain with respect to: Section 2.1.1. – which directs development away from the Regional Greenlands system Section 6.1.8 that where there is a conflict between policies of this Plan the local Plan and the greenbelt Plan the more restrictive will apply; and	The Regional Plan and the Town of East Gwillimbury’s policy approach to natural heritage systems are consistent. A new policy has been added to the Regional Plan to reflect the relationship between the local and Regional Greenlands systems as follows: 2.1.5 That the Regional Greenlands System on Map 2 includes local municipal Greenlands systems schematically. Once approved at a local level, revisions to local greenlands systems will be included within this Plan without amendment. Regional staff met with Weston Consulting and representatives of the owner January 28, 2010. Weston consulting proposed several policy modifications which in their opinion would alleviate their concerns. Regional staff have reviewed these purposed policy changes and find them unacceptable. Regional staff remains of the opinion that the Greenbelt transition policy 8.4.18 (formerly 8.4.17) will permit the approved uses onsite to be recognized. However, to more closely align with the approved Greenbelt Plan, Ministry staff will modify the Plan to reflect the specific Greenbelt Policy 5.2.1 in wording.

Section 8.4.2 That all policies in the Plan must be considered together to determine conformity. Individual policies should not be read or interpreted in isolation.

Concern is that in the face of these policies the more restrictive Agricultural and Greenlands policies would take precedence. Suggest stronger policy wording to address the subject lands where the more restrictive policies would conflict with existing approved land uses

Also have issues with policy 8.4.13 does not provide sufficient clarity with respect to what constitutes “approved land uses” Suggest the policy recognizes uses permitted in local official plans.

Policy 8.4.14 requires that all applications received on or after the date of the ROP approval be subject to the Plan. This would include site plan applications, minor variances and consents, draft plans of subdivisions/condominium applications. Suggest that these implement approved land uses and should not be subject to the new Plan. Request the policy be modified to exclude the above applications where they implement approved land uses, thereby providing appropriate transition for the applications.

Suggested policy modifications provided for Regional staff consideration to policy 8.4.13, 8.4.14, 8.4.17.1, and a proposed site specific policy.

No additional changes are required to the Adopted Official Plan, beyond the modification to Policy 8.4.18 (formerly 8.4.17) by the Ministry to reflect the wording in Greenbelt Plan policy 5.2.1 as above.

Received December 15, 2009

D05.2009.1.145



Weston Consulting Group Inc.

'Land Use Planning Through Experience and Innovation'

December 15, 2009
WCGI File No. 4601

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

ATTENTION: Mr. John Waller, Director of Long Range and Strategic Planning

Dear Sir:

Re: York Region Official Plan – December 2009
18879 & 18917 Woodbine Avenue
Town of East Gwillimbury

Weston Consulting Group Inc. ("WCGI") is the planning consultant representing 1625489 Ontario Inc., the owner of the above noted lands in the Town of East Gwillimbury.

The following information is provided further to our correspondence dated October 7, 2009 concerning the June 2009 draft Official Plan, wherein, we expressed certain concerns with regard to the proposed Official Plan policies and mapping in relation the subject property.

Following a review of the December Official Plan, which was approved by the Planning and Economic Development Committee on December 2, 2009, we wish to express certain concerns with regard to the December Official Plan.

This letter is not intended to reiterate concerns expressed in our October 7, 2009 correspondence, which remain unresolved, but is an outline of concerns with respect to certain policies in the December 2009 Official Plan.

We have had discussions with Regional Staff in relation to these concerns and acknowledge Regional Staff's cooperation and their willingness to work towards solutions to address these concerns.

Based on the proposed land use designations in the December Official Plan for the subject lands, Map 2 and Map 8 identify the subject property as part of the Regional Greenlands System and the Agricultural Area. The applicable policies under Chapter 2 and Chapter 6, respectively, contain policies that do not recognize the existing approved site specific

permissions for the subject lands. We acknowledge that an improvement has been made to the Official Plan through the addition of policies to Section 8.4 of the Plan concerning Transition and Greenbelt Plan policies. However, we have some concern that these new policies do not fully recognize the approved land use permissions for the subject lands. This concern is based on a review of other policies in Chapter 2, Chapter 6, and Chapter 8 that state the following:

Section 2.1.1 – "To protect and enhance the Regional Greenlands System and its functions shown on Map 2 and to direct new development and site alteration away from the System."

Section 6.1.8 – "That where there is a conflict between policies of this Plan, local official plans and the Greenbelt Plan, the more restrictive policy shall apply,..."

Section 8.4.2 – "That all policies of this Plan must be considered together to determine conformity. Individual policies should not be read or interpreted in isolation."

The above noted policies would suggest that when such policies are considered in relation to Section 8.4.13 and 8.4.17, that the above noted policies (ie. Regional Greenlands and Agricultural Area policies) would take precedence, thereby limiting the owner's ability to develop the subject lands based on the existing approved land use permissions.

We suggest that stronger policy language be incorporated into the official plan to address this concern, particularly with regard to the applicability of the Regional Greenlands and Agricultural Area policies for the subject lands, where it conflicts with the existing approved land use permissions.

Another matter of concern is that Section 8.4.13 does not provide sufficient clarity as to what constitutes "approved land uses" under the transition policies. We request that this policy be modified to specifically recognize land uses that are approved in local official plans. This approach would be similar to what is outlined in Section 5.2.1 of the Greenbelt Plan.

Another matter of concern is with regard to Section 8.4.14, which states that applications received on/or after the date of the Plan are subject to the policies of the Plan. We do not support this policy as it is presently worded. This policy would require that all planning applications, including Site Plan applications, Draft Plan of Subdivision/Condominium applications, Minor Variance applications, and Consent applications be subject to the policies of the Plan. We suggest that the aforementioned applications should not be subject to the policies of the Plan, where they implement approved land uses. Accordingly, we request that this policy be modified to state that the policies of the Plan shall not apply to the aforementioned applications where they implement approved land uses. This would provide for the appropriate transition of these applications.

In summary, and in an effort to resolve these concerns, we request that the above concerns be addressed through the appropriate modifications to the Regional Official Plan. Although, it is our preference that the mapping be modified in accordance with our October 7, 2009 submission, we trust that the above noted modifications being incorporated into the Regional Official Plan will ensure that the approved land use permissions are maintained for the subject property and that further applications to implement these land use permissions will be permitted.

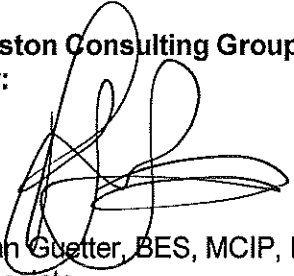
We are committed to working with Regional Staff to identify the appropriate solutions to address these concerns and would be pleased meet with Regional Staff to discuss these matters.

Please contact Mark Jacobs (ext. 286) or the undersigned if you have any questions.

Yours truly,

Weston Consulting Group Inc.

Per:



Ryan Guetter, BES, MCIP, RPP
Associate

cc. B. Jeffrey, York Region
D. Stone, Town of East Gwillimbury
M. Sokolowski, Oskar Group
M. Emery, WCGI

WITHOUT PREJUDICE

Transition

8.4.13. To recognize legally existing and approved land uses previously approved in local official plans as they exist at the Time this Plan is approved.

8.4.14. That applications received on/or after the date of this Plan's approval be subject to the policies of this Plan except for applications in accordance with Sections 41 and 51 of the Planning Act implementing previously approved land uses in accordance with Policy 8.4.13.

Greenbelt Plan

8.4.17. That in accordance with Policy 5.2.1 of the Greenbelt Plan, where a local municipal official plan or zoning bylaw was amended to specifically designate land uses prior to the Greenbelt Plan coming into force and effect, the approval may continue and further applications required under the Planning Act or Condominium Act to implement the official plan approval are not required to conform to the Greenbelt Plan and are permitted in this Plan.

8.4.17.1 Existing and approved rural commercial/industrial areas within the Regional Greenlands System and Agricultural Area are permitted by the Plan notwithstanding any conflict with the Regional Greenlands System and Agricultural Area policies.

Site Specific

Notwithstanding the Regional Greenlands System policies in Section 2.1 and the Agricultural Area policies in Section 6.3, previously approved land uses on the subject lands shall be permitted in accordance with Section 5.2.1 of the Greenbelt Plan.

Submission Number
Do5.2009.1.146

Date of Submission:
December 15, 2009

Submission Author:
Michael S. Goldberg, Goldberg Group on behalf of Orlando Corporation

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
We are the consulting planners representing Orlando Corporation (Orlando), the owner of 35.5 hectare (87.7 acres) of serviced and partially developed subdivision employment lands located within the Headford Business Park component of the Town of Richmond Hill's Highway 404 Employment Land Corridor. The subject lands are located on the east side of Leslie Street, mid-block between Sixteenth Avenue and Major Mackenzie Drive East. Within its subdivision, Orlando maintains 2 undeveloped, although serviced employment blocks next to Leslie Street with a combined frontage on Leslie Street of 371 m (1,217 ft). The currently approved/in force Regional Official Plan Right-of-Way (ROW) standard for Leslie Street is up to 36 m. This has already been taken as part of Orlando's subdivision approvals. The draft Regional Official Plan (June 2009), specifies on Map 12 – Street Network, an increase for the Leslie Street ROW standard from "up to 36 m", to "up to 45 m", for the stretch of Leslie Street from Major Mackenzie Drive southerly to Sixteenth Avenue. Our client is concerned for the potential of an additional road widening that has not yet been demonstrated and may not be needed. Furthermore, the draft Regional Official Plan policies indicate that although generally a road widening is taken equally from each side of the street, and measured from the centerline of the street, there may be instances where an unequal widening may occur. This is a major concern of Orlando, as the west side	The policy states "up to 45m", therefore the entire width may not be required, depending on the circumstances. The Region is protecting this size for implementing public transit rights-of-way and transit lands related facilities. The new Planned Basic Street Widths are a result of the 2006 Regional Council adopted policy defining the Regional Standard for Six Lane Roads. Otherwise referred to as "Towards Great Region Streets – A Pathway to Improvement", the Regional Standard identifies a recommended cross-section which includes a 4 to 6m wide median, a dedicated bicycle lane, a curb lane as an HOV (High Occupancy Vehicle) lane, and two all purpose lanes. To provide an urban design that supports these design elements and to protect for the long term requirements of existing and future utility corridors the design guidelines recommended increased rights-of way. The increased rights-of-way were also examined comprehensively through the Region's Transportation Master Plan update. Public consultation on this initiative was coordinated with the Official Plan public engagement over the past year, leading to the adoption of the Transportation Master Plan by Regional Council in November 2009. These increased rights-of-way have been incorporated into

of Leslie Street is an established residential neighbourhood that does not appear to have lands for a future widening, which in turn, may result in an unequal widening requirement of up to 9m on Orlando's lands should this Official Plan be

the ROP. Regional staff will meet with the representatives of the submitter in the near future to discuss issues relating to street widening.

Received December 15, 2009

D05.2009.1.146

GOLDBERG GROUP LAND USE PLANNING AND DEVELOPMENT
2171 AVENUE ROAD, SUITE 301, TORONTO, ONTARIO M5M 4B4
TEL: 416-322-6364 FAX: 416-932-9327

**GOLDBERG
GROUP**

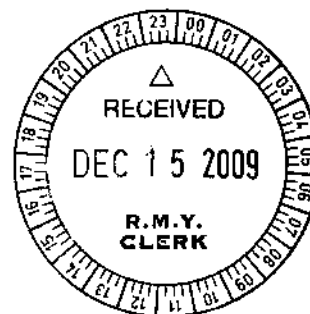
MICHAEL S. GOLDBERG MCIP, RPP
mrgoldberg@goldberggroup.ca
EXT. 2100

December 15, 2009

Regional Municipality of York
Planning and Development Services
17250 Yonge Street,
Newmarket, ON
L3Y 6Z1

Attn: Mr. Bryan W. Tuckey, MCIP, RPP
Commissioner of Planning and Development Services

Re: Draft Region of York Official Plan (June 2009)
Orlando Corporation



Dear Sir:

We are the consulting planners representing Orlando Corporation (Orlando), the owner of 35.5 hectare (87.7 acres) of serviced and partially developed subdivision employment lands located within the Headford Business Park component of the Town of Richmond Hill's Highway 404 Employment Land Corridor. The subject lands are located on the east side of Leslie Street, mid-block between Sixteenth Avenue and Major Mackenzie Drive East. Within its subdivision, Orlando maintains 2 undeveloped, although serviced employment blocks next to Leslie Street with a combined frontage on Leslie Street of 371 m (1,217 ft).

The currently approved/in force Regional Official Plan Right-of-Way (ROW) standard for Leslie Street is up to 36 m. This has already been taken as part of Orlando's subdivision approvals. The draft Regional Official Plan (June 2009), specifies on Map 12 – Street Network, an increase for the Leslie Street ROW standard from "up to 36 m", to "up to 45 m", for the stretch of Leslie Street from Major Mackenzie Drive southerly to Sixteenth Avenue.

Our client is concerned for the potential of an additional road widening that has not yet been demonstrated and may not be needed. Furthermore, the draft Regional Official Plan policies indicate that although generally a road widening is taken equally from each side of the street, and measured from the centerline of the street, there may be instances where an unequal widening may occur. This is a major concern of Orlando, as the west side of Leslie Street is an established residential neighbourhood that does not appear to have lands for a future widening, which in turn, may result in an unequal widening requirement of up to 9m on Orlando's lands should this Official Plan be

Regional Municipality of York
Mr. Bryan W. Tuckey

December 15, 2009
Page 2

approved as currently drafted and Orlando then advances its 2 employment blocks to Site Plan approval.

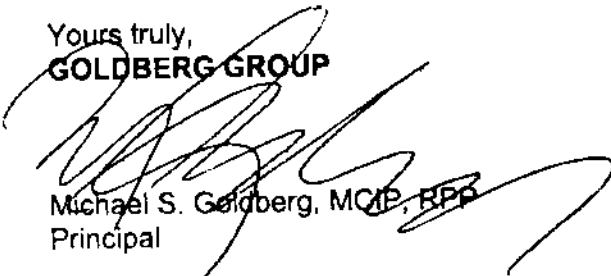
We also understand from the review the Regional Master Transportation Plan 2002, and its update in November 2009, that a Regional transit corridor/network is expected to be established on Leslie Street, in addition to other regional arterial roads within Region of York. An Environmental Assessment (EA) will be required to determine the size, alignment and configuration of these corridors and this has not yet been conducted. Our client is concerned that in advance of the EA being completed, a road widening of up to 9 m may be required by the Region should this new ROW standard be approved and a Site Plan application be filed by Orlando.

In addition, Leslie Street, from Sixteenth Avenue to Major Mackenzie contains residential development on its west side and some developed employment blocks on its east side. Orlando's 2 employment blocks are sandwiched in between developed employment blocks on the east side of Leslie Street. This partially developed circumstance along this portion of Leslie Street will need to be considered in detail by the Region when assessing its precise ROW requirements for Leslie Street. This work has not yet been undertaken.

In Orlando's judgment, 9 additional metres off the frontage of each of its Leslie Street employment blocks is a considerable quantity of land which impacts its value and the manner and amount in which those lands will be developed. More importantly, Orlando wants to ensure that all studies and assessments have been completed which have determined that only the necessary amount of land is embodied in any Regional road widening requirement. For this reason, until the Region can precisely determine the size and alignment of the ROW along Leslie Street in front of the 2 Orlando employment blocks, Orlando considers the new Regional Official Plan ROW standard of "up to 45 m" to be premature and potentially unnecessary.

We appreciate the opportunity to comment and look forward to potentially discussing this issue with you. We also formally request that we be notified of any further reports and decisions regarding the draft Regional Official Plan. Please do not hesitate to contact undersigned to discuss this matter further.

Yours truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP, RPP
Principal

cc: Phil King - Orlando Corporation
Gary Kramer - Orlando Corporation
Leo Longo - Aird & Berlis

Submission Number
D05.2009.1.147

Date of Submission:
December 15, 2009

Submission Author:
Velta Mussellam
(on behalf of Thornhill Golf & Country Club)

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Property: Approximately 185 acres located on the west side of Yonge Street, south of the intersection of Yonge Street and Royal Orchard Boulevard.

On behalf of my client I hereby request to be notified if the Plan is adopted.

York Region mailed the Notice of Adoption to Velta Mussellam on December 18, 2009.

Received December 15, 2009

D05.2009.1.147

VELTA MUSSELLAM16 Shieldmark Crescent
Thorahill ON L3T 3T5**BY FACSIMILE**

December 15, 2009

Mr. Denis Kelly, Regional Clerk
Corporate Services Department
Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1REGION OF YORK
CLERK'S OFFICEFILE No. - *p03*

Dear Mr. Kelly:

RE: YORK REGION OFFICIAL PLAN 2009**AND RE: Part of Lots 31, 32 & 33, Concession 1, W.Y.S., and Lots 1, 2, 3 & 4
and Part of Lot 5, Range A, Registered Plan 328, and Block 270, Plan
65M-2394, Formerly Township of Vaughan, County of York, now in
the City of Vaughan, Regional Municipality of York -
THORNHILL GOLF & COUNTRY CLUB**

I have been retained by the Board of Directors of Thornhill Golf and Country Club with respect to the above referenced lands. The Thornhill Golf and Country Club property is comprised of approximately 185 acres located on the west side of Yonge Street, south of the intersection of Yonge Street and Royal Orchard Boulevard.

It is my understanding that the York Region Official Plan 2009 is being considered for adoption by Council at its meeting scheduled for December 16, 2009. On behalf of my client I hereby request to be notified if the Plan is adopted.

Regards,

A handwritten signature in black ink, appearing to read "V. Mussellam".

Velta Mussellam

c.c. Mr. Bryan W. Tuckey, Commissioner of Planning and Development Services
c.c. Mr. C. Boyle, Chairman, Board of Directors, Thornhill Golf & Country Club.

Tel: 905-886-0780

Fax: 905-763-3990

email: velta.mussellam@sympatico.ca