

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 082-2020

A By-law to adopt Amendment Number 28 to the Vaughan Official Plan 2010 for the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 28 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as effected by the Local Planning Appeal Tribunal Order Issue, dated the 3rd day of January, 2020 (LPAT File No. PL180665), attached hereto as Attachment "1" consisting of the attached text, Schedule "1", Schedule "2", Schedule "3", Schedule "4", Appendix "I", and Appendix II is hereby adopted.

Enacted by City of Vaughan Council this 29th day of June, 2020.



Hon. Maurizio Bevilacqua, Mayor



Todd Coles, City Clerk

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 03, 2020

CASE NO(S): PL180665

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: Proposed Official Plan Amendment No. 28 (OPA 28)
Municipality: City of Vaughan
LPAT Case No.: PL180665
LPAT File No.: PL180665
LPAT Case Name: Mackenzie Ridge Ratepayers' Association v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: By-law No. 151-2018
Municipality: City of Vaughan
LPAT Case No.: PL180665
LPAT File No.: PL180666

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Mackenzie Ridge Ratepayers' Association
Subject: Proposed Plan of Subdivision
Property Address/Description: 1600 Teston Road/ Part of Lot 26, Concession 3
Municipality: City of Vaughan
Municipal File No.: 19T-17V009
LPAT Case No.: PL180665
LPAT File No.: PL180685

Heard: June 26, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

City of Vaughan

P. Patterson, J. LeSage

McKenzie Ridge Ratepayers'
Association

D. Donnelly, A. Whyte, M. Fletcher (student-at-law)

Teston Sands Inc.

M. Di Vona, L. Zuliani (student-at-law)

MEMORANDUM OF ORAL DECISION DELIVERED ON JUNE 26, 2019 BY C. CONTI AND JOHN DOUGLAS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This is the memorandum for a decision for an appeal by the McKenzie Ridge Ratepayer's Association ("Appellant") against the adoption by the City of Vaughan ("City") of applications by Teston Sands Inc. ("Applicant") for an Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and Draft Plan of Subdivision for a property at 1600 Teston Road ("subject property" / "property") in Vaughan. Two proceedings were convened on the above noted date for the appeals. A Case Management Conference, the second for the appeals, dealt with the proposed OPA and ZBA, and the first Pre-hearing Conference ("PHC") dealt with draft plan of subdivision.

[2] Prior to the proceedings the Tribunal had been informed that the parties had reached a settlement regarding the OPA and ZBA. A settlement agreement is included in the joint document book at Exhibit 5, Tab 17. Prior to the PHC, there had been no proceedings dealing with the draft plan of subdivision and it was not clear if others with an interest in the appeal would seek party or participant status and if the appeal of the subdivision would be fully settled. At the PHC the Tribunal heard a request for participant status for Junge S. Lee who was represented by Y.S. Min of Min and

Associates Inc. Architect. Participant status was granted to Mr. Lee on consent. Through the course of the PHC the concerns of Mr. Lee were resolved and therefore the appeal of the plan of subdivision was also fully settled.

[3] The appeals were considered under the provisions of the *Planning Act* (“Act”) and the *Local Planning Appeal Tribunal Act* (“LPATA”) that were in force under Bill 139. Under the provisions the grounds for appeal of the OPA and ZBA were limited to concerns for consistency with a policy statement under s. 3(1) of the Act, lack of conformity or conflict with a provincial plan, or lack of conformity with an applicable official plan. Through the first hearing event under Bill 139, the Tribunal could not, on its own initiative, revise and approve the OPA and ZBA. However, under s. 17(49.4) and s. 34 (26.3) of the Act, the Tribunal shall approve a revised application that has the consent of the parties if the consistency and conformity tests are met.

[4] In addition, under the provisions of LPATA that were in force through Bill 139 no party could adduce evidence for the OPA and ZBA appeals, but the Tribunal could call and examine witnesses.

[5] For the subdivision appeal under s. 51 (39), the provisions of the Act and LPATA under Bill 139 did not impose the same restrictions on the ground for appeal or on the Tribunal’s authority to approve a revised proposal. In addition the parties were permitted to adduce evidence.

THE PROPOSAL

[6] The Applicant owns the subject property at 1600 Teston Road which consists of a 13.69 hectare (“ha”) parcel located approximately 150 metres (“m”) west of Dufferin Street, south of Kirby Road in the area of north Maple. The property is within the Urban Boundary of the City and it fronts onto approximately 346 m of the unopened road allowance of Teston Road located at the southern boundary.

[7] The proposal involves the construction of 90 single-family lots on approximately

6.5 ha of the property. Access to the subdivision is proposed from the frontage on the unopened road allowance. Teston Road will be extended to the west and Street A is proposed to run northerly to provide access to the subdivision lots. The proposed lots have frontages of 12, 17, 18 and 20 m. The 20 m lots are proposed to abut the larger lots on adjacent lands to the north and east. The part of the subject property to the west of the developable portion has been identified as a natural heritage area. The proposal includes a buffer adjacent to the natural heritage area and a fenced buffer adjacent to existing residential development to the north and east.

EVIDENCE

[8] The Tribunal called two witnesses to provide evidence regarding the proposed OPA and ZBA. The Tribunal heard from Peter Smith, a Partner at Bousfields Inc. Mr. Smith is a Registered Professional Planner with approximately 38 years of experience. Mr. Smith provided opinion evidence in land use planning.

[9] The Tribunal also heard evidence from Tom Hilditch of Savanta Inc. Mr. Hilditch has approximately 38 years of experience in the field of ecology. He provided opinion evidence in natural heritage evaluation and analysis.

[10] With regard to the draft plan of subdivision, Mr. Di Vona called Mr. Smith who provided opinion evidence in the area of land use planning.

OPA and ZBA

[11] The Tribunal heard that the proposal has been amended in order to achieve the settlement. The original proposal was for 87 lots with a density of approximately 13 units/hectare (Exhibit 6, para. 14). The revised proposal now consists of 90 lots with a proposed buffer adjacent to the natural heritage area and a fenced 10 m buffer adjacent to the residential areas to the north and east. According to the evidence, the revised proposal will have a density of approximately 13.8 units/hectare.

[12] Mr. Smith's opinion was that the proposed OPA (Exhibit 2) and ZBA (Exhibit 3) meet the tests for consistency and conformity as set out in the Act under Bill 139. Mr. Smith's evidence was that the proposed OPA and ZBA are consistent with the Provincial Policy Statement ("PPS"). Mr. Smith indicated that the proposal will provide for the efficient use of infrastructure and assist in providing a range and mix of housing as required through PPS policies. He also indicated that the proposed buffer will help to maintain biodiversity.

[13] Mr. Smith's evidence also addressed the natural heritage provisions of the PPS. He indicated that the proposal does not include development or site alteration within a significant natural feature and that a Natural Heritage Evaluation has been prepared by Savanta Inc. which demonstrates that the proposal will have no negative impacts on adjacent natural heritage features.

[14] With regard to provincial plans, the subject property is subject to both the Growth Plan for the Greater Golden Horseshoe ("Growth Plan") and the Oak Ridges Moraine Conservation Plan ("ORMCP"). Mr. Smith's evidence was that the Growth Plan emphasizes the need to make use of the existing land supply in proximity to existing roads and services. He indicated that the proposal is adjacent to existing services and is intended to use an extension of Teston Road.

[15] Mr. Smith referred to the greenfield density targets and noted that the York Region Official Plan requires designated greenfield areas to achieve an average minimum density of 50 residents and jobs per hectare. His opinion was that the proposed density of the proposal is in keeping with the greenfield density target.

[16] Mr. Smith's opinion was that the proposal conforms with the Growth Plan.

[17] Mr. Smith stated that the natural heritage evaluation prepared by Savanta addressed the requirements to the ORMCP.

[18] Mr. Smith indicated that the subject site is within an Urban Area as identified in

the York Region Official Plan and is adjacent to lands identified as an Environmentally Significant Area and a Life Science Area of Natural and Scientific Interest. In addition, the subject property and adjacent land are identified as being within a Highly Vulnerable Aquifer. Mr. Smith indicated that the Natural Heritage Evaluation has demonstrated that the proposal will have no negative impacts.

[19] Mr. Smith stated that the OPA and ZBA conform to the York Region Official Plan. He noted that a Holding Symbol will be placed on specific lots and blocks at the request of the Region related to the alignment of the extension of Teston Road. The areas to which the Holding Symbol applies are set out in the By-law.

[20] Mr. Smith's evidence was that the subject property is within the Urban Area and is designated as Natural Areas and Countryside in the City's Official Plan. He indicated that a site specific policy applies to the site which allows for limits of an Enhancement Area to be determined through environmental studies. The Natural Heritage Evaluation prepared by Savanta Inc. has delineated the appropriate boundaries in this case of the development and the natural heritage area to be protected.

[21] The subject property is also identified as Community Area in the City's Official Plan. Policies related to Community Areas set out minimum densities for greenfield areas and require that new development respect and reinforce the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate area. Mr. Smith's opinion was that the proposal meets these policies.

[22] Mr. Smith's evidence also referred to policies in the City's Official Plan regarding protection of the Oak Ridges Moraine. He indicated that the proposal conforms to these policies.

[23] It was Mr. Smith's opinion that the proposal conforms with the City's Official Plan subject to final approval of the OPA, and the ZBA conforms to the Official Plan as amended by the OPA.

[24] Mr. Hilditch discussed the Natural Heritage Evaluation that he prepared (Exhibit 5, Tab 13). He stated that the majority of the natural features are on the western part of the property, but that the natural heritage evaluation covered the entire property. According to his report, the portion of the lands that are intended for development are designated as Settlement Area in the ORMCP, while the remaining portion is designated as Natural Core Area (Exhibit 5, Tab13, p. 299).

[25] Mr. Hilditch indicated that there are significant woodlands to the west of the property, but the woodlands on the property are too small to be significant. However, there is some significant wildlife habitat on the property. Mr. Hilditch also stated that there are no provincially significant wetlands in proximity to the property, however, there are unevaluated wetlands in the area.

[26] Mr. Hilditch's evidence was that any impacts of the proposal will be avoided and mitigated through measures undertaken as part of the proposal including the establishment of the buffer. He stated that there will also be restoration planting undertaken in the buffer area.

[27] Mr. Hilditch's opinion was that the proposal will have no negative impact on the natural heritage features and functions. He stated that the proposal is consistent with the PPS, and meets the requirements of the ORMCP, Regional Official Plan and City's Official Plan.

[28] The Tribunal heard that the measures to deal with natural heritage features in the area were acceptable to the Toronto and Region Conservation Authority.

[29] The Tribunal reviewed the submissions and considered the evidence. The opinion evidence provided by Mr. Smith and Mr. Hilditch was uncontested. The proposed OPA will redesignate areas of the property that are suitable for development as Low Rise Residential and rezone the property from Agricultural and Open Space Environmental Protection to Residential and Open Space Conservation. As noted Holding provisions are placed on specific areas.

[30] The Tribunal accepted the evidence and the expert opinions provided by Mr. Smith and Mr. Hilditch. In view of the above, the Tribunal found that the proposed OPA and ZBA were consistent with the PPS, conform with the Growth Plan and the ORMCP, conform with the Regional Official Plan and the City's Official Plan.

[31] The parties requested that the Tribunal issue an oral decision and that direction be provided regarding provisions in the settlement agreement related to the implementation of the fenced buffer.

[32] The Tribunal issued the following oral decision:

Based upon the uncontradicted opinion evidence, the Tribunal finds that the proposed OPA and ZBA as amended in Exhibits 2 and 3 are consistent with the PPS, conform to the Growth Plan and ORMCP, and conform to the York Region Official Plan, and the ZBA conforms to the City of Vaughan Official Plan as amended. Based upon the above the appeals are allowed in part. In consideration of s. 17 (49.4) and 34 (26.3) of the Act the OPA and ZBA are approved.

The Tribunal directs that items 3, 4, 5, 6, and 7 of the Minutes of Settlement be implemented in conjunction with this approval.

Draft Plan of Subdivision

[33] At the PHC for the proposed draft plan of subdivision, the Tribunal heard that Mr. Lee's concerns involved stormwater management, traffic and safety concerns. The Tribunal was informed that the conditions of draft plan approval (Exhibit 2 filed at the PHC) had been amended to address Mr. Lee's concerns. In particular, condition #10 was amended to provide for an enhanced landscaping along the boundary with Mr. Lee's property at 1500 Teston Road. Also condition #45 was amended to require preparation of a report in consultation with Mr. Lee.

[34] Mr. Di Vona called Mr. Smith to provide evidence in support of the plan of subdivision and he referred to the evidence provided in his affidavit related to the subdivision (Exhibit 6, para. 79). He confirmed that the plan of subdivision has regard for all requirements in s. 51(24) of the Act. Pursuant to s. 51 (24) (a) the plan has regard

for matters of provincial interest. It is not premature and is in the public interest. The plan conforms to the Official Plan as amended by the proposed OPA as required in s. 51(24) (c). Furthermore the land is suitable for the purposes for which it is to be subdivided as required in s. 51(24) (d). The sizes of the lots in the subdivision provide for compatible relationships with existing development.

[35] Mr. Smith's planning opinion was that all requirements of s. 51 (24) of the Act have been met by the proposed subdivision. He stated that the plan of subdivision is consistent with the PPS, conforms with the Growth Plan and the ORMCP, conforms with the Regional Official Plan and the City's Official Plan. He also indicated that the proposed conditions of draft plan approval are appropriate.

[36] The Tribunal heard that the Region's conditions were satisfactory to counsel, but they may require some revisions. Mr. Di Vona requested that the Tribunal issue an oral decision approving the subdivision and approving all draft plan conditions except those of York Region, and that the final order be withheld until the Region confirms that it is satisfied with the conditions. He also requested that final approval be delegated back to the City, pursuant to s. 51 (56) of the Act.

[37] The other parties agreed with Mr. Di Vona's submissions.

[38] After considering the evidence and submissions, the Tribunal accepted the opinion evidence provided by Mr. Smith. The Tribunal found that the plan of subdivision is consistent with the PPS, conforms to the Growth Plan and ORMCP and conforms to the York Regional Official Plan and the Vaughan Official Plan as amended. The Tribunal found that the subdivision has regard for the requirements of s. 51 (24) of the Act and that the conditions of draft plan approval are reasonable with regard to s. 51 (25) of the Act.

[39] In view of the above the Tribunal provided the following oral decision:

In view of the uncontested opinion evidence in support of the draft plan of

subdivision and conditions of draft plan approval, the Tribunal orders that the appeal is allowed in part and the plan of subdivision is approved subject to the draft plan conditions filed as Exhibit 2 except for the conditions of York Region. The final order approving the conditions of York Region will be withheld until the revised conditions are submitted to the Tribunal.

Pursuant to s. 51 (56.1) of the Act final approval of the plan will be referred back to the City.

CONCLUSION

[40] The Tribunal carried out these proceedings according to the provisions of the Act and LPATA that were in force under Bill 139. Through the submissions of the parties including the Case Synopsis and Responding Case Synopsis and the evidence provided by the witnesses the Tribunal was satisfied that the legislative tests were met for the OPA and ZBA, and except for some potential revisions to York Region's conditions of draft plan approval, were met for the plan of subdivision.

[41] The parties expressed some concern about the potential effect of the transitional regulation for Bill 108 on the appeal. For clarity purposes, the Tribunal is making this decision for the OPA, the ZBA and the subdivision effective on the date that the oral decisions were issued pursuant to Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*.

[42] The parties are directed to provide to the Tribunal, the final conditions of draft plan approval after the Region of York is satisfied so that final approval can be given.

[43] The Tribunal's order is provided below.

ORDER

[44] The Tribunal orders that the appeals are allowed in part and the City of Vaughan Official Plan is amended as set out in Attachment 1 and City of Vaughan Zoning By-law No. 1-88 is amended as set out in Attachment 2;

[45] Furthermore, the Tribunal finds that the proposed draft plan of subdivision

provided in Exhibit 4 is approved subject to the conditions set out in Exhibit 2 entered at the Pre-hearing Conference for the plan of subdivision appeal, except for the conditions of York Region. The final order related to the conditions of York Region will be withheld until revised conditions are submitted or the Tribunal is informed that York Region has been satisfied;

[46] The Tribunal orders that pursuant to s. 51 (56.1) of the *Planning Act* final approval of the plan of subdivision is referred to the City;

[47] Items 3, 4, 5, 6, and 7 of the Minutes of Settlement shall be implemented in conjunction with this approval; and

[48] The effective date of this decision and order is June 26, 2019 the date of the oral decision.

"C. Conti"

C. CONTI
VICE-CHAIR

"John Douglas"

JOHN DOUGLAS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Ex. 2

ATTACHMENT 1

AMENDMENT NUMBER 28 TO THE VAUGHAN OFFICIAL PLAN 2010 OF THE VAUGHAN PLANNING AREA

The following text and Schedules "1", "2", "3" and "4" constitute Amendment Number 28 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II"

Authorized by Item No.5.35 of Report No. 21
of the June 5, 2018 Committee of the Whole
Adopted by Vaughan City Council on June 19, 2018.
Approved by LPAT on _____, 2019

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically the Schedules of Volume 1 and the Site-Specific Policies of Volume 2, Section 13.20.

This Amendment will facilitate the following with respect to the Subject Lands identified as, "Lands Subject to Amendment No. 28" on Schedule "1" attached hereto:

1. Re-designate the lands subject to this amendment from "Natural Areas" to "Low-Rise Residential".
2. Permit a residential plan of subdivision consisting of 90 lots to be developed with detached dwelling units.
3. Include the following York Region site-specific policy:
"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to the Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located on the north side of the un-opened Teston Road allowance, west of Dufferin Street, known municipally as 1600 Teston Road, being Part of Lot 26, Concession 2, City of Vaughan, as shown on Schedule "1" attached hereto as "Lands Subject to Amendment No. 28."

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (VOP 2010) is based on the following considerations:

1. The *Provincial Policy Statement, 2014* ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and

enables development while ensuring that the resources of provincial interests, public health and safety, and the quality of the natural and built environment are protected. Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The Subject Lands are located within a defined settlement area by the PPS. The residential development achieves the intention of the Settlement Areas, Housing and Natural Heritage policies of the PPS, by making more efficient use of the Subject Lands as it minimizes land consumption, proposes a housing typology that will help meet projected housing needs, and utilizes existing servicing and infrastructure. In addition, the development will result in the long-term protection for the surrounding natural environment by bringing it into public ownership.

2. The Provincial *Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") is intended to guide decision making on the development of land by encouraging compact built form, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

The Growth Plan states that the forecasted population and employment growth identified will be used for planning and managing growth to the horizon of the Growth Plan, and the forecasted growth within settlement areas will be focused in delineated built-up areas; strategic growth areas; and, areas with existing or planned public service facilities.

The Growth Plan supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to

accommodate the needs of all household sizes and incomes; and ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

The residential development is consistent with the policy framework envisioned by the Growth Plan by making more efficient use of the Subject Lands by incorporating a compatible form of ground related residential development within an existing built-up area, utilizing municipal services, providing a stormwater management pond and protecting for new Regional infrastructure, the extension of Teston Road.

3. The Subject Lands are located within the *Oak Ridges Moraine Conservation Plan* ("ORMCP") and are designated "Settlement Area". Development within the "Settlement Area" designation of the ORMCP shall focus and contain urban growth by minimizing the encroachment and impact of development on the ecological functions and hydrological features of the ORMCP Area and to maintain, and where feasible, restore the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and related ecological functions. New lots may be created in Settlement Areas subject to the policies of the ORMCP, the Owner must demonstrate that the residential development will not adversely affect the ecological integrity of the ORCMP.

The residential development conforms to the ORMCP as the lots for detached residential dwelling units are located on lands designated Settlement Area. The Owner has provided a vegetation protection zone as a separate buffer block to minimize the impacts of development on the adjacent core features and to maintain the connectivity of the natural heritage system. Both blocks will be dedicated into Public ownership to provide for the long-term protection of the surrounding natural environment.

4. The York Region Official Plan 2010 ("YROP 2010") designates the Subject Lands as "Urban Area" by Map 1 – "Regional Structure", which permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. The residential development conforms to the YROP 2010.

York Region has commenced the Terms of Reference for the Individual Environmental Assessment ("IEA") for the proposed Teston Road link between Keele Street and Bathurst Street. York Region, in consultation with residents, stakeholders and the general public will draft the Terms of Reference framework to guide the future IEA study. The project construction date is currently scheduled for 2026 and the Terms of Reference for the Teston Road IEA remains under review. The preferred alignment of Teston Road is being considered by York Region and all options of right-of-way

requirements are being protected. Therefore, York Region requests the implementing Official Plan Amendment include the following policy:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

5. The Subject Lands are designated "Natural Areas" by Vaughan Official Plan 2010 (VOP 2010) as identified on Schedule 13 - "Land Use" and are subject to Site-Specific Policy 13.20 of VOP 2010, Volume 2. Site-Specific Policy 13.20 states that notwithstanding Schedule 13 - "Land Use" the "Enhancement Area" policies in Section 3.2.3 of VOP 2010, Volume 1 shall apply to the Subject Lands.

Enhancement Areas are identified conceptually on Schedule 2 - "Natural Heritage Network" of VOP 2010. The Subject Lands are identified as an "Unapproved" site under consideration for Core Feature additions, Core Feature deletions or classification as an Enhancement Area. Enhancement Areas have the potential to provide additional habitat and or ecological connectivity to the Natural Heritage Network through restoration or re-naturalization. Enhancement Areas including Unapproved areas are identified as approximate on Schedule 2 and as part of development process (*Planning Act* applications) environmental studies will be conducted to determine the final location and boundary of the Enhancement Area.

In accordance with Site-Specific Policy 13.20, and the Enhancement Area policies, the Owner submitted Official Plan Amendment File OP.17.010, Zoning By-law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009 (collectively, the "Applications") together with the required environmental studies in support of the Applications to re-designate the Subject Lands to "Low-Rise Residential" to permit the residential development.

VOP 2010 requires that Core Features and their related vegetation protection zone(s) be conveyed to the City and/or Toronto and Region Conservation Authority ("TRCA") as a condition of development approval. To enable comprehensive management, such features shall not be fragmented, but shall be brought into public ownership to ensure their continued protection and management.

In accordance the enhancement area policies the Applications and supporting studies have been reviewed by internal City departments and external public agencies. The City and the TRCA are satisfied with the limits of development shown on Schedule "1" attached hereto. The Subject Lands identified as "Natural Areas" on Schedule "1" attached hereto, will remain designated "Natural Areas" and will be rezoned from A Agricultural Zone to OS5 Open Space Environmental Protection Zone and dedicated into public ownership.

The Subject Lands identified as "Oak Ridges Moraine Natural Core" on Schedule "1" attached hereto, will remain designated "Oak Ridges Moraine Natural Core" and zoned OS5 Open Space Environmental Protection Zone and dedicated into public ownership.

In consideration of the above, the Development Planning Department is satisfied that the residential development is consistent with the PPS conforms with the Growth Plan, *Oak Ridges Moraine Conservation Plan*, the York Region Official Plan, VOP 2010 and is compatible with the existing land uses in the surrounding area. The conveyance of the core features and their related vegetation protection zone will ensure the continued protection and comprehensive management of the natural heritage system.

6. The statutory Public Hearing was held on January 23, 2018. The recommendation of the Committee of the Whole was to receive the Public Hearing report and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on January 30, 2018. On June 19, 2018 Vaughan Council amended and ratified the Committee of the Whole recommendation to approve Official Plan Amendment File OP.17.010, Zoning By-Law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009, (Teston Sands Inc.).
7. On June 13, 2018, York Region exempted this Amendment from Regional approval, in accordance with Regional Official Plan Policy 8.3.8, as it does not adversely affect Regional planning policies or interests.
8. On July 16, 2018, the Official Plan Amendment was appealed by the Local Appeal Tribunal by the MacKenzie Ridge Ratepayers Group. The concerns of the ratepayers group was addressed through a settlement agreement that added to the proposed plan of subdivision a 10 metre wide open space landscaped buffer adjacent to the existing homes located on Georgia Crescent and Germana Place.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (VOP 2010) is hereby amended by:

1. Amending Schedule 1 Urban Structure of Volume 1 of VOP 2010 by expanding the Community Areas as per Schedule "2" attached hereto;
2. Amending Schedule 2 Natural Heritage Network of Volume 1 of VOP 2010 by removing "Unapproved" area and defining the limits of Core Features as per Schedule "3" attached hereto;
3. Amending Schedule 14-C Areas Subject to Site Specific Plans of Volume 1 of VOP 2010 to include the reference to the appropriate section number in the legend as per Schedule "4" attached hereto.
4. Amending Schedule 13 Land Use of Volume 1 of VOP 2010 by re-designating the Subject Lands from "Natural Areas" to "Low-Rise Residential", in the manner shown on Schedule "1" attached hereto;
5. Amending Section 13.1 Lands Subject to Site Specific Policies by deleting policy 13.1.1.19 and substituting therefor the following policy 13.1.1.19:

"(OPA #28) 13.1.1.19 The lands known as 1600 Teston Road are identified on Schedule 14-C, as Item 19 and are subject to the policies set out in Section 13.20 of this Plan. (OPA #28)"

6. Deleting policy 13.20 1600 Teston Road and substituting therefor the following policy 13.20 1600 Teston Road:

"(OPA #28) (13.20) (1600 Teston Road)

13.20.1 General

13.20.1.1 The land use designations and the following policy shall apply to the lands identified on Map 13.20.A:

13.20.1.2 The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the

approved Teston Road IEA.”;

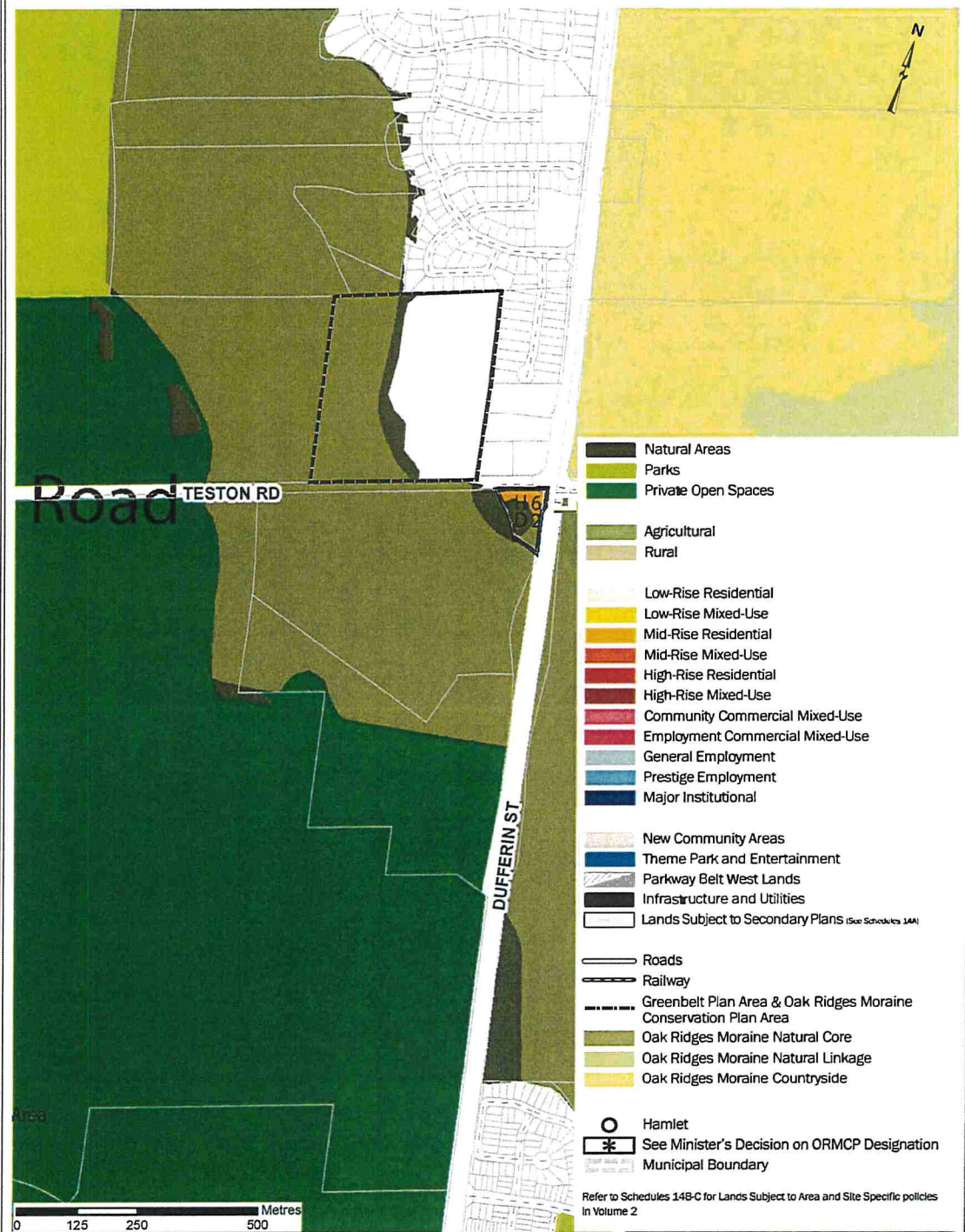
V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88 and Draft Plan of Subdivision, pursuant to the *Planning Act*.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

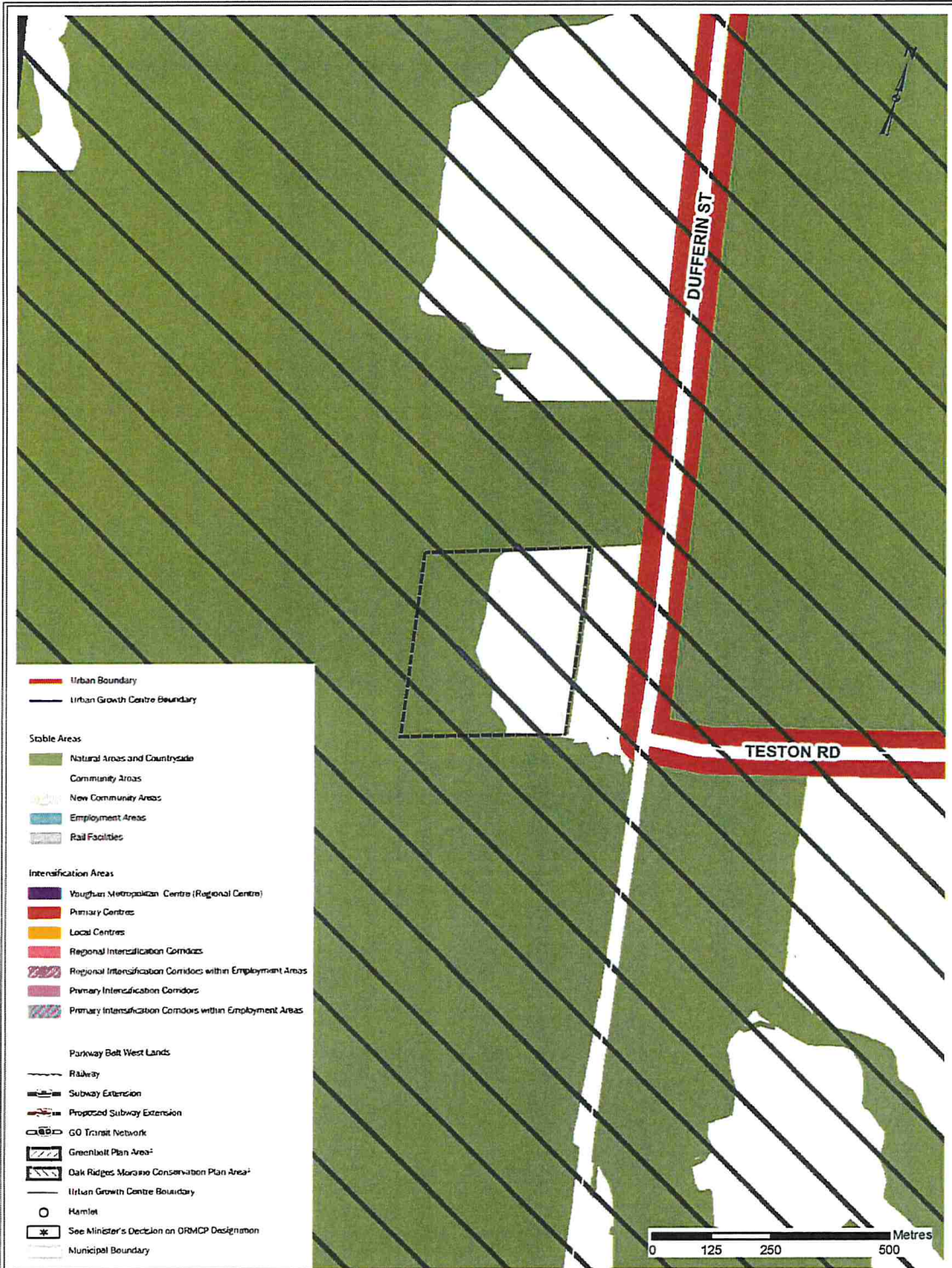
MAP 13.20.A: 1600 Teston Road



THIS IS SCHEDULE '1'
 TO OFFICIAL PLAN AMMENDMENT NO. 28
 ADOPTED THE 29th DAY OF JUNE, 2020

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN

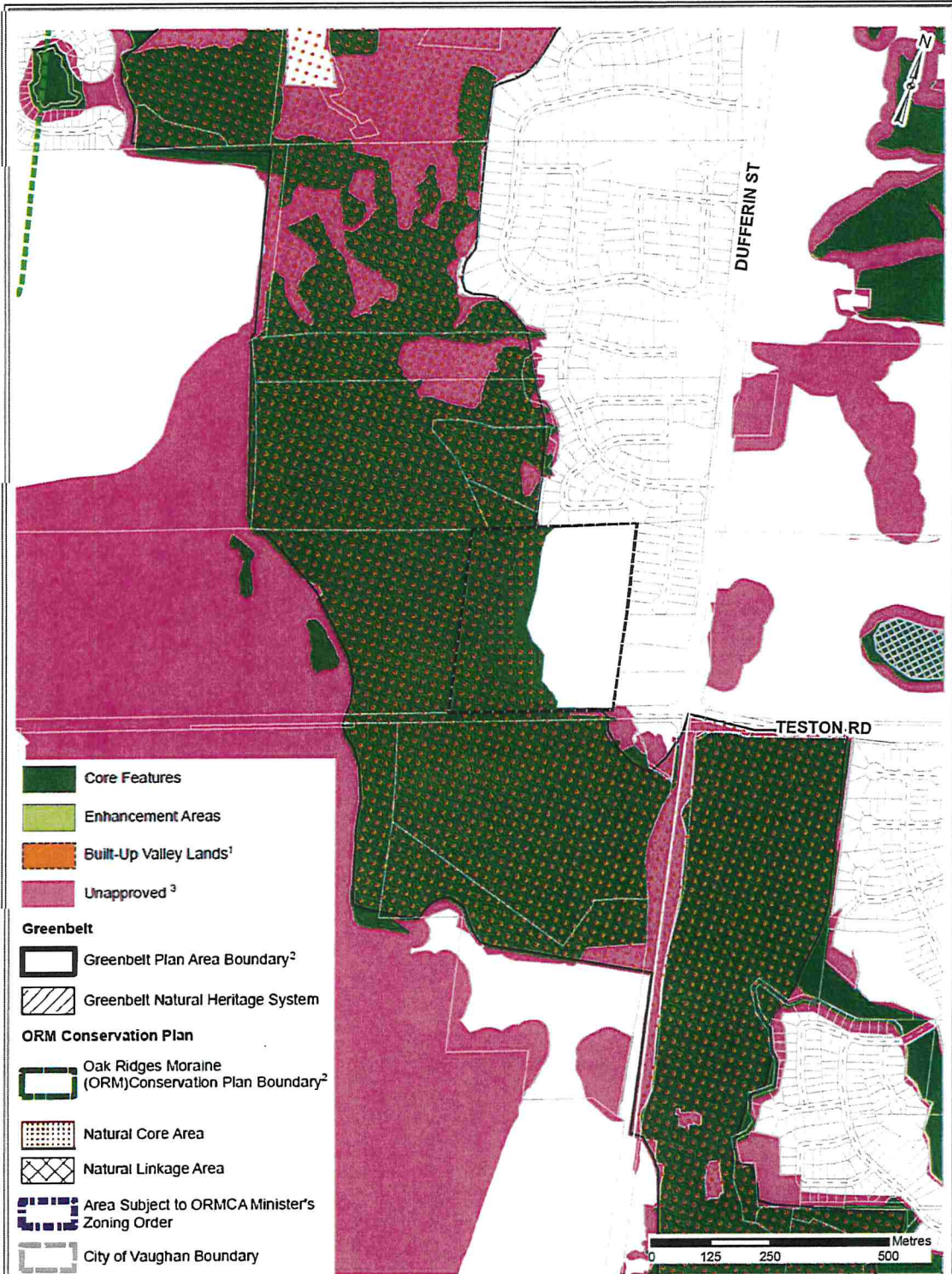

 LANDS SUBJECT TO
 AMENDMENT NO. 28



THIS IS SCHEDULE '2'
TO OFFICIAL PLAN AMMENDMENT NO. 28
ADOPTED THE 29th DAY OF JUNE, 2020

FILE: OP.17.010
RELATED FILES: Z.17.026, 19T-17V009
LOCATION: PART OF LOT 26, CONCESSION 3
APPLICANT: TESTON SANDS INC.
CITY OF VAUGHAN

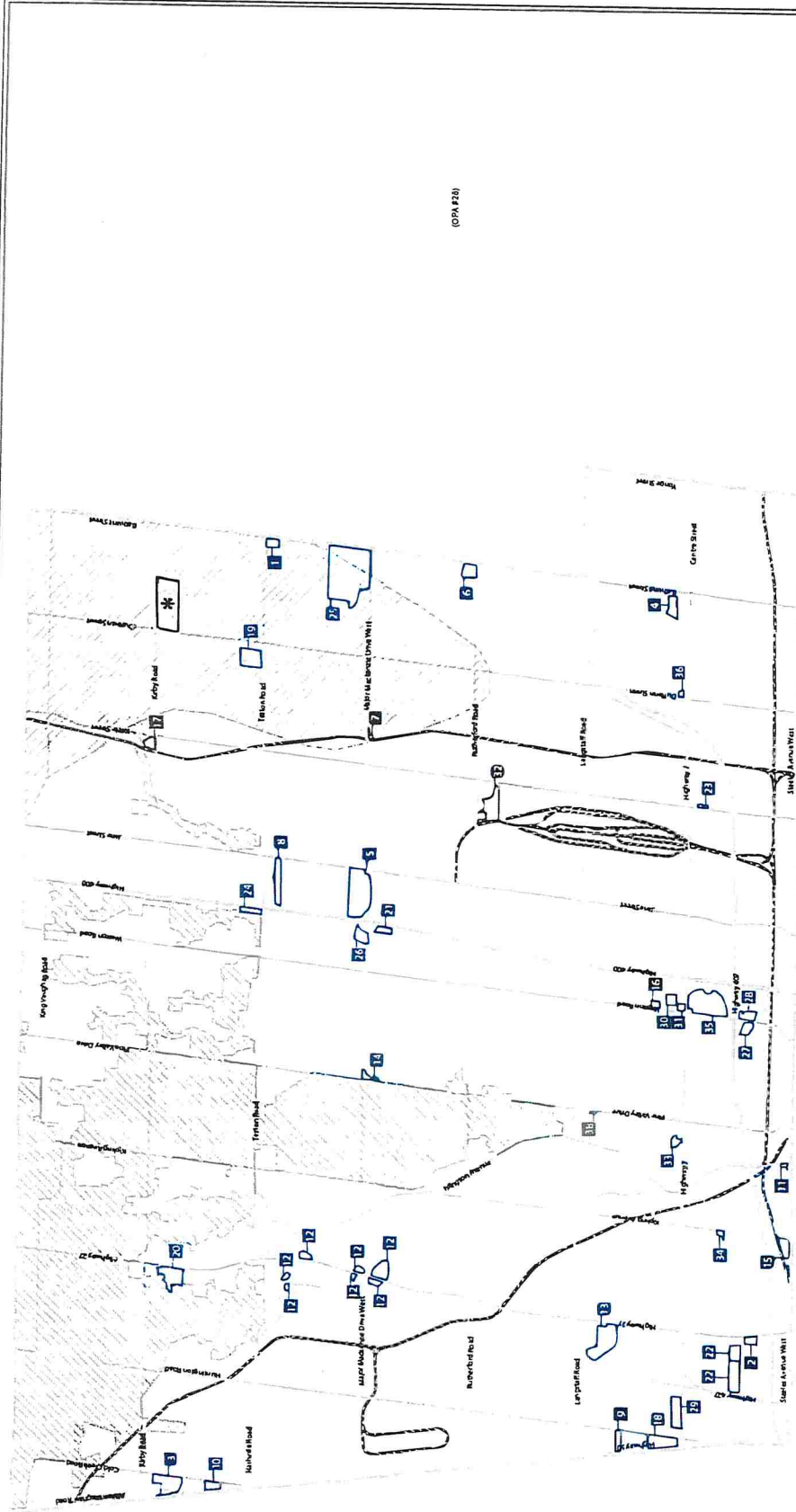

 LANDS SUBJECT TO
 AMENDMENT NO. 28



**THIS IS SCHEDULE '3'
TO OFFICIAL PLAN AMMENDMENT NO. 28
ADOPTED THE 29th DAY OF JUNE, 2020**

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN


 LANDS SUBJECT TO
 AMENDMENT NO. 28



FILE: OP.17.010

RELATED FILES: Z.17.026, 19T-17V009

LOCATION: PART OF LOT 26, CONCESSION 3

APPLICANT: TESTON SANDS INC.

CITY OF VAUGHAN

**THIS IS SCHEDULE '4'
TO OFFICIAL PLAN AMMENDMENT NO. 28
ADOPTED THE 29th DAY OF JUNE, 2020**

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APPENDIX I

The Subject Lands are located on the north side of the un-opened Teston Road allowance, west of Dufferin Street, known municipally as 1600 Teston Road, being Part of Lot 26, Concession 2, City of Vaughan.

The purpose of this Amendment is to re-designate the Subject Lands from "Natural Areas" to "Low-Rise Residential" to facilitate a residential plan of subdivision consisting of 90 lots to be developed with detached dwelling units and to include a York Region site specific policy respecting the southern portion of the Subject Lands potentially being affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA").

On June 19, 2018, Vaughan Council ratified the June 5, 2018 recommendation of the Committee of the Whole, with amendments as set out in a Communication dated June 18, 2018, to approve Official Plan Amendment File OP.17.010, Zoning By-law Amendment File Z.17.026 and Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) as follows (in part):

- “1. THAT Official Plan Amendment File OP.17.010 (Teston Sands Inc.) BE APPROVED; to amend Site-Specific Policy 13.20 (Attachment #6) of the Vaughan Official Plan 2010 (VOP 2010), Volume 2 to redesignate the Subject Lands from "Natural Areas" to "Low-Rise Residential" subject to the "Low-Rise Residential" policies of VOP 2010.

2. THAT the implementing Official Plan Amendment include the following policy to the satisfaction of York Region:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to the Holding Symbol "(H)" provisions under the Planning Act, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

3. THAT Zoning By-law Amendment File Z.17.026 (Teston Sands Inc.) BE APPROVED; to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RD1 Residential Detached Zone One", "RD3 Residential Detached Zone Three", "RD3 (H) Residential Detached Zone Three" with the Holding Symbol "(H)", OS1 (H) "Open Space Conservation Zone" with the Holding Symbol "(H)", and "OS5 Open Space Environmental Protection Zone in the manner shown on Attachment #4."

4. THAT the Holding Symbol "(H)" shall not be removed from the lands zoned "RD3(H) Detached Residential Zone Three" with the Holding Symbol "(H)" and "OS1(H) Open Space Conservation Zone" with the Holding Symbol "(H)" as shown on Attachment #4, until the following matters have been addressed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority:
 - i) For Lots 1 to 7 and Block 94 (Stormwater Management Pond) until York Region has completed the design and is satisfied the vertical and horizontal design is approved or until the Region has sufficient certainty regarding the potential alignment(s) of the Teston Road extension, or in the likelihood of its ultimate approval and construction; and,
 - ii) For Lots 46 to 56, Lots 1 to 9 and Blocks 90 and 94 until such time as the design of Teston Road has been completed and approved by York Region and until an alternative stormwater management solution which does not require these lands is approved by the City, York Region and the Toronto and Region Conservation Authority.

5. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.

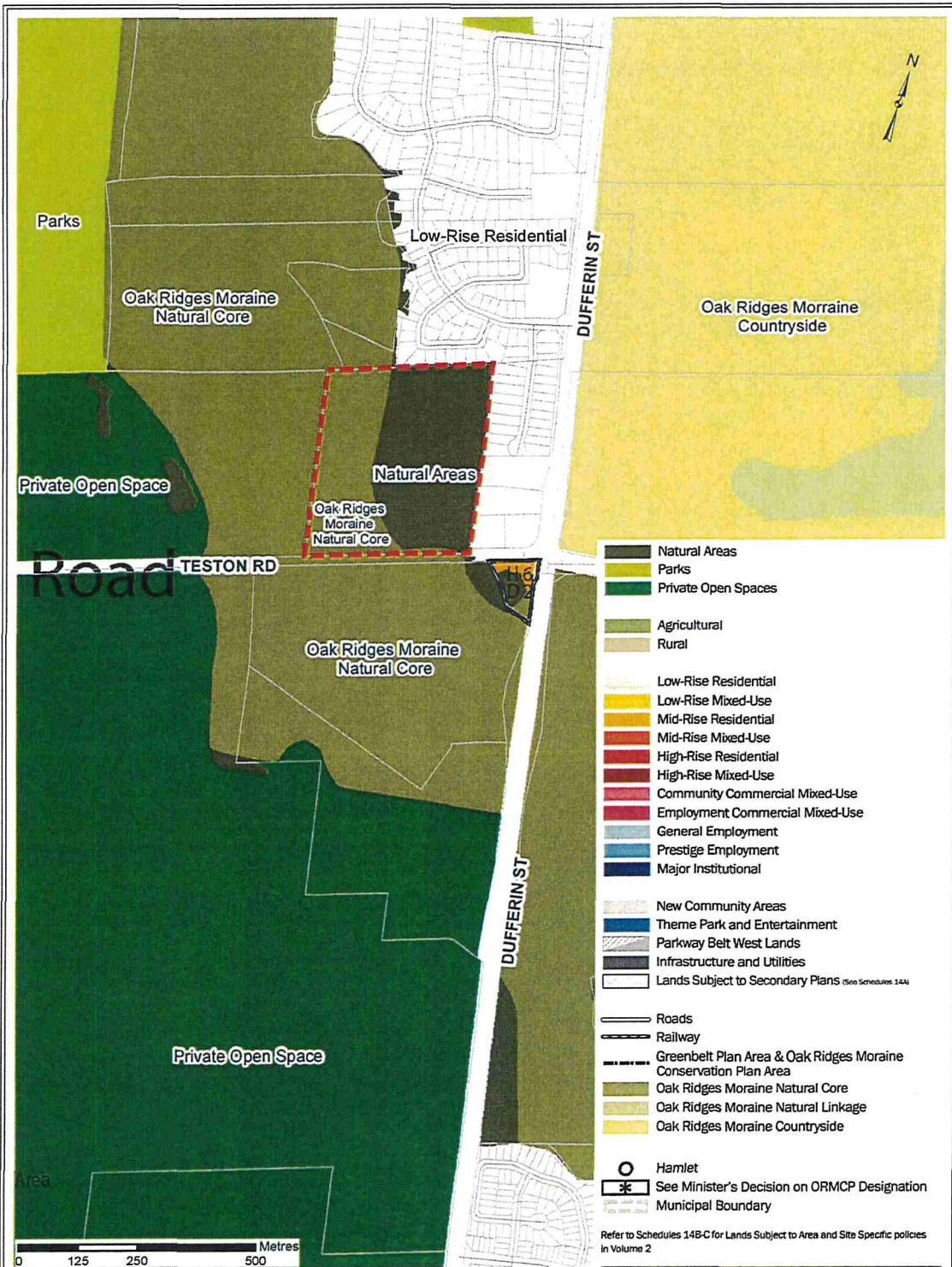
6. THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) as shown on Attachment #4 BE APPROVED; to facilitate a residential plan of subdivision consisting of 90 lots that would be developed with detached dwellings, subject to the Conditions of Draft Plan Approval set out in Attachment #1.

7. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) shall contain the following clause:

i) "The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 dwelling units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."

8. THAT Vaughan Council adopt the following resolution for allocation of water and sewage servicing capacity:

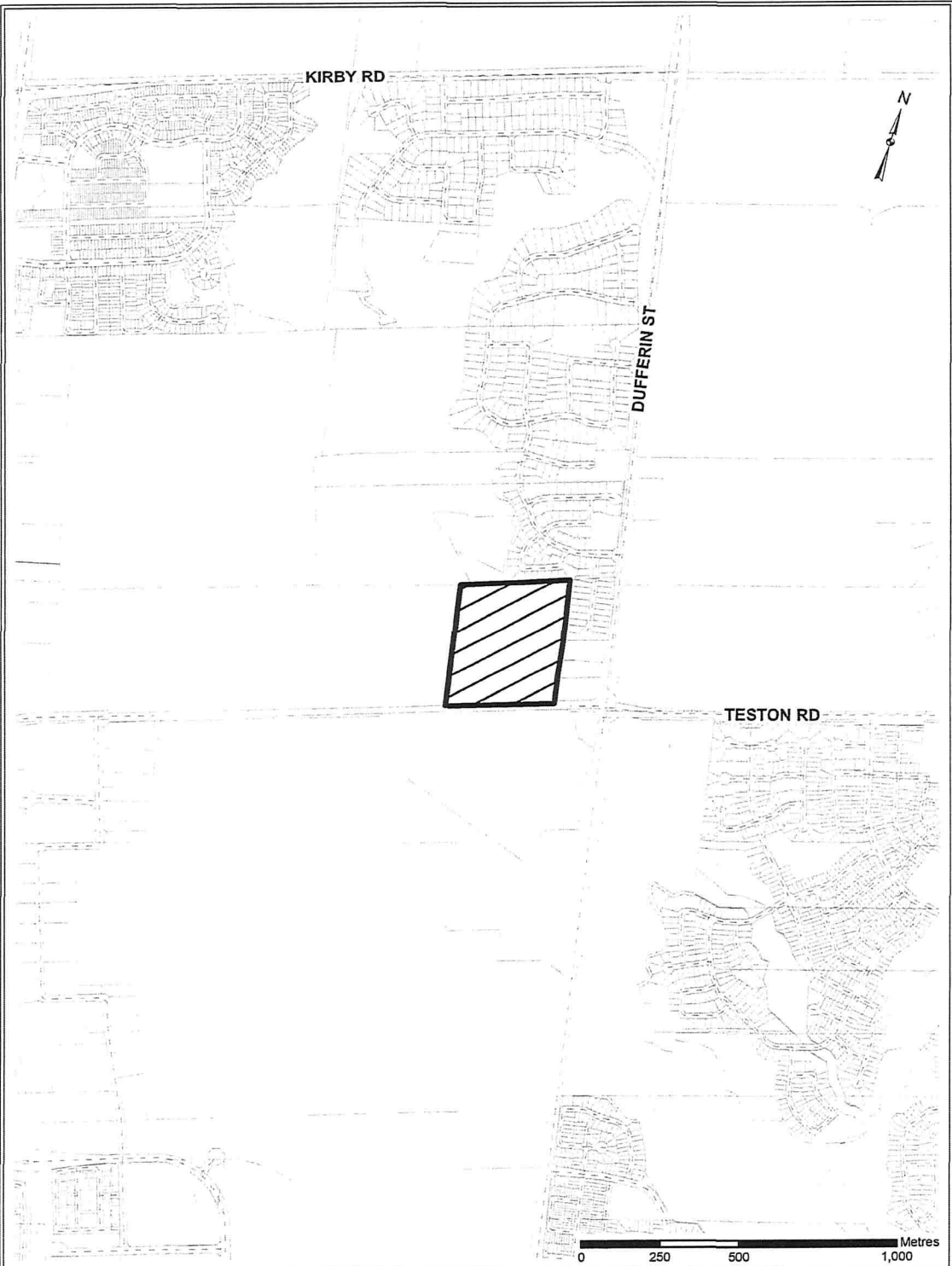
"IT IS HERBY RESOLVED THAT Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 90 residential units (311 persons equivalent).



APPENDIX II EXISTING LAND USES OFFICIAL PLAN AMENDMENT NO. 28

FILE: OP.17.010
 RELATED FILES: Z.17.026, 19T-17V009
 LOCATION: PART OF LOT 26, CONCESSION 3
 APPLICANT: TESTON SANDS INC.
 CITY OF VAUGHAN


 LANDS SUBJECT TO
 AMENDMENT NO. 28



LOCATION MAP TO AMENDMENT NO. 28

FILE: OP.17.010
RELATED FILES: Z.17.026, 19T-17V009
LOCATION: PART OF LOT 26, CONCESSION 3
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LANDS SUBJECT TO
AMENDMENT NO. 28