



**COUNCIL MEETING – NOVEMBER 29, 2022
COMMUNICATIONS**

		<u>Rpt. No.</u>	<u>Item No.</u>	<u>Committee</u>
<u>Distributed November 25, 2022</u>				
C1.	Memorandum from Deputy City Manager, Planning and Growth Management, dated November 24, 2022.			By-Law 254-2022
C2.	Christina Oddi, dated November 23, 2022.	40	1	Committee of the Whole (Public Meeting)
C3.	Claire Malcolmson, Rescue Lake Simcoe Coalition, dated November 24, 2022.	42	2	Special Committee of the Whole (Working Session)
C4.	Tara L. Piurko, Miller Thomson LLP, King Street West, Toronto, dated November 25, 2022.	38	5	Committee of the Whole
<u>Distributed November 28, 2022</u>				
C5.	Memorandum (Report) from the Deputy City Manager, Corporate Services, City Treasurer and Chief Financial Officer, the Deputy City Manager, Administrative Services and City Solicitor, the Deputy City Manager, Infrastructure Development, and the Deputy City Manager, Planning and Growth Management, dated November 29, 2022.	42	2	Special Committee of the Whole (Working Session)
<u>Distributed November 29, 2022</u>				
C6.	Confidential memorandum from the Deputy City Manager, Infrastructure Development and the Deputy City Manager, Administrative Services and City Solicitor, dated November 29, 2022.	38	4	Committee of the Whole
		39	2	Committee of the Whole (Closed Session)

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Please note there may be further Communications.



**C1
COMMUNICATION
COUNCIL – NOVEMBER 29, 2022
By-Law 254-2022**

DATE: November 24, 2022
TO: Mayor and Members of Council
FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management
RE: COMMUNICATION – Council, November 29, 2022

By-law 254-2022
Council, May 1, 2019, Item 3, Committee of the Whole, Report No. 14
ADMINISTRATIVE CORRECTION TO BY-LAW 052-2019 AND TO
RESCIND BY-LAW 216-2022

Recommendations

The Deputy City Manager, Planning and Growth Management recommends:

1. That By-law 216-2022 be rescinded due to an administrative error;
2. That By-law 052-2019 be amended by amending Section B. a) of Exception 9(1475) by adding Section aiii) with the following:
 - aiii) For the purposes of zoning conformity, the Lands identified as RM2 on Schedule E-1606 shall be deemed to be one lot, regardless of the number of buildings constructed thereon, the creation of separate units, and/or lots by way of plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and easements or registrations that are granted.

Background

By-law 216-2022, which was intended to amend By-law 052-2019 shall be rescinded due to an inadvertent error referencing Exception 9(1457) instead of Exception 9(1475).

On May 21, 2019, Council enacted By-law 052-2019, which amends the City of Vaughan Zoning By-law 1-88, to facilitate a mixed-use development consisting of three apartment buildings (12, 15 and 18-storeys with at-grade retail), and 22 townhouse blocks (consisting of stacked, back-to-back, and traditional units) on the lands known as Block 2 in the vicinity of Interchange Way and Jane Street.

The Subject Lands are envisioned to have multiple condominium corporation tenures, which will result in the creation of multiple lot lines. The administrative correction to By-

law 052-2019 seeks to correct a reference error with respect to the definition of “Lot”. The administrative correction provides a technical clarification to the definition of “Lot” which will deem the lands as one lot regardless of the creation of new lot(s) by way of condominium, part-lot control, consent or any easements, or other rights or registrations given or made for zoning purposes only. To accommodate the future condominium boundaries, the technical clarification of the definition of a “Lot” is considered appropriate and necessary for the purpose of zoning review. The administrative correction does not result in any deviation from the original intent of the Zoning By-law.

Conclusion

The Deputy City Manager, Planning and Growth Management recommends that Council rescind By-law 216-2022 per Recommendation 1 and approve the administrative amendment to By-law 052-2019 as per Recommendation 2. This recommendation is in keeping with Council’s original approval.

Prepared By

Natalie Wong, VMC Senior Planner, ext. 8866

Gaston Soucy, VMC Senior Manager, ext. 8266

Christina Bruce, Director, Policy Planning and Special Programs, ext. 8231

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Haiqing Xu', written in black ink.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

C2
COMMUNICATION
COUNCIL – NOVEMBER 29, 2022
CW (PM) - Report No. 40, Item 1

From: [Marilyn Iafrate](mailto:Marilyn.Iafrate@vaughan.ca)
To: Clerks@vaughan.ca
Cc: [Nancy Tuckett](mailto:Nancy.Tuckett@vaughan.ca); [REDACTED] [Gina Ciampa](mailto:Gina.Ciampa@vaughan.ca)
Subject: Fwd: [External] reference - 4130 King Vaughan Road
Date: November-23-22 7:49:23 PM

Please note further correspondence on the Public Meeting item #1 I believe.

Thank you.

Sent from my iPad

Begin forwarded message:

From: christina oddi [REDACTED]
Date: November 23, 2022 at 7:29:20 PM EST
To: Council@vaughan.ca
Subject: [External] reference - 4130 King Vaughan Road

Hello council's;

I would like to mention my concern about the concerns about proposal of Francline Investments Limited Zoning by-law amendment file z.22.024.

I oppose the zoning application as the trucks are constantly running through from pinevalley to king vaughan rd. I live on kingvaughan rd and its changed alot with this trucking company.

Its going to affect traffic, it will create debris in the air causing health issues.

I cant even get out of the driveway without worrying about a large truck driving by.

I hope my comments will help decide if this should go through.

Regards

Christina

C3
COMMUNICATION
COUNCIL – NOVEMBER 29, 2022
SP CW (WS) - Report No. 42, Item 2

From: [Rescue Lake Simcoe Coalition](#)
To: [clerks@aurora.ca](#); [Lajevardi, Tara](#); [info@georgina.ca](#); [Diane Moratto](#); [kkitteringham@markham.ca](#); [Clerks](#); [Clerks Richmondhill](#); [Clerks@vaughan.ca](#); [clerks@townofws.ca](#)
Subject: [External] Fwd: comment for ERO deadline today 019-6160
Date: November-24-22 12:18:27 PM
Attachments: [RLSC SSYR Bill 23 ERO submission.pdf](#)

Dear Clerks,

On behalf of the Rescue Lake Simcoe Coalition and Stop Sprawl York Region I am requesting that you please include the attached letter as correspondence to Council ASAP or in the next Council agenda if appropriate / possible.

This is about Bill 23 and Greenbelt Plan amendments. Some of the ERO postings related to these proposals close today.

I wish you luck as you begin a new term of Council.

Thank you,
Claire

Claire Malcolmson
Executive Director
Rescue Lake Simcoe Coalition
www.RescueLakeSimcoe.org
647-267-7572

November 24, 2022

Rescue Lake Simcoe Charitable Foundation & Stop Sprawl York Region
120 Primeau Dr.
Aurora, ON L4G 6Z4
RescueLakeSimcoeCoalition@gmail.com

RE: York Region Citizens' response to Bill 23 and Proposed Amendments to the Greenbelt & Redesignation of the Oak Ridges Moraine

ERO Submission for Greenbelt: <https://ero.ontario.ca/notice/019-6216> "Proposed Amendments to the Greenbelt Plan" and <https://ero.ontario.ca/notice/019-6218> "Proposed Redesignation of land under the Oak Ridges Moraine Conservation Plan" ERO deadline December 4

Bill 23: <https://ero.ontario.ca/notice/019-6192> "Supporting Growth and Housing in York and Durham Regions Act, 2022" ERO deadline November 24, extended November 23 to December 9

Executive Summary

We are deeply troubled by Bill 23 and the proposed amendments to the Greenbelt Plan. Many of the Ontario government's actions can only be described as undemocratic, as there is no mandate for these sweeping reforms. The province is dismissive of stakeholders, ENGO's and NGO's that express concern and/or opposition. The ENGO community has gotten used to this, but the fact that the Ontario Chamber of Commerce and the Association of Municipalities of Ontario's concerns are also being ignored is unprecedented. This head in the sand behaviour reflects an unwillingness to acknowledge the magnitude of public concern and to fairly listen to all experts and stakeholders.

Our High Level Recommendations:

1. **Slow down:** Do not pass Bill 23 or support the Proposed Amendments to the Greenbelt Plan until proper consultation is completed with affected stakeholders, key interest groups including Association of Municipalities of Ontario (AMO), the Ontario Chamber of Commerce, Conservation Authorities (CA), and affordable housing advocates. The housing rationale used for these measures must be demonstrated to be sound; to date the measures proposed are not supported by planners, municipalities or housing advocates.

2. **Allow Conservation Authorities to maintain their current role** in permitting in regulated areas, allow them to conserve land, reduce pollution via land use planning review and permits. Don't further consider land owned by CA's for housing development. Uphold the purpose and rationale for CA's, namely preservation, conservation and stewardship of land with natural hazard risks.
3. **Require a full Environmental Assessment for the Duffins York-Durham Sewage System** servicing northern York Region.
4. **Abandon the abolition of Regional Planning:** There are issues with regional planning, but the only support for the proposal to eliminate the important coordinating role of regional government, particularly for infrastructure planning, is from land speculators and developers. If there's a rationale for the government's proposal that serves the public interest, please provide.
5. **Do not encroach on the Greenbelt and Oak Ridges Moraine:** There's enough land to build the housing that Ontario needs for 30 years. Even BILD has said they don't need Greenbelt. This file stinks; any self-respecting MPP or Councillor should immediately distance themselves from these hand-picked, unjustifiable Greenbelt land removals.
6. **Protect Wetlands, Natural Heritage, Species at Risk and Ontario from the inevitable risks of Climate Change!** It is unfathomable that we even need to say this. Southern Ontario is an "ecoregion in crisis". Removing more natural features here and adding protections to lands elsewhere obviously isn't going to improve our ecoregion. Do not change the OWES wetland evaluation system. Maintain strong prohibitions on alteration of landscape in Ontario's Natural Heritage System (NHS) and its features in the Provincial Policy Statement (PPS). Do not allow offsets, trades, or "compensation" agreements. Capitalize on the free service provided via natural asset management instead of infrastructure and capital intensive engineered solutions.
7. **Allow Members of the Public and CA to appeal Official Plan, Zoning Bylaw Amendments and Sprawl Proposals to the Ontario Lands Tribunal.** Make the playing field level once more by providing the same rights to both project proponents and community players interested in challenging and/or improving planning proposals/Official Plans. Consider threshold levels to reduce appeals abusing the process.
8. **Do not override Official Plans.** For better or worse they are far more democratic than the proposals flowing out of the government of Ontario at this time.
9. **Maintain the PPS & Growth Plan,** its density requirements, and support rational infrastructure phasing policies to make the best use of limited taxpayer and developer dollars.

FULL SUBMISSION

The Canadian Environmental Law Association (CELA) has indicated that Bill 23 is the most extensive and biggest package of legislative changes they have seen in over ten years. We do not offer an analysis as it is impossible to do with our limited resources and time given. We do express our support and agreement from the groups listed in Appendix 1 who have made statements and have or will submit comments on Bill 23 and the various Environmental Registry of Ontario (ERO) postings. We acknowledge there may be good elements in the Bill but we are overwhelmed by the magnitude of regressive changes and fail to see how they are in the public interest in a climate emergency and affordable housing crisis. Some quotes for perspective.

"The proposed changes in Bill 23 will create a number of unintended consequences which roll back 70 years of successful conservation authority watershed management at a time when we need this work more than ever in order to address the growing impacts of climate change ^[1]." Conservation Ontario.

"Preliminary analysis of the Bill indicates the transfer of up to \$1 billion a year in costs from private sector developers to property taxpayers without any likelihood of improved housing affordability. Similarly, the bill's provisions designed to reduce environmental protection will benefit developers in the short term, with costs to the public and homeowners that cannot be calculated ^[2]."

Members of the Committee and all Members of the Provincial Parliament will need to consider in whose interest they govern. Bill 23, as drafted, benefits private interests at the expense of public interests – at the expense of property taxpayers and Ontario's natural environment." AMO.

TIMING IS ANTI DEMOCRATIC AND HOSTILE TO STAKEHOLDERS

Recommendation: Slow down the process.

On October 25th, 2022 the day after municipal elections were held across Ontario's 444 municipalities, the current government introduced Bill 23, *More Homes Built Faster Act* and posted numerous notices for public consultation on the ERO. Additional notices were posted on November 4th approving York Region ^[3] and other municipal Official Plans as well as proposed amendments to the *Greenbelt Act* and redesignation of land under the *Oak Ridges Moraine Conservation Act* ^[4]. Then 2 weeks later, on the day before the inaugural Council meetings of Niagara, Peel and York Regions, Bill 39 was

introduced^[5].

New Councils have not yet been formed, and have not been able to meet to approve or formulate responses to the Province. The Association of Municipalities of Ontario (AMO), representing Ontario's municipalities, was not provided an opportunity to present to the Legislature's Standing Committee on Heritage and Culture at the Bill 23 hearings. The official opposition did invite them to present their submission and it was shared with all MPPs^[6].

Voters, especially those in two tier - regional governments, had no indication that the responsibilities of regional governance would fundamentally change or that the province would be appointing Chairs^[7], likely extending Strong Mayor Powers to unelected Chairs of their choosing or initiate an 'assessment' of regional governance^[8]. It is unfortunate that the public went to the polls and elected a regional council without the knowledge that the province was going to fundamentally change regional governance. The province conducted a 2019 Regional Governance Review, which was never acted upon and the recommendations remain confidential advice to cabinet^[9]. The public does not know if what your government is proposing is consistent with the advice provided in that review. Thus there is no evidence, available to the public, to support the need for the aggressive changes to regional governance.

GREENBELT REMOVALS IN YORK REGION

Recommendation: Keep your promise; do not remove lands from the Greenbelt and be transparent about the downgrading that has already commenced.

Why are so many Greenbelt removals being proposed now outside of the ten-year review period, especially when a Greenbelt review and land removals were completed in 2017? The Ontario Government has quite simply lied to the people of Ontario by proposing to remove portions of the Greenbelt. Seven of the fifteen Greenbelt land removals and the only Oak Ridges Moraine land-use redesignation^[10] are located in York Region.

King Township lands:

The Greenbelt removal in King Township has received significant media attention due to the timing of land transactions and a motion by King Council in support of the Greenbelt removal to facilitate a new Southlake hospital. It is unclear if the province is aware or supportive of the hospital proposal, if this is Southlake's preferred site or even a candidate site. There is also much concern about who knew what and when? The removal of Greenbelt protection and subsequent re-zoning would increase land value above the purchase price of \$80M last September^[11].

Upper York has no servicing capacity to give, existing 2010 growth can't be fully serviced and the Upper York Sewage System, now abandoned, was supposed to be the solution for this growth. It is implausible that the lands in King Township would be an eligible candidate for new housing development; northern York Region doesn't have a servicing capacity solution for what was just approved in the new Official Plan. Why do Minister Clark and the Mayor of King believe these lands meet the eligibility criteria for Greenbelt removal and that servicing capacity could be prioritized and feasible, ahead of all other development projects awaiting servicing allocation?

Markham and Vaughan Greenbelt Removals Plus Downgrading Greenbelt NHS:

The Greenbelt removals in Vaughan and Markham are adjacent to, or contain Greenbelt 'fingers' that are part of Ontario's NHS and had land use designations downgraded from prime agriculture to rural to allow active parkland uses when

Minister Clark approved York Region's Official Plan^[12]. These removals combined with Minister Clark's recent decision in the Official Plan are not consistent with the Greenbelt Plan and do not uphold previous tribunal decisions that clearly identify that expansion of urban boundaries is not permitted into the Greenbelt NHS^[13]. Are accessory uses such as parks that support adjacent developments a settlement expansion in the Greenbelt NHS?

The Ontario government appears to have little regard for compliance with its own policies. The current government's defense for inaction on Climate Change^[14] is, in part, because it is a policy that can't be enforced. We are fearful that this attitude is percolating into land use planning, resulting in the destruction of Ontario's NHS; a policy, not a land use designation protected by regulation^[15]. The combination of the multitude of legislative changes that reduce natural heritage protection - ie. redefining wetlands could permit the dumping of soil of questionable quality, combined with a reduction in resources and legislated authority of independent government-paid subject matters to comment and approve land use decisions, appears to leave little oversight or protection. This leaves us extremely fearful that even the portions of the Greenbelt that remain intact will fail to be protected due to multiple threats, undermining the purpose and intent of the Greenbelt Plan.

The general public does not yet understand that this government has already downgraded Greenbelt protection in York and Peel Regions Official Plan Approvals by downgrading land use designations. This is not a removal but it is a lowering of protection that does not require a change to provincial regulations. York Region's Official Plan also concerns several alarming changes that indicate the Oak Ridges Moraine Conservation Act regulations will be changed to allow future urban development in Vaughan and Stouffville. There's also reference that some existing developments which meet

certain criteria may not need to comply with certain requirements of the ORM Conservation Plan ^[16]. The government has failed to analyze the cumulative impacts of localized and province wide decisions and legislative changes.

PROVINCIAL POLICY IN DISARRAY, DISREGARDED, DISRESPECTED

Recommendation: Provide evidence-based rationale for policy changes & clean up your own house first

The changes, even simple administrative matters, do not appear well thought out. It seems implausible that the Ministry of Municipal Affairs and Housing (the Ministry) has or will have the capacity, staff and administrative processes in place to be the approval authority for lower tier Official Plans and Amendments. The Ministry hasn't provided basic data on whether the Growth Plan is effective or ineffective, if municipalities are meeting greenfield density targets or have adequate housing supply approved in the pipe-line ^[17]. This Ontario government has failed to provide reasonable evidence supported by data, facts or figures province-wide to justify such broad sweeping legislative changes.

Provincial ministries with conservation, preservation, endangered species protection remain critically underfunded. The province has failed to address recommendations and shortcomings brought forward by the former Environmental Commissioner and now the Auditor General ^[18]. Illegal land use is rampant on prime agricultural land, trees are being felled illegally ^[19]. Our bylaws and penalties are ineffective, the province is absent or worse giving approvals in the absence of approved zoning and then expecting by-law officers to enforce nuisance and traffic impacts. The changes to CA's will leave Ontario's Natural Heritage vulnerable and exposed because there will be no publicly funded institutions with sufficient resources left to speak, and act to protect our natural heritage. It is reckless to make these changes in the absence of any real and meaningful attempts to address the already identified shortcomings that have forced CA's to take on the very roles the province seeks to or has already eliminated.

MASSIVE FINANCIAL IMPLICATIONS FOR MUNICIPALITIES

Recommendation: Consult with AMO and municipalities to ensure these changes do not bankrupt municipalities and do not affect the levels of services and park land that Ontarians have come to expect.

Municipal staff are warning of staggering losses as a result of reduction in development fees; the City of Markham estimates that property taxes would have to increase by 50 to 80 percent just to maintain existing services ^[20]. It is foolish to believe that smaller municipalities with less resources will have or be able to obtain specialized staff with the expertise to adhere to specialized specific provincial policy plans and the knowledge to protect residents from natural hazards. Contracting out these services opens up a whole other set of administrative, financial and accountability issues that again do not appear well thought out. Reducing parkland requirements is the exact opposite of what we learn that we need most for our communities during the pandemic.

CONSERVATION AUTHORITIES

Recommendation: Allow Conservation Authorities to maintain their current role in permitting in regulated areas and allow them to conserve land and reduce pollution via land use planning review and permits.

Ontario residents trust CA's because they have demonstrated they have the staff, expertise and resources to comment on complex planning applications with environmental and natural hazard risks. Further, they have been responsible stewards for the conservation and preservation of the lands entrusted to them. To direct CA's to put a list of land together suitable for development is nonsensical. Land comes into their ownership because it has been donated with expectations of having conservation status in perpetuity, or the lands contain environmentally significant features and natural hazards that require protection.

UPPER YORK SEWAGE SYSTEM

Recommendation: We support the Williams Treaties First Nations in their comment that a full Environmental Assessment of the southbound Duffins Creek route is needed.

We are pleased that the Upper York Sewage Treatment Plant is not proceeding, that the government recognizes the sensitive health of Lake Simcoe, the need to proceed expeditiously with the phosphorus reduction plant and the necessity of compliance with the *Lake Simcoe Protection Act* and Plan. However, it is frustrating that \$100M has been spent on the Upper York Sewage System Environmental Assessment with little to show. It is unreasonable to transfer this growth to Durham residents in the absence of a full Environmental Assessment and to suggest that York Region staff will be able to accomplish anything to approve and achieve the old or new growth targets set by the Province in the near future. Staff has been told to start over, develop a solution to deliver a third expansion of the York-Durham Duffins Creek Treatment Plant and pump water against elevations of 100m (twice the height of Niagara Falls). We are no further ahead to achieving growth in upper York.

Upper York Region is a case study in what not to do in infrastructure planning with stranded assets and unrealized growth

creating burdens on capital budgets because development fees can't be collected^[21]. This is a direct result of provincial inaction and inadequate, non-existent provincial support and resources provided to municipalities but still demanding growth targets be met^[22]. It is setting municipalities up to fail and Bill 23 will formally shift the blame for not achieving growth targets onto a lower level of government with no recourse to respond because they are 'creatures of the province' not recognized in the Canadian Constitution. It is unfair.

CONCLUSION

If Bill 23 is passed in its current form then the Ontario government will have failed to listen to professionals, subject matter experts, and ignored science and established best practices. It will have failed to protect land that will be critically important to reducing the impacts and adapting to climate change - CA regulated land, the Greenbelt and Oak Ridges Moraine. They will have failed to provide the type and diversity of housing needed by Ontario's most vulnerable communities. The implications of Bill 23 place unacceptable fiscal and legal risk upon the Government of Ontario, municipalities and taxpayers - it is short-sighted and reckless.

We urge you to slow down. Do not pass Bill 23 or the proposed Greenbelt removals. Consult properly, and do the job that only the government can do: protect the public interest.

Sincerely,

Claire Malcolmson
Executive Director
Rescue Lake Simcoe Coalition

Irene Ford
Community Advocate and Member of Stop The 413, Stop Sprawl York Region, Stop Sprawl Ontario

ABOUT US:

Stop Sprawl York Region is a project of the Rescue Lake Simcoe Coalition, set up to coordinate public input and responses to York Region's Official Plan development in 2022. We are a collective of community leaders, organizations, and people who care about the future of York Region.

The Rescue Lake Simcoe Coalition is a lake-wide member-based organization, representing 29 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe. www.rescuelakesimcoe.org

CC:

Lake Simcoe watershed MPPs:

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Minister of Environment, Conservation and Parks: minister.mecp@ontario.ca

Minister of Natural Resources and Forestry minister.mnrf@ontario.ca

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York Region Council Clerks:

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Appendix 1: Organization Whose Comments and Statements Are Supported Regarding Bill 23 and the Proposed Amendments to the Greenbelt Act and Oak Ridges Moraine Conservation Authorities Act

- York Region Government: <https://www.york.ca/newsroom/york-regional-council-calls-provincial-government-halt-bill-23>
- Canadian Environmental Law Association: <https://cela.ca/reviewing-bill-23-more-homes-built-faster-act-2022/>
- Ontario Greenbelt Allies Statement: The problems with Bill 23 and the Proposal to Remove Lands from the Greenbelt: https://yourstoprotect.ca/wp-content/uploads/sites/3/2022/11/Big-Tent_Statement-on-Bill-23-and-Greebelt-Land-Removal.pdf
- Ontario Soil Regulation Task Force comments as submitted by them on ERO 019-6240
- Association of Ontario Municipalities statement and submissions: <https://www.amo.on.ca/advocacy/health-human-services/consultation-postings-under-more-homes-built-faster-act-2022>
- Ontario Nature: <https://view.publitas.com/on-nature/bill-23-standing-committee-submission-ontario-nature/page/1>
- Conservation Ontario: https://conservationontario.ca/fileadmin/pdf/policy-priorities_section/CA_Act_2022/Bill_23_Standing_Committee_Submission_Conservation_Ontario_Angela_Coleman_FINAL.pdf
- Ontario Federation of Agriculture: <https://ofa.on.ca/ofa-presents-to-ontario-standing-committee-on-bill-23/>
- Comments and testimony provided by York Region residents Irene Ford and Peter Miasek who are Community Members associated with Stop Sprawl York Region. Irene Ford and Peter Miasek spoke at the November 9, 2022 Bill 23 Hearings: https://www.ola.org/en/legislative-business/committees/heritage-infrastructure-cultural-policy/parliament-43/transcripts/committee-transcript-2022-nov-09#P643_179326
- We share concerns with the multitude of ENGOs, NGOs surrounding the inability of Bill 23 to deliver affordable housing, rental housing and the diversity of housing Ontario desperately needs

[1] <https://www.mvca.on.ca/conservation-ontario-watershed-views-blog-bill-23/>

[2] https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Submissions/SC_HICP-LTR_AP_AMO_Submission_Bill%2023_More_Homes_Built_Faster_Act_20221116.pdf

[3] <https://prod-environmental-registry.s3.amazonaws.com/2022-11/York%20OP%20-%20Decision%20-%20Signed%20November%204%202022.pdf>

[4] List of ERO Postings resulting from Bill 23 and proposed Greenbelt Plan & Oak Ridges Moraine Conservation Plan changes: <https://cela.ca/wp-content/uploads/2022/11/Bill-23-updated-chart.pdf>

[5] <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-39>

[6]

AMO Bill 23 Submission: <https://www.amo.on.ca/advocacy/health-human-services/amo-submission-bill-23-more-homes-built-faster-act-2022>

[7]

The option to elect York Region's Chair publicly for the first time was eliminated at the 11th hour by the Ontario PC Government in 2018: <https://www.theglobeandmail.com/canada/toronto/article-scrapping-regional-chair-elections-comes-as-guardedly-pleasant/>

[8]

Bill 39, Schedule 3: <https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=37452>

[9]

CBC News Article on Regional Governance Review, Completed 2019: <https://www.cbc.ca/news/canada/kitchener-waterloo/ken-seiling-regional-government-review-reaction-1.5343150>

[10]

<https://ero.ontario.ca/notice/019-6216>

[11]

<https://thenarwhal.ca/ford-ontario-greenbelt-cuts-developers/>

[12]

This downgrading of protection was done against the recommendations of Vaughan, Markham, York Region, TRCA staff, the York Region Federation of Agriculture, the Greenbelt Foundation and in the face of significant public opposition. <https://thenarwhal.ca/greenbelt-york-region-tacc-vote/>

[13]

Refer to the preamble of tribunal decisions that approved York Region's ROPA2 and ROPA3 as well as Section 3.2.5 (b) of the Greenbelt Plan.

[14]

Refer to Mathur et. al. heard by the Ontario Superior Court Sept 12-14, 2022 awaiting decision.

<https://ecojustice.ca/case/genclimateaction-mathur-et-al-v-her-majesty-in-right-of-ontario/>

[15]

Except where specialized and specific legislation with supporting regulations has been enacted such as the Oak Ridges Moraine Conservation Act, the Niagara Escarpment Act or the Lake Simcoe Protection Plan.

[16]

Refer to Items 14 (4.2.34), 20 (4.4.43 b), 25 (5.3.4), 56 here: <https://prod-environmental-registry.s3.amazonaws.com/2022-11/York%20OP%20-%20Decision%20-%20Signed%20November%204%202022.pdf>

[17]

https://www.auditor.on.ca/en/content/annualreports/arreports/en21/AR_LandUse_en21.pdf

[18]

<https://www.auditor.on.ca/en/content/reporttopics/environment.html>

[19]

Vaughan, MZO 643/20 illegally felled a 1.3Ha significant woodlot in Eco-Region 7E, the MZO nor local governments gave permission for tree removal. The landowner will be required to pay \$2M. The land should never have been developed half the trees went down in the mid-2000s there is no deterrent significant enough to protect Ontario's natural heritage, development pressure and ability to profit is immense:

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=123135>

[20]

<https://globalnews.ca/news/9292260/ontario-cities-protest-ford-government-housing-bill/>

[21]

<https://thenarwhal.ca/york-region-wastewater-plant/>

https://www.thestar.com/news/gta/2012/07/06/york_region_putting_development_money_ahead_of_good_planning_critics_say.html

[22]

"...the cost estimate for the recommended servicing option did not include costs for treatment at the Duffin Creek plant..did not acknowledge...the total cost of the recommended panel solution is likely to be much higher... the Region would be required to assess and engineer a viable York Durham Sewage System solution including pumping, conveyance and treatment elements, and provide realistic cost estimates... The province should be providing even more cost and schedule certainty given the profound delays attributable to their inaction."

<https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=37379>

Claire Malcolmson

Executive Director

Rescue Lake Simcoe Coalition

www.RescueLakeSimcoe.org

647-267-7572

Donate here: <https://rescuelakesimcoe.org/donate/>

Or send a cheque to:

Rescue Lake Simcoe Charitable Foundation

120 Primeau Dr.

Aurora, Ont.

L4G 6Z4



November 24, 2022

Rescue Lake Simcoe Charitable Foundation
120 Primeau Dr.
Aurora, ON L4G 6Z4
RescueLakeSimcoeCoalition@gmail.com

RE: York Region Citizens' response to Bill 23 and Proposed Amendments to the Greenbelt & Redesignation of the Oak Ridges Moraine

ERO Submission for Greenbelt: <https://ero.ontario.ca/notice/019-6216> "Proposed Amendments to the Greenbelt Plan" and <https://ero.ontario.ca/notice/019-6218> "Proposed Redesignation of land under the Oak Ridges Moraine Conservation Plan" ERO deadline December 4

Bill 23: <https://ero.ontario.ca/notice/019-6192> "Supporting Growth and Housing in York and Durham Regions Act, 2022" ERO deadline November 24, extended November 23 to December 9

Executive Summary

We are deeply troubled by Bill 23 and the proposed amendments to the Greenbelt Plan. Many of the Ontario government's actions can only be described as undemocratic, as there is no mandate for these sweeping reforms. The province is dismissive of stakeholders, ENGO's and NGO's that express concern and/or opposition. The ENGO community has gotten used to this, but the fact that the Ontario Chamber of Commerce and the Association of Municipalities of Ontario's concerns are also being ignored is unprecedented. This head in the sand behaviour reflects an unwillingness to acknowledge the magnitude of public concern and to fairly listen to all experts and stakeholders.

Our High Level Recommendations:

1. **Slow down:** Do not pass Bill 23 or support the Proposed Amendments to the Greenbelt Plan until proper consultation is completed with affected stakeholders, key interest groups including Association of Municipalities of Ontario (AMO), the Ontario Chamber of Commerce, Conservation Authorities (CA), and affordable housing advocates. The housing rationale used for these measures must be demonstrated to be sound; to date the measures proposed are not supported by planners, municipalities or housing advocates.
2. **Allow Conservation Authorities to maintain their current role** in permitting in regulated areas, allow them to conserve land, reduce pollution via land use planning review and permits. Don't further consider land owned by CA's for housing development. Uphold the purpose and rationale for CA's, namely preservation, conservation and stewardship of land with natural hazard risks.
3. **Require a full Environmental Assessment for the Duffins York-Durham Sewage System** servicing northern York Region.
4. **Abandon the abolition of Regional Planning:** There are issues with regional planning, but the only support for the proposal to eliminate the important coordinating role of regional government, particularly for infrastructure planning, is from land speculators and developers. If there's a rationale for the government's proposal that serves the public interest, please provide.
5. **Do not encroach on the Greenbelt and Oak Ridges Moraine:** There's enough land to build the housing that Ontario needs for 30 years. Even BILD has said they don't need Greenbelt. This file stinks; any self-respecting MPP or Councillor should immediately distance themselves from these hand-picked, unjustifiable Greenbelt land removals.
6. **Protect Wetlands, Natural Heritage, Species at Risk and Ontario from the inevitable risks of Climate Change!** It is unfathomable that we even need to say this. Southern Ontario is an "ecoregion in crisis". Removing more natural features here and adding protections to lands elsewhere obviously isn't going to improve our ecoregion. Do not change the OWES wetland evaluation system. Maintain strong prohibitions on alteration of landscape in Ontario's Natural Heritage System (NHS) and its features in the Provincial Policy Statement (PPS). Do not allow offsets, trades, or "compensation" agreements. Capitalize on the free service provided via natural asset management instead of infrastructure and capital intensive engineered solutions.
7. **Allow Members of the Public and CA to appeal Official Plan, Zoning Bylaw Amendments and Sprawl Proposals to the Ontario Lands Tribunal.** Make the playing field level once more by providing the same rights to both project proponents and community players interested in challenging and/or improving planning proposals/Official Plans. Consider threshold levels to reduce appeals abusing the process.
8. **Do not override Official Plans.** For better or worse they are far more democratic than the proposals flowing out of the government of Ontario at this time.
9. **Maintain the PPS & Growth Plan,** its density requirements, and support rational infrastructure phasing policies to make the best use of limited taxpayer and developer dollars.

FULL SUBMISSION

The Canadian Environmental Law Association (CELA) has indicated that Bill 23 is the most extensive and biggest package of legislative changes they have seen in over ten years. We do not offer an analysis as it is impossible to do with our limited resources and time given. We do express our support and agreement from the groups listed in Appendix 1 who have made statements and have or will submit comments on Bill 23 and the various Environmental Registry of Ontario (ERO) postings. We acknowledge there may be good elements in the Bill but we are overwhelmed by the magnitude of regressive changes and fail to see how they are in the public interest in a climate emergency and affordable housing crisis. Some quotes for perspective.

“The proposed changes in Bill 23 will create a number of unintended consequences which roll back 70 years of successful conservation authority watershed management at a time when we need this work more than ever in order to address the growing impacts of climate change¹.” Conservation Ontario.

“Preliminary analysis of the Bill indicates the transfer of up to \$1 billion a year in costs from private sector developers to property taxpayers without any likelihood of improved housing affordability. Similarly, the bill’s provisions designed to reduce environmental protection will benefit developers in the short term, with costs to the public and homeowners that cannot be calculated².”

Members of the Committee and all Members of the Provincial Parliament will need to consider in whose interest they govern. Bill 23, as drafted, benefits private interests at the expense of public interests – at the expense of property taxpayers and Ontario’s natural environment.” AMO.

TIMING IS ANTI DEMOCRATIC AND HOSTILE TO STAKEHOLDERS

Recommendation: Slow down the process.

On October 25th, 2022 the day after municipal elections were held across Ontario’s 444 municipalities, the current government introduced Bill 23, *More Homes Built Faster Act* and posted numerous notices for public consultation on the ERO. Additional notices were posted on November 4th approving York Region³ and other municipal Official Plans as well as proposed amendments to the *Greenbelt Act* and redesignation of land under the *Oak Ridges Moraine Conservation Act*⁴. Then 2 weeks later, on the day before the inaugural Council meetings of Niagara, Peel and York Regions, Bill 39 was introduced⁵.

New Councils have not yet been formed, and have not been able to meet to approve or formulate responses to the Province. The Association of Municipalities of Ontario (AMO), representing Ontario’s municipalities, was not provided an opportunity to present to the Legislature’s Standing Committee on

¹ <https://www.mvca.on.ca/conservation-ontario-watershed-views-blog-bill-23/>

² https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Submissions/SC_HICP-LTR_AP_AMO_Submission_Bill%2023_More_Homes_Built_Faster_Act_20221116.pdf

³ <https://prod-environmental-registry.s3.amazonaws.com/2022-11/York%20OP%20-%20Decision%20-%20Signed%20November%204%202022.pdf>

⁴ List of ERO Postings resulting from Bill 23 and proposed Greenbelt Plan & Oak Ridges Moraine Conservation Plan changes: <https://cela.ca/wp-content/uploads/2022/11/Bill-23-updated-chart.pdf>

⁵ <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-39>

Heritage and Culture at the Bill 23 hearings. The official opposition did invite them to present their submission and it was shared with all MPPs⁶.

Voters, especially those in two tier - regional governments, had no indication that the responsibilities of regional governance would fundamentally change or that the province would be appointing Chairs⁷, likely extending Strong Mayor Powers to unelected Chairs of their choosing or initiate an 'assessment' of regional governance⁸. It is unfortunate that the public went to the polls and elected a regional council without the knowledge that the province was going to fundamentally change regional governance. The province conducted a 2019 Regional Governance Review, which was never acted upon and the recommendations remain confidential advice to cabinet⁹. The public does not know if what your government is proposing is consistent with the advice provided in that review. Thus there is no evidence, available to the public, to support the need for the aggressive changes to regional governance.

GREENBELT REMOVALS IN YORK REGION

Recommendation: Keep your promise; do not remove lands from the Greenbelt and be transparent about the downgrading that has already commenced.

Why are so many Greenbelt removals being proposed now outside of the ten-year review period, especially when a Greenbelt review and land removals were completed in 2017? The Ontario Government has quite simply lied to the people of Ontario by proposing to remove portions of the Greenbelt. Seven of the fifteen Greenbelt land removals and the only Oak Ridges Moraine land-use redesignation¹⁰ are located in York Region.

King Township lands:

The Greenbelt removal in King Township has received significant media attention due to the timing of land transactions and a motion by King Council in support of the Greenbelt removal to facilitate a new Southlake hospital. It is unclear if the province is aware or supportive of the hospital proposal, if this is Southlake's preferred site or even a candidate site. There is also much concern about who knew what and when? The removal of Greenbelt protection and subsequent re-zoning would increase land value above the purchase price of \$80M last September¹¹.

Upper York has no servicing capacity to give, existing 2010 growth can't be fully serviced and the Upper York Sewage System, now abandoned, was supposed to be the solution for this growth. It is implausible that the lands in King Township would be an eligible candidate for new housing development; northern York Region doesn't have a servicing capacity solution for what was just approved in the new Official

⁶ AMO Bill 23 Submission: <https://www.amo.on.ca/advocacy/health-human-services/amo-submission-bill-23-more-homes-built-faster-act-2022>

⁷ The option to elect York Region's Chair publicly for the first time was eliminated at the 11th hour by the Ontario PC Government in 2018: <https://www.theglobeandmail.com/canada/toronto/article-scrapping-regional-chair-elections-comes-as-guardedly-pleasant/>

⁸ Bill 39, Schedule 3: <https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=37452>

⁹ CBC News Article on Regional Governance Review, Completed 2019: <https://www.cbc.ca/news/canada/kitchener-waterloo/ken-seiling-regional-government-review-reaction-1.5343150>

¹⁰ <https://ero.ontario.ca/notice/019-6216>

¹¹ <https://thenarwhal.ca/ford-ontario-greenbelt-cuts-developers/>

Plan. Why do Minister Clark and the Mayor of King believe these lands meet the eligibility criteria for Greenbelt removal and that servicing capacity could be prioritized and feasible, ahead of all other development projects awaiting servicing allocation?

Markham and Vaughan Greenbelt Removals Plus Downgrading Greenbelt NHS:

The Greenbelt removals in Vaughan and Markham are adjacent to, or contain Greenbelt ‘fingers’ that are part of Ontario’s NHS and had land use designations downgraded from prime agriculture to rural to allow active parkland uses when Minister Clark approved York Region’s Official Plan¹². These removals combined with Minister Clark’s recent decision in the Official Plan are not consistent with the Greenbelt Plan and do not uphold previous tribunal decisions that clearly identify that expansion of urban boundaries is not permitted into the Greenbelt NHS¹³. Are accessory uses such as parks that support adjacent developments a settlement expansion in the Greenbelt NHS?

The Ontario government appears to have little regard for compliance with its own policies. The current government’s defense for inaction on Climate Change¹⁴ is, in part, because it is a policy that can’t be enforced. We are fearful that this attitude is percolating into land use planning, resulting in the destruction of Ontario’s NHS; a policy, not a land use designation protected by regulation¹⁵. The combination of the multitude of legislative changes that reduce natural heritage protection - ie. redefining wetlands could permit the dumping of soil of questionable quality, combined with a reduction in resources and legislated authority of independent government-paid subject matters to comment and approve land use decisions, appears to leave little oversight or protection. This leaves us extremely fearful that even the portions of the Greenbelt that remain intact will fail to be protected due to multiple threats, undermining the purpose and intent of the Greenbelt Plan.

The general public does not yet understand that this government has already downgraded Greenbelt protection in York and Peel Regions Official Plan Approvals by downgrading land use designations. This is not a removal but it is a lowering of protection that does not require a change to provincial regulations. York Region’s Official Plan also concerns several alarming changes that indicate the Oak Ridges Moraine Conservation Act regulations will be changed to allow future urban development in Vaughan and Stouffville. There’s also reference that some existing developments which meet certain criteria may not need to comply with certain requirements of the ORM Conservation Plan¹⁶. The government has failed to analyze the cumulative impacts of localized and province wide decisions and legislative changes.

¹² This downgrading of protection was done against the recommendations of Vaughan, Markham, York Region, TRCA staff, the York Region Federation of Agriculture, the Greenbelt Foundation and in the face of significant public opposition. <https://thenarwhal.ca/greenbelt-york-region-tacc-vote/>

¹³ Refer to the preamble of tribunal decisions that approved York Region’s ROPA2 and ROPA3 as well as Section 3.2.5 (b) of the Greenbelt Plan.

¹⁴ Refer to Mathur et. al. heard by the Ontario Superior Court Sept 12-14, 2022 awaiting decision. <https://ecojustice.ca/case/genclimateaction-mathur-et-al-v-her-majesty-in-right-of-ontario/>

¹⁵ Except where specialized and specific legislation with supporting regulations has been enacted such as the Oak Ridges Moraine Conservation Act, the Niagara Escarpment Act or the Lake Simcoe Protection Plan.

¹⁶ Refer to Items 14 (4.2.34), 20 (4.4.43 b), 25 (5.3.4), 56 here: <https://prod-environmental-registry.s3.amazonaws.com/2022-11/York%20OP%20-%20Decision%20-%20Signed%20November%204%202022.pdf>

PROVINCIAL POLICY IN DISARRAY, DISREGARDED, DISRESPECTED

Recommendation: Provide evidence-based rationale for policy changes & clean up your own house first

The changes, even simple administrative matters, do not appear well thought out. It seems implausible that the Ministry of Municipal Affairs and Housing (the Ministry) has or will have the capacity, staff and administrative processes in place to be the approval authority for lower tier Official Plans and Amendments. The Ministry hasn't provided basic data on whether the Growth Plan is effective or ineffective, if municipalities are meeting greenfield density targets or have adequate housing supply approved in the pipe-line¹⁷. This Ontario government has failed to provide reasonable evidence supported by data, facts or figures province-wide to justify such broad sweeping legislative changes.

Provincial ministries with conservation, preservation, endangered species protection remain critically underfunded. The province has failed to address recommendations and shortcomings brought forward by the former Environmental Commissioner and now the Auditor General¹⁸. Illegal land use is rampant on prime agricultural land, trees are being felled illegally¹⁹. Our bylaws and penalties are ineffective, the province is absent or worse giving approvals in the absence of approved zoning and then expecting by-law officers to enforce nuisance and traffic impacts. The changes to CA's will leave Ontario's Natural Heritage vulnerable and exposed because there will be no publicly funded institutions with sufficient resources left to speak, and act to protect our natural heritage. It is reckless to make these changes in the absence of any real and meaningful attempts to address the already identified shortcomings that have forced CA's to take on the very roles the province seeks to or has already eliminated.

MASSIVE FINANCIAL IMPLICATIONS FOR MUNICIPALITIES

Recommendation: Consult with AMO and municipalities to ensure these changes do not bankrupt municipalities and do not affect the levels of services and park land that Ontarians have come to expect.

Municipal staff are warning of staggering losses as a result of reduction in development fees; the City of Markham estimates that property taxes would have to increase by 50 to 80 percent just to maintain existing services²⁰. It is foolish to believe that smaller municipalities with less resources will have or be able to obtain specialized staff with the expertise to adhere to specialized specific provincial policy plans and the knowledge to protect residents from natural hazards. Contracting out these services opens up a whole other set of administrative, financial and accountability issues that again do not appear well thought out. Reducing parkland requirements is the exact opposite of what we learn that we need most for our communities during the pandemic.

¹⁷ https://www.auditor.on.ca/en/content/annualreports/arreports/en21/AR_LandUse_en21.pdf

¹⁸ <https://www.auditor.on.ca/en/content/reporttopics/environment.html>

¹⁹ Vaughan, MZO 643/20 illegally felled a 1.3Ha significant woodlot in Eco-Region 7E, the MZO nor local governments gave permission for tree removal. The landowner will be required to pay \$2M. The land should never have been developed half the trees went down in the mid-2000s there is no deterrent significant enough to protect Ontario's natural heritage, development pressure and ability to profit is immense: <https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=123135>

²⁰ <https://globalnews.ca/news/9292260/ontario-cities-protest-ford-government-housing-bill/>

CONSERVATION AUTHORITIES

Recommendation: Allow Conservation Authorities to maintain their current role in permitting in regulated areas and allow them to conserve land and reduce pollution via land use planning review and permits.

Ontario residents trust CA's because they have demonstrated they have the staff, expertise and resources to comment on complex planning applications with environmental and natural hazard risks. Further, they have been responsible stewards for the conservation and preservation of the lands entrusted to them. To direct CA's to put a list of land together suitable for development is nonsensical. Land comes into their ownership because it has been donated with expectations of having conservation status in perpetuity, or the lands contain environmentally significant features and natural hazards that require protection.

UPPER YORK SEWAGE SYSTEM

Recommendation: We support the Williams Treaties First Nations in their comment that a full Environmental Assessment of the southbound Duffins Creek route is needed.

We are pleased that the Upper York Sewage Treatment Plant is not proceeding, that the government recognizes the sensitive health of Lake Simcoe, the need to proceed expeditiously with the phosphorus reduction plant and the necessity of compliance with the *Lake Simcoe Protection Act* and Plan. However, it is frustrating that \$100M has been spent on the Upper York Sewage System Environmental Assessment with little to show. It is unreasonable to transfer this growth to Durham residents in the absence of a full Environmental Assessment and to suggest that York Region staff will be able to accomplish anything to approve and achieve the old or new growth targets set by the Province in the near future. Staff has been told to start over, develop a solution to deliver a third expansion of the York-Durham Duffins Creek Treatment Plant and pump water against elevations of 100m (twice the height of Niagara Falls). We are no further ahead to achieving growth in upper York.

Upper York Region is a case study in what not to do in infrastructure planning with stranded assets and unrealized growth creating burdens on capital budgets because development fees can't be collected²¹. This is a direct result of provincial inaction and inadequate, non-existent provincial support and resources provided to municipalities but still demanding growth targets be met²². It is setting

²¹ <https://thenarwhal.ca/york-region-wastewater-plant/>
https://www.thestar.com/news/gta/2012/07/06/york_region_putting_development_money_ahead_of_good_planning_critics_say.html

²² "...the cost estimate for the recommended servicing option did not include costs for treatment at the Duffin Creek plant...did not acknowledge...the total cost of the recommended panel solution is likely to be much higher... the Region would be required to assess and engineer a viable York Durham Sewage System solution including pumping, conveyance and treatment elements, and provide realistic cost estimates... The province should be providing even more cost and schedule certainty given the profound delays attributable to their inaction."

municipalities up to fail and Bill 23 will formally shift the blame for not achieving growth targets onto a lower level of government with no recourse to respond because they are 'creatures of the province' not recognized in the Canadian Constitution. It is unfair.

CONCLUSION

If Bill 23 is passed in its current form then the Ontario government will have failed to listen to professionals, subject matter experts, and ignored science and established best practices. It will have failed to protect land that will be critically important to reducing the impacts and adapting to climate change - CA regulated land, the Greenbelt and Oak Ridges Moraine. They will have failed to provide the type and diversity of housing needed by Ontario's most vulnerable communities. The implications of Bill 23 place unacceptable fiscal and legal risk upon the Government of Ontario, municipalities and taxpayers - it is short-sighted and reckless.

We urge you to slow down. Do not pass Bill 23 or the proposed Greenbelt removals. Consult properly, and do the job that only the government can do: protect the public interest.

Sincerely,



Claire Malcolmson
Executive Director
Rescue Lake Simcoe Coalition

Irene Ford
Community Advocate and Member of Stop The 413, Stop Sprawl York Region, Stop Sprawl Ontario

ABOUT US:

Stop Sprawl York Region is a project of the Rescue Lake Simcoe Coalition, set up to coordinate public input and responses to York Region's Official Plan development in 2022. We are a collective of community leaders, organizations, and people who care about the future of York Region.

The Rescue Lake Simcoe Coalition is a lake-wide member-based organization, representing 29 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe. www.rescuelakesimcoe.org

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Appendix 1: Organization Whose Comments and Statements Are Supported Regarding Bill 23 and the Proposed Amendments to the Greenbelt Act and Oak Ridges Moraine Conservation Authorities Act

- York Region Government: <https://www.york.ca/newsroom/york-regional-council-calls-provincial-government-halt-bill-23>
- Canadian Environmental Law Association: <https://cela.ca/reviewing-bill-23-more-homes-built-faster-act-2022/>
- Ontario Greenbelt Allies Statement: The problems with Bill 23 and the Proposal to Remove Lands from the Greenbelt: <https://yourstoprotect.ca/wp-content/uploads/sites/3/2022/11/Big-Tent-Statement-on-Bill-23-and-Greenbelt-Land-Removal.pdf>
- Ontario Soil Regulation Task Force comments as submitted by them on ERO 019-6240
- Association of Ontario Municipalities statement and submissions: <https://www.amo.on.ca/advocacy/health-human-services/consultation-postings-under-more-homes-built-faster-act-2022>
- Ontario Nature: <https://view.publitas.com/on-nature/bill-23-standing-committee-submission-ontario-nature/page/1>
- Conservation Ontario: https://conservationontario.ca/fileadmin/pdf/policy-priorities_section/CA_Act_2022/Bill_23_Standing_Committee_Submission_Conservation_Ontario_Angela_Coleman_FINAL.pdf
- Ontario Federation of Agriculture: <https://ofa.on.ca/ofa-presents-to-ontario-standing-committee-on-bill-23/>
- Comments and testimony provided by York Region residents Irene Ford and Peter Miasek who are Community Members associated with Stop Sprawl York Region. Irene Ford and Peter Miasek spoke at the November 9, 2022 Bill 23 Hearings: https://www.ola.org/en/legislative-business/committees/heritage-infrastructure-cultural-policy/parliament-43/transcripts/committee-transcript-2022-nov-09#P643_179326
- We share concerns with the multitude of ENGOs, NGOs surrounding the inability of Bill 23 to deliver affordable housing, rental housing and the diversity of housing Ontario desperately needs



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COMMUNICATION

COUNCIL – NOVEMBER 29, 2022

CW (1) - Report No. 38, Item 5

November 25, 2022

Delivered Via Email
(c/o clerks@vaughan.ca)

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Mayor and Members of Council:

Re: Zancor Homes (Steeles) LP (the “Applicant”)
City of Vaughan Files OP.21.028 & Z.21.057 (the “Application”)
2600 and 2700 Steeles Avenue West

Fifth Submission of United Parcel Services Canada Ltd. (“UPS”)

We are counsel for UPS, registered owner of the lands municipally known as 2900 Steeles Avenue West in the City of Vaughan (the “**UPS Lands**”) on which it operates the Canadian hub of its global parcel distribution network.

We are writing in respect of the Application, and specifically further to the November 21, 2022 communication from Haiqing Xu, Deputy City Manager, Planning and Growth Management (attached hereto as **Schedule ‘A’**), in response to UPS’ fourth submission on the Application (attached hereto as **Schedule ‘B’**) (“**UPS’ Fourth Submission**”). We also write further to staff comments in response to questions from the Committee of Whole on this matter at its meeting November 22, 2022.

UPS, a long-standing employer in the City of Vaughan and an integral industrial service operator for the City and the country, is deeply concerned, disappointed and alarmed by the manner in which the Application is being navigated through the City’s development approval process. UPS is also concerned with the manner in which the Applicant, City staff, and now the Committee of the Whole have ignored City of Vaughan Official Plan policies that protect the continued operation and on-site expansion of the UPS facility on the UPS Lands.

Policy 11.3.18E, found in Section 11.3.18 Site-Specific Policies of the Steeles West Secondary Plan, a copy of which is excerpted and attached hereto as **Schedule ‘C’**, is being swept aside for reasons of which UPS is not aware. Neither the Applicant nor City staff has addressed Policy 11.3.18E, and Policy 5.2.1.2 which is incorporated by reference, with respect to UPS. Further, other than the November 21, 2022 staff communication to the Committee of the Whole, not one City staff report or comment, of which UPS is aware, has addressed Policy 11.3.18.1 other than to acknowledge that UPS raised this Policy.

UPS Submissions on the Application

UPS made written submissions on the Application on May 17, 2022, July 29, 2022, October 25, 2022 and November 18, 2022, and oral submission on November 22, 2022, setting out UPS' concerns with the Application and the City's review of same. It was only on November 22, 2022, upon reviewing the Committee of the Whole agenda that UPS was aware that staff responded to UPS' concerns. We note that neither a courtesy copy nor notice of the November 21st communication was provided to UPS.

It is necessary that UPS now respond to the November 21, 2022 staff communication to the Committee of the Whole, and the comments made by staff in response to questions from the Committee of the Whole on November 22, 2022. It is unfortunate that UPS, despite its efforts, has been put in its current position that requires it to take action to ensure that long standing Official Plan Policies are followed by staff and appropriately regarded by its elected officials.

Response to November 21, 2022 Staff Communication to Committee of the Whole

The November 21, 2022 staff communication, the only response to any of UPS' submissions and requests for consultation, responded, in part, as follows.

"Aercoustics also conducted a review of the supplementary assessment of the noise impact from the nearby United Parcel Service (UPS) facility on the proposed development. The operational assumptions outlined in the letter account for both current operations as well as the potential future expansion of the UPS facility. While not enough detail was provided to review these calculations, the results are reasonable. Aercoustics has the following additional comments regarding the UPS facility:

- a. The noise impact of the UPS facility on the proposed development was predicted to be well within the Class 1 sound level limits, based on HGC's current understanding of the existing and future operations at the facility. This assumed operation included 20 trucks moving on site and 20 trucks idling during a predictable worst-case hour. These assumptions should be confirmed by UPS.*
- b. If in the future, based on more detailed plans, the expansion of the UPS facility requires noise mitigation to meet the stationary sound level limits at the development, UPS would be responsible for the design and installation of appropriate noise controls.*
- c. However, if UPS currently has permitted plans for the expansion ahead of the subject zoning amendment, the developer should be responsible to install the appropriate noise controls. It would be recommended that UPS provide the plans and operational information to the developer to ensure the noise impact predictions are accurately assessed and any noise mitigation requirements are identified."*

UPS is now required to set the record straight for the City of Vaughan Council before it makes a decision on whether or not to recommend the Application to York Regional Council in the face of the incomplete review to date. By way of example, specifically about the items put forward by staff to the Committee of the Whole, we note the following:

1. In regard to item a., the assumptions used by Aercoustics in its peer review of the Applicant's noise impact study are incorrect. Neither the Applicant, nor Aercoustics, nor City staff, have approached UPS to obtain the actual data in order to complete



an informed analysis of the noise impact of the UPS facility, as it exists today and the permitted expansion of the facility by 1/3 of what exists to date in terms of the industrial activity on the UPS Lands. While staff advised the Committee of the Whole during the meeting that the assumptions used by HCG, and peer reviewed by Aercoustics, had been confirmed by UPS, that statement is incorrect. To date, no one has approached UPS in this regard and, on behalf of UPS, we can advise the assumed operation noted by Aercoustics significantly underestimates the existing truck traffic movements and idling numbers.

2. In regard to item b., what was reported to the Committee of the Whole is incorrect. The design and installation of appropriate noise controls is the responsibility of the Applicant, not UPS.

Policy 11.3.18.1.d. of the Official Plan provides that Policy 5.2.1.2 of Volume 1 “shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the [UPS Lands] and **such applicants will be required to provide** landscaping, buffering or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, **at the expense of the application for the more sensitive land use.**” [**emphasis added**]

3. In regard to item c., the City of Vaughan Official Plan and in force zoning applicable to the UPS Lands permit and protect for the expansion of the UPS operation. While UPS has repeatedly advised that it is prepared to meet with City staff to discuss its concerns, City staff have failed to provide any response or accept UPS’ meeting requests.

UPS Requests and Concerns

UPS’ concerns are very real. Should the UPS operation not be protected, such that its operating ability is impaired in the future due to uninformed land use planning decisions by the municipality, there will be serious impacts locally, regionally, provincially and nationally. We cannot stress enough the importance of an appropriate review of the potential impacts of the Application on the UPS Lands and the UPS operation, at full build out, in accordance with Vaughan Official Plan policy. Not doing so now, in advance of an approval in principle of the Application, is risky and has the potential for far reaching implications.

UPS continues to submit that it would be prepared to meet to discuss its concerns. UPS is also open to providing the necessary data and site access for the Applicant to complete the necessary studies and for the City to complete its peer review(s).

On behalf of UPS, we can 100% confirm that neither City staff nor the Applicant have reached out to UPS to discuss the Application. In addition, no one has requested the necessary information to complete the necessary studies for a fulsome review of the Application in accordance with City of Vaughan OP Policies.

We have not received information on when the Application may be before City Council. **By copy of this communication to Ms. Mary Caputo and to Mr. Haiging Xu**, and out of an abundance of caution, we request advance notice of when the Application and associated



official plan amendment will be tabled at City of Vaughan Council. Lastly, and further to two prior requests through RDLandPlan Consultants Inc., we request a copy of the draft official plan amendment, in advance of the meeting of Council at which it will be tabled.

Further, during the Committee of the Whole meeting on November 22, 2022, we requested a copy of the Aercoustics peer review referenced in the November 21, 2022 staff communication. While staff advised the Committee of Whole that such studies are not provided to non-applicants, we submit that this has not been our experience. UPS' request for a copy of the Aercoustics peer review is a reasonable request to which the City should respond. If a copy will not be provided, we ask that UPS be advised of the reason for the City's denial of this reasonable request.

UPS will continue its efforts to ensure that the Official Plan policies put in place to protect its use and expansion are followed whether through the municipal or appeal process.

Should have you any questions or require further information further to this submission, please do not hesitate to contact the undersigned or, in her absence, Robert Dragicevic at RDLandPlan at 416-575-2512 or rdlandplan@gmail.com.

Yours truly,

MILLER THOMSON LLP


Tara L. Piurko
Partner
TLP/

Encl.

cc: Mayor and Members of Council, as follows:

- Mayor Steven Del Duca (mayor@vaughan.ca)
- Deputy Mayor Linda Jackson (linda.jackson@vaughan.ca)
- Councillor Mario Ferri (mario.ferri@vaughan.ca)
- Councillor Gino Rosati (gino.rosati@vaughan.ca)
- Councillor Mario G. Racco (mariog.racco@vaughan.ca)
- Ward 1 Councillor Marilyn Iafrate (marilyn.iafrate@vaughan.ca)
- Ward 2 Councillor Adriano Volpentesta (adriano.volpentesta@vaughan.ca)
- Ward 3 Councillor Rosanna De Francesca (rosanna.defrancesca@vaughan.ca)
- Ward 4 Councillor Chris Ainsworth (chris.ainsworth@vaughan.ca)
- Ward 5 Councillor Gila Martow (gila.martow@vaughan.ca)
- Haiqing Xu, Deputy City Manager, Planning and Growth Management (haiqing.xu@vaughan.ca)
- Mary Caputo, Senior Manager of Development Planning (mary.caputo@vaughan.ca)
- United Parcel Services Canada Ltd.
- RDLandPlan Consultants Inc.

66394277.1



Schedule 'A'

**November 21, 2022 Communication from Haiqing Xu, Deputy City Manager,
Planning and Growth Management, to the Committee of the Whole**





DATE: November 21, 2022
TO: Mayor and Members of Council
FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management
**RE: COMMUNICATION – COMMITTEE OF THE WHOLE (1),
NOVEMBER 22, 2022**

ITEM #6, REPORT #38

**ZANCOR HOMES (STEELES) LP
OFFICIAL PLAN AMENDMENT FILE OP.21.028
ZONING BY-LAW AMENDMENT FILE Z.21.057
WARD 4 – 2600 & 2700 STEELES AVENUE WEST
VICINITY OF STEELES AVENUE WEST AND KEELE STREET**

Background

Zancor Homes (Steeles) LP submitted Official Plan and Zoning By-law Amendment Files OP.21.028 and Z.21.057 to permit a high-rise mixed-use development on the lands located at 2600 and 2700 Steeles Avenue West (the 'subject lands'), which are located in the Steeles West Secondary Plan of Vaughan Official Plan 2010.

United Parcel Service Canada Ltd. ('UPS') owns and operates a facility at 2900 Steeles Avenue West, located west of the subject lands.

The City is in receipt of the letter from Miller Thomson LLP, dated November 18, 2022, submitted on behalf of their client UPS ('UPS Letter'), with respect to the above-noted applications.

The Owner submitted a Noise and Vibration Feasibility Study prepared by HGC Engineering ('HGC Noise Report') and Acoustical Modelling for the UPS Facility prepared by HGC Engineering in support of the development proposed at 2600 and 2700 Steeles Avenue West. The City retained Aerocoustics Engineering Limited to conduct a peer review of the HGC Noise Report. The following is an excerpt taken from the memo prepared by Aerocoustics Engineering Limited in response to the letters the City received from UPS, which specifically addresses the UPS lands:

"Aerocoustics also conducted a review of the supplementary assessment of the noise impact from the nearby United Parcel Service (UPS) facility on the proposed development. The operational assumptions outlined in the letter account for both current operations as well as the potential future expansion of the UPS facility. While not enough detail was provided to review

these calculations, the results are reasonable. Aercoustics has the following additional comments regarding the UPS facility:

- a. The noise impact of the UPS facility on the proposed development was predicted to be well within the Class 1 sound level limits, based on HGC's current understanding of the existing and future operations at the facility. This assumed operation included 20 trucks moving on site and 20 trucks idling during a predictable worst-case hour. These assumptions should be confirmed by UPS.*
- b. If in the future, based on more detailed plans, the expansion of the UPS facility requires noise mitigation to meet the stationary sound level limits at the development, UPS would be responsible for the design and installation of appropriate noise controls.*
- c. However, if UPS currently has permitted plans for the expansion ahead of the subject zoning amendment, the developer should be responsible to install the appropriate noise controls. It would be recommended that UPS provide the plans and operational information to the developer to ensure the noise impact predictions are accurately assessed and any noise mitigation requirements are identified."*

The City's Environmental Engineering staff confirmed that UPS has reviewed the original HGC Noise Report and was also provided an additional HGC memo which modeled their facility specifically. Both those reports assessed the UPS facility, including the potential expansion, and concluded there were no concerns with compatibility. The peer reviewer, Aercoustics Engineering Limited, was also of the same opinion. Based on the conclusions of the HGC Noise Report and the City's peer review, the main noise concern that is causing exceedance of the noise criteria is from the adjacent property to the west and their loading/unloading operations.

The holding provisions in the staff report being considered at the November 22, 2022, Committee of the Whole (1) meeting, were put in place to afford the City more time to complete the noise study process in order to confirm compatibility with surrounding uses and the need for Class 4. This process can include the need for discussions with UPS, the Owner's noise consultant (HGC) and the City's noise consultant (Aercoustics Engineering Limited). In the City's opinion, it would be recommended that UPS retain their own noise consultant to have a technical review of the reports/memos to ensure that the noise concerns are properly addressed to their satisfaction.

Conclusion

The Development Planning Department and Environmental Engineering Department have reviewed the UPS letter and the concerns they have raised with respect to the proposed development. Staff recommends recommended that UPS retain their own

noise consultant to have a technical review of the reports/memos to ensure that the noise concerns are properly addressed to their satisfaction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Haiqing Xu', written in a cursive style.

Haiqing Xu
Deputy City Manager, Planning and Growth Management

Attachment: Miller Thomson Letter dated November 18, 2022

Schedule 'B'

UPS' Fourth Submission on the Application





MILLER THOMSON
AVOCATS | LAWYERS

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November 18, 2022

Delivered Via Email
(c/o clerks@vaughan.ca)

Committee of the Whole
City of Vaughan
Vaughan City Hall, Council Chamber
2141 Major Mackenzie Drive
Vaughan, Ontario, L6A 1T1

Tara L. Piurko
Direct Line: 416.595.2647
Direct Fax: 416.595.8695
tpiurko@millerthomson.com

File: 0232132.0001

Chair and Members of the Committee of the Whole:

Re: Zancor Homes (Steeles) LP
City of Vaughan Files OP.21.028 & Z.21.057 (the “Application”)
2600 and 2700 Steeles Avenue West

Fourth Submission of United Parcel Services located at 2900 Steeles Avenue West

We are counsel for United Parcel Service Canada Ltd. (“UPS”), registered owner and industrial user of the approximately 16.45 hectares of land located at 2900 Steeles Avenue West in the City of Vaughan (the “UPS Lands”). We are writing in respect of the above-noted Application filed by Zancor Homes (Steeles) LP (the “Applicant”) and further to the three submissions previously filed by Mr. Robert Dragicevic of RDLandPlan Consultants Inc. on May 17, 2022, July 29, 2022 and October 25, 2022 noting UPS’ concerns with the Application and the lack of consideration of Policy 11.3.18 of the Steeles West Secondary Plan, that incorporates Policy 5.2.1.2 of Volume 1 of the Official Plan (“UPS’ Prior Submissions on the Application”).

We have had the opportunity to review the Committee of the Whole (1) Report on the Application, provided to RDLandPlan on November 16, 2022, and we note that UPS’ concerns have not been addressed by the Applicant or by City staff. UPS’ Prior Submissions on the Application are attached hereto and while each indicated that UPS would be prepared to meet with City staff as necessary to discuss the submission, RDLandPlan only received the usual cursory acknowledgment of receipt of the communication. To date UPS has not been approached by City staff or by the Applicant to meet to discuss UPS’ concerns with the Application.

It is absolutely necessary that the City of Vaughan understand the seriousness of UPS’ concerns with the Application and the implications of the City ignoring UPS’ reasonable requests. UPS must ensure the protection of its use on the UPS Lands so that parcels can continue to be delivered for and to its customers, which include residents and business in the City of Vaughan.

On behalf of UPS, we submit that the proposed Application has not addressed the necessary policy requirements to determine whether the proposed development could

negatively affect UPS' operation on the UPS Lands. Neither the Applicant nor the City staff report has provided any direct response to UPS' Prior Submissions on the Application and we cannot determine the potential impacts of the Application because the necessary studies have not been completed by the Applicant or studied by City staff.

Background

UPS established its operations on the UPS Lands in the City of Vaughan in the mid-1980s. The UPS operation on these lands is a key component of UPS' distribution network that services the City of Vaughan, the Region of York, and the broader region. Its hub operation at this location has over 2,000 employees and processes the overwhelming majority of all materials and packages delivered by UPS in the region and the operation processes a significant share of all materials and packages delivered in Canada. The UPS facility on the UPS Lands in the City of Vaughan is also the gateway into and out of Canada for UPS' global parcel distribution network.

The build out of the hub distribution facility on the UPS Lands has occurred in phases. Phases 1 and 2 are in operation and phase 3 is in the planning stages, which is already recognized in the City of Vaughan's Official Plan, permitted under applicable zoning and identified in the approved site plan agreement with the City for the UPS Lands.

The importance of this key industrial operation to the City of Vaughan was recognized by the City through the implementation of Policy 11.3.18 of the Steeles West Secondary Plan, expressly protecting both the existing operation and future expansion, as permitted by existing zoning, of the UPS distribution facility. There are no other policies of which the writer is aware in the City of Vaughan or York Region that are of a similar nature in terms of the protection of an existing industrial use and its expansion.

Concerns and Objection

As previously noted, UPS' Prior Submissions on the Application have not been addressed by the Applicant or by City staff. **Given the recognized importance and protection of the continued operation and expansion of the UPS facility on the UPS Lands, as noted above, the lack of appropriate consultation with UPS and review of the potential impacts of the Application on the existing use, is disappointing and discourteous, and inappropriate from a land use planning perspective.**

UPS is concerned that Policy 11.3.18 is being ignored. The consideration of the direction set out in Policy 5.2.1.2 of the City of Vaughan Official Plan has been pushed off to a future date after an approval in principle will be in place recognizing the future use of the lands for a highly intensive (12.86 FSI) mixed commercial residential development comprising, in part, a total of 3,116 residential units, a daycare space for seniors and a dedicated daycare space of children. It is important to keep in mind that the subject lands are only one property away from the UPS Lands on which there is a 24/7 365 day a year industrial distribution facility that generates noise and significant truck traffic.

While we recognize that holding provisions are proposed by staff with respect to the consideration of noise and traffic, there is no mention of Policy 11.3.18 in the holding provisions recommendation. There is also no mention of Policy 5.2.1.2, incorporated by reference in Policy 11.3.18 c., and no mention of the UPS operation on the UPS Lands.



The incorporation of Policy 5.2.1.2. in Policy 11.3.18 of the Steeles West Secondary Plan is meant to protect the UPS operation from potential impacts. The Policy specifically requires that any development or redevelopment of lands for more sensitive land uses located within 500 metres of the UPS Lands undertake appropriate environmental studies, such as noise, dust and vibration. This is meant to ensure land use compatibility and to identify on-site or off-site mitigation measures to be implemented at the cost of the applicant of the more sensitive land use should the location or expansion of the more sensitive land use be appropriate. We note that there have not been any studies done to date in this regard on which the Application can be reviewed and the potential impacts on the UPS 24/7 operation on the UPS Lands be determined, tested and addressed.

We also note the reference to a potential Class 4 classification of the development side under NPC 300. In this regard, it is clear in the Ministry's guideline that with respect to applications for new noise sensitive land uses in a Class 4 area that "an appropriate noise impact assessment should be conducted for the land use planning authority as early as possible in the land use planning process that verifies the applicant sound level limits will be met." Now is the time for such an analysis, and such analysis should properly address the UPS lands as set out in Section 11.3.18.

UPS' Ask

We submit that approving the Application for 3,116 residential units and a total FSI of 12.86x in principle within 500 metres of the UPS Lands and the 24/7 operation that will expand in the near term is not appropriate and has not satisfied the precondition to such approval as set out in the City's Official Plan. Approval in principle of the Application, without addressing clear policy direction in the City of Vaughan Official Plan meant to protect industry and protect for the continuance of an important operation, not only for the City of Vaughan but also for the GTA and Canada, is not appropriate.

We ask that the City require the Applicant to complete the necessary studies with appropriate peer review advice so that the planning authority can appropriately review the impacts on the UPS' operation at full build out. This should be done before any approval in principle is tabled. It may very well be that what is proposed is not appropriate, or such studies will identify on or off site measures which may be needed to ensure land use compatibility without impairing the zoned rights of UPS. Without the appropriate studies this cannot be known.

While we understand that a holding provision could be used to directly address the continued UPS operation and its permitted expansion on the UPS Lands, this approach has not been properly tabled in the recommendations put forward by staff. That said, we submit that the use of a holding provision to address policies that require studies to be done up front is a bandaid approach to planning that may necessitate triage operations by the City in the future.

We understand from the staff report that the Official Plan Amendment will involve Regional approval. We will be requesting direct written notice of any decision of the Region on the Application and would expect that this submission will form part of the materials provided to the Region for its consideration.



UPS' concerns are very real and should its operation not be protected, such that its operating ability is impaired in the future due to uninformed land use planning decisions by the municipality, there will be serious impacts locally, regionally, provincially, nationally and globally. We cannot stress enough the importance of an appropriate review of the potential impacts of the Application on the UPS Lands and the UPS operation, at full build out. Without doing so now, in advance of an approval in principle of the Application, is risky and has the potential for far reaching implications.

Should have you any questions or require further information further to this submission, please do not hesitate to contact the undersigned or, in her absence, Robert Dragicevic at RDlandPlan at 416-575-2512 or rdlandplan@gmail.com. UPS continues to submit that it would be prepared to meet with City staff to discuss its concerns.

Yours truly,

MILLER THOMSON LLP

Per:

Tara L. Plurko
Partner
TLP/

Encl.

cc: Mayor and Members of Council, as follows:

Mayor Steven Del Duca (mayor@vaughan.ca)
Deputy Mayor Linda Jackson (linda.jackson@vaughan.ca)
Councillor Mario Ferri (mario.ferri@vaughan.ca)
Councillor Gino Rosati (gino.rosati@vaughan.ca)
Councillor Mario G. Racco (marioG.racco@vaughan.ca)
Ward 1 Councillor Marilyn Iafrate (marilyn.iafrate@vaughan.ca)
Ward 2 Councillor Adriano Volpentesta (Adriano.volpentesta@vaughan.ca)
Ward 3 Councillor Rosanna De Francesca (rosanna.defrancesca@vaughan.ca)
Ward 4 Councillor Chris Ainsworth (chris.ainsworth@vaughan.ca)
Ward 5 Councillor Gila Martow (gila.martow@vaughan.ca)
Mary Caputo, Senior Manager of Development Planning (mary.caputo@vaughan.ca)
United Parcel Services Canada Ltd.
RDlandPlan Consultants Inc.

66281606.1





July 29, 2022

Development Planning Department
2141 Major Mackenzie Drive
Vaughan
L6A 1T1

Attention: **Letizia D’Addario, Senior Planner**

RE: **2600 and 2700 Steeles Avenue West**
 Official Plan and Zoning By-law Amendment
 City File Nos. OP.21.028 and Z.21.057
 United Parcel Service, Canada
 RDLP File No. 22.112

On behalf of our client, United Parcel Service, Canada (“UPS”), I write to provide our comments on the 2nd submission filed with respect to proposed development application referenced above.

RDLP had filed a letter with the City on May 27, 2022 with respect to the proposal on behalf of UPS. The letter specifically identified the lack of reference to the policies in effect related to the UPS facility and matters of land use compatibility between the industrial nature of the UPS plant and operations and the introduction of sensitive land uses including residential uses; the issue with respect to the assumption in the traffic assessment which assumed a full road network which would have included new public roads bisecting the UPS lands; and requesting further notice of Council actions.

UPS has concern about the introduction of sensitive land uses (such as residential in close proximity) to the UPS hub. Those concerns formed the basis for the policies included in the City of Vaughan ‘s Official Plan which establish the onus on the proponents of such development to ensure that adequate consideration and mitigation is accounted for with development in the Steeles Corridor in the vicinity of the UPS Lands.

The UPS hub is a 24-hour shift operation that generates large amounts of truck movement with consequent noise and associated impacts which residents typically find obtrusive.

In particular we have reviewed the covering letter, the comment matrix, a Transportation Block Plan report, the planning addendum, the acoustical modelling report and Transportation Impact Report as these are most relevant to the UPS concerns and submission.

The covering letter and planning addendum are both quite detailed in terms of identification of changes made to the proposal and providing their opinion with respect to the various Provincial, Regional and local planning policies, again without direct reference to the policies highlighted by the UPS submission notably dealing with land use compatibility and traffic related considerations. That said, the report filed dealing with acoustic conditions determined that the proposal would have no adverse impact to the UPS operation, as existing or potentially expanded and made no recommendations with respect to mitigation to the UPS operation.

For convenience and brevity, I have provided an extract from the covering letter to the acoustical report relevant to UPS:

“Acoustical modelling of the UPS facility at 2900 Steeles Avenue West was not performed as a part of this study, as it was determined that is the subject lands are situated outside the potential area of influence of this facility. However, in response to the letter from RD Landplan Consultants, acoustical modelling has since been performed to confirm whether expected typical activities at the UPS facility could impact the proposed residential development.

Criteria for acceptable sound levels from noise sources at commercial or industrial facilities are based on a combination of the minimum expected noise levels from road traffic during any hour of the day or night that the sources may operate, and the exclusionary minimum noise limits for a Class 1 urban area (the greater of these two measures is applied at any potential noise-sensitive point of reception). In our NVFS, traffic on the future municipal roads was conservatively not included in our minimum road traffic noise predictions, as it is not clear if and when this road network may be constructed; this approach was maintained in the context of this additional analysis. As the UPS facility is understood to operate during all hours of the day and night, the night-time criteria have been used in this assessment; Figure 4 of our report, a copy of which is attached hereto, illustrates the conservatively-modelled applicable noise limits at the new development during the night-time hours.

The movement of trucks around the UPS facility (including possible expansion to the edge of Street C to the east of the current facility) has now been analyzed. Twenty (20) truck movements and twenty (20) idling trucks were included in the model, representative of any hour of the day or night. Impulsive loading/unloading noises could also occur due to the number of loading bays at this facility, and this potential noise source has been reflected in the noise model at a conservative location toward the east end of the site. Noise emission levels used in the model are based on measurements of many similar sources at other commercial facilities, including FedEx distribution facilities for which we have conducted similar assessments. Our modelling results for the UPS facility are shown in Figures A1 and A2 attached hereto. These results indicate that sound levels from the UPS facility will be within the night-time noise criteria; no excessive noise impacts are predicted. Therefore, the proposed development is anticipated to be compatible with the UPS facility, including potential future expansion of the facility to the east.”

We ask that the City confirm that the acoustical report be peer reviewed to confirm the result in the context of addressing the policies in force and effect related to the UPS operation.

Insofar as traffic and the complete road network (including UPS lands) is concerned the Block Plan Transportation report states:

“It is also worth noting that the lands west of Settlers Road previously included in the Steeles West Secondary Plan (primarily UPS lands) is not being evaluated part of the intensification area. This is consistent with the scope of the Block Plan study as agreed upon with City staff. Representatives of UPS have also communicated with the project team that its operations are not ending in the foreseeable future and the site is a critical operations facility for UPS. The traffic volumes related to the UPS operations have already been accounted for in the 2019 traffic counts since they represent pre-COVID-19 conditions when the site would have been under normal operations.

The traffic volumes associated with the exiting uses in the OPA 620 lands being evaluated for intensification were removed since the existing uses will be displaced. Based on the estimated GFA of the existing buildings, trip generation was conducted for these uses based on the type of uses. The traffic that will be displaced in the study area are shown in Figure 3-7.”

It is unclear if an expansion of UPS as per existing zoning has been accounted for and we request confirmation that the expansion has been accounted for in the applicant’s analysis. We advise that the additional expansion capability would be in the order of 250,000 additional square feet.

For convenience of reference, we have again provided excerpts from the approved Official Plan that need to be addressed by the City in its review of the development application at 2600 and 2700 Steeles Avenue West:

Section 11.3.18 Site-Specific Policies

That the following policies shall apply to the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use”:

- a. The area identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” shall be subject to the provisions of the OPA 450 “Prestige Area” and “Employment Area General” designations.*
 - b. The existing use of the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.*
 - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan. d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to*
-

- ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.*
- d. *Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.*
- e. *Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the "Prestige Area" and "Employment Area" designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the "Prestige Area" or "Employment Area" designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been fulfilled through the Vaughan Official Plan 2010 review.*

The planning justification report submitted in support of the 2nd submission does not refer to Section 11.3.18.1 which provides required consideration of the potential impact to the UPS operation (existing and as-of-right) of the introduction of new sensitive land uses in proximity to the UPS Lands.

In our view, these matters are significant to a proper and fulsome planning and land use evaluation of the development application for 2600 and 2700 Steeles Avenue West and should be accounted for by the applicant.

We would be prepared to meet with City staff as necessary to discuss this submission.

Should there be any questions or need for additional information please contact the undersigned.

Yours truly,

RD LANDPLAN CONSULTANTS Inc.

Urban Planners

A handwritten signature in black ink, appearing to read "Robert A. Dragicevic". The signature is fluid and cursive, with a large initial "R" and "D".

Robert A. Dragicevic, MCIP, RPP
President and Senior Consultant

cc J. Lambis, UPS Canada Ltd.
Tara Piurko, Miller Thomson, LLP



May 27, 2022

City Hall
Office of the Clerk
Level 100
2141 Major Mackenzie Drive
Vaughan
L6A 1T1

Attention: City Clerk

**RE: 2600 and 2700 Steeles Avenue West
Official Plan and Zoning By-law Amendment
City File Nos. OP.21.028 and Z.21.057
United Parcel Service, Canada
RDLP File No. 22.112**

On behalf of our client, United Parcel Service, Canada (“UPS”), I write to provide our comments on the proposed development application referenced above.

UPS is the owner of lands at the northeast corner of Jane Street and Steeles Avenue West (2900 Steeles Avenue West/” the UPS Lands”) , to the west of the proposed development at 2600 and 2700 Steeles Avenue West.

UPS is heavily invested in and committed to the use of the UPS Lands as its national hub.

UPS has concern about the introduction of sensitive land uses (such as residential in close proximity) to the UPS hub. Those concerns formed the basis for the policies included in the City of Vaughan ‘s Official Plan which establish the onus on the proponents of such development to ensure that adequate consideration and mitigation is accounted for with development in the Steeles Corridor in the vicinity of the UPS Lands.

The UPS hub is a 24-hour shift operation that generates large amounts of truck movement with consequent noise and associated impacts which residents typically find obtrusive. The current proposal and supporting studies do not provide for any analysis of the potential impact to its existing and potential future operations as permitted under existing zoning rights for the UPS Lands.

We would note that the current development application for the 2600 and 2700 Steeles West property has assumed all of the planned transportation system shown in the Steeles West Secondary Plan to be in place. Given the current policy and zoning of the UPS Lands, and the stated intent of UPS to remain and expand at this location, the road system will not be complete through the UPS Lands, and it would therefore be appropriate for the proposal to properly account for this.

UPS's use of its land as its national parcel sorting hub is recognized as a permitted use in the City of Vaughan Official Plan and in the zoning by-law. Further, it is important to note the assurance the approved Official Plan allowing for UPS ability to expand the hub at 2900 Steeles Avenue West.

This recognition has been carried forward in the City's Official Plan as originally set out in Official Plan Amendments 450 and 529 which expressly recognized and protected the right of UPS to continue its operations on its site and to expand its facilities and operations on the UPS Lands. This recognition was confirmed in decisions by the then Ontario Municipal Board and carried forward in both the Part 1 and 2 of the City's Official Plan.

For convenience of reference, we have provided excerpts from the approved Official Plan that need to be addressed by the City in its review of the development application at 2600 and 2700 Steeles Avenue West:

Section 11.3.18 Site-Specific Policies

That the following policies shall apply to the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use":

- a. The area identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" shall be subject to the provisions of the OPA 450 "Prestige Area" and "Employment Area General" designations.
 - b. The existing use of the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.
 - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan. d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.
 - d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other
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necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.

- e. Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the “Prestige Area” and “Employment Area” designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the “Prestige Area” or “Employment Area” designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been fulfilled through the Vaughan Official Plan 2010 review.

Specific Observations to Date

The traffic report submitted in support of the proposed development (as available on the City’s web site for development applications) appears to assume the road network of the Steeles West Secondary Plan. There is no discussion of UPS traffic or potential impacts in the absence of the road network in the Secondary Plan being incomplete, certainly within the time frame of the Official Plan, as approved and in effect.

The acoustical report submitted in support of the proposed development application focuses on the rail and road noise and indicates potential issues to the north and west facing towers nearest the UPS Lands. No mitigation or advice regarding the impact to UPS current and as-of-right expansion is provided.

The planning justification report submitted in support of the development application does not refer to Section 11.3.18.1 which provides required consideration of the potential impact to the UPS operation (existing and as-of-right) of the introduction of new sensitive land uses in proximity to the UPS Lands.

In our view these matters are significant to a proper and fulsome planning and land use evaluation of the development application for 2600 and 2700 Steeles Avenue West and should be accounted for by the applicant.

Request for Notice and Copies of Council and Committee Resolutions

We request that we be notified of any meetings where the proposed development application for 2600 and 2700 Steeles Avenue West will be considered and be provided with copies of any resolutions that Committees and Council that may pass with respect to this matter.

We are also requesting that we be included on the mailing list for the Notice of Decision with respect to the enactment of an Official Plan Amendment and/or Zoning By-law with respect to the proposed development at 2600 and 2700 Steeles Avenue West.

City planning staff are copied on this letter.

Consultation

We would be prepared to meet with City staff as necessary to discuss this submission.

Should there be any questions or need for additional information please contact the undersigned.

Yours truly,

RD LANDPLAN CONSULTANTS Inc.

Urban Planners

A handwritten signature in black ink, reading "Robert A. Dragicevic". The signature is written in a cursive style with a large, sweeping initial "R".

Robert A. Dragicevic, MCIP, RPP
President and Senior Consultant

cc Letizia D'Addario, Senior Planner, Development Planning Department
J. Lambis, UPS Canada Ltd.
Tara Piurko, Miller Thomson, LLP

October 25, 2022

City Hall
Office of the Clerk
Level 100
2141 Major Mackenzie Drive
Vaughan
L6A 1T1

Attention: City Clerk

**RE: 2600 and 2700 Steeles Avenue West
Official Plan and Zoning By-law Amendment
3rd submission
City File Nos. OP.21.028 and Z.21.057
United Parcel Service, Canada
RDLP File No. 22.112**

On behalf of our client, United Parcel Service, Canada (“UPS”), I write to provide our comments on the 3rd submission with respect to the proposed development application referenced above.

UPS is the owner of lands at the northeast corner of Jane Street and Steeles Avenue West (2900 Steeles Avenue West/” the UPS Lands”), to the west of the proposed development at 2600 and 2700 Steeles Avenue West.

We filed a letter with the City dated May 27, 2022, outlining concerns with the proposed applications, some of which do not appear to have been addressed in the third submission of the applications and have attached the earlier correspondence to this letter.

In the comments summary chart under the Section entitled Environmental Noise and Vibration Study we are pleased to see that the concerns of UPS will be addressed in further work related to noise and vibration with specific reference to the RDLP Inc. submission on behalf of UPS dated July 12, 2022, and we note that the City will have a peer review of the specialized work.

We are however concerned with the Bousefields Inc. Covering letter/Planning Response letter which indicates that acoustical modelling will be submitted at the site plan stage. In our view and in our

interpretation of Policy 11.3.18.1 of the Steeles West Secondary Plan this work needs to be done prior to rezoning of the property to adequately address the protections that may be required to ensure that the UPS facility (existing and zoned) will not be negatively impacted by development of sensitive uses in proximity to their facility.

Further in respect to the comments provided to the submission on behalf of UPS the consultant has indicated "Noted" and referencing that residential uses are permitted throughout the Secondary Plan area. Residential uses are permitted throughout the secondary plan area however, subject to the requirement to address potential impact to the UPS approvals which are set out in Policy 11.1.3.18.2 of the Secondary Plan.

We have again provided for convenience of reference the most relevant policy consideration related specifically to the UPS lands and development in proximity to the facility:

"Section 11.3.18.1

That the following policies shall apply to the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use":

- a. The area identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" shall be subject to the provisions of the OPA 450 "Prestige Area" and "Employment Area General" designations.
 - b. The existing use of the lands identified as "Lands Subject to Policy 11.3.18.1" on Map 11.3.A "Steeles West Secondary Plan – Land Use" is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.
 - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan.
 - d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering, or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.
 - e. Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the "Prestige Area" and "Employment Area" designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the "Prestige Area" or "Employment Area" designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been
-

fulfilled through the Vaughan Official Plan 2010 review.”

This policy has not been referenced or addressed in any submission by the applicant to date.

In our view these matters are significant to a proper and fulsome planning and land use evaluation of the development application for 2600 and 2700 Steeles Avenue West and should be accounted for by the applicant.

We would again request staff to address this in their review and reporting on this matter.

City planning staff are copied on this letter.

Consultation

We would be prepared to meet with City staff as necessary to discuss this submission.

Should there be any questions or need for additional information please contact the undersigned.

Yours truly,

RD LANDPLAN CONSULTANTS Inc.

Urban Planners

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Robert A. Dragicevic, MCIP, RPP
President and Senior Consultant

cc Letizia D'Addario, Senior Planner, Development Planning Department

J. Lambis, UPS Canada Ltd.

Tara Piurko, Miller Thomson, LLP

Schedule 'C'

**Policy 11.3.18, Steeles West Secondary Plan
(and Policy 5.2.1.2 of Volume 1 incorporated by reference)**

11.3.18 Site-Specific Policies

- 11.3.18.1. That the following policies shall apply to the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use”:
- a. The area identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” shall be subject to the provisions of the OPA 450 “Prestige Area” and “Employment Area General” designations.
 - b. The existing use of the lands identified as “Lands Subject to Policy 11.3.18.1” on Map 11.3.A “Steeles West Secondary Plan – Land Use” is expected to exist beyond the timeframe of the Official Plan and shall be permitted to continue to operate and develop.
 - c. Expansion or extension of the existing use in accordance with the Zoning By-law shall be permitted. Expansion or extension of the existing use requiring an amendment to the Zoning By-law shall also be considered without amendment to this Plan.
 - d. Policy 5.2.1.2 of Volume 1 of this Plan shall apply to applications for more sensitive land uses proposing to locate in proximity to the existing employment use on the subject lands and such applicants will be required to provide landscaping, buffering or screening devices, and any other necessary mitigation measures to ensure land use compatibility with the employment use prior to development, at the expense of the application for the more sensitive land use.
 - e. Zoning By-law amendments for any part of the subject lands shall permit only uses that are in conformity with the “Prestige Area” and “Employment Area” designations of OPA 450. Redevelopment of any part of the subject lands for uses not in conformity with the “Prestige Area” or “Employment Area” designations of OPA 450 shall only proceed by way of an approved tertiary plan. New non-employment uses contemplated by a tertiary plan would not constitute a conversion, as requirements under the Growth Plan (Policy 2.2.6.5) have been fulfilled through the Vaughan Official Plan 2010 review.



Map 11.3.A
Steeles West Secondary Plan - Land Use



Policy 5.2.1.2 of Volume 1, incorporated by reference in Policy 11.3.18.1.d.

- 5.2.1.2. To protect Vaughan's manufacturing, industrial and warehousing sectors from potential impacts, any *development* or *redevelopment* of lands for more *sensitive land uses* located within 500 metres of an **Employment Area**, will be required to undertake appropriate environmental studies (e.g., noise, dust, vibration, etc.), to be identified on a case by case basis, in order to ensure land use compatibility with the surrounding **Employment Area** lands. As a result of the studies, on-site or off-site mitigation measures may be required prior to *development* at the expense of the applicant for the more sensitive land use.





Council Report

DATE: Tuesday, November 29, 2022

WARD: ALL

TITLE: CITY OF VAUGHAN'S RESPONSE TO BILL 23

FROM:

Michael Coroneos, Deputy City Manager, Corporate Services, City Treasurer and Chief Financial Officer

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

Vince Musacchio, Deputy City Manager, Infrastructure Development

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council endorsement on comments on Bill 23, the More Homes Built Faster Act, 2022. These comments will be forwarded to the Province by December 9, 2022 for their review.

Report Highlights

- The Province of Ontario introduced Bill 23, the More Homes Built Faster Act, 2022, on October 25, 2022.
- Bill 23 proposes significant changes in land use planning, parkland dedications, and Development Charges (DC) and Community Benefit Charges (CBC) collections.
- Bill 23 proposes to remove planning responsibilities from the four upper tier municipalities in the GTA, as well as the County of Simcoe and the Region of Waterloo; and impose limits on Conservation Authorities to comment on planning applications.
- The deadline to submit comments on Bill 23 has been extended to December 9, 2022.
- This report provides staff comments on Bill 23.

Recommendations

1. THAT staff report "City of Vaughan's Response to Bill 23" be received; and
2. THAT a copy of this report be submitted to the Province of Ontario as the City's comments to Bill 23.

Background

On October 25, 2022, the government of Ontario introduced Bill 23, the More Homes Built Faster Act, 2022, which proposes a series of changes to help deliver 1.5 million new homes by 2031.

Bill 23 proposes to amend multiple statutes and create a new statute:

- Planning Act, 1990
- Development Charges Act, 1997
- Conservation Authorities Act, 1990
- Ontario Land Tribunal Act, 2021
- Ontario Heritage Act, 1990
- Municipal Act, 2001
- City of Toronto Act, 2006
- New Home Construction Licensing Act, 2017
- Ontario Underground Infrastructure Notification System Act, 2012
- Supporting Growth and Housing in York and Durham Regions Act, 2022 (new)

Bill 23 proposes significant changes in land use planning, parkland dedications, and Development Charges (DC) and Community Benefit Charges (CBC) collections at the municipal level. It also proposes to remove planning responsibilities from the four upper tier municipalities in the GTA, as well as the County of Simcoe and the Region of Waterloo; and imposes limits on Conservation Authorities to comment on development applications under the *Planning Act*.

On November 23, 2022, the Province of Ontario extended the comment period of Bill 23 to December 9, 2022. Details can be found at: <https://ero.ontario.ca/notice/019-6163>

The following section provides a summary of the key changes together with staff review/comments.

Analysis and Options

1. Affordable and Attainable Housing

Bill 23 has introduced a new definition of affordable housing, generally defined as being priced at no greater than 80% of the average purchase price/market rent in the year a unit is rented or sold. It has also introduced a category of “attainable housing”, which will be defined in future regulations. As part of the Bill 23 announcement, the Province has also made statements that there will be a proposed change to the regulations for an upper

limit of 5% of the total number of units in a development can be required to be affordable as part of a potential inclusionary zoning program, and a maximum period of 25 years over which the units would be required to remain affordable. This is not in the legislation. Bill 23 exempts affordable housing, attainable housing and inclusionary zoning units from DC, CBCs and parkland dedication requirements.

Staff are concerned that, given the high housing prices in Vaughan, the 80% of average market price as set by Bill 23 may not prove to be affordable to low or moderate income households. A clearer definition and implementation details for affordable and attainable housing would also be needed to manage issues such as household eligibility and ensuring qualifying units remain affordable long term. For instance, who is to maintain a list of eligible families to rent/purchase these units? At what level would such a list be maintained, locally, GTA-wide, or provincially? Will the resale of the affordable and attainable units be limited only to those on the eligibility list? Who will monitor whether a unit is rented or sold at 80% of the average purchase price or market rent? And what if an owner/tenant no longer meets the eligibility requirements while occupying such a unit?

2. Development Charges and Community Benefit Charges

The proposed amendment to the *Development Charges Act, 1997*, by Bill 23 include:

- For all new DC by-laws passed since January 1, 2022, DC rates would be phased in over a 5-year period. In year one, the maximum DC that could be charged would be discounted at 20%. This discount would decrease by 5% each year until year five, where the full rates would apply.
- Historical service level for DC eligible capital costs (except transit) is proposed to be extended from 10 to 15 years, thereby effectively reducing funding envelopes and rate calculations.
- DC by-laws will expire every 10 years, instead of every five years. However, DC by-laws can still be updated any time before the expiry date.
- Removal of growth studies and land costs from the rate calculation.
- Cap the interest paid on phased DCs for rental and institutional to average quarterly prime rate plus 1%. The City's current DC interest policy is set at 5% whereas the new rate under the Bill would be 6.95% based on current prime rate.
- DC/CBC/parkland exemptions for affordable and attainable housing: The City would be required to enter into agreements with the developers that require the residential unit to be affordable for a period of 25 years or more from the time the unit is first rented or sold, or that require the residential unit to be attainable when it is first sold. The affordable residential unit agreements will be registered on title for 25 years, similar to restrictive covenants.
- The addition of second and third residential units on a parcel of land zoned for residential use is exempt from DCs.

- Reduced DC for rental housing development by:
 - 25% in relation to rented residential premises with three or more bedrooms,
 - 20% for two-bedroom units, and
 - 15% for all other residential units.

These changes will restrict and reduce the City's ability to collect revenue for growth related infrastructure projects, ultimately delaying projects or require the City to find new funding sources or shift the burden of paying for growth to the tax base.

The proposed amendments in Bill 23 would also affect the collection of CBC:

- Maximum CBC payable would be based only on the value of land proposed for new development, not the entire parcel that may have existing development.
- Maximum CBC would be capped at 4% of land value, further reduced by a ratio of proportionate new gross floor area to existing building square footage.

Further reduction of this revenue collection for growth related projects would ultimately delay implementation of these projects.

3. Parkland Dedication and Cash-in-lieu

Under Bill 23, the maximum amount of land that can be conveyed or paid in lieu is capped at 10% of the land or its value for sites under 5 ha, and 15% for sites greater than 5 ha, and the maximum alternative dedication rate is reduced to 1 ha/600 units for land conveyance and 1 ha/1000 units for the cash in lieu calculation. Furthermore, the Bill expands CIL exemptions mentioned under Section 2.

Bill 23 also proposes a parkland rate freeze as of the date that a zoning by-law or site plan application is filed. The freeze remains in effect for two years following approval. If no building permits are issued in that time, the rate in place at the time the building permit is issued would apply. This change may result in lower valuations resulting in lower CIL collections. Furthermore, encumbered parkland/strata parks, as well as privately owned publicly accessible spaces (POPS) will be eligible for parkland credits. It also allows landowners to identify land they intend to provide for parkland, and if the municipality disagrees with the land that is to be conveyed, the municipality shall provide notice and the landowner may appeal to the Ontario Land Tribunal. The Tribunal shall order that the land be conveyed as identified and the land will be counted towards parkland dedication under municipal by-law, if the land satisfied the prescribed criteria (yet to be proposed by the Province). This is a new requirement that could see municipalities being obligated to take lands that they do not want to use for parkland but will be counted towards the overall parkland requirements under their by-law.

Under Bill 23, the City would be required to prepare parks plans prior to the passing of any future parkland dedication by-law. However, it will not apply to by-laws already passed. Parkland dedication will apply to new units only and no dedication can be imposed for existing units.

Municipalities will be required to spend or allocate 60% of parkland reserve funds at the start of each year. Municipalities will be required to spend or allocate 60% of its parkland reserve funds at the beginning of each year. This may result in the inability to acquire strategic lands or a delay in funding for park renewals.

Under Bill 23, staff has estimated that the City may lose 70% to 90% in cash-in-lieu collection for parkland, and 45% in city-wide parkland provision. This leads to an estimated cash-in-lieu collections reduction from \$608M to \$61M. There will also be reduced DCs for park and trail design and construction, and less funding for park renewal , which could delay park development.

Bill 23 will also have a significant social impact as there will be more people but less parks. It is estimated that the City will have 60%-80% less parks locally as we move forward to service a larger population, down to only 5 sq ft of parkland per person locally.

Bill 23 will also lead to less public space and more private space, fewer programable outdoor facilities (sports fields, playgrounds, tennis courts), and a disparity between communities, which could impact public health and quality of life.

4. Removal of Upper Tier Municipal Planning Responsibilities

Bill 23 proposes that all upper tier municipalities in the Greater Toronto Area, as well as Waterloo and Simcoe will be removed from the *Planning Act* approval process for both lower tier official plans amendments and plans of subdivision. It adds a new definition of “upper-tier municipality without planning responsibilities”, which applies to York Region. If Bill 23 is enacted, York Region may still provide advice and assistance to the lower tier municipalities by agreement, but would no longer have the authority or requirement to adopt official plans or amendments, approve lower tier official plans or amendments, or appeal any planning decision. The Minister would (unless otherwise provided) therefore become the approval authority for all lower tier Official Plans and Official Plan Amendments, whose decisions are not subject to appeal.

Staff understand that, to deliver 1.5 million homes by 2031, some extraordinary measures must be taken to streamline the planning approval process and reduce/eliminate

duplications. If the upper tier municipal planning responsibilities are to be removed, a new body, or a new system of approval, needs to be created to coordinate the service delivery.

5. Conservation Authorities

Under Bill 23, a planning application within a Conservation Authority's regulated area (including wetlands) will not require a permit. Conservation Authorities will still comment on planning applications but limited only to natural hazards and flooding.

Staff understand that this provincial initiative is intended to reduce/eliminate duplications and help expedite the planning approval process. It is noted that the City currently relies heavily on in-house expertise of the Toronto and Region Conservation Authority (TRCA) to review/comment on planning applications in some specific environmental areas beyond natural hazards and flooding. Since it would be unrealistic to maintain all required expertise in-house, if Bill 23 is enacted, the City will need to decide on the most effective way to address these needs. This could also potentially lead to higher costs on the municipality in order to obtain all the necessary expertise to assist in development approvals within a short period of time as imposed by other provincial legislation.

6. Ontario Land Tribunal

Bill 23 proposes to increase the power of the Ontario Land tribunal (OLT) to order costs against the unsuccessful party and dismiss appeals for undue delay by the party who brought the proceeding. It will also allow the Lieutenant Governor in Council to make regulations requiring the OLT to prioritize the resolution of specified classes of proceedings. The Minister may make regulations governing the practices and procedures of the OLT which may include prescribed timelines for specified steps for certain classes of proceedings.

Currently, costs are not awarded in an OLT hearing against the losing party unless "the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or if the party has acted in bad faith" (OLT Rules of Practice and Procedures). With Bill 23, it is anticipated that the OLT Rules of Practice and Procedures will be amended to allow for costs to be awarded generally to the losing party, similar to civil litigation. This will add a layer of OLT proceedings for lawyers to argue on costs, similar to the civil court system. Clearly, the intent of the legislation is to discourage parties from proceeding with any appeal to the OLT without a strong case on its merits.

7. No third-party Appeal and No Public Meeting for Subdivisions

Bill 23 proposes that no one other than the applicant, the municipality, certain public bodies, and the Minister will be allowed to appeal Committee of Adjustment decisions under the Planning Act, including consents and minor variances. All existing third-party appeals in this category, where no hearing date has been set as of October 25, 2022 will be dismissed. The scheduling of a case management conference or mediation will not be sufficient to prevent an appeal from being dismissed.

Bill 23 also proposes that public meetings will no longer be required for approval of a draft plan of subdivision.

While these proposed changes can certainly save time and resources for both staff and the developers, staff are concerned that the removal of third-party appeal rights for minor variances and consents and public meetings for plans of subdivision may place members of our existing community at a disadvantage in planning decisions and disputing over a next-door development.

8. Lifting of 2-year moratorium

Bill 23 proposes deletion of the prohibition from filing amendments or minor variances, as applicable, to a new Official Plan, a Secondary Plan, and a Zoning By-law before the second anniversary. As a result, interested parties and individuals may file an application to amend the respective parts of the Official Plan and Zoning By-law sooner. While it may provide greater flexibility for developers, it will impact the authority of the City's Official Plan and Zoning By-law in guiding City-wide developments.

9. Architecture, Landscape and Cultural Heritage

Bill 23 Proposes to remove architectural details and landscape design aesthetics from the scope of site plan control. Under Bill 23, a heritage property cannot be designated unless it has been listed on the City's heritage register when a planning application is received. In other words, the City cannot add the property to its heritage register if there is a planning application received. Furthermore, those that have already been listed on the City's heritage register will need to be reviewed and removed if not designated.

Staff are of the opinion that, as a rapidly growing city, the City of Vaughan needs to enhance urban design and the preservation of its cultural heritage to ensure it stays as a highly attractive destination for people and investors. Since the City of Vaughan is taking measures to ensure all site plan applications will be processed and a decision delivered within 60 days pursuant to Bill 109, there is no risk of delaying a planning application if

these important issues can continue to be considered through the site plan approval process. Since municipalities vary significantly from each other, staff is of the opinion that the Province shall leave it with each municipality to decide if it wishes to continue including architectural details and landscape design aesthetics in site plan approval.

Bill 23 gives no time to the City to review, assess, and add properties that are of heritage value or interests to the heritage register, or to designate those that have already been on the list. As a result, significant heritage properties may be lost to new developments.

10. Wetlands

Bill 23 is leaning toward allowing development over wetlands if it can prove a net positive impact on wetlands is provided.

Staff are very concerned about this proposed change. While it would be hard to deny such a development if there is indeed a “positive impact” demonstrated and provided, wetlands are amongst the most sensitive environmental areas in our natural heritage system, which is often the habitats of some endangered species found in our area, such as Jefferson’s Salamander and Redside dace. It would be very difficult to evaluate and prove a “positive impact” if the habitat of a Jefferson’s Salamander is destroyed.

11. Gentle Density and Intensification

Bill 23 permits up to three residential units per lot, with no minimum unit sizes, without the need to apply for a rezoning. A new unit built under this permission would be exempt from DC, CBC, and parkland requirements, and no more than one additional parking space per additional unit can be required. Furthermore, developments of up to 10 residential units will be exempted from site plan control.

Staff are concerned with the increased demand for required parking as it could be a challenge with potential complaints for unauthorized street parking, emergency services access and may further cause issue for snow clearance during winter. Staff also anticipate greater number of applications for variances to permit accessory structures.

11. Federal Funding

While Federal funding is not part of Bill 23, staff noticed that the Federal government is to provide \$4 billion over the next five years in its Housing Accelerator Fund, to help cities and communities to create 100,000 new housing units. The Federal government has also promised to provide cities and communities with support, such as an annual per-door

incentive or up-front funding for investments in municipal housing planning and delivery processes that will speed up housing development.

There is also an Affordable Housing Innovation Fund launched by the Federal government in 2016 and a Rapid Housing Initiative (RHI) launched by Canada Mortgage and Housing Corporation (CMHC) in 2020 that provide funding to facilitate the rapid construction of new housing and the acquisition of existing buildings for the purpose of rehabilitation or conversion to permanent affordable housing units.

Staff believe housing is the responsibility of all levels of government. The Province should help make sure the Federal funds are made available to municipalities in a timely manner.

Financial Impact

There are no financial requirements for new funding associated with this report, however these amendments do represent a significant financial strain on the City’s ability to generate funds that are used to pay for growth related infrastructure.

As illustrated by the chart below, potentially, the proposed amendments are estimated to result in the cumulative annual revenue loss of approximately \$169 to \$194 million.

Item	Cumulative ('000s)	
	Low	High
Impact of DC 5yr Phase-in	\$15,400	\$23,900
Affordable Housing exemption (assume 5%)	\$7,900	\$12,200
Growth Studies removed from DC study	\$6,100	\$6,100
Land Removed from DC study - Soft Services	\$18,520	\$18,520
Land Removed from DC study - Eng Services	\$78,800	\$78,800
CIL/Parkland	\$42,700	\$54,900
Total Impact	\$169,420	\$194,420
Tax Impact	76.9%	88.2%

These lost revenues are currently used to build new roads, sewers, community centres, libraries, fire stations and parks to serve the rapid growth across the City. The loss of these revenues will result in delays in building new infrastructure, possible decreased service levels, delayed growth and/or significant increases to property taxes to fund necessary infrastructure.

The City may have no choice but to reduce service levels in new communities. This would impact how new communities are planned and would create inequities across the City with existing communities having easier access to libraries, community centres and parks, while new communities would have to travel longer distances to access those same services.

Without other funding sources, the financial burden will fall to the property tax base. This could result in a 77-88% increase to property taxes to maintain existing service levels. The impact of the property tax increase would be an estimated \$1,374-1,570 property tax increase per year to the average homeowner. Although the proposed changes may theoretically produce homes that are affordable initially, there is very little in the proposed legislation that would suggest that these cost savings for the development industry would be passed down and directly translated into more affordable housing for the community, resulting in increasing property taxes that will impact the long-term affordability for new and existing homeowners. The premise that growth pays for growth will no longer be applicable as the burden shifts from developers to the taxpayer.

Broader Regional Impacts/Considerations

If Bill 23 is enacted, the role York Region has in the processing of official plan amendment and draft plan of subdivision applications may be reduced/eliminated. However, York Region can continue to influence local planning decisions unless a new mechanism is created to coordinate the planning, allocation, and delivery of services.

Conclusion

Bill 23 contains some extraordinary measures by the Province to increase housing supply and improve housing affordability. While Bill 23 may help reduce duplications and streamline planning approvals, it potentially poses a serious threat to municipal finance, rights of homeowners, natural heritage features, and the outdoor space of future communities.

Prepared by

Christina Bruce, Director, Policy Planning and Special Programs, ext. 8231
Jamie Bronsema, Director, Parks Infrastructure Planning & Development, ext. 8858

Michael Marchetti, Director, Financial Planning and Development Finance & Deputy City Treasurer, ext. 8271

Effie Lidakis, Acting Deputy City Solicitor, Planning and Real Estate Law, ext. 8851

Approved by



Michael Coroneos, Deputy City Manager,
Corporate Services, City Treasurer and
Chief Financial Officer

Reviewed by



Nick Spensieri, City Manager



Wendy Law, Deputy City Manager,
Administrative Services and
City Solicitor



Vince Musacchio, Deputy City Manager,
Infrastructure Development



Haiqing Xu, Deputy City Manager,
Planning and Growth Management