

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 11, 2020

Item 18, Report No. 11, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 11, 2020.

18. REQUEST FROM CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC., DG GROUP AND LORWOOD HOLDINGS FOR MINISTER'S ZONING ORDER FOR THE DECLASSIFICATION OF PROVINCIALY SIGNIFICANT WETLANDS IN BLOCK 34 EAST

The Committee of the Whole recommends approval of the recommendation contained in the following resolution of Mayor Bevilacqua, dated March 9, 2020.

Submitted by Mayor Maurizio Bevilacqua.

Whereas, Vaughan Council received a communication from Conmar Developments Inc. & Fenlands Vaughan Inc. in cooperation with DG Group and Lorwood Holding Inc. dated February 27, 2020 [Attachment 1] and an Addendum dated March 4, 2020 (Attachment 2) which advises Council that Conmar Developments Inc. and Fenlands Vaughan Inc. in cooperation with DG Group and Lorwood Holdings has formally requested from the Province a Minister's Zoning Order for the reclassification of Provincially Significant Wetlands located in the Block 34 East Planning Area to allow for the Subject Lands to be developed for Employment Uses, specifically a Distribution Facility on the Conmar Developments Inc. & Fenlands Vaughan Inc. lands; and

Whereas, the proposed Employment Use is consistent with the policies of the Provincial Policy Statement 2014 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 by locating an Employment Use in a settlement area, in proximity to a major goods movement facility (Highway 400) and utilizes existing and planned infrastructure; and

Whereas, the York Region Official Plan 2010 (the 'YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated as "Urban Area" on the YROP Map 1 "Regional Structure" and shown as a Strategic Employment Lands on YROP Figure 2; and

Whereas, the Subject Lands are located in the Block 34 East Planning Area known as the Highway 400 North Employment Lands Secondary Plan included as Section 11.4 of Volume 2 of the Vaughan Official Plan 2010 and designed as General Employment, and Mixed/Use Area - Employment/Commercial; and

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 11, 2020

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Whereas, the Ministry of Natural Resources and Forestry (MNRF) has identified wetlands located on the subject property as part of the Provincially Significant East Humber River Wetland Complex; and

Whereas, it is the opinion of the applicant's qualified environmental consultant that the wetlands do not meet the criteria of significance; and

Whereas, compensation for the area of wetland removal on the Conmar Developments Inc. and Fenlands Vaughan Inc. lands will be achieved by wetland relocation/creation on the Block 34 East Phase 1 lands adjacent to an existing natural heritage system; and

Whereas, the Toronto and Region Conservation Authority and Ministry of Natural Resources and Forestry have provided support for the enactment of the Minister's Zoning Order; and

Whereas, the proposed Distribution Centre is a significant economic investment for the City of Vaughan which includes quality employment opportunities; and

Whereas, the Minister of Municipal Affairs and Housing has the power to enact and impose a Zoning Order on any land in Ontario, in accordance with Section 47 of the Planning Act and the development of these Employment Lands are of significant importance to the City of Vaughan, the Regional Municipality of York, and the Province of Ontario.

It is therefore recommended:

- 1. That Council supports and has no objection to the Minister of Municipal Affairs and Housing to issue a Minister's Zoning Order, for the zoning to be in place to allow for the Subject Lands to be developed for Employment Uses, specifically a Distribution Facility on the Conmar Developments Inc. & Fenlands Vaughan Inc. lands; and***
- 2. That this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's direction and requests; and copied to the Regional Municipality of York, Toronto and Region Conservation Authority, and Ministry of Natural Resources and Forestry; and***
- 3. That Council ratify the action taken.***

MEMBER'S RESOLUTION

Meeting/Date	COMMITTEE OF THE WHOLE – March 9, 2020
Title:	REQUEST FROM CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC., DG GROUP AND LORWOOD HOLDINGS FOR MINISTER'S ZONING ORDER FOR THE DECLASSIFICATION OF PROVINCIALLY SIGNIFICANT WETLANDS IN BLOCK 34 EAST
Submitted by:	Mayor Maurizio Bevilacqua

Whereas, Vaughan Council received a communication from Conmar Developments Inc. & Fenlands Vaughan Inc. in cooperation with DG Group and Lorwood Holding Inc. dated February 27, 2020 [Attachment 1] and an Addendum dated March 4, 2020 (Attachment 2) which advises Council that Conmar Developments Inc. and Fenlands Vaughan Inc. in cooperation with DG Group and Lorwood Holdings has formally requested from the Province a Minister's Zoning Order for the reclassification of Provincially Significant Wetlands located in the Block 34 East Planning Area to allow for the Subject Lands to be developed for Employment Uses, specifically a Distribution Facility on the Conmar Developments Inc. & Fenlands Vaughan Inc. lands; and

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- 1. That Council supports and has no objection to the Minister of Municipal Affairs and Housing to issue a Minister's Zoning Order, for the zoning to be in place to allow for the Subject Lands to be developed for Employment Uses, specifically a Distribution Facility on the Conmar Developments Inc. & Fenlands Vaughan Inc. lands; and,**
- 2. That this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's direction and requests; and copied to the Regional Municipality of York, Toronto and Region Conservation Authority, and Ministry of Natural Resources and Forestry; and,**
- 3. That Council ratify the action taken.**

Respectfully submitted,

Mayor Maurizio Bevilacqua, P.C.

Attachments

1. Letter to Mayor and Members of Council, dated February 27, 2020
2. Addendum Letter to Mayor and Members of Council, dated March 4, 2020
3. Subject Lands Containing the Provincially Significant Wetlands

February 27, 2020
Mayor Maurizio Bevilacqua and Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Mayor and Council

As you and Council are aware, Conmar Developments Inc. and Fenlands Vaughan Inc. ("Conmar/Fenlands"), in cooperation with DG Group and Lorwood Holdings Inc. ("DG Group/Lorwood"), have filed applications with the City of Vaughan seeking approval for a major distribution facility north of Teston Road between Highway 400 and Jane Street.

We have been working diligently and cooperatively with staff at the City to expedite this application, which will bring significant economic, social and a myriad of other benefits to the City. To date, we have insisted on a thorough approach to our work and excellence in design so as to construct a leading-edge facility for the City. The investment in the land, buildings, infrastructure, robotic equipment, and employment training will exceed \$500 Million. Further, this site will be home to some 2,000 quality employment opportunities within this world class facility, located in the heart of the City.

The policies of the Provincial Policy Statement (2014) and A Place to Grow (2019) support economic development and competitiveness by providing an appropriate range and mix of employment uses to meet long-term needs, and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The Conmar/Fenlands and DG Group/Lorwood lands (the "subject lands") are cumulatively approximately 112 hectares (276 acres) in size and generally comprise the southerly half of Block 34 East which is a vital employment area in the City of Vaughan.

The York Region Official Plan (2010) (YROP) designates the subject lands as an 'Urban Area'. Further, the subject lands are designated 'Strategic Employment Lands' in the YROP. Strategic Employment Lands are to be prioritized and developed for employment uses and help to achieve the employment growth targets of the Growth Plan. The YROP states that it is the policy of Council to "protect strategic employment lands. These lands are identified based on their proximity to existing or planned 400-series highways and shall be designated for employment land uses in local municipal official plans" (Section 4.3.6).

The City of Vaughan's Official Plan (2010) (VOP) designates Block 34 East primarily as 'Employment Areas' within the limits of the Urban Boundary. The VOP further designates the subject lands as being within the Highway 400 North Employment Lands Secondary Plan (OPA 450, as amended by OPA 647). The Secondary Plan designates the subject lands for a range of employment and commercial uses.

From the outset, we have recognized that three small wetlands on the subject lands are identified by the Ministry of Natural Resources and Forestry (MNRF) as Provincially Significant Wetlands (PSWs). The two adjacent PSWs in the northwest corner of the Conmar/Ferlands property and their required 30 metre buffers eliminate almost 200 trailer parking and staging spaces and add up to 10 acres isolated from remaining developable lands while providing little ecological value. The third PSW to the south in the DG Group/Lorwood properties is in direct conflict with the required mid-block arterial collector road.

Our Team of diversified consultants have conducted detailed field investigations and surveys of these wetlands over numerous seasons and years (between 2014 and 2019) and have concluded that the wetlands do not meet the criteria outlined in the Ontario Wetland Evaluation System (OWES) Manual to be designated as Provincially Significant Wetlands (PSWs). Our consultants' reports have been reviewed by both City staff and the staff of the Toronto Region Conservation Authority (TRCA) to come to this conclusion.

The wetlands in question are very small (0.33 ha, 0.22 ha and 0.58 ha) in area and are isolated in actively cultivated fields. One of the wetlands was determined to be better described as an upland forest as it has become a drier community over recent years. Two of the wetlands currently support invasive species (e.g., European Common Reed and Common Buckthorn), and none of the wetlands support rare species. The wetlands provide weak ephemeral inputs (i.e., tiled drainage, ploughed through and cultivated fields, highway ditch) to downstream habitat, some of which is expected to be heavily polluted with road salt and refuse due to the Highway 400 ditch. These wetlands are not providing a significant contribution in form or function to the overall PSW complex and are therefore not meeting the intent of the OWES Manual of providing important ecological benefit. Further, the recent reconstruction and significant lane widening work on Highway 400 has greatly impacted their local drainage and accelerated the degradation of the wetlands.

Our consultants have worked extensively with The Ministry of Environment, Conservation and Parks (MECP) to design a Mitigation and Compensation Plan to replicate and enhance Redside Dace (RSD) contributing habitat including the replacement and enhancement of the ecological functions of the PSWs. An on-site Compensation and Restoration Area has been designed to recreate RSD contributing habitat in the form of wetland habitat and a drainage swale. Wetland habitat will also be created on lands to the immediate south, and when combined, the area of created RSD contributing habitat (0.63 ha) will exceed the area of RSD contributing habitat that is proposed for removal (0.58 ha). Mitigation measures during construction include sediment and erosion controls; adhering to the Redside Dace fisheries timing window; detaining the first 10 mm of precipitation; and directing a portion of the storm water runoff to a downstream storm water management pond that will be designed in accordance with the "Guidance for Development Activities in Redside Dace Protected Habitat" manual, published by the MNRF. Together as cooperating landowners, we have worked to provide a significant net environmental gain to the lands in the form of more robust wetlands and terrestrial habitat. This net environmental gain far exceeds the current conditions and will significantly improve the state of the natural environment in the area.

Both the TRCA and the MECP support the approach we are taking, and the City will be ensuring the proper sequencing of the environmental mitigation and enhancement work to be undertaken by our group of companies.

The MNRF has reviewed our Compensation Plans and have commented that the Plans are indeed a net benefit to the environment. However the MNRF lacks the ability to reclassify PSWs like this in a timely manner.

In order to move the project forward to meet the required timeline of the facility's delivery, we have approached the Province about a Minister's Zoning Order (MZO), which will allow us to proceed in an expeditious timeframe. This is not the strategy we intended to pursue initially but we are left with little recourse if the project is to become a reality. The Ministry of Municipal Affairs has asked us to secure your support for the MZO under these special circumstances and due to the many benefits of the project.

As such, we respectfully request the City's support for the MZO and thank all of you so very much for your attention to this matter.

Respectfully yours,



Sam Balsamo
Vice President
Conmar Development Inc. &
Fenlands Vaughan Inc.



Robert De Gasperis
President
DG Group



Michael Guglietti
ASO
Lorwood Holdings Inc.

March 4, 2020

Mayor Maurizio Bevilaqua and Council
City of Vaughan
2141 major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Via email

**Re: Minister's Zoning Order Support Request – Addendum Letter
Block 34 East, Vaughan, ON**

Savanta Inc. (Savanta) understands that the City of Vaughan has reviewed the Minister's Zoning Order (MZO) Support Request letter dated February 27, 2020 regarding applications from Conmar Developments Inc. and Fenlands Vaughan Inc. (Conmar/Fenlands), DG Group and Lorwood Holdings Inc. for a major distribution facility located on the Block 34 East lands.

This Addendum letter addresses the comments received from the City of Vaughan via email on March 3, 2020, which are related to natural heritage. Each comment is provided below in italics, with Savanta's response following the comment.

Comment #1: Environmental Planning staff note that a number of statements within the memorandum are not consistent with the Ministry of Natural Resources and Forestry's (MNRF) March 2016 correspondence regarding the ecological value of the wetland features located on the subject lands. For example, the first paragraph of page three notes "these wetlands are not providing significant contribution in the form or function to the overall PSW complex and are therefore not meeting the intent of the OWES Manual of providing important ecological benefit." However, this statement appears to directly contradict the written evaluation of the wetlands published by the MNRF in March of 2016. If the applicant is making claims that are different than the written correspondence from the MNRF (the ultimate authority when it comes to PSWs), it should be clear that these statements are the opinion of the applicant and do not necessarily reflect that of the MNRF, City or TRCA.

It is acknowledged that the MNRF continues to view the 3 small wetlands as PSWs. For the following reasons and as mentioned in the February 27, 2020 letter, Savanta is of the opinion that the wetlands do not meet the criteria outlined in the Ontario Wetland Evaluation System (OWES) Manual to be designated as PSWs. These views do not necessarily reflect those of the MNRF, City, or TRCA.

- The wetlands are small and isolated features;
- The wetlands have become degraded over recent years due to invasive species and pollution;
- A portion of wetland W181 (the most northwest PSW shown on the Figure) is currently drier compared to observations in 2014/2015, when MNRF assessed the wetlands. Savanta conducted vegetation plot surveys in 2019 and is of the opinion that the vegetation community no longer meets the definition of wetland under OWES.

- The wetlands provide weak ephemeral inputs (i.e., tiled drainage, ploughed through and cultivated fields, highway ditch) to downstream habitat, some of which is expected to be heavily polluted with road salt and refuse due to the Highway 400 ditch.
- Considering the above, Savanta is of the opinion that the wetlands are not providing a significant contribution in form or function to the overall PSW complex and are therefore not meeting the intent of the OWES Manual of providing important ecological benefit.

Comment #2: Environmental Planning staff note that in several instances, the memorandum identifies that the City and other agencies (i.e. TRCA, MNRF) agree with information and/or management approaches being provided by the applicant. We note that these statements may be mis-representing the views and opinions of City staff as well as the TRCA and MNRF. These sections should be removed and/or revised to clearly note that the information provided within the memorandum is the opinion of the applicant.

It is noted that the information provided within the February 27, 2020 letter is the opinion of the applicant and their consulting team. The proposed compensation plan has been developed with considerable input from the TRCA, MNRF, and MECP, however it is acknowledged that these agencies have not formally approved any compensation plans to date.

Comment #3: The attached Figure should be updated to clearly identify the three PSW features which form part of the complex versus the other identified wetlands that were not included as part of the complex. The three PSW features should be clearly identifiable.

The Figure (attached) has been revised to indicate those wetlands that have been identified by MNRF as PSW (Wetland Evaluated-Provincial MNRF LIO) and those wetlands that are not identified as PSW (Wetland Not Evaluated per OWES MNRF LIO).

Comment #4: We note that the memorandum should provide additional clarity as it relates to the proposed compensation strategy (page 3, paragraph 2). For example, it should be clear that the compensation taking place at the rear of the Conmar site (i.e. the 1.35 hectare Headwater Drainage Feature Compensation and Upland Enhancement Area) is to compensate for the removal of the HDF feature at the center of the property. Further, it should be noted that the wetland features to be removed will be relocated to the Block 34 E lands to the south, adjacent to the natural system. If they have not done so, the applicant may wish to have their environmental consultant (Savanta) review this portion of the memorandum to ensure accuracy of the information provided.

The Conmar/Fenlands lands will have an on-site Headwater Drainage Feature Compensation and Upland Enhancement Area that will compensate for the removal of the HDF that flows north-south through the centre of the Conmar/Fenlands property. This compensation area will include 0.51 ha of created wetland habitat along the west limit of the Conmar/Fenlands lands. Wetland features including the PSWs located on the Conmar/Fenlands property will be re-located to the Block 34 East lands to the south (DG Group/Lorwood lands), adjacent to the existing valley feature. Further, additional wetland habitat will be created adjacent to the valley feature to compensate for proposed wetland removal, including the PSW on the DG Group/Lorwood lands, totalling 1.82 ha of created wetland habitat. This will create a larger wetland area compared to the total of removed wetland habitat (1.42 ha).

These created wetlands will also provide compensation for the proposed removal of Redside Dace contributing habitat. Combined with SWM and LID measures designed by Schaeffers Consulting Engineers to provide clean and cool water to the created wetlands and downstream fish habitat, the consulting team is of the opinion that a net ecological gain will be achieved for both the functions of Redside Dace contributing habitat, as well as general wetland habitat, throughout the entire Block 34 East participating lands.

The proposed wetland creation and mitigation of Redside Dace contributing habitat is expected to achieve a net ecological gain through the following objectives:

- Establish an increase in wetland vegetation community types;
- Create online pools that provide appropriate amphibian breeding habitat;
- Provide additional wildlife enhancement features such as turtle basking logs, a bat roosting condominium, and wildlife habitat brush piles;
- Establish native shrubs and trees surrounding the watercourse to provide shading for thermal cooling of Redside Dace contributing habitat;
- Improve water quality of Redside Dace contributing habitat through the design of the created wetlands that will polish water;
- Replicate coarse sediment supply functions of Redside Dace contributing habitat through the design inclusion of alluvium deposits;
- Improve the wildlife linkage function between the C1 watercourse and the larger valley located approximately 70 m north of the Subject Lands (CRA Only); and
- Manage invasive plant species.

We trust this information is sufficient and satisfactory.

SAVANTA INC.
A GEI Company



Rick Hubbard
Project Director
647-280-5200
rhubbard@savanta.ca

KIRBY ROAD

NOTE: CONCEPTUAL ROADS ULTIMATE ROAD ALIGNMENT SUBJECT TO UPDATED BLOCK PLAN AND/OR INDIVIDUAL PLANNING ACT APPLICATIONS BY THE AFFECTED OWNERS, TO THE SATISFACTION OF THE CITY OF VAUGHAN

Limits of Environmental Features To Be Determined

Land Uses As Shown In Secondary Plan

Highway 400

Provincially Significant Wetland (PSW)

Provincially Significant Wetland (PSW)

SUBJECT TO PLANNING ACT APPLICATIONS
19T-19V002
Z.19.007
DA.19.072

Other Identified Wetland (Non-PSW)

Other Identified Wetland (Non-PSW)

Provincially Significant Wetland (PSW)

Other Identified Wetland (Non-PSW)

SWM

SWM

TESTON ROAD


JANE STREET

Attachment 3

Actual Planning Worksheet 26.02.2

LEGEND

- PARTIAL
- NON-P
- COOR
- WETLA
- STAKE
- REGUL
- PROPC
- EXISTING
- UPLAN
- COMPE
- HDR C
- ROADS
- PROPC
- TRANS
- MIXED

 Proposed Upland Enhancement Areas
= +/-1.63 Ha.

 MIXED USE AREA EMPLOYMENT/COMMERCIAL
 COMMERCIAL SERVICE NODE
 STORMWATER MANAGEMENT FACILITY
 GENERAL EMPLOYMENT
 PRESTIGE EMPLOYMENT
 EMPLOYMENT AREA ACTIVITY CENTRE
 GTA WEST TRANSPORTATION CORRIDOR
 PROTECTION AREA

