

COMMITTEE OF THE WHOLE APRIL 8, 2002

**YORK MAJOR HOLDINGS INC.
LIFTING OF (H) HOLDING ZONE PROVISION
FILE Z.02.018**

Recommendation

The Commissioner of Planning recommends that:

1. The golf course layout for proposed golf holes 3, 4, 5, 6 and 7 as shown on Attachment 2 to the staff report be approved;
2. The lifting of the (H) Holding provision for the lands located within the McGill Forest Environmentally Significant Area and Maple Uplands and Kettle Wetlands Area of Natural and Scientific Interest in part of Lot 25 Concession 3 be approved subject to:
 - a) Prior to the enactment of the by-law lifting the (H) Holding provision in this area the applicant shall make satisfactory arrangements with the City of Vaughan to ensure the following:
 - i) The applicant reimburse the City of Vaughan for the costs associated with the peer review of the environmental impact study and environmental site assessment and related reports;
 - ii) Implementation of a woodlot enhancement proposal including the detailed planting plans to the satisfaction of the City of Vaughan;
 - iii) Implementation of the recommendations of the final Environmental Impact Study and Environmental Management and Maintenance Protocol to the satisfaction of the City of Vaughan;
 - iv) The applicant submit a phase 1 environmental site assessment and any subsequent reports that may be required to the satisfaction of the City of Vaughan respecting the ESA/ANSI lands to be conveyed to the City of Vaughan;
 - b) Prior to the enactment of the by-law lifting the (H) Holding provision the applicant shall have conveyed to the City of Vaughan free of all costs and encumbrances approximately 20 ha (50 acres) comprising the balance of the ESA/ANSI in the applicant's ownership in Lots 24, and 25 Concession 3 as indicated on the preliminary reference plan forming Attachment 4.
3. The lifting of the (H) Holding provision in whole or in part, covering the golf course lands located in the secondary buffer of the Keele Valley Landfill in Lots 21, 22, 23 and 24, Concession 3 be approved subject to:
 - a) The Ministry of Environment has "approved the golf course use" in the respective portion of the secondary buffer area pursuant to the policies of OPA 535;
 - b) That satisfactory arrangements with the City have been made to ensure the following:
 - i) approval and implementation of detailed planting and storm water management plans for the golf course;

- ii) Implementation of the recommendations of the final Environmental Impact Studies and Environmental Management and Maintenance Protocol to the satisfaction of the City;
 - iii) conveyance, design and construction of McNaughton Road east of Keele Street north of Major Mackenzie Drive and access and services related thereto;
 - iv) the supply of water for irrigation purposes from the well located on the former MNR lands owned by the City of Vaughan.
- c) The Region of York shall have advised Vaughan that satisfactory arrangements have been made with the applicant respecting servicing, access to the Regional Roads, all grading, landscaping and works on and adjacent to the Regional road allowances and conveyances of lands for public highway purposes.
4. A copy of the Council minutes be forwarded to the Region of York, the City of Toronto, the Toronto and Region Conservation Authority, the Ministry of Environment and the Ministry of Natural Resources.

Purpose

On March 1, 2002 York Major Holdings submitted an application (File Z.02.018) to lift the (H) Holding provision on lands comprising parts of Lots 21, 22, 23, 24 and 25, Concession 3 in the City of Vaughan including the lands zoned OS1H and OS2H Open Space, M1H and M2H Industrial Zones, and C1H Commercial. This report deals only with the lifting of the (H) Holding provision on the portion of the lands zoned OS1H and OS2H, permitting the golf course use, as shown on Attachment 1.

In accordance with the policies of OPA 535 and Council's motion of October 10, 2000, Council approval of detailed plans is required prior to the lifting of the (H) Holding symbol for that part of the lands located within the Environmentally Significant Area in Lots 24 and 25 Concession 3 City of Vaughan. The primary focus of this report is on the portion of the Holding Zone lands located in Lots 24 and 25, Concession 3, in the area of the McGill Area Environmentally Significant Area and Maple Uplands and Kettle Wetlands Area of Natural And Scientific Interest. The report also covers matters to be addressed prior to lifting the (H) on the balance of the lands zoned OS2H, outside of the ESA/ANSI.

Background

On October 10, 2000 Council resolved the following (in part):

- "1. That the zoning by-law to implement the Maple Valley Plan include permission for the establishment of two golf holes within a defined and limited area of the Maple ESA and that such permission be subject to an "H" Holding zone provision to be lifted upon Council's approval (in consultation with the TRCA) of detailed plans for the golf course in this area incorporating all necessary buffering and environmental protection measures; ..."

Council enacted By-law 427-2000 on October 10, 2000, permitting the golf course use within a defined area, with a (H) Holding provision.

Maple Valley Plan

In 1998, the City of Vaughan undertook a study to prepare the Maple Valley Parks and Open Space Concept/Strategy Plan. The purpose of the Maple Valley Plan was to establish the future

land use for the landfill and adjacent lands upon closure of the landfill. The Maple Valley Plan formed the basis for Official Plan Amendment 535.

The objectives of the Maple Valley Plan included the establishment of an open space/parkland plan and implementation strategy for the public land holdings in North Maple, including the:

- (i) Keele Valley Landfill upon closure
- (ii) old Vaughan Township landfill
- (iii) former MNR lands

so that these lands may collectively form a major city park serving north Vaughan. The Maple Valley Plan also addressed the disposition and use of adjacent private land holdings in the open space/parkland plan.

The recommended Maple Valley concept included:

1. passive recreation uses on the Keele Valley Landfill and former Vaughan Township landfill;
2. a North Maple Park in the Avondale pit/composting area;
3. business park uses to the west of the landfill and a golf course use to the south and east of the landfill, with a commercial use at the northwest corner of Dufferin Street and Major Mackenzie Drive.

The subject lands form part of the private land holdings adjacent to the Keele Valley Landfill and opposite the former MNR lands. The Maple Valley Plan identifies the subject lands as part of the easterly Natural Area – ESA/ANSI lands extending from the subject area northerly to Kirby Road. The Plan recommendations and strategy for the area contained in Section 6.1.6 and 6.2.6, provides as follows:

“Lands to the northeast of the Keele Valley Landfill and east of the Avondale Compost Area form part of the headwaters of the East Don River. These lands are presently designated as Open Space. No change to these designations is proposed in the Maple Valley Plan and it is the Plan’s intention to preserve the natural environment of these areas”; and,

“As plans are prepared for the rehabilitation of the KVL and the other landfills and the development of the North Maple Park on the Avondale site and the Keele Street frontage lands, integration with these ESA and ANSI areas should be recognized. Care must be taken to ensure the proper setbacks and buffers as well as development of hiking trails along the top of bank that are consistent with the TRCA Trail Planning and Design Guidelines and the on-going landfill management requirements of the City of Toronto.... As well, the development of the golf course to the east and southeast of KVL should also recognize the proximity to the ESA and ANSI.

OPA #535

The City considered OPA #535 at Public Hearing on May 15, 2000, at Committee of the Whole on June 26, 2000 and was adopted by Council on July 10, 2000. Through the public process of considering the Official Plan it was determined that some policy flexibility was appropriate to provide the opportunity for the golf course to extend into a portion of the ESA lands, subject to a supportive environmental impact study.

Section 5.1.2 of OPA #535 provides as follows:

“The Maple Uplands Kettle Wetlands ANSI and the McGill Forest ESA are identified on Schedule 2A. These lands shall be subject to Section 5.10 “Wetland Protection” and

Section 5.12 “Environmentally Significant Areas and Areas of Natural and Scientific Interest” of OPA #400. Expansion of the golf course use planned on adjacent lands into a portion of the ANSI/ESA may be permitted subject to an amendment to the Zoning Bylaw provided it has been demonstrated to the satisfaction of the City in consultation with the Toronto Region Conservation Authority and Ministry of Natural Resources and Region of York that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.” (Note: emphasis added).

It is noted that the requirements established by OPA #535, (as underlined), is drawn directly from the Provincial Policy Statement Section 2.3.1. (b).

The Region of York approved OPA 535 on November 22, 2000 with various modifications, which included the insertion of “the Region of York” as an agency to be consulted in the consideration of any extension of the golf course into the ESA lands. The planning report submitted to Regional Planning Committee at that time stated, in part, that:

“the Toronto Region Conservation Authority has advised of an issue with a policy of the amendment that would consider the expansion of the proposed golf course use on adjacent lands into a portion of an environmentally significant area. The Authority does not generally support active uses within environmentally sensitive areas that would result in the loss of their features and functions. Regional staff is proposing a modification that includes the Region as one of the authorities to be consulted with prior to consideration of the proposed golf course into portions of the ESA. The City has indicated that an environmental impact report has been submitted and is being peer reviewed by the City’s environmental consultant.”

Zoning Bylaw 427-2000

City Council held a Public Hearing to consider the enactment of a Bylaw to implement OPA 535 on October 2, 2000. The Planning Staff report provided a number of comments including the following:

“The proposed golf course is an important element of the overall plan as it establishes an attractive and compatible land use adjacent to the landfill site; the proponents have requested that the golf course be permitted to extend into a portion of the Environmentally Sensitive Area (ESA) to the southwest of Teston Road and Dufferin Street. A supporting environmental impact report has recently been submitted and is being peer reviewed by the City’s environmental consultant.”

On October 5 the City received the preliminary report of the City’s environmental consultants (LGL Limited) with respect to their peer review of the September 2000 Environmental Impact Study prepared on behalf of York Major Holdings. In a summary letter dated October 6, 2000, LGL advised as follows:

“Please be advised that our principal recommendation to the City of Vaughan is to support the ESG recommendation for a holding zone to be placed on the forested portion of the subject lands. We support the use of this procedure only on the basis that lifting this condition will be subject to satisfactory review of the detailed design information for the golf course development in the area by the City’s Peer Review Consultant”.

Vaughan Council enacted By-law 427-2000 on October 10, 2000, zoning the subject area OS2 (H) Open Space Park Zone and OS1 (H) Open Space Conservation Zone, with both zones permitting a golf course use. Zoning Bylaw 427-2000 is in full force and effect and implements OPA #535.

Section 1.3 fi) of the By-law provides that:

“a golf course may be permitted within the lands identified as “Area D” on Schedule “E-1203”; (Note: Schedule E identifies a portion of the subject ESA lands as “Area D”)

Section 1.3 fii) provides that:

“notwithstanding the provisions of (fi) above, lands zoned with the Holding Symbol “H” shall be used only for uses legally existing as of the date of the enactment of the bylaw and those uses defined in Exception Paragraph 9(756)”; (Note: the subject lands are zoned with an “H” Holding symbol.)

To permit a golf course use on the portion of the ESA lands defined as “Area D” in Bylaw 427-2000, Council must pass a bylaw to lift the “H” Holding zone and Council must therefore be satisfied that the requirements established in OPA 535, Section 5.1.2 have been met.

Oak Ridges Moraine Conservation Act and Plan

The Oak Ridges Moraine Conservation Act received Royal Assent on December 14, 2001. The Act provides that the Minister of Municipal Affairs and Housing may by regulation establish the Oak Ridges Moraine Conservation Plan. Section 7 of the Act provides that decisions made under the Planning Act or the Condominium Act, or in relation to a prescribed matter, shall conform with the Oak Ridges Moraine Conservation Plan. Section 15 of the Act includes transitional provisions for applications commenced and decided upon and applications commenced and not decided upon before November 17, 2001.

Section 15(3) provides that Section 7 does not apply to an application, matter or proceeding commenced before November 17, 2001 if a decision has been made in respect of the application, matter or proceeding before that date.

With respect to the time of decision, Section 15. (5) states that:

“(c) in the case of a holding provision by-law under Section 36 of the Planning Act, on the day that the council passes the by-law applying the holding symbol “H” (or “h”);

For the purposes of the Oak Ridges Moraine Conservation Act the decision date for the lifting of the (H) Holding symbol is considered to be October 10, 2000, the date on which By-law 427-2000 containing the (H) holding symbol was enacted by Council and therefore the amending by-law lifting the (H) would not be subject to the Oak Ridges Moraine Conservation Plan.

Region of York Tree By-law

The Region of York has laid charges under the Regional Tree By-law and the Forestry Act, with respect to logging that occurred on or about December 12, 2001 at the Eagle’s Nest Golf Course development site. Planning Staff understand that the area where the cutting occurred is located within the northeast portion of the proposed golf course. The recommendation includes that the Council minutes be sent to the Region of York.

Environmental Impact Study

In October 2001 the applicant submitted to the City an environmental impact study dated September 14, 2001, prepared by ESG International, addressing the north portion of the golf course. The report was circulated to the Region of York, TRCA and MNR for comment. The City has had the reports peer reviewed by LGL Limited.

The North Portion EIS report includes the lands that form part of the Maple Uplands and Kettle Wetlands ANSI and McGill Forest ESA. An earlier EIS report prepared by ESG International, dated September 11, 2000 assessed the opportunities for expansion of the golf course into a portion of the ESA/ANSI. The 2000 EIS report was also peer reviewed by LGL Limited for the City prior to By-law 427-2000 being enacted by Council.

In their September 2001 EIS report, ESG conclude as follows (in part):

“The removal of portions of the high quality forest, which will not negatively impact local populations of ...birds...or wildlife along a Greenlands corridor. The loss of the high quality forest area is small in relation to the overall ESA/ANSI area and opportunities for compensation for forest loss by replanting currently untreed portions of the site exist. Key elements and recommendations of this report include:

- enhancement of ground water recharge;
- implementation of appropriate golf course management practices;
- maintenance of buffers and setbacks;
- development of pre-stressing and transplantation plans for rare plant species before tree clearing begins;
- intensive reforestation of the northern portion of the golf course; and,
- planting of protective edge buffer areas.

It is recommended that the City of Vaughan use site plan control to ensure that the recommendations listed above are respected during construction on the site, and thereafter through the monitoring programs.”

Comments from LGL Limited, the City’s peer reviewer, on the second study conclude as follows:

“The updated EIS is more comprehensive than the previous EIS and addresses many of the issues raised by LGL in our October 5, 2000 letter. Our review of the current EIS identified a number of issues. The majority of these issues have been resolved through direct communication with ESG personnel. The EIS should be revised to reflect these communications. ESG note in their response comments that development as proposed will result in negative effects on valued natural heritage features ...However, based on our review of information in the EIS and provided through discussions with ESG, we conclude that although environmental attributes will be reduced....they will not be lost from the ESA/ANSI features;...It is our opinion, that the reconfigured natural heritage unit will be retained in a sustainable form.”

OPA #535 provides a policy framework to consider expansion of the golf course use into the ESA lands which requires that there will be “no negative impacts on the natural features or ecological functions for which the area is identified”. “Negative impact” is not defined in OPA #535 or OPA #600. The PPS, upon which the OPA #535 policy is based, defines “Negative impacts” to mean:

“(b) in regard to other natural heritage features and areas (i.e. other than fish habitat), the loss of the natural features or functions for which the area is identified.”

Consequently the policy expectations of OPA #535 anticipate that:

- Certain expansion into the ESA could occur without being considered a “negative impact”. To consider otherwise would negate any purpose of the policy;
- The extent of expansion must not create a negative impact which is interpreted to be the “loss of the natural features or functions for which the area is identified”.

It is noted that in December 2001 tree cutting within the ESA area occurred in an unauthorized manner. It is understood that the tree cutting occurred only in the defined area examined by the EIS, however this requires confirmation. In addition it is not known and considered unlikely that certain recommendations of the EIS with respect to “development of pre-stressing and transplantation plans for rare plant species before tree clearing begins” were implemented.

Toronto and Region Conservation Authority (TRCA) Comments

A copy of the TRCA staff report to its Meeting of March 22, 2002 forms attachment 6 to this report. The resolution adopted by the TRCA at its meeting of March 22, 2002 is included as Attachment 7 to this report. TRCA staff also provided comments to Vaughan in a letter dated March 25, 2002 included as Attachment 8 to this report.

The March 22, 2002 Resolution of the TRCA includes, in part the following:

...” The Authority confirms the opinion of TRCA staff that, while the majority of the subject lands outside of the ESA/ANSI lands are suitable for golf course use, the Authority does not support the siting of any golf course facilities within the boundaries of the ANSI/ESA as it will result in the loss of ecological features and functions of the ESA;

THAT, notwithstanding the clearing that has already occurred, the City of Vaughan be requested to direct the proponents to revise the Site Plan application to remove all proposed tees, fairways and greens now proposed within the ESA/ANSI lands, and to seek appropriate restoration of all damaged areas;

That the Authority endorse the position of the Don Watershed Regeneration Council as outlined in the following resolution, and the City of Vaughan be so advised:

THAT the Don Watershed Regeneration Council supports the Toronto and Region Conservation Authority’s (TRCA) staff recommendations with respect to the relocation of the proposed tees, fairways and greens originally proposed within the McGill ESA/ANSI to an area outside of the ESA;

THAT all damage within the ESA must be appropriately restored;

THAT the City of Vaughan be requested to require additional restoration compensation in recognition of the decades that will be required for this Oak Ridges Moraine Natural Core Area to regain the level of natural function afforded by the mature state that has been lost including but not limited to: soil structure; forest flora; wildlife habitat and breeding sites;”.....

The March 22, 2002 TRCA staff report concludes with three major concerns.

1. Firstly, the TRCA staff believes that the conclusion of the City’s and applicant’s environmental consultants, which are that the ESA/ANSI will continue to be sustainable, cannot be determined without a consideration of cumulative effects of all other proposals within the ESA area;
2. Secondly, TRCA staff believe that by virtue of its rarity any removal of woodlot within the Don River watershed and in particular the McGill ESA, represents a significant negative environmental impact;
3. Finally the staff do not believe that OPA 535 provides consideration of “an acceptable” level of environmental impact, rather they believe the policies do not permit any environmental impact, no matter how minor, to be permitted.

In considering the conclusions of the TRCA it is noted:

1. Applications must be considered on their individual merit within the policy context established. In this regard OPA 535 provides a policy framework which contemplates expansion into the ESA area. This policy framework does not apply to other areas of the ESA/ANSI.
2. As the Official Plan policy anticipates that some encroachment into the ESA may be possible it is recognized that some removal of woodlot could occur and be considered as acceptable. To interpret otherwise would render the policy meaningless.
3. The respective policy of OPA 535 is drawn directly from the Provincial Policy Statement (PPS). Application of the definition of "negative impact" established in the PPS should logically be applied to the interpretation of the policy. Such definition is based on the concept that some impact may occur provided the environmental features and functions are not lost to the area. Both the applicant's and the City's environmental consultants conclude that the features will not be lost to the area and that the natural heritage unit will remain sustainable.

Douglas Carrick of Carrick Design, the golf course designer, has in a letter to Vaughan dated March 26, 2002, (Attachment 10) responded to the TRCA comments in their March 22, 2002 report and March 25, 2002 letter, that the golf course should be re-designed to stay out of the ESA entirely. In his letter, Mr. Carrick states that he has "explored many different options for aligning the holes in the "Honey Pot" lands and have come to the conclusion that the current alignment, utilizing part of the ESA, is the only feasible layout."

ESG International has in a letter to Vaughan dated March 28, 2002 (Attachment 12) responded to TRCA staff comments. ESG states in their letter that, "we interpret negative impact, in the context of OPA 535, as the loss or long term danger or loss of unique features or functions of the ESA...the ESA will continue to merit designation as an ESA with the same range of natural features and ecological functions...We are of the opinion that the policy test set out by OPA 535 has been met..". ESG concludes that, "In our professional opinion there are no negative impacts as a result of the proposal to the natural features or the ecological functions for which the McGill ESA was identified."

Region of York Comments

The Region of York in a letter dated March 15, 2002, has provided comments with respect to required conveyances along Dufferin Street and Major Mackenzie Drive and design details regarding access to the Regional Roads. The Region has noted that landscape features, utility structures and irrigation systems within the Regional right-of-way are not permitted. The Region has requested that a proposed water connection into the Regional trunk watermain on Dufferin Street be removed from the plans. The connection is to service a washroom building located to the south of holes 5, 6 and 7. With respect to the proposed 200mm diameter irrigation watermain crossing Dufferin Street the Region requires the applicant to enter into an encroachment permit. Alternatively the Region has suggested that the City be the owner of the watermain from its source to the west side of Dufferin Street. The recommendation includes that the Region shall have advised Vaughan that satisfactory arrangements have been made with the applicant respecting these matters prior to the lifting of the (H) Holding provision in whole or in part.

The Region of York in a letter dated March 26, 2002, (Attachment 11) has advised that with respect to their review of the EIS:

"the Region and the Toronto and Region Conservation Authority (TRCA) have a Partnership Agreement for the provision of technical expertise in the review of development applications which may affect Regional interests. In this regard TRCA staff

has provided comments in correspondence dated March 25th 2002...Our staff has reviewed and concurs with TRCA's comments and conclusions, and supports the recommendations set out by TRCA staff."

MNR Comments

The September 2001 Environmental Impact Statement was circulated to the Ministry of Natural Resources on December 10, 2002, as it is one of the agencies identified in OPA 535 to be consulted on the extension of the golf course use into the ESA/ANSI. Staff at the Ministry of Natural Resources have verbally advised Planning Staff that they are not providing comments on the report.

Woodlot Enhancement Plan

The applicant has provided the City with a Woodlot Enhancement Proposal shown on Attachment 3. The drawing shows areas for forest restoration and enhancements which are proposed to be implemented through detailed planting plans. The Plan notes that the areas of new plantings are approximate and subject to minor change during the detailed design process. Approximately 0.5 ha of new planting areas are proposed on lands owned by the City of Toronto and are subject to the approval of the City of Toronto. The detailed planting plans need to be finalized to the satisfaction of Vaughan. The City of Toronto must also consent to the planting proposed on their lands. The recommendation includes that satisfactory arrangements for the implementation of the detailed plans for the woodlot enhancement be in place between the Vaughan and York Major Holdings prior to the lifting of the (H) Holding provision in whole or in part.

Conformity to OPA #535

J. H. Stevens Planning and Development Consultants, the City's consultant for the Maple Valley Plan, OPA #535 and Zoning By-law 427-2000 has reviewed the conclusions of both the EIS prepared by ESG and the peer reviewer LGL. J. H. Stevens Consultants in their March 25, 2002 letter to the City (Attachment 9), has advised the following:

"The conclusions of both the environmental impact study by ESG International and the peer review by LGL Limited are that:

- the features and functions will not be lost from the ESA/ANSI feature;
- the features of the reconfigured natural heritage unit will be retained in a sustainable form;
- the function of the area as a greenlands corridor and wildlife habitat will not be negatively impacted.

Based on the foregoing it is concluded that the proposed expansion of the golf course into the ESA area satisfies the environmental policy requirements of Section 5.1.2 of OPA 535 that there will be "no negative impact on the natural features or ecological functions for which the area is identified". This conclusion is based on the application of the Provincial Policy Statement definition of "negative impact" as outlined above.

Enactment of a zoning bylaw to lift the "H" Holding Zone within the portion of areas "A" and "D" as defined in By-law 427-2000, which are subject to the EIS report and comprise approximately 4.3 ha, will conform to Section 5.1.2 of OPA 535. It is noted that prior to the lifting of the "H" in AREA "A", Section 5.1.3 of OPA 535 must also be satisfied with respect to the Ministry of Environment.

Finally, it is understood that a mitigation and monitoring strategy is intended to be implemented. This should be updated as a result of the unauthorized cutting which has occurred and secured in an agreement, along with the other recommendations of the EIS as part of the site plan agreement or bylaw process. In addition it is understood that York Major Holdings agreed on July 10, 2001 that the balance of the ESA lands owned by York Major Holdings would be dedicated, gratuitously, to the City. Such dedication should occur prior to or concurrent with the City's enactment of the By-law to lift the "H" zone. "

Planning Staff concur with the position of J.H. Stevens Planning and Development Consultants as set out above, that the by-law lifting the (H) would conform to OPA #535.

Conveyance of ANSI/ESA lands to Vaughan

The applicant has proposed to convey the balance of the ESA/ANSI lands in their ownership, comprising approximately 20 ha (50 acres), to the north of the proposed golf course holes. The recommendation includes that prior to the enactment of the by-law lifting the H holding provision that these lands be conveyed to the City of Vaughan free of all costs and encumbrances. A preliminary survey of the area to be conveyed forms Attachment 4.

In accordance with the City Policy a Phase 1 Environmental Site Assessment (ESA) and any subsequent reports determined to be necessary ie. Phase 2 ESA, will be required to be submitted, reviewed and accepted, by the City prior to transfer.

Future McNaughton Road

The maintenance buildings area is to be accessed by a future cul-de-sac, from the future McNaughton Road extension, which will connect Major Mackenzie Drive to Keele Street via the currently private Eagle Rock Way road. The applicant will be building McNaughton Road which is proposed to be included in the City's Development Charge By-law. Engineering Staff have reviewed the draft reference plan dated October 18, 2001, prepared by Holding and Jones Limited, O.L.S. and advised that they have no objections to the proposed future McNaughton Road alignment.

An agreement between the Owner and the City is to be executed and registered for the future McNaughton Road. As access to the maintenance facilities is dependent upon the future McNaughton Road, an alternative access may have to be provided if the road is not in place, subject to the satisfaction of the City. The final alignment for the future McNaughton Road and its related services and arrangements for the conveyance, design and construction by the Owner shall be to the satisfaction of the City.

Lifting of (H) Holding Provision for lands zoned OS2H outside of ESA/ANSI area (Lots 21, 22, 23 and 24, Concession 3)

Prior to the lifting of the (H) Holding provision in whole or in part for the lands located outside of the ESA/ANSI, satisfactory arrangement shall have been made between the applicant and the City of Vaughan on the following matters:

1. The conveyance, design and construction of McNaughton Road extension east of Keele Street and north of Major Mackenzie Drive and access and services related thereto;
2. Detailed planting and stormwater management plans;
3. Implementation of the recommendations of the final Environmental Impact Studies and Environmental Management and Maintenance Protocol to the satisfaction of the City in consultation with the Region of York and TRCA;

4. The supply of water for irrigation purposes from the well located on the former MNR lands owned by the City of Vaughan.

In addition, prior to the lifting of the (H) Holding provision the Region of York shall have advised Vaughan that satisfactory arrangements have been made respecting the Region's technical servicing, access road requirements. Also, in accordance with OPA 535, the Ministry of Environment shall have approved the golf course use.

Conclusion

Staff have reviewed the proposed golf course layout as shown on Attachments 2 and 2a. The City's peer reviewer LGL Limited has reviewed the Environmental Impact Study prepared by the applicant's consultant ESG. LGL has concluded that although the environmental attributes will be reduced they will not be lost from the ESA/ANSI features and that in their opinion the reconfigured natural heritage unit will be retained in a sustainable form.

J.H. Stevens Consultants, the City's planning consultant on the Maple Valley Plan and implementing Zoning By-law, has reviewed the EIS and the comments of the peer reviewer on the EIS and the TRCA staff report to the March 22, 2002 Authority meeting and has concluded that the by-law to lift the (H) Holding provision would conform to OPA #535. Planning Staff concur that the proposed layout is in conformity with OPA #535 and that it is in accordance with the requirements of the Zoning By-law.

The amending by-law lifting the (H) would not be subject to the Oak Ridges Moraine Conservation Plan.

Prior to the lifting of the (H) Holding provision, in whole or in part, on the lands located in the secondary buffer area, the Ministry of Environment shall have approved the golf course use pursuant to OPA 535.

Prior to the lifting of the (H) Holding provisions, in whole or in part, on the golf course, satisfactory arrangements shall have been made between:

- i) the applicant and the City to ensure the following:
 - conveyance of approximately 20 ha (50 acres) of ESA/ANSI lands;
 - implementation of the woodlot enhancement proposal, the recommendations of the EIS and the recommendations of the management and maintenance protocol;
 - implementation of detailed planting and storm water management plans;
 - conveyance, design and construction of McNaughton Road north of Major Mackenzie Drive and access and services related thereto; and,
 - use of the City owned well on the former MNR property for the golf course irrigation water supply.
- ii) the applicant and the Region of York respecting servicing, access, land conveyances, and works on and adjacent to the regional road allowances;

A copy of the Council minutes should be provided to the Region of York, the City of Toronto, the Toronto and Region Conservation Authority, the Ministry of Environment and the Ministry of Natural Resources. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Subject Lands for lifting of the (H) Holding provision
2. Eagle's Nest Golf Course General Plan (North Portion)
- 2a. Eagle's Nest Golf Course Overall Site Layout
3. Eagle's Nest Golf Course Woodlot Enhancement Proposal
4. Preliminary survey of ESA/ANSI lands to be conveyed to the City by York Major Holdings
5. Location of McGill ESA – information supplied by TRCA
6. Staff Report Toronto and Region Conservation Authority Meeting # 3/02, March 22, 2002
Item 7.1 Eagle's Nest Golf Course (MAYOR AND MEMBERS OF COUNCIL ONLY)
7. Minutes of Toronto and Region Conservation Authority Meeting #3/02 March 22, 2002
Item 7.1 Eagle's Nest Golf Course (MAYOR AND MEMBERS OF COUNCIL ONLY)
8. TRCA, March 25, 2002 letter to Michael DeAngelis, Commissioner of Planning, City of Vaughan (MAYOR AND MEMBERS OF COUNCIL ONLY)
9. J.H. Stevens Planning & Development Consultants, March 25, 2002 letter to Michael DeAngelis Commissioner of Planning (MAYOR AND MEMBERS OF COUNCIL ONLY)
10. Carrick Design, March 26, 2002 letter to Michael DeAngelis, Commissioner of Planning (MAYOR AND MEMBERS OF COUNCIL ONLY)
11. York Region, March 26, 2002 letter to Michael DeAngelis, Commissioner of Planning (MAYOR AND MEMBERS OF COUNCIL ONLY)
12. ESG International March 28, 2002 letter to Michael DeAngelis, Commissioner of Planning (MAYOR AND MEMBERS OF COUNCIL ONLY)

Report prepared by:

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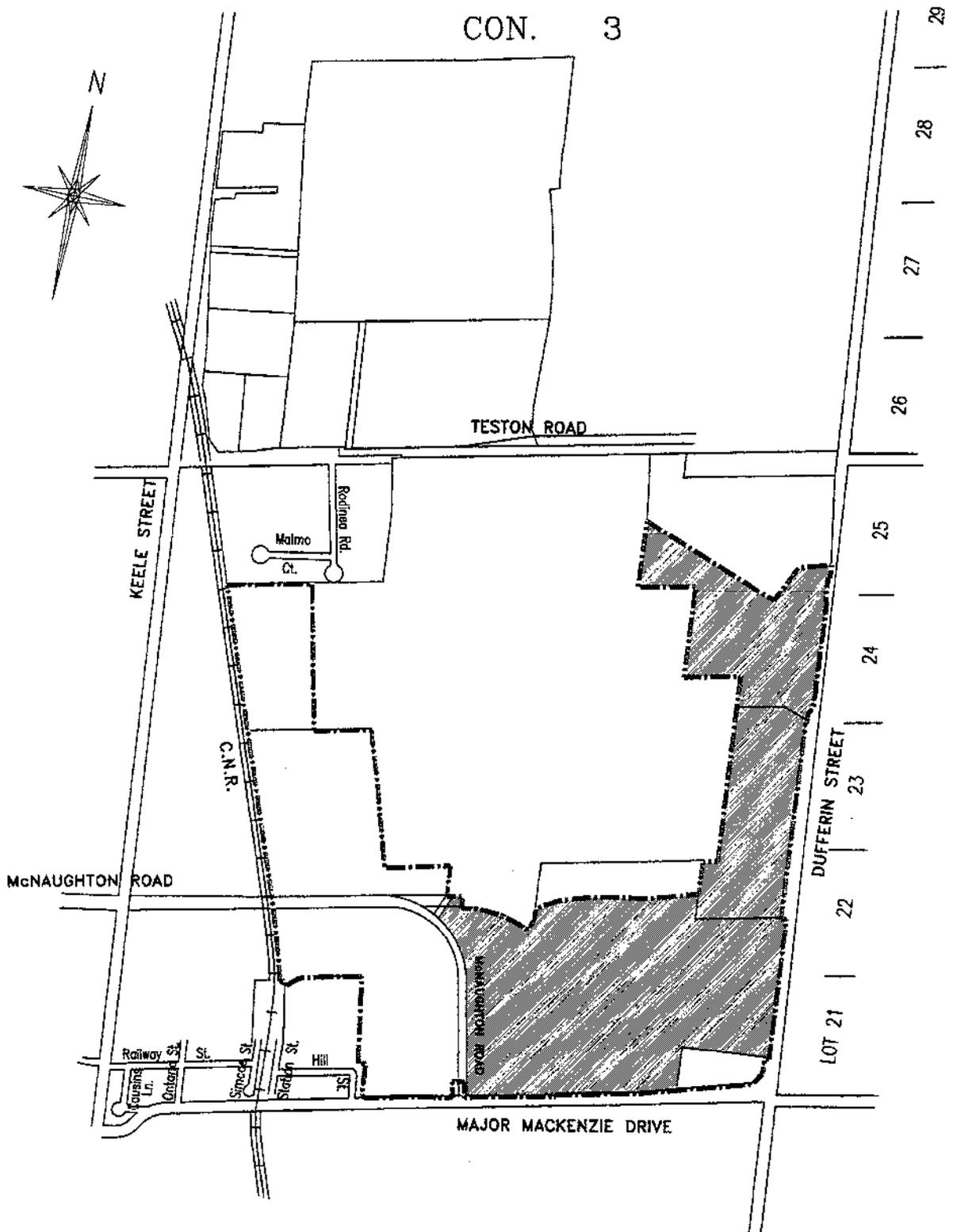
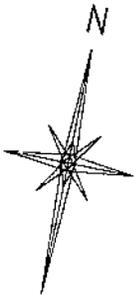
Respectfully submitted,

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JOANNE R. ARBOUR
Director of Community Planning

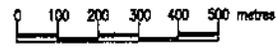
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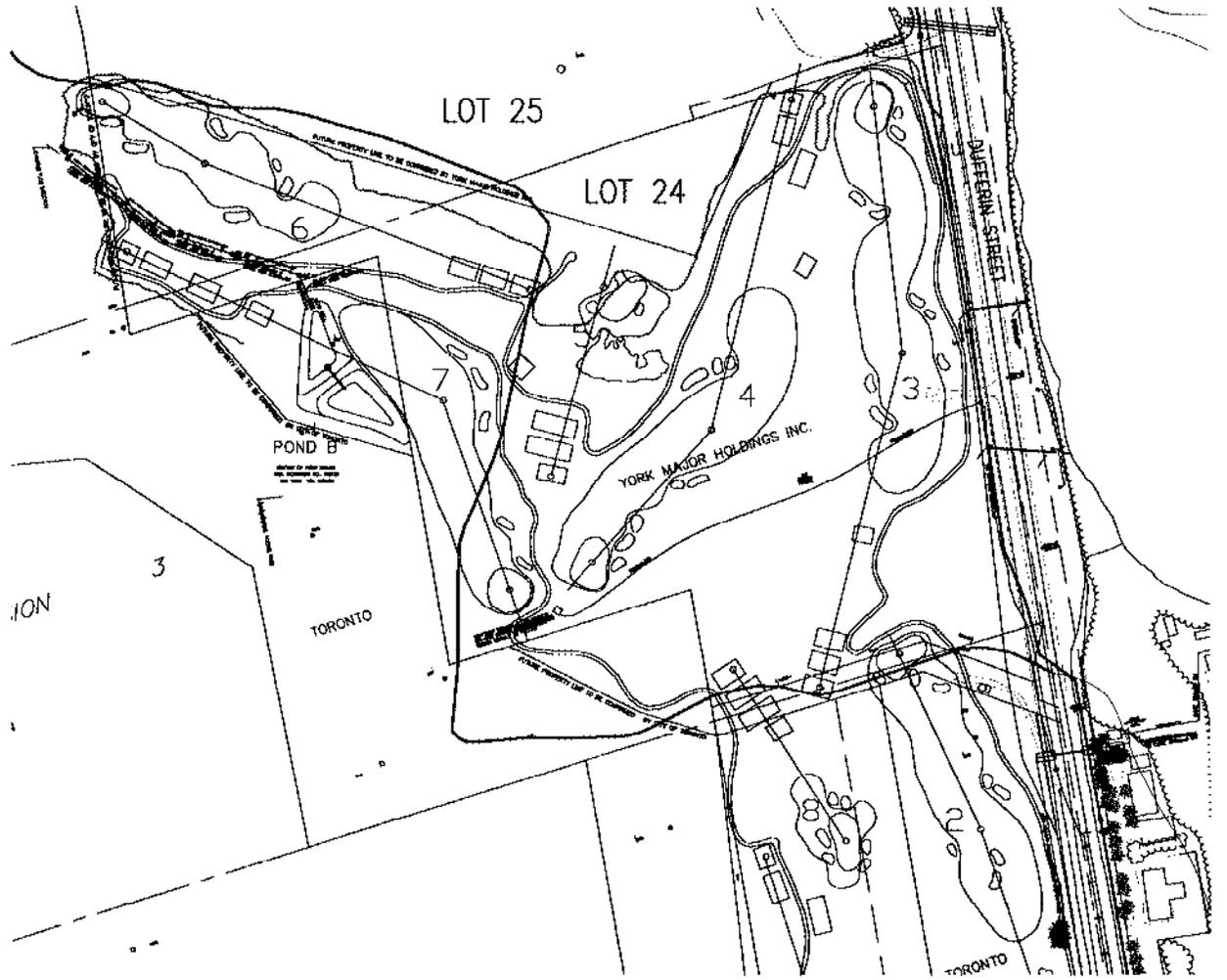
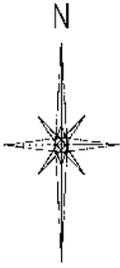


LEGEND

-  Lands included in application Z.02.018 to have 'H' designation removed
-  Lands being considered in Staff Report for lifting of 'H'



<p>ATTACHMENT '1' LOCATION MAP</p>	FILE #:	REPORT #:	DATE: 03/20/2002
	Z.02.018	LOCATION: PART OF LOTS 21-25, CON. 3	APPLICANT: YORK MAJOR HOLDINGS INC.
		CITY OF VAUGHAN PLANNING DEPARTMENT	SCALE: NOT TO SCALE

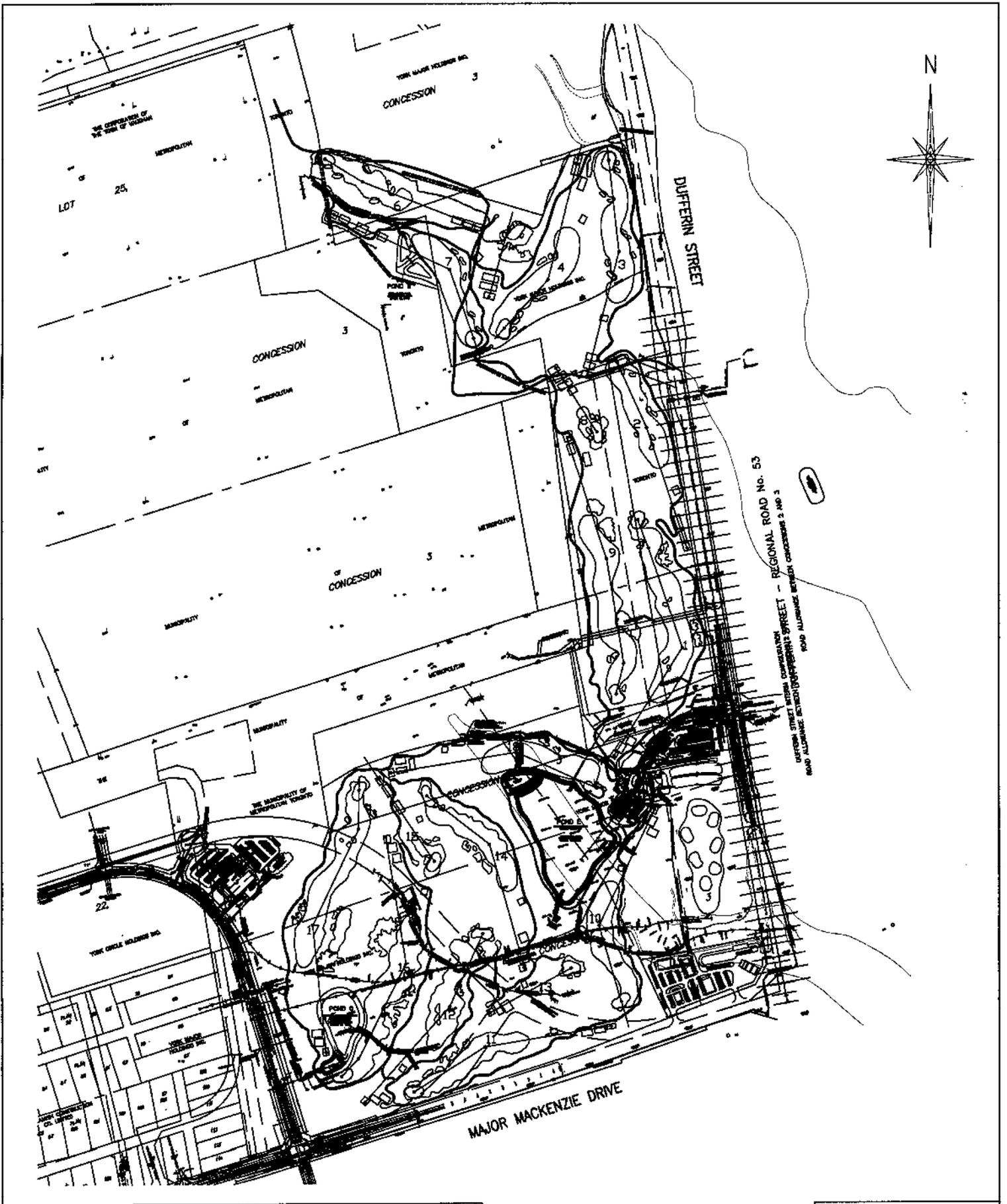


ATTACHMENT '2'
PART LOTS 24 & 25

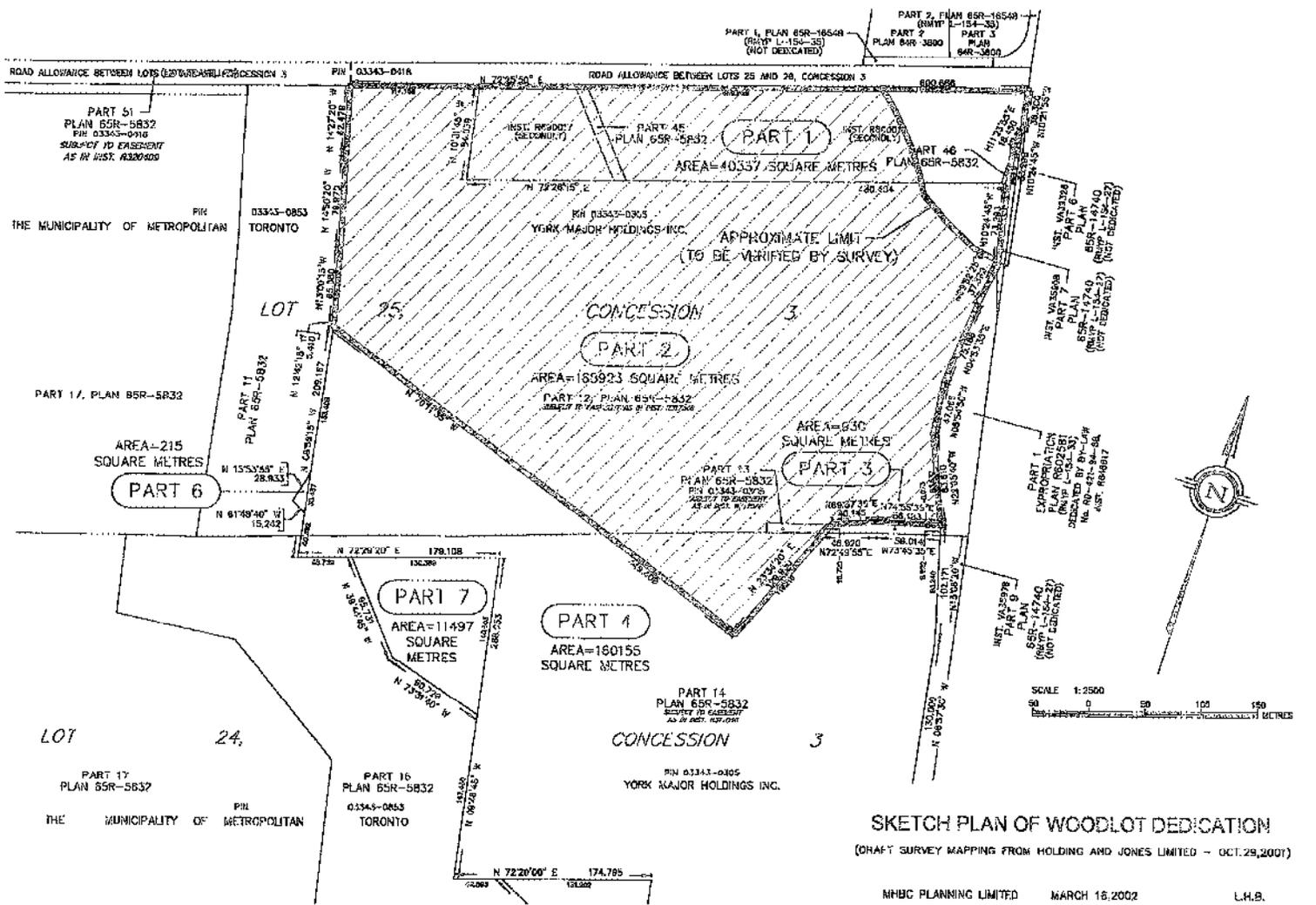
FILE #:	REPORT #:
DA.01.078	PT LOTS 21-25, CON 3

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE:	03/22/2002
APPLICANT:	YORK MAJOR HOLDINGS INC.
SCALE:	NOT TO SCALE

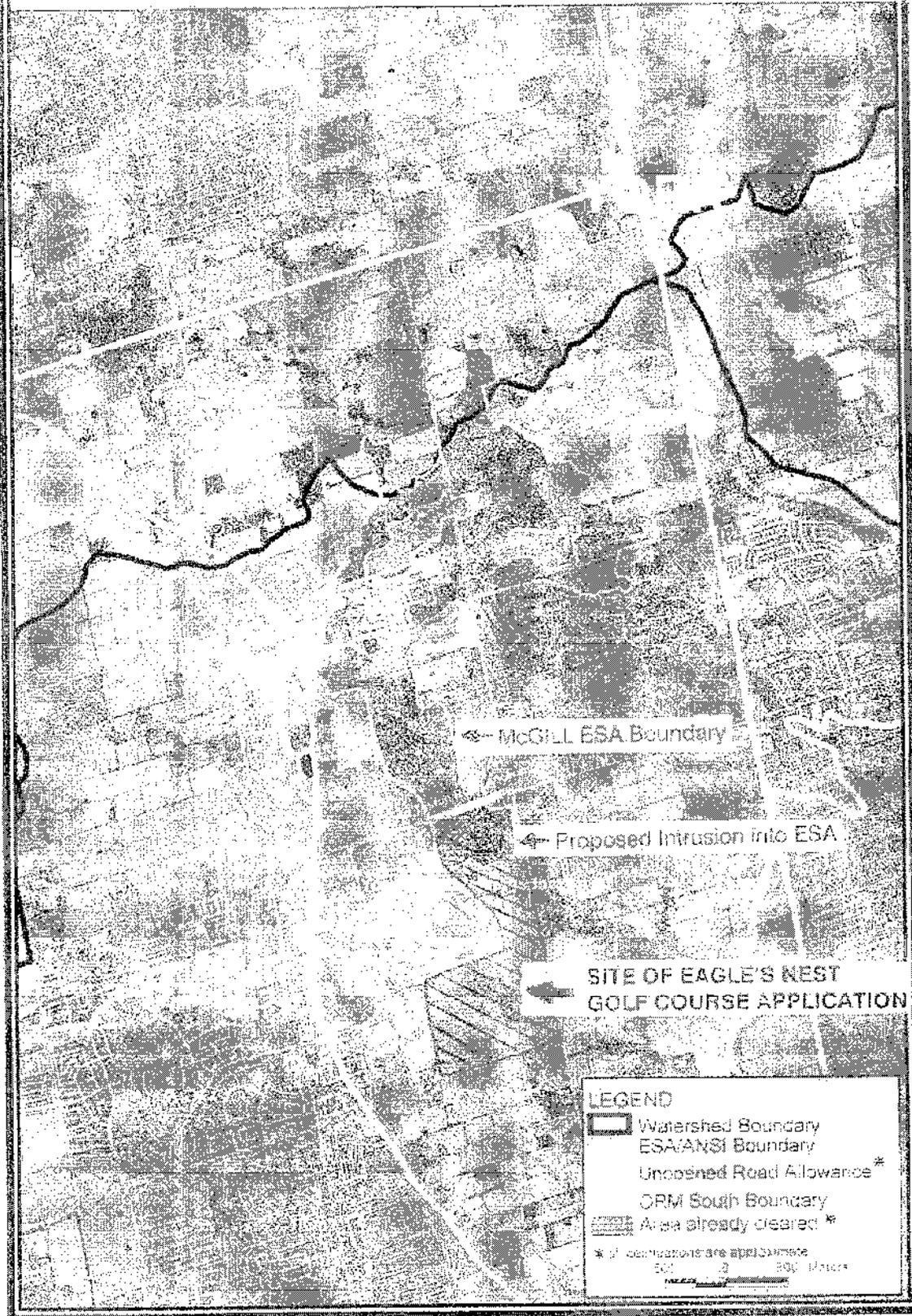
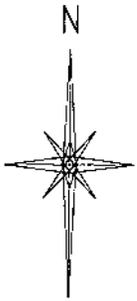


ATTACHMENT '2A' LOCATION MAP 2	FILE #:	REPORT #:	DATE: 03/20/2002
	Z.02.018	LOCATION: PART OF LOTS 21-25, CON. 3	APPLICANT: SCALE: NOT TO SCALE
		CITY OF VAUGHAN PLANNING DEPARTMENT	YORK MAJOR HOLDINGS INC.



ATTACHMENT '4' PRELIMINARY SURVEY	FILE #:	REPORT #:	DATE: 03/22/2002
	DA.01.078	PT 101S 21-25, CON 3	SCALE: NOT TO SCALE
	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: YORK MAJOR HOLDINGS INC.	

LOCATION OF McGill ESA



ATTACHMENT '5'
McGILL ESA LOCATION

FILE #:	REPORT #:
Z.02.018	PART OF LOTS 21-25, CON. 3

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE:	03/20/2002
APPLICANT:	SCALE: NOT TO SCALE
YORK MAJOR HOLDINGS INC.	