



David R. Donnelly, MES LLB
david@donnellylaw.ca

October 13, 2021

Regional Chair and Council
York Region Administrative Centre
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Clerk

Re: Regional Official Plan Amendment 7 - City of Vaughan

Donnelly Law (“we” or the “Firm”) represents the Friends to Conserve Kleinburg (“FTCK” or our “Client”) regarding Regional Official Plan Amendment 7 (“ROPA 7”). FTCK was founded to preserve the East Humber River, the Greenbelt and Natural Heritage Network of Vaughan, Ontario.

On June 9, 2021, our Firm sent a letter on behalf of FTCK to the Region opposing ROPA 7 and expressing FTCK’s support for keeping Greenbelt lands protected in Vaughan, specifically 72 ha (178 acres) of land on Blocks 27 and 41.

The public agencies now recommending against ROPA 7 include the Toronto Region Conservation Authority (“TRCA”), York Region Agriculture and Agri-Food Advisory Committee, and the Planning Staffs of York Region, Vaughan and Markham. These agencies are mandated by Council to protect agricultural land and the environment.

For York Region Council to adopt ROPA 7, it will have to reject all the independent, professional planning and technical advice produced by experts that taxpayers like FTCK pay for each year. We note that ROPA 7 is a privately initiated Amendment.

On June 18, 2021, FTCK sent a letter to the City of Vaughan asking for a financial calculation of what ROPA 7 would cost taxpayers. FTCK estimated the cost would be \$78,296,000 on Block 41 alone. Vaughan does not dispute this estimate.

FTCK also retained Ms. Susan Swail, MES RPP, a professional land use planner, to analyze ROPA 7. Ms. Swail’s primary conclusion is that ROPA 7 should not be adopted. These lands are valuable to the public as protected Greenbelt and should

not be credited to private developers, as retaining agriculture lands and natural heritage features supports resiliency and mitigates greenhouse gases.

Ms. Swail's findings are consistent with the TRCA, York Region Agriculture and Agri-Food Advisory Committee, York Region Planning Staff and City of Vaughan Planning Staff. In Ms. Swail's opinion:

There is no policy or provision in the Greenbelt Plan that allows urban recreational uses in prime agricultural areas in the protected countryside. The provincial Greenbelt Plan clearly sets out the significance and prioritization of protecting prime agricultural lands from urbanization throughout the Plan.

In addition, Ms. Swail is concerned that any Amendment such as ROPA 7 that affects prime agricultural land should be done in a coordinated fashion, as part of a comprehensive plan review:

The Region of York has until July 2022 to bring its Official Plan into conformity with the Growth Plan and Greenbelt Plan. As part of the Municipal Comprehensive Review ("MCR") process, York Region Committee of the Whole received a Background Report, [Planning for Agriculture](#) on June 13, 2019, H.2.4. In that report York Region identified candidate areas for inclusion and exclusion of the agriculture land base following the receipt of an agricultural consultant's report. At that time, no request was made to refine the prime agricultural areas, including the [ROPA 7] subject lands.

In other words, making such an enormous change to the Greenbelt, potentially costing \$100+ millions of dollars should not be done by private amendment, outside the MRC process.

Ms. Swail's report correctly identifies a chief concern for residents: why is this amendment being considered at all, when there has been no financial impacts investigated, or justification for shrinking the protected areas of Greenbelt even referenced, let alone justified:

Permitting a subdivision development to use the rural area of the Greenbelt for parkland dedication credits is not consistent with the intent of the Greenbelt Plan as it primarily serves private interests; the result would be a net reduction in the amount of public parkland available, a financial benefit to the developer and a net loss of Protected Countryside.

Finally, numerous municipalities in York Region have recently declared a "Climate Emergency", including Vaughan and Markham. On February 26, 2021, the United Nations Secretary-General António Guterres issued the following statement:

Today's interim report from the United Nations Framework Convention on Climate Change is a red alert for our planet. It shows Governments are nowhere close to the level of ambition needed to limit climate change to 1.5°C and meet the goals of the Paris Agreement.

With respect, this includes York Region. Many of you voting on October 14, 2021 will have children and grandchildren, who are concerned about your decision.

According to Ms Swail:

Retaining agriculture lands and natural heritage features supports resiliency and mitigates greenhouse gases. These lands and features absorb carbon to reduce our carbon footprint. Retaining the existing designation and protecting natural feature within the Greenbelt plays a key role in flood protection by taking up water and slowly releasing it into the watershed. The Protected Countryside is vital to the health and vitality of the Greater Toronto area as we face the existential challenge, which comes with a changing climate.

Perhaps the most serious defect in the process to date has been the complete lack of analysis with respect to what residents are gaining by ROPA 7, in response to the existential crisis posed by climate change? FTCK respectfully requests that any member of Council inclined to vote in favour of ROPA 7 be required to answer this question, before casting their vote.

Conclusion

The ROPA 7 lands are identified as protected prime agricultural areas within the Provincial Agricultural System of the Growth Plan and the Greenbelt Plan. In total, ROPA 7 will affect 201 ha (497 acres) of Greenbelt land designated in the current York Region Official Plan.

In Vaughan, the Block 27 agricultural lands have been contemplated for many years for natural heritage restoration and naturalization pursuant to Vaughan's Natural Heritage Network and response to the Climate Emergency it declared on June 12, 2019. In addition, York Region's tree canopy targets requires land to be restored and re-forested to meet its environmental objectives. The Block 41 lands are listed as having opportunities for restoration of wetlands, woodlands, fish habitat, significant wildlife habitat and other key natural heritage features.

In Vaughan, re-designating protected land and removing 178 acres from protected status undermines these important provincial, regional, and local objectives. Please accept this letter as strong support for keeping Ontario's Greenbelt protected, and to deny ROPA 7.

Our Client requests a recorded vote regarding the adoption of ROPA 7.

Please do not hesitate to contact me at 416-572-0464, or by e-mail to david@donnellylaw.ca, cc'ing justine@donnellylaw.ca, should you have any questions or comments concerning this correspondence.

Yours truly,

A handwritten signature in blue ink, appearing to read "D. Donnelly", with a horizontal line underneath it.

David R. Donnelly

cc. Client
City of Vaughan
A. Ko
T. Grey