

Memorandum to the City of Markham Committee of Adjustment

February 16, 2021

Files: B.017.20 and A.116.20
Address: 10231 Warden Avenue, Markham
Applicant: Angus Glen Holdings Inc. and Angus Glen South Course Inc.
Agent: Fasken Martineau Du Moulin LLP (Neil M. Smiley)
Hearing Date: Wednesday February 17, 2021

The following comments are provided on behalf of the North Team:

Consent Applications (B.017.20): Parts 1-10

These three (3) consent applications are being heard concurrently with minor variance application A.116.20. The two (2) severance applications described below are mirror images of each other.

- A.** The applicant is requesting provisional consent to:
- a)** sever and convey a parcel of land with an approximate area of 41.31 hectares and lot frontage of 162.45 metres (Part 1); and,
 - b)** retain a parcel of land with an approximate area of 13.38 hectares and lot frontage of 162.45 metres (Parts 2 - 9).
- B.** The applicant is requesting provisional consent to:
- a)** sever and convey a parcel of land with an approximate area of 13.38 hectares and lot frontage of 162.45 metres (Parts 2 - 9); and,
 - b)** retain a parcel of land with an approximate area of 41.31 hectares and lot frontage of 162.45 metres (Part 1).
- C.** The applicant is requesting provisional consent to:
- a)** establish an access easement (Part 10) in favor of Part 1.

Minor Variance Application (A.116.20): Part 1

The applicant is requesting relief from the following requirements of By-law 304-87, as amended, to permit:

- a) Section 2.0**
a lot without frontage on a street, whereas the by-law defines a lot as a parcel of land fronting on a Street; and,
- b) Section 6.3 (a)**
a lot frontage of 0 metres, whereas the by-law requires a minimum lot frontage of 120 metres.

BACKGROUND

Property Description

The subject lands are comprised of two properties, located north of Major Mackenzie Drive, east of Warden Avenue, within the area commonly referred to as the Angus Glen Block (See Appendix A – Location Map).

10231 Warden Avenue, the subject of the severance and minor variance applications, has an area of approximately 41.61 hectares (103 acres) and frontage of approximately 162.45

metres (533 feet) along Warden Avenue. It contains a telecommunications tower; is farmed; and, is bisected in a north-south direction by the Bruce Creek Tributary. A large cluster of mature trees is located on the western half of the property and a cluster of mature trees exists on the eastern half of the property.

The property subject to the easement application is currently being used to operate a golf course known as the Angus Glen Golf Club (See Appendix B – Aerial Photo).

The surrounding area is characterized by rural land uses consisting of golf courses, farms, rural residential estates and greenway, with the notable exception being the Angus Glen Community Centre.

Proposal

The applicant proposes to create a parcel of land with an approximate area of 41.31 hectares and lot frontage of 162.45 metres (Part 1) and a parcel with an approximate area of 13.38 hectares and lot frontage of 162.45 metres (Parts 2 - 9) (see Appendix C – Draft Reference Plan).

Due to the proposed severance, Part 1 loses frontage on Warden Avenue, necessitating the need for concurrent variances to permit a lot that does not front onto a street and a minimum lot frontage of 0 metres. Access is proposed through the establishment of an access easement (Part 10) in favour of Part 1 on the abutting Angus Glen Golf Club lands.

No development is proposed at this time.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject lands are located within the City's Future Urban Area (FUA) and are designated "Future Neighbourhood Area" and "Greenway" in the Official Plan 2014 (See Appendix D – Conceptual Master Plan). The FUA is expected to be comprised of pedestrian, cycling, and transit-friendly compact and complete communities.

Section 8.12 of the Official Plan 2014 identifies a comprehensive planning process to be undertaken prior to development occurring within the FUA. A key component of the comprehensive planning process is the development of the Conceptual Master Plan (CMP) over the entirety of the FUA in order to ensure consistent, coordinated planning and development within individual draft secondary plan areas.

In October 2017, Council endorsed the CMP, which established a high level Community Structure Plan and key policy direction as the basis for the preparation and approval of secondary plans for the FUA.

Zoning By-law 304-87

The subject lands are zoned "Agriculture One Zone (A1), Open Space One Zone (O1) and Commercial Recreation Zone (CR)" under By-law 304-87, as amended. Permitted uses include, amongst other uses, agricultural, golf courses and public conservation projects.

COMMENTS

The proposal has the effect of creating a large agricultural lot (Part 1) with an access easement from Major Mackenzie Drive on the abutting mutually controlled lands. No

development is proposed at this time, as the purpose of the proposal is to divide land assets amongst family members.

As the subject lands are located within the City's Future Urban Area, they are expected to accommodate future population growth. To facilitate urban development, Staff are currently reviewing the Angus Glen Secondary Plan. The Secondary Plan, together with the ongoing FUA Collector Road Environmental Assessment and future Draft Plans of Subdivisions will guide the orderly development of the Angus Glen Block. This will be facilitated by addressing matters such as: the availability of municipal services; the establishment of a collector and local road network (i.e. providing frontage on a public street); and, the classification and protection of natural heritage features (i.e. mature vegetation on the western half of the property).

Staff are of the opinion that the parcels are of sufficient size and shape to allow the existing farming uses to continue while at the same time not restricting future planning considerations, thereby maintaining the general intent and purpose of the zoning by-law and the Official Plan 2014. Staff do not have objections to the applications, subject to the conditions attached, which include the requirement that the applicant enter into a Consent Agreement with the City. Amongst other matters, the agreement will stipulate that Part 1 will not be developed further until such time that the Angus Glen Secondary Plan is approved and public frontage onto a street is granted.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 16, 2021. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

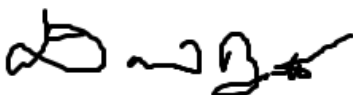
CONCLUSION

The applicant has applied for consent and minor variance applications to facilitate the creation of an agricultural lot. No development is proposed at this time.

Planning Staff have reviewed the application with respect to Section 45(1) and 51(24) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the proposal meets the four tests of the Planning Act and have no objections to the proposed consents, subject to conditions outlined in Appendix 'E' attached to this report. Staff recommend the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



Daniel Brutto, Senior Planner, North District

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, North District

Appendix A – Location Map

Appendix B – Aerial Photo

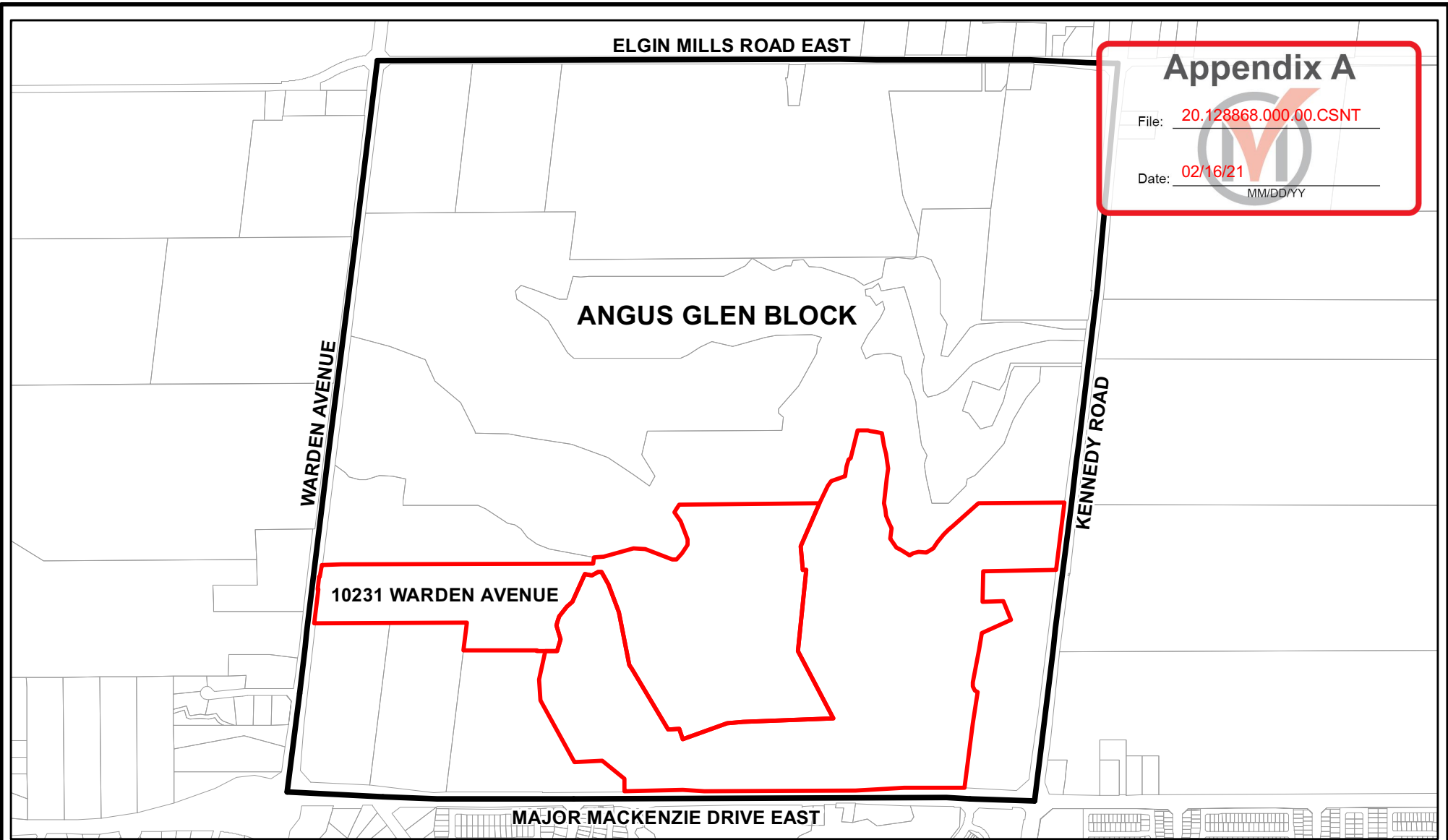
Appendix C – Draft Reference Plan

Appendix D – Conceptual Master Plan

Appendix E – Conditions of Approval

Appendix F – York Region Conditions of Approval

Appendix G – TRCA Conditions of Approval



Appendix A

File: 20.128868.000.00.CSNT

Date: 02/16/21
MM/DDYY

APPENDIX A - LOCATION MAP

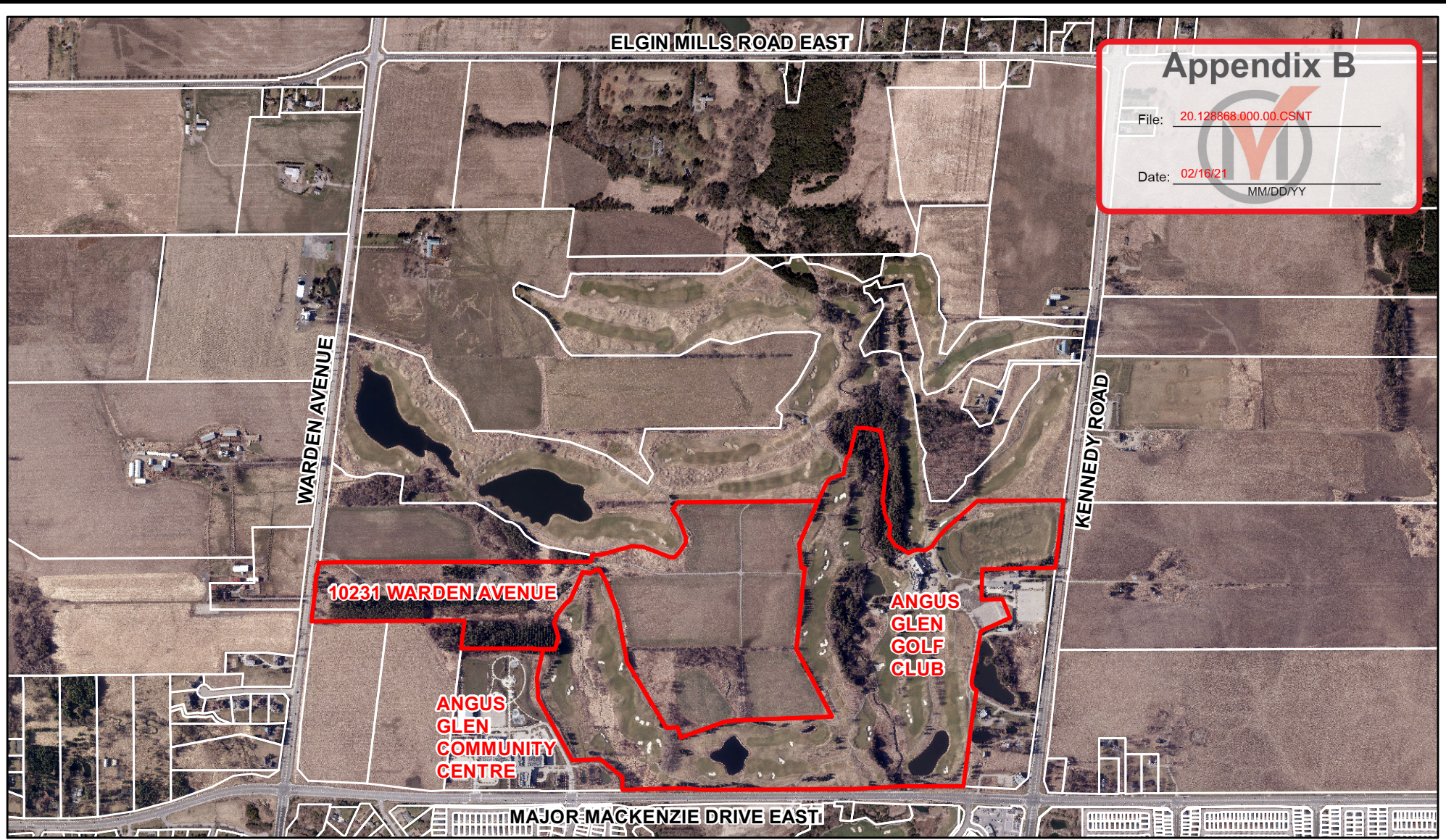
APPLICANT: Angus Glen Holdings Inc.
10231 Warden Avenue

FILE No. CSNT 20 128868 & MNV 20 128868

 SUBJECT LANDS




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Appendix B

File: 20.128868.000.00.CSNT

Date: 02/16/21
MM/DDYY



APPENDIX B - AERIAL PHOTO (2020)

APPLICANT: Angus Glen Holdings Inc.
10231 Warden Avenue

FILE No. CSNT 20 128868 & MNV 20 128868

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I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE _____

GREG G. ROBINSON
 ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No. 65)

SCHEDULE

PART	PART OF LOT	CONCESSION	PART OF PIN	AREA (Sq.m.)
1	21 AND 22			282270.9
2				123722.4
3				382.4
4				125.8
5	22	5	03056-0437 (LT)	145.1
6				245.6
7				1139.1
8				359.5
9				7718.3
10	21		03056-0385 (LT)	1097.7

PARTS 3, 4, 5, 6 AND 7 - SUBJECT TO LEASE AS IN INST. No. YR378051
 PARTS 1 TO 9 COMPRISE ALL OF PIN 03056-0437 (LT)

PLAN OF SURVEY OF
PART OF LOT 21 AND 22
CONCESSION 5
 (GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK)
 NOW IN THE
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 1500

J.D. BARNES LIMITED

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

BEARINGS ARE MTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 092143003, AND ORIGINATED BY REAL TIME NETWORK (RTN) OBSERVATIONS, MTM ZONE 10 NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999870.

FOR BEARING COMPARISONS, A ROTATION OF 0°30'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 65R-24568.

INTEGRATION DATA

SPECIFIED CONTROL POINTS (SCP): MTM ZONE 10, NAD83 (ORIGINAL)
 COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF OREG 216/10.

POINT ID	EASTING	NORTHING
SCP 092143003	318 075.18	4 861 465.33
SCP 092901152	317 337.67	4 861 704.45

COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- PB DENOTES PLASTIC BAR
- CP DENOTES CONCRETE PIN
- WIT DENOTES WITNESS
- M DENOTES MEASUREMENT
- JDB DENOTES J.D. BARNES LIMITED
- 148 DENOTES FATE & FURSELL LTD, O.L.S.
- 1530 DENOTES E.W. BOYER INC., O.L.S.
- 1289 DENOTES ZIMMELERS SURVIVING LIMITED, O.L.S.
- 1137 DENOTES R.O. McGRIBBON LIMITED, O.L.S.
- 1042 DENOTES EDWARDS & GUNN LIMITED, O.L.S.
- 785 DENOTES B.J. HAINES, O.L.S.
- NI DENOTES NOT IDENTIFIABLE
- P1 DENOTES PLAN 65R-23784
- P3 DENOTES PLAN 65R-24568
- P4 DENOTES PLAN 65R-23342
- P5 DENOTES EXPROPRIATION PLAN 271147
- +IP DENOTES HYDRO POLE

ALL SURVEY MONUMENTS FOUND ARE (IB, JDB), UNLESS OTHERWISE NOTED.

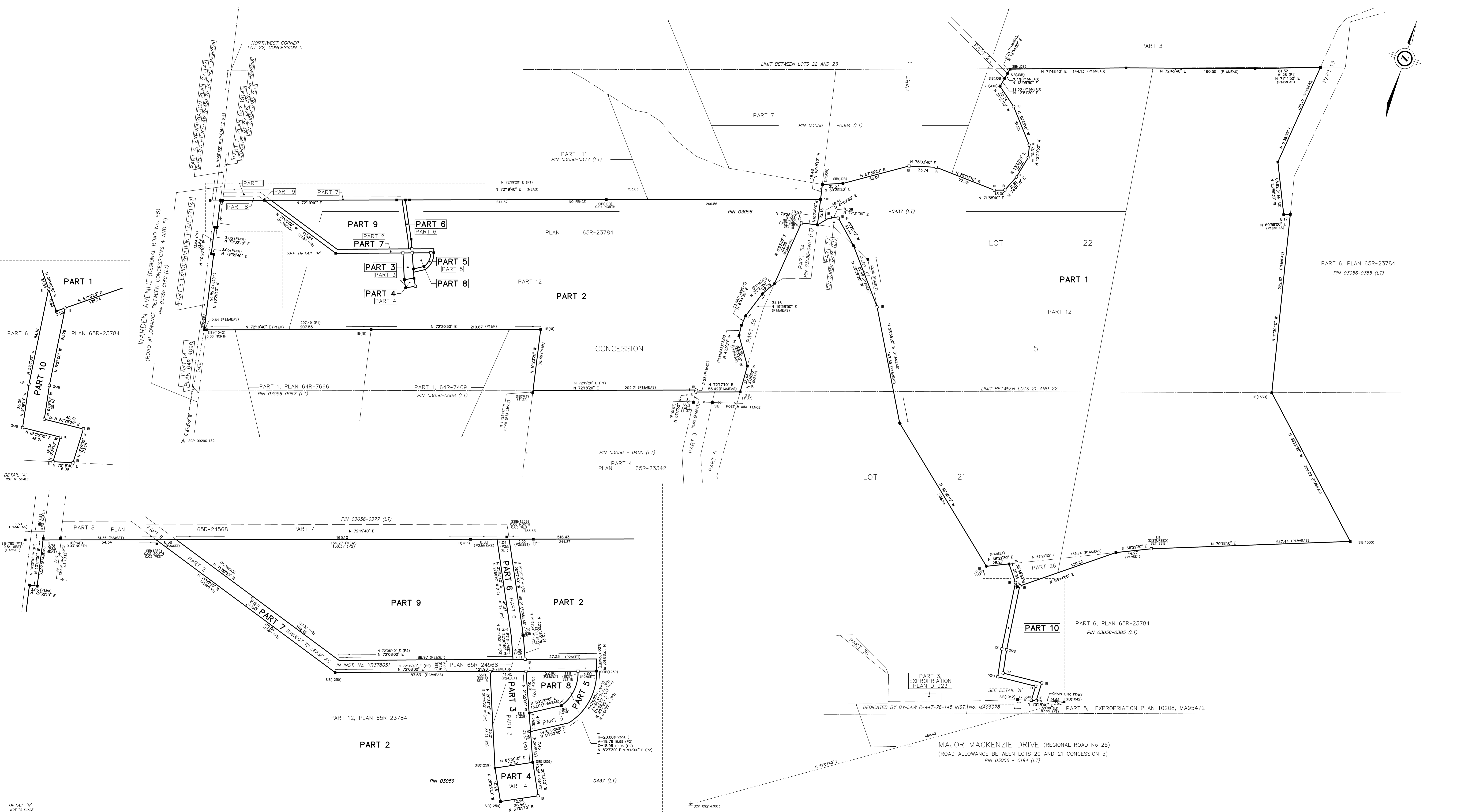
ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERBORDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 525/91.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JUNE 15, 2015.

PRELIMINARY
 DATE _____
 GREG G. ROBINSON
 ONTARIO LAND SURVEYOR

J.D. BARNES SURVEYING MAPPING & GIS LIMITED
 LAND INFORMATION SPECIALISTS
 140 RENFREW DRIVE, SUITE 104, MARKHAM, ON L3R 6B3
 T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com



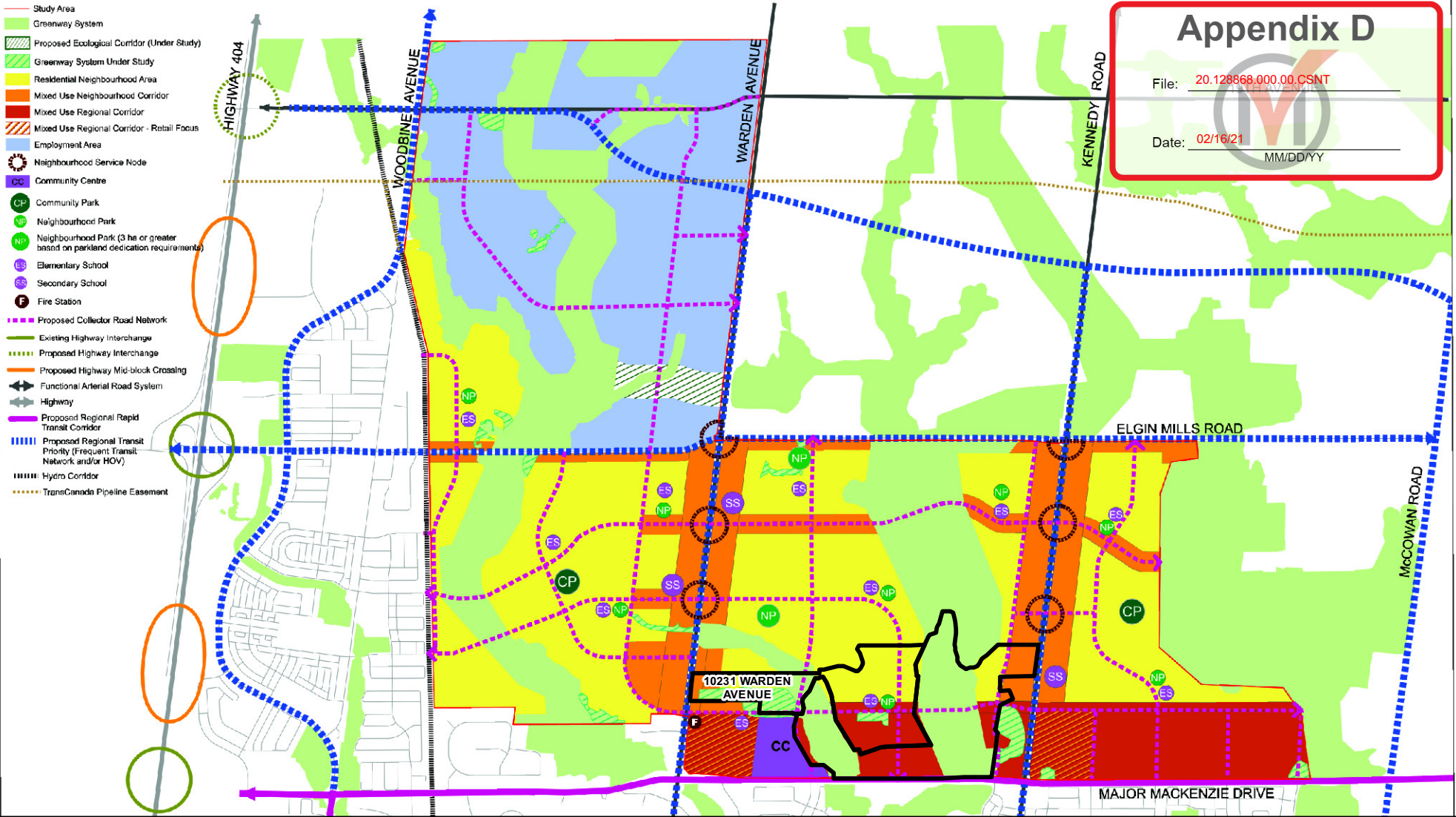
Legend

- Study Area
- Greenway System
- Proposed Ecological Corridor (Under Study)
- Greenway System Under Study
- Residential Neighbourhood Area
- Mixed Use Neighbourhood Corridor
- Mixed Use Regional Corridor
- Mixed Use Regional Corridor - Retail Focus
- Employment Area
- NS Neighbourhood Service Node
- CC Community Centre
- CP Community Park
- NP Neighbourhood Park
- NP Neighbourhood Park (3 ha or greater based on parkland dedication requirements)
- ES Elementary School
- SS Secondary School
- F Fire Station
- Proposed Collector Road Network
- Existing Highway Interchange
- Proposed Highway Interchange
- Proposed Highway Mid-block Crossing
- Functional Arterial Road System
- Highway
- Proposed Regional Rapid Transit Corridor
- Proposed Regional Transit Priority (Frequent Transit Network and/or HOV)
- Hydro Corridor
- TransCanada Pipeline Easement

Appendix D

File: 20.128868.000.00.CSNT

Date: 02/16/21
MM/DD/YY



APPENDIX D - FUA COMMUNITY STRUCTURE PLAN

APPLICANT: Angus Glen Holdings Inc.
10231 Warden Avenue

SUBJECT LANDS

FILE No. CSNT 20 128868 & MNV 20 128868

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Appendix E

Appendix E – Conditions of Approval


File: 20.128868.000.00.CSNT

Date: 02/16/21
MM/DD/YY**A. Consent Application (B.017.20): Part 1**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B.017.20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee per City of Markham Fee By-law 211-83, as amended.
5. The Owner shall enter into a Consent Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to Part 1 in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Consent Agreement on title to the Lands. The Consent Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee By-law;
 - ii) That a restrictive covenant be placed on title to Part 1 requiring the land not be developed beyond the uses currently permitted until such time the Angus Glen Secondary Plan is approved and public frontage onto a street is granted; and,
 - iii) Open burning is not permitted unless written approval has been granted by the Fire Chief.
6. That the Owner provides confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
7. That the applicant satisfies the requirements of the *Toronto and Region Conservation Authority*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix G to this Staff Report, to the satisfaction of the *Toronto and Region Conservation Authority*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *Toronto and Region Conservation Authority*.

8. That the applicant satisfies the requirements of the *York Region*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix F to this Staff Report, to the satisfaction of the *York Region*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *York Region*.
9. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:

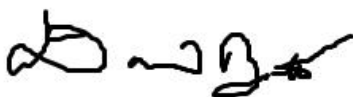
A handwritten signature in black ink, appearing to read 'D. Brutto', with a horizontal line extending from the end of the signature.

Daniel Brutto, Senior Planner, North District

B. Consent Application (B.017.20): Part 2-9

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B.017.20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the *Planning Act*.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee per City of Markham Fee By-law 211-83, as amended.
5. That the Owner provides confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
6. That the applicant satisfies the requirements of the *Toronto and Region Conservation Authority*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix G to this Staff Report, to the satisfaction of the *Toronto and Region Conservation Authority*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *Toronto and Region Conservation Authority*.
7. That the applicant satisfies the requirements of the *York Region*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix F to this Staff Report, to the satisfaction of the *York Region*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *York Region*.
8. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:

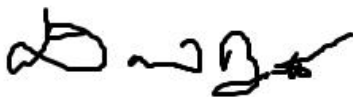


Daniel Brutto, Senior Planner, North District

C. Consent Application (B.017.20): Part 10

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the consent for easement applied for under File B.017.20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land (Part 10), which conforms substantially to the application as submitted.
4. That the applicant satisfies the requirements of the *Toronto and Region Conservation Authority*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix G to this Staff Report, to the satisfaction of the *Toronto and Region Conservation Authority*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *Toronto and Region Conservation Authority*.
5. That the applicant satisfies the requirements of the *York Region*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix F to this Staff Report, to the satisfaction of the *York Region*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *York Region*.
6. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:

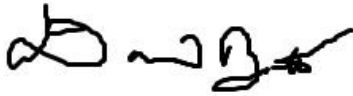


Daniel Brutto, Senior Planner, North District

Minor Variance Application (A.116.20): Part 1

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan attached as 'Appendix C' to this Staff Report and dated April 10, 2015, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That the applicant satisfies the requirements of the *Toronto and Region Conservation Authority*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix G to this Staff Report, to the satisfaction of the *Toronto and Region Conservation Authority*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *Toronto and Region Conservation Authority*.
4. That the applicant satisfies the requirements of the *York Region*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix F to this Staff Report, to the satisfaction of the *York Region*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *York Region*.

CONDITIONS PREPARED BY:



Daniel Brutto, Senior Planner, North District

Appendix F

File: 20.128868.000.00.CSNT

Date: 02/16/21
MM/DD/YY



Corporate Services

File No 20.128868.000.00CONS

January 20, 2021

Justin Leung
Committee of Adjustment
City of Markham
Markham, ON
L3R (W3)

**RE: Consent & Minor Variance Applications:
Markham files: 20.128868.000.00.CSNT (B/017/20 & A/116/20)
Regional file: CONS.21.M.0001
Angus Glen Holdings Inc.
10231 Warden Avenue
City of Markham**

The Regional Municipality of York has completed its review of the above noted consent application for a residential severance, an easement for access (right-of-way) and a minor variance to permit a lot without frontage on a street. The subject site is municipally known as 10231 Warden Avenue located north of Major Mackenzie Drive east on the west side of Warden Avenue in the City of Markham

The proposed site is currently the subject of an Official Plan Amendment application (Angus Glen Secondary Plan) that has been submitted for the Angus Glen Block to re-designate the lands from "Future Neighbourhood Area" to appropriate urban residential designations to permit the development of residential uses.

The site is Identified as Urban on Map 1 (YROP-2010) and ROPA 3 on Map 8 of the YROP-2010. ROPA 3 is to accommodate urban expansion through forecasted population and employment growth within the City of Markham to 2031.

Within the site there are also Key Hydrological features and Woodlots as shown on Maps 4-5 of the YROP-2010. The TRCA will provide technical comments on behalf of the Region for all heritage matters, including Environmental Impact Study (EIS) and Natural Heritage Evaluation (NHE) if required.

The Region is protecting for a 43metre(s) right-of-way along the frontage of this section of Warden Avenue for the purpose of a road widening as per Section 7.2.49 of the YROP-2010.

The Region has no objection to the consent application subject to the following conditions:

1. The Owner understands and agrees that any proposed access to a Regional Road shall be provided at the sole discretion of the Region and at a location also determined by the Region on the existing or newly created lots of the subject lands. Such access (if allowed) is subject to detailed design and the Region will not be responsible for any cost associated with the access. Please contact permits@york.ca for inquiries for permitting accesses on regional roads (new development access) for existing development access please contact the Development Review Engineer (carlton.smith@york.ca).
2. Notwithstanding any lands that may have previously been expropriated by the Region. Prior to final approval, the Owner shall convey lands to the Region for public highway purposes free of all costs and encumbrances, to the satisfaction of the Regional Solicitor
 - a. A widening across the full frontage of the site where it abuts Warden Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Warden Avenue to provide a 43 metre Right-of Way
3. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to York Region. Alternatively, the Owner shall submit documentation to York Region confirming that the existing streetline represents sufficient right-of-way as required by York Region Official Plan.
4. The Owner shall arrange for the preparation, review and deposit on title of a reference plan describing the lands to be conveyed to the Region, as described above, to the satisfaction of the Regional Planning and Economic Development Branch.
5. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must

be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

6. This application is subject to York Region's development applications processing fees as identified in By-law No. 2010-15. The review fee for Consent to Sever, additional lots and Environmental Site Assessment can be found on the Development Application Fees page on the Region's website and are payable prior to Regional Clearance.

Please note that all payments shall be in the form of a certified cheque and made payable to "The Regional Municipality of York" and forwarded to the Community Planning and Development Services.

7. Residential development in the City of Markham requires servicing capacity allocation. Prior to final approval, the City of Markham shall confirm that adequate water supply and sewage capacity have been allocated to the newly created lot.
8. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-7 have been met to its satisfaction.

With respect to the conditions above, we request a copy of the notice of decision when it becomes available.

Should you have any questions regarding the above, please contact Gabrielle Hurst at extension 71538 or through electronic mail at gabrielle.hurst@york.ca
Regards,

Gabrielle Hurst

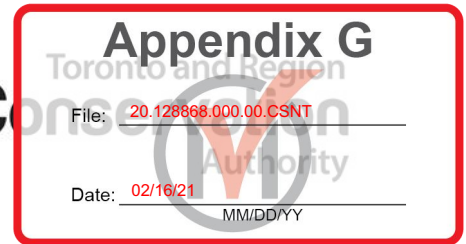
Gabrielle Hurst, MCIP, RPP, Associate Planner
Programs and Process Improvement, Planning and Economic Development Branch

Cc Carlton Smith, Development Engineer

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January 21, 2020

CFN 64142.1

By Email Only (email: JLeung@markham.ca)

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: B/017/20 (Consent Application) and A/116/20 (Minor Variance)
10231 Warden Avenue, City of Markham
Owner: Angus Glen Holdings Inc.
Agent: Fasken Martineau (Joseph Guzzi)**

Thank you for the opportunity to review this Consent and Minor Variance Application. This letter acknowledges receipt of the submission provided on December 15, 2020 associated with the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and related email correspondence, and our comments are provided herein.

Purpose of the Application

B/003/20 (Consent Application)

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 162.45 m (532.74 ft) and approximate lot area of 13.38 ha (Parts 2 to 9, Stiver West Lands);
- b) retain a parcel of land with approximate lot area of 28.23 ha (Part 1, Stiver East Lands); and
- c) establish easements for reciprocal access, passage and servicing.

The purpose of this application is to create two parcels of agricultural land.

A/116/20 (Minor Variance Application)

The applicant is requesting relief from the requirements of By-law 304-87, as amended, as it relates to a proposed severance to create a new agricultural lot, to permit:

- a) Section 2: a lot without a frontage on a street, whereas the By-law defines a lot as a parcel of land fronting on a street;

- b) Section 6.3(a): a lot frontage of 0 metres, whereas the By-law requires a lot frontage of 120 metres.

Applicable TRCA Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2020); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Ontario Regulation 166/06, as amended:

The subject property is partially within TRCA's Regulated Area as it is traversed by a stream corridor containing a tributary of the Rouge River, its Regulatory Floodplain and meander belt, contains and is adjacent to Provincially Significant Wetlands (Bruce & Berczy Creek Wetland Complex), and is adjacent to a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place in the Regulated Area:

- a) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. Site grading, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA:

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features and natural hazards within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope, stable toe of slope, Regulatory Floodplain, meander belt, and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or area;

- Wetlands: 30 metre buffer from Provincially Significant Wetlands and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

Application-Specific Comments

As noted above, the subject property contains various natural features, hazard lands and buffer/setback areas which form part of a Natural System to be protected from development. Through our correspondence with the City, it is TRCA's understanding that the proposed Consent and Minor Variance Applications are intended for the division of land assets only, and development limits will be established during future planning applications for both retained and severed parcels. Further, it is our understanding that the City has a Restrictive Covenant on title which ensures that no new development will take place until development limits have been established. On this basis, TRCA have no concerns with the proposed Consent and Minor Variances.

Application Review Fee

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. A fee of \$1,400 is required (2018 TRCA Planning Fee Schedule - Consent/Severance) for the review of this application. This fee must be provided to our office within 60 days of this letter.

Recommendation

Based on our review, TRCA staff have no objections to the Consent and Minor Variance applications subject to the following condition:

- 1) That the applicant remit TRCA's review fee of \$1400 for the subject application.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Andrea Lam
Planner I
Development Planning and Permits
Extension 5306

AL/mb