

October 17, 2016

Our File No.: 06.3883

Via Email

judycarroll@markham.ca

Mayor and Members of Council
City of Markham
Anthony Roman Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Judy Carroll

Dear Sirs/Mesdames:

**Re: Kennedy McCowan Landowner Group
Agenda Item 6A(1): Co-ordinated Land Use Planning Review: Comments on the
Proposed Amendments to the Growth Plan, Greenbelt Plan and Oak Ridges
Moraine Conservation Plan**

We are solicitors for Kennedy McCowan Landowner Group, the owner of approximately 400 acres of land north of Major Mackenzie Drive in the City of Markham.

Our client, has participated in the Co-ordinated Land Use Planning Review by attending open houses and technical sessions and through written submissions to the province, the Region and the City. Further, with the assistance of Macaulay Shiomi Howson Ltd. and Natural Resource Solutions Inc. our client has provided over 35 pages of detailed comments on Markham's draft and approved Official Plan in the form of commentary and maps. Many of these Official Plan comments relate to the interface between the provincial plans and the City of Markham Official Plan. Our comments in this letter will focus on the Greenbelt Plan.

As you know, the Greenbelt Plan was established over a decade ago. The province commenced an extensive public consultation process at that time which our client participated in by attending an open house and carefully examining the proposed mapping for the land it owned at the time (often referred to as the "Minotar Lands"). Our client spoke to staff at the Ministry of Municipal Affairs and Housing and others and confirmed that the mapping did not include the featureless table land under agricultural cultivation on the Minotar Lands.

During the province's Greenbelt consultation period in 2004 and 2005, Markham was undertaking its "Small Stream Study". Included in that study is a plan demonstrating how the

featureless table lands on the Minotar Lands could be developed. Although the Small Streams Study and the Greenbelt were developed independently, the plan of development in the Markham Small Stream Study was consistent with the draft Greenbelt mapping in that it did not show development in the area proposed for inclusion in the Greenbelt. On the basis of its investigation of the proposed Greenbelt mapping and its understanding that it was widely accepted that the table lands were not inhibited for development by natural heritage features, our client was satisfied with the draft Greenbelt mapping.

When the final Greenbelt mapping was released, the featureless table land on the Minotar Lands (which had been shown as developable in Markham's Small Stream Study demonstration plan) had been included in the Greenbelt as part of the Greenbelt Natural Heritage System.

In the intervening years, our client has worked tirelessly to determine how the featureless table lands became included in the Greenbelt and to confirm that the lands do not perform a natural heritage function.

We can confirm that after numerous meetings involving our client, the province has not been able to provide any evidence on which it based a decision to change the boundary to include the table lands. The features on the Minotar Lands have been subsequently staked by the Toronto and Region Conservation Authority (TRCA) and the Ministry of Natural Resources and Forestry (MNR). The resultant survey shows approximately 60 acres of featureless table lands. The finally approved Regional Official Plan's natural heritage feature mapping is consistent with the TRCA/MNR mapping. Markham's Official Plan features mapping is also largely consistent with TRCA/MNR mapping.

Requested Information

The staff report on the Co-ordinated Land Use Planning Review, dated October 3, 2016, indicated that "Staff has provided the Ministry of Municipal Affairs and Housing with information pertaining to the previous boundary adjustments recommended by Council". As you know, at the Development Services Committee meeting of October 3, 2016, we asked for copies of any communication with the province as referred to in the October 3rd staff report. Today we received an e-mail from Markham staff indicating that "GIS shape files" for our client's land were forwarded to the province in early August. We have asked staff to provide us with the GIS shape files provided to the province and related to our client's land. We ask that this information be provided to us as soon as possible, given that the deadline for comments on the Co-ordinated Land Use Planning Review is October 31st.

In the ongoing provincial consultation on the Greenbelt, our client will continue to work with the public agencies to correct the Greenbelt mapping to accurately identify and protect natural heritage on the Minotar Lands.

Yours very truly,

Goodmans LLP



Catherine Lyons

CAL/vw

c.c. Kennedy McCowan Landowner Group