

THE REGIONAL MUNICIPALITY OF YORK

Planning and Economic Development Committee
April 6, 2005
Report of the
Commissioner of Planning and Development Services

OFFICIAL PLAN AMENDMENT 618 - DAVID & ROSE BEATTY - CITY OF VAUGHAN

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give notice of decision to refuse Amendment No. 618 to the Official Plan of the City of Vaughan to allow 2 non-farm related severances.

2. PURPOSE

The purpose of this report is to recommend refusal of City of Vaughan Official Plan Amendment No. 618 to permit the creation of 2 new non-farm related residential lots from an existing lot in the "Agriculture Area" at the northeast corner of Keele Street and King Vaughan Road.

3. BACKGROUND

3.1 Official Plan Amendment 618 (Dave & Rose Beatty)

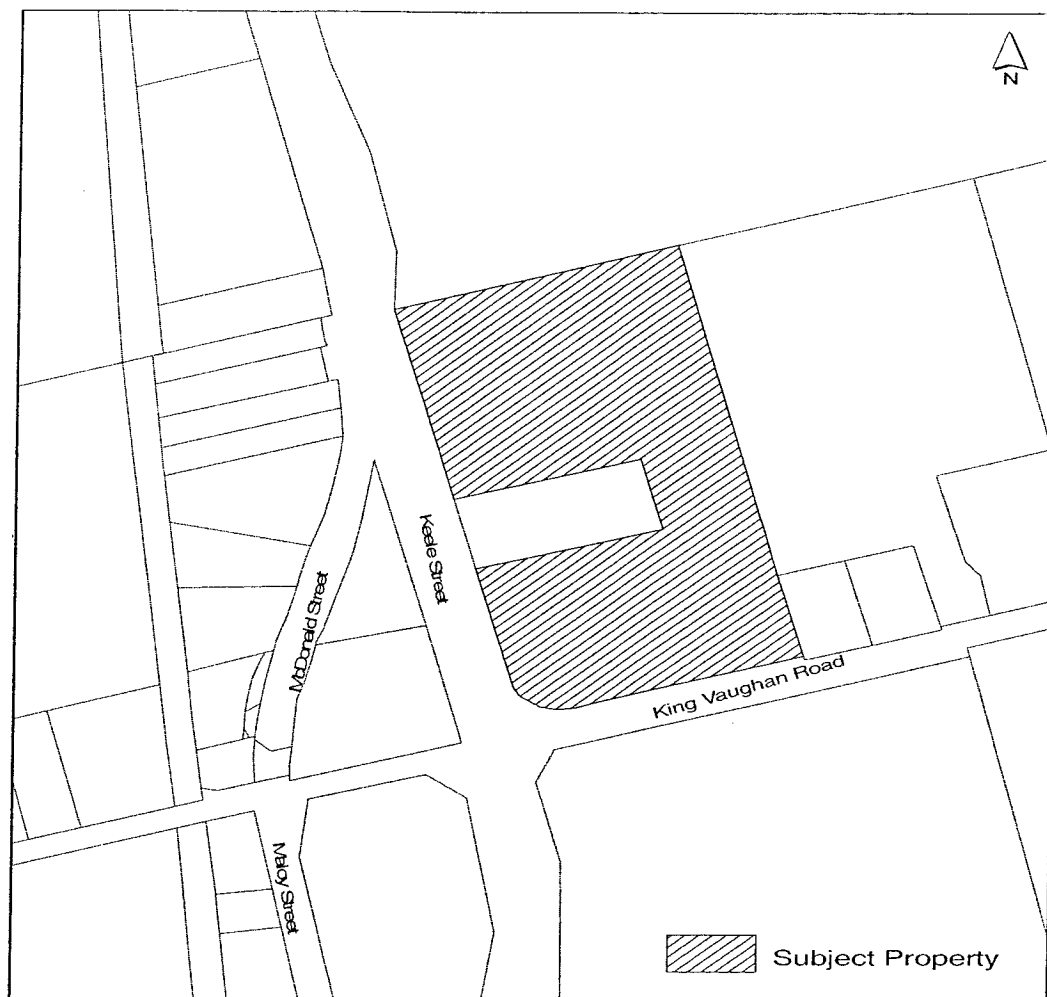
3.1.1 Location

The subject site is a 6.51 ha site currently occupied by a detached residential dwelling and a woodlot located at the northeast corner of King-Vaughan Road and Keele Street. The lands are described as being Part of Lot 1, Concession 3 and are located immediately south of the Township of King/City of Vaughan municipal boundary and just outside the urban boundary of King City.

3.1.2 Location Context

The surrounding land uses consist of the following:

- North - Farmland (Township of King)
- East - Three residential lots fronting King-Vaughan Road and Farmland
- South - Farmland and Commercial Industrial land uses
- West - Residential and Commercial/Industrial land uses



3.1.3 Development Applications

The subject property is designated “Agriculture Area” under the City of Vaughan OPA No. 600. This designation recognizes the lands as high quality agricultural land and provides policies to protect such lands for long-term farming uses.

Dave & Rose Beatty filed Official Plan and Zoning By-law Amendment applications on June 6, 2000 with the City of Vaughan to permit the severance of two non-farm related residential lots from an existing lot in the “Agriculture Area”. The applicant is requesting the severance to provide two residential lots for his children.

Local planning staff recommended refusal of the application in a report to City of Vaughan Council dated October 12 2004 (See Attachment 1).

City staff recommended refusal of this application for the following reasons:

- a) the proposal is not consistent with the Provincial Policy Statement (PPS);

- b) does not conform to the Regional Official Plan policies related to the protection of agricultural lands and consent;
- c) does not conform to the City of Vaughan Official Plan (OPA No. 600) policies regarding the protection of agricultural lands and consent; and
- d) the justification analysis failed to demonstrate the need for additional residential lots in the “Agriculture Area” or to consider alternative location on lower-capability agricultural lands or in non-agricultural areas.

The Official Plan Amendment was adopted by City of Vaughan Council on December 6, 2004 and forwarded for approval to the Regional Municipality of York December 15, 2004.

Regional Staff met with the applicant February 28, 2005 and advised the applicant that the proposed OPA did not conform to Section 5.6.7 of the Regional Official Plan.

3.1.4 Regional Transportation Issues

The Infrastructure Planning and Approvals Branch has advised that King/Vaughan Road is a candidate for a new interchange with Highway 400 and as such could act as a significant bypass route for the King City area. Additionally, a grade separation may be required at the railway crossing located on King-Vaughan Road, West of Keele Street. The Regional Transportation and Works Department may have increased property requirements from the proposed severed lands.

4. ANALYSIS AND OPTIONS

4.1 Planning Analysis

The application represents the creation of new non-farm residential lots within Class 1 and 2 agricultural lands within the Oak Ridges Moraine. It is the opinion of Regional staff that the Official Plan Amendment application does not represent good planning based on the following:

- The subject lands are designated “Agriculture Policy Area” in the Regional Official Plan. The “Agriculture Area” policies do not allow non-farm related severances and therefore this proposal does not conform to the Regional Official Plan.
- The proposal is not consistent with the Provincial Policy Statement (PPS) which state that prime agricultural lands will be protected for agriculture uses.
- The lands are designated “Agriculture Area” by OPA No. 600 which does not permit non-farm related severances. This proposal for non-farm related severances does not meet the intent of the City of Vaughan Official Plan (OPA No. 600).

4.1.1 Provincial Policy Statement (PPS) (1996, Amended in 1997)

Section 2.1 of the Provincial Policy Statement sets out Agricultural Policies to ensure prime agricultural areas will be protected for agricultural uses. Specifically, Section 2.1.2 states that lot creation in prime agricultural areas is generally discouraged and only permitted for the following reasons; new lots for agricultural uses, agriculture-related uses, and new residential lots for farm retirement purposes, a residence surplus to a farming operation and residential infilling.

As the proposed lots are non-farm related, the residential infilling criteria were further examined. The Provincial Policy Statement defines residential infilling as “the creation of a residential lot between two existing non-farm residences which are on separated lots of a similar size and which are situated on the same side of a road and are not more than 100 metres apart.

The proposed lots do not appear to meet the definition of residential infilling as defined above and is therefore not in conformity with the Provincial Policy Statement.

The 2005 Provincial Policy Statement that came into effect March 1, 2005 contains even stronger Agricultural Policies to ensure prime agricultural areas will be protected for agricultural uses. Lot creation in prime agricultural areas is discouraged and only permitted for a limited range of agricultural, secondary, and agriculture-related uses. The creation of new residential lots in prime agricultural areas will not be permitted. While these policies are not retroactive and cannot be applied to this amendment, it is important to recognize the Province of Ontario’s increasing interest in protecting prime agricultural lands.

4.1.2 Oak Ridges Moraine Conservation Plan

The subject property is located on the Oak Ridges Moraine and designated Natural Core and Natural Linkage by the Oak Ridges Moraine Conservation Plan (ORCMP). This application was submitted to the City of Vaughan June 6, 2000 and is considered transitional under Section 15 (2) Oak Ridges Moraine Conservation Act, 2001. With transitional status, this application must comply with the Prescribed provisions of Section 48 ORCMP. Section 48 requires that the applicant demonstrate the quality and quantity of groundwater, the movement of plants and animals and hydrogeologically sensitive features are maintained within and adjacent to the Natural Core Areas and Natural Linkage Areas. The Toronto and Region Conservation Authority reviewed the prescribed Natural Heritage Evaluation Report (November 2003) and Hydrogeology Report and was satisfied that the proposed severances will not result in adverse ecological impacts provided the applicant adheres to the recommendations of these reports. As such, the proposed application satisfies the provisions of the ORCMP.

4.1.3 Region of York Official Plan

The subject lands are currently designated “Agriculture Policy Area” by Map 6 of the Regional Official Plan. Section 5 of the Regional Official Plan contains a series of policies establishing where and how growth will occur in the Region. It provides, among

other things, policies to protect agricultural lands and limit lot creation by consent in the rural and agricultural portions of the Region.

Section 5.10.1 states that consents for development purposes will generally be discouraged outside of urban areas, towns, villages and hamlets. More specifically consents may be permitted within the Agricultural Policy Area for the purposes of creating right-of-ways or easements, enlarging existing farm lots, creating farm holdings that are not less than 40 hectares, creating farm consolidations, adjusting boundaries and allowing the creation of one retirement lot per farm for an active retiring farmer. In addition, Section 5.6.8 states "that infilling of non-farm development in the Agricultural Policy Area will not be permitted".

Section 5.2.1 requires that the majority of growth be directed to the urban areas. This application proposes an urban use in a non-urban area and is not supported. The proposed severance does not meet the intent of the above noted policies and is therefore contrary to the Region of York Official Plan.

As per Section 5.6.7 of the Regional Official Plan, a development proposal for a non-farm land use in the "Agriculture Policy Area" will require an amendment to the Regional Official Plan and will be evaluated in accordance with the Foodland Guidelines as follows:

- a) whether the proposal will reduce or impede surrounding farm operation;
- b) the necessity for the proposed land use;
- c) the suitability of the site chosen, the reasons for its choice, and the amount of lane needed; and
- d) whether suitable alternative locations of lower-capability agricultural land or in hamlets, towns, villages or urban areas have been considered.

To date, Regional planning staff have not received an Official Plan Amendment application or the supporting documentation demonstrating how the above criteria have been satisfied.

4.1.4 City of Vaughan Official Plan

The lands are designated "Agriculture Area" by OPA No. 600 which permits primarily farming and accessory and farm-related uses within this designation. Consents are permitted in the "Agriculture Area" for the purposes of minor boundary adjustments, enlarging agricultural holdings, for retirement lots and for surplus farm dwellings. The adopted Official Plan Amendment application does not maintain the intent of the City of Vaughan's OPA No. 600 to promote and sustain agriculturally designated land primarily for agricultural uses.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

The refusal of Official Plan Amendment No. 618 is consistent with the City of Vaughan staff recommendation. Vaughan Council adopted OPA No. 618 on December 6, 2004. The recommendation to refuse the application maintains the intent of the City of Vaughan's OPA No. 600 to promote and sustain agriculturally designated land primarily for agricultural uses.

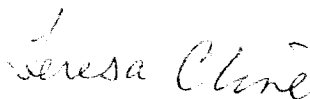
7. CONCLUSION

The application does not conform to the Provincial Policy Statement, the Region of York Official Plan or the policies of OPA No. 600. In light of the above, Regional Planning staff do not consider the proposed development to represent good planning and therefore recommend refusal.

OFFICIAL PLAN AMENDMENT 618 - DAVID & ROSE BEATTY - CITY OF VAUGHAN

The Senior Management Group has reviewed this report.

Prepared by:



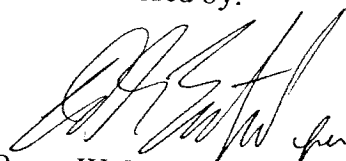
Teresa Cline
Planner

Reviewed by:



Neil Garbe, M.C.I.P., R.P.P.
Director, Community Planning

Recommended by:



Bryan W. Tuckey, M.C.I.P., R.P.P.
Commissioner of Planning and
Development Services

Approved for Submission:



Michael R. Garrett
Chief Administrative Officer

March 14, 2005

Attachment 1 – Extract from City of Vaughan Council Meeting Minutes of September
27, 2004, Item 10.

TC

Development\D06 - Official Plans - Area Municipalities\Official Plan Amendments\Vaughan Official Plan Amendments\OPA
618\OPA 618.doc
Version 4-2004\1-1-0