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**STATUTORY PUBLIC MEETING
AMENDMENT NO. 49 TO THE REGIONAL OFFICIAL PLAN
DAVID AND ROSE BEATTY, CITY OF VAUGHAN**

Pursuant to Section 17(15) of the Planning Act, as amended, the Regional Planning and Economic Development Committee held a Public Meeting to inform the Public and receive comments in regard to the following:

Amendment No. 49 to the York Region Official Plan, David and Rose Beatty, City of Vaughan.

The Planning and Economic Development Committee recommends the following:

- 1. The presentation by Teresa Cline, Planner, Community Planning, be received;**
- 2. The deputation by David Beatty, the applicant in this matter, be received; and**
- 3. The recommendations contained in the following report, May 17, 2005, from the Commissioner of Planning and Development Services, be replaced with the following:**
 - 1. The Commissioner of Planning and Development Services be authorized to give notice of decision to approve Amendment No. 49 to the Official Plan of the Regional Municipality of York to allow 2 non-farm related severances in the "Agriculture Policy Area".**
 - 2. The Commissioner of Planning and Development Services be authorized to give notice of decision to approve Amendment No. 618 to the Official Plan of the City of Vaughan to allow 2 non-farm related severances.**
 - 3. Prior to the Commissioner issuing notice of decision, the applicant be required to provide a natural heritage easement across the northern portion of the remaining property adjacent to the severances.**
 - 4. Regional staff report back on how recommendation 3 is proposed to be satisfied prior to the circulation of the Approval Notices for these applications by the Commissioner of Planning and Development Services.**

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. 49 to the Official Plan of the Regional Municipality of York to allow 2 non-farm related severances in the “Agriculture Policy Area”.
2. 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:

1. Provide background information for the required public meeting to be held in accordance with the requirements of the Planning Act.
2. Recommend refusal of Regional Municipality of York Official Plan Amendment No. 49 to permit the creation of 2 new non-farm related residential lots from an existing lot in the “Agriculture Policy Area”.

3. BACKGROUND

3.1 Regional Official Plan Amendment No. 49 (David and Rose Beatty)

3.1.1 Location

The subject lands are a 6.51 hectare 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 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 Locational Context

The surrounding land uses consist of the following:

- North - Farmlands (Township of King)
- East - Three residential lots fronting onto King-Vaughan Road and farmlands
- South - Farmlands and commercial industrial land uses
- West - Residential and commercial/industrial land uses

3.1.3 City of Vaughan Official Plan Amendment No. 618

On June 6, 2000, David and Rose Beatty filed Official Plan and Zoning By-law Amendment applications with the City of Vaughan to permit a severance for two non-farm related residential lots from an existing lot in the “Agriculture Policy Area”. The applicants are requesting the severance to provide two residential lots for their children.

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

- a) The proposal is not consistent with the Provincial Policy Statement (PPS).
- b) It does not conform to the ROP policies related to consents and the protection of agricultural lands.
- c) It does not conform to the City of Vaughan Official Plan (OPA 600) policies regarding consents and the protection of agricultural lands.
- d) The justification analysis failed to demonstrate the need for additional residential lots in the “Agriculture Area” or to consider alternative locations on lower-capability agricultural lands or in non-agricultural areas.

On December 6, 2004, Official Plan Amendment No. 618 (OPA 618) was adopted by City of Vaughan Council and forwarded to the Regional Municipality of York for approval.

Regional staff prepared a report dated April 6, 2005 recommending refusal of OPA 618 for consideration at Planning and Economic Development Committee (*see Attachment 1*). Regional Planning Staff recommend refusal of this application for the following reasons:

- a) The proposal is not in conformity with the PPS.
- b) The proposal is contrary to the ROP policies related to consents and the protection of agricultural lands.
- c) Consideration of this development proposal would require a Regional Official Plan Amendment (ROPA) and no application has been made to date.
- d) It does not conform to the OPA 600 policies regarding consents and the protection of agricultural lands.

Consideration of the April 6, 2005 report was deferred by the Committee to allow the applicant to submit the required ROPA application.

4. ANALYSIS AND OPTIONS

4.1 Planning Analysis

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

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

Subsection 2.1 of the Provincial Policy Statement sets out Agricultural Policies to ensure prime agricultural areas will be protected for agricultural uses. Specifically, Subsection 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 therefore the proposal is not in conformity with the 1997 Provincial Policy Statement.

4.1.2 Provincial Policy Statement (2005)

Subsection 2.3 of the 2005 PPS sets out Agricultural Policies to ensure that prime agricultural areas will be protected for long-term agricultural uses. Specifically, Subsection 2.3.4.1 states that:

“lot creation in prime agricultural areas is discouraged and only permitted for the following reasons: agricultural uses, agriculture-related uses, a residence surplus to a farming operation and/or infrastructure”.

The creation of new residential lots in prime agricultural areas is not permitted as per Subsection 2.3.4.3 and therefore the proposal is not in conformity with the 2005 PPS.

4.1.3 Oak Ridges Moraine Conservation Plan (ORMCP)

4.1.3.1 Applicability of the Oak Ridges Moraine Conservation Plan

The application for consent was filed with the City of Vaughan in April 2000 and therefore has transitional status under the terms of the Oak Ridges Moraine Conservation Plan (ORMCP). The Regional Amendment was filed in April of 2005 and under the terms of the Oak Ridges Moraine Conservation Act 2001, the ROPA application is therefore subject to all sections of the ORMCP.

4.1.3.2 Oak Ridges Moraine Conservation Plan Designations and Requirements

The subject lands are currently designated “Natural Core Area” and Natural Linkage Area” by the ORMCP and the ROP through the approval of Regional Amendment 41. Subsections 2.5.2(a) and 2.5.2(b) of the ROP corresponds to Sections 11 and 12 of the

ORCMP and establishes the permitted uses in these designations. Further sections of the ROP and ORMCP establish policies to ensure that the ecological integrity of the Natural Core and Natural Linkage Areas are maintained and where possible improved or restored.

Specifically, the ORMCP (Section 11, Subsection 3) identifies the land uses permitted in "Natural Core Areas" including fish, wildlife and forest management, conservation projects, agricultural uses, home business/industries and bed and breakfast establishments. The ORMCP (Section 12, Subsection 3) identifies the land use permitted in "Natural Linkage Areas" which includes the uses identified above, and in addition, farm vacation homes, low intensity recreation uses, aggregate operations and wayside pits.

Residential lot creation is addressed in the ORMCP under Section 15, Subsection 1 and Section 14, Subsection 1 which permits new residential lot creation in certain parts of the "Countryside Areas" identified as Rural Settlement and in Settlement Areas. Residential development is not permitted within the "Natural Core Areas" and "Natural Linkage Areas". Therefore, ROPA 49 does not meet the intent of the above noted policies and is contrary to the ORMCP.

4.1.4 Regional Municipality of York Official Plan

The subject lands are currently designated "Agriculture Policy Area" by Map 6 of the ROP. Section 5 of the ROP 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.

Subsection 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 rights-of-way 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, subsection 5.6.8 states "that infilling of non-farm development in the Agricultural Policy Area will not be permitted".

Subsection 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. The proposed severance does not meet the intent of the above noted policies and is therefore contrary to the ROP.

As per subsection 5.6.7 of the ROP, a development proposal for a non-farm land use in the "Agriculture Policy Area" requires a ROPA and will be evaluated in accordance with the Province's Foodland Guidelines as follows:

- a) Whether the proposal will reduce or impede surrounding farm operations.
- 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.
- d) Whether suitable alternative locations of lower-capability agricultural land in hamlets, towns, villages or urban areas have been considered.

To date, Regional Planning staff have not received a Foodland Guidelines Evaluation on the proposed ROPA. It should be noted that a justification analysis was submitted in support of OPA 618 which failed to demonstrate the need for additional residential lots in the “Agriculture Area” or to consider alternative locations on lower-capability agricultural lands or in non-agricultural areas.

Therefore, ROPA 49 does not meet the intent of the above noted policies and is contrary to the Region of York Official Plan.

4.1.5 City of Vaughan Official Plan

The lands are designated “Agriculture Area” by OPA 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 the creation of surplus farm dwellings.

Therefore, ROPA 49 does not maintain the intent of the OPA. 600 to promote and sustain agriculturally designated land primarily for agricultural uses.

4.1.6 Summary

It is the opinion of Regional staff that the ROPA application does not represent good planning based on the following:

- The proposal does not have regard for the PPS, 1997 Subsection 2.1.2 which states that lot creation in prime agricultural areas is generally discouraged.
- The proposal is not consistent with the PPS, 2005 Subsection 2.3.4.3 which states that residential lot creation is not permitted in prime agricultural areas.
- This proposal does not appear to comply with the Oak Ridges Moraine Conservation Plan and related Legislation.
- The subject lands are designated “Agriculture Policy Area” in the Regional Official Plan. The proponent has not provided the required information in accordance with ROP policy that justifies approval of the application.
- The lands are designated “Agriculture Area” by OPA 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 600).

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

City of Vaughn Council adopted OPA 618, which would permit the proposed severances. The approval of ROPA 49 would permit the approval of OPA 618, Consent B074/04 and Consent B075/04.

7. CONCLUSION

This report is intended to provide information on proposed ROPA 49 for the public meeting being held in accordance with the requirements of the Planning Act. The application does not conform to the Provincial Policy Statement, the Region of York Official Plan or the policies of OPA 600. In light of the above, Regional Planning staff do not consider the proposed development to represent good planning and therefore recommend refusal.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is included with this report.)