

COMMITTEE OF THE WHOLE AUGUST 20, 2001

**AMENDMENT TO ZONING BY-LAW
TABLELAND WOODLOTS
COMMUNITIES OF VELLORE & CARRVILLE – URBAN VILLAGES 1 & 2
PART OF LOTS 16 TO 25, CONCESSIONS 5, 6 & 7; AND
PART OF LOTS 11 TO 25, CONCESSIONS 2 & 3
FILE: Z.01.027**

Recommendation

The Commissioner of Planning recommends:

THAT Option B, permitting only those land uses legally existing at time of adoption of OPA 400 on August 31, 1994, be considered as the appropriate zoning option for the designated Tableland Woodlots located within Urban Villages 1 & 2;

THAT an implementing by-law for Urban Village 1 be forwarded to Council for enactment, and that the implementing by-law for Urban Village 2 be forwarded to Council for enactment after November 17, 2001, when the Oak Ridges Moraine Act is no longer in affect.

Purpose

To recommend appropriate zoning for lands designated 'Tableland Woodlots' within the Communities of Vellore and Carrville (Urban Villages 1 & 2) consistent with the policies of OPA 600.

Background - Analysis and Options

Background

OPA 400, adopted by City of Vaughan Council in 1994 and approved by the Province in 1995, designated approximately 300 acres of tableland woodlots within the planned urban areas of the City of Vaughan. OPA 400 included policies for terrestrial (woodlot) protection and acquisition. The establishment of a framework for the long term protection of these woodland resources continues to be a fundamental element of the City's land use planning policy framework. The strategy was reconfirmed and maintained through the OPA 400 Review process and Vaughan Council's adoption of OPA 600 on September 25, 2000.

On December 13, 1999, Council enacted Interim Control By-law 424-99 for tableland woodlots within the Communities of Vellore and Carrville. This interim control by-law was in effect for a period of one year from date of adoption.

On April 17, 2000, Council approved the terms of reference for the Tableland Woodlot Protection Study. Phase 1 proposed appropriate mechanisms to preserve and protect all designated tableland woodlots within the new communities in OPA 600, pending their acquisition; Phase 2 of the study, currently underway, will develop an inventory and functional evaluation/assessment of woodlots, focused primarily on the rural areas of OPA 600.

On May 10, 2000, the Ontario Municipal Board provided an exemption to Interim Control By-law 424-99 (Whitney Cohoon) for the property located at 10201 Pine Valley Drive, Lot 22, Concession 6.

On December 11, 2000, Council enacted By-law 440-2000 which re-instated the interim control by-law for a second year to December 13, 2001, to enable the review of the land use planning policies to be completed. The by-law reflected the OMB decision to exempt 10201 Pine Valley Drive.

On April 2, 2001, Council received the study entitled "City of Vaughan, Woodlot Protection Strategy, Recommendations for Continued Success (March 2001)" and resolved to hold a public hearing to consider amendments to the zoning of tableland woodlots in the Vellore and Carrville Communities.

A Public Hearing was held on May 7, 2001 to consider the Phase 1, Tableland Woodlot Protection Study. The following are the two zoning options that were considered at a Council Public Hearing:

- Option A - rezone the tableland woodlots to OS1 Open Space Conservation Zone.
- Option B - rezone the tableland woodlots to permit only those uses legally existing at the time of designation; later, upon subdivision approval, each woodlot would be rezoned to 'OS - Open Space Woodlot Zone', permitting a limited range of uses to ensure their protection.

The Ontario Municipal Board decision of May 9, 2001, dismissed an appeal of Interim Control By-law 440-2000 by landowners (Georgios and Peggy Constantinou) of a designated tableland woodlot in Lot 20, Concession 6, located at 9909 Pine Valley Drive.

Location

- Part of Lots 16 to 25, Concessions 5, 6 and 7 Community of Vellore
- Part of Lots 11 to 25, Concessions 2 and 3, Community of Carrville

Land Use Status of OPA No. 400/600 Woodlots

- Designated - "Tableland Woodlot" by OPA No. 400 & 600
- Zoned - A Agricultural and OS1 Open Space Conservation Zones, by By-law 1-88

Site Description

The subject lands are all tableland woodlots that have been identified as woodlots to be protected in the Official Plan. There are 8 Tableland Woodlots designated in the Community of Vellore (identified as Woodlots 4 to 9 and 17 & 18 on Attachment 1); and there are 10 Tableland Woodlots designated in the Community of Carrville (identified as Woodlots 2-4, 7-10, 21, 23 & 24 on Attachment # 2).

Analysis

The Study entitled, Phase 1, City of Vaughan Woodlot Protection Strategy dated March 2001, included the following findings concerning the existing general policies of the City of Vaughan and the zoning of tableland woodlots.

1. The Study identifies the policies in OPA 600 that reflect the City's commitment to the protection of designated tableland woodlots in the new urban communities of Vellore and Carrville.
2. By-law 1-88's A Agricultural Zone provisions for designated woodlots are too permissive in the range of permitted uses (e.g. institutional uses, commercial uses such as a retail

nursery); more rigorous zoning controls are required for “as of right” uses permitted on designated tableland woodlots.

3. The City's front ending agreement, the Region of York Tree By-law and other initiatives (e.g. Conservation land trust programmes) do not guarantee adequate protection for designated tableland woodlots; woodcutting within designated woodlots has occurred on a number of occasions.
4. Pressure to develop portions of tableland woodlots continues to occur due to requirements for infrastructure to serve urban development (e.g. roads and storm water management areas) in the block plan process.
5. Region's Tree By-law is considered essential to the long term success of the City's tableland woodlot acquisition.

Options

A Council Public Hearing was held on May 7, 2001 and the two zoning options were considered. The two zoning options that were considered, and their advantages and disadvantages are as follows:

Option A would establish a new OS Open Space Conservation Woodlot Zone, to be applied immediately to all tableland woodlots designated by OPA 600.

This is a very explicit method of establishing early in the process, that tableland woodlots are zoned for conservation. However, the precise area and edge of the tableland woodlots would not be established until later in the planning process (Block Plan and Plan of Subdivision); the zoning boundary would be inexact and would not necessarily follow property lines.

Option B would be a two stage approach. The first stage is to rezone tableland woodlots designated by OPA 400 permitting only uses which were legally existing within the designated area at the time of adoption of OPA 400. The second stage is to rezone the limits of the tableland woodlots to a OS Open Space Conservation Woodlot Zone at subdivision approval.

Option B is a straightforward approach which does not require that the specific limits of tableland woodlots be established at the beginning of the process. The disadvantage is that it requires a two step zoning process, to arrive at the same end product as Option 1. Until draft subdivision approval there would be a lesser degree of control and protection of the woodlot. The advantage of Option B is that the second step occurs when the precise woodlot limits have been established through the subdivision approval process.

Oak Ridges Moraine Protection Act, 2001

The Oak Ridges Moraine Protection Act (which is in effect until November 17, 2001) restricts the rezoning of designated Tableland Woodlots located within Blocks 11, 12 and 18 in the Carrville Community. Therefore, no rezoning can be adopted by Council for these tableland woodlots until after November 17, 2001; however, rezoning should proceed prior to the expiry of the Interim Control By-law, on December 13, 2001.

The implementing by-law for Urban Village 1 which is not affected by the Oak Ridges Moraine Act, can be enacted immediately.

Landowner Comments

KLM Planning Partners Inc. advised (in a letter dated May 14, 2001 – see Attachment #3) that their client, Roybridge Holdings, owner of a designated Tableland Woodlot located in Block 40, (Part of Lot 23, Concession 6) south of Cold Creek, requests that their existing Agricultural zoning be maintained.

Goodman and Carr, Barristers and Solicitors representing the Owner of 9500 Dufferin Street (Woodlot No. 10) indicated in a letter of May 7, 2001 (Attachment # 4) that it was premature to apply any specific zoning to the property until such time as the Block 18 secondary plan has been thoroughly reviewed and considered by Council. They believe rezoning would have the effect of sterilizing the property. However, the subject lands already have secondary plan approval but still require a Block Plan approval.

Planning Considerations

Staff are of the opinion that it is reasonable to proceed with Option B to implement the intent of the Official Plan to protect all designated Tableland Woodlots within the Urban Villages. This two step process will ensure that the boundary of the protected woodlot will be determined when the surrounding development proceeds through subdivision approval.

Staff believe that it is preferable to have only one by-law for the first step of the two step process (Option B) that applies to all the designated tableland woodlots within Vellore and Carrville. Therefore, waiting to rezone until after November 17, 2001 is recommended. The timing of the zoning by-law to be adopted by Council should be prior to expiry of the interim control by-law (December 11, 2001) and after the Oak Ridges Moraine Protection Act expires (November 17, 2001). This is possible if a by-law is brought forward at the November 26, 2001 Council Meeting for adoption. The status of woodlots subject to the ORM legislation should be reviewed upon expiry of the legislation (assuming it is not extended).

With regard to the noted landowner concerns, Staff believe that all the designated tableland woodlots should be treated in the same manner and be included in any rezoning. It is noted that the secondary plan for Block 18 has already been approved and only the Block Plan requires consideration and municipal approval. The tableland woodlot in Block 18, is already designated by OPA 600 (Woodlot 10), is located within the lands subject to the Oak Ridges Moraine Protection Act; and therefore the timing of any rezoning by Council is subject to the provisions of that Act.

Conclusion

Staff recommend that Option B be considered the preferred approach to the implementing of any change to the existing zoning of Designated Tableland Woodlots in accordance with the policies of the Official Plan. The timing of any rezoning of the subject lands is subject to both the time limitations of the Interim Control By-law and the Oak Ridges Moraine Protection Act noted in the report.

Staff can support the rezoning of the designated Tableland Woodlots for the Communities of Vellore and Carrville. Should Council concur, the “Recommendation” of this report can be adopted.

Attachments

1. Location Map - Community of Vellore
2. Location Map - Community of Carrville
3. Letter of May 14, 2001 (KLM Planning Partners Inc.)
4. Letter of May 7, 2001 (Goodman and Carr)

Report prepared by:

Stan Holiday, Policy Planner, ext. 8215

Paul Robinson, Senior Planner, ext. 8410

Wayne L. McEachern, Manager of Growth Management & Special Studies, ext. 8026

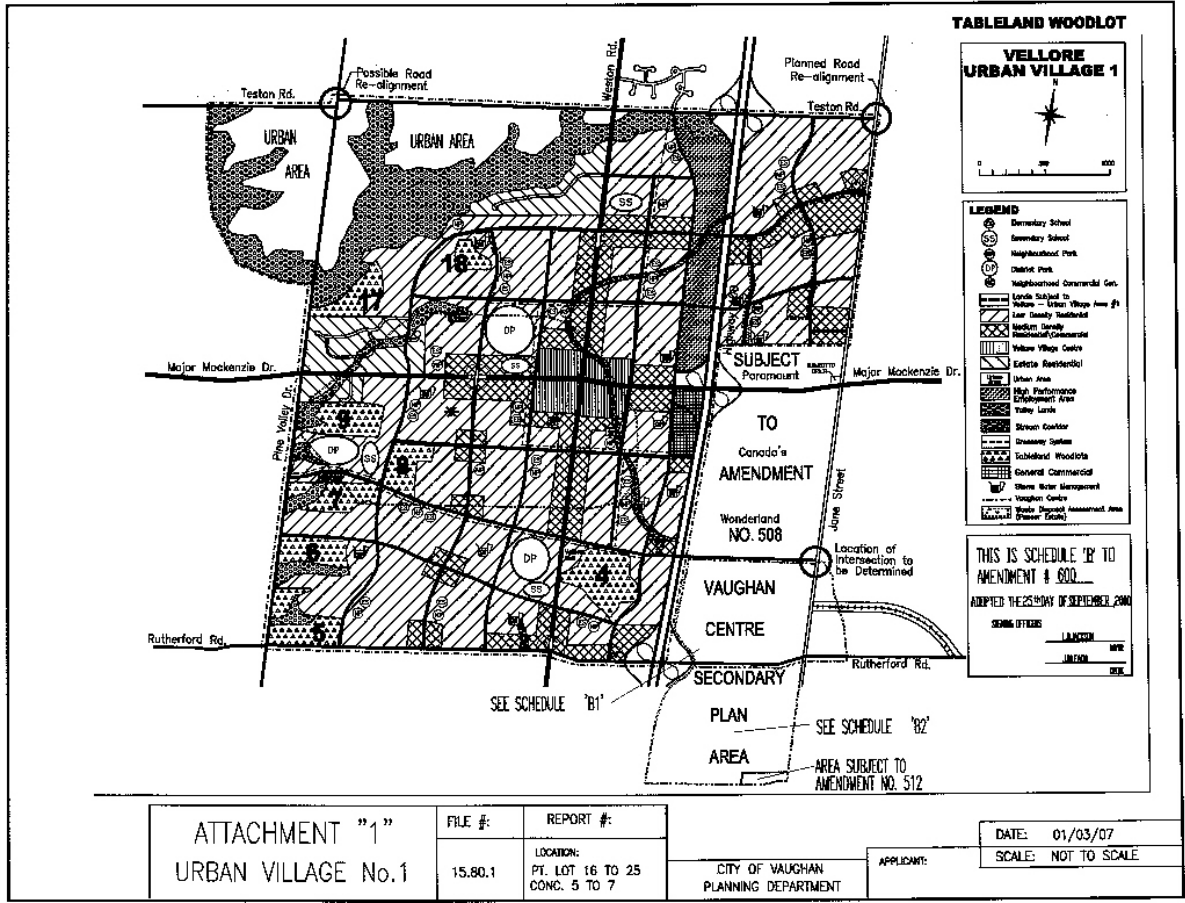
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

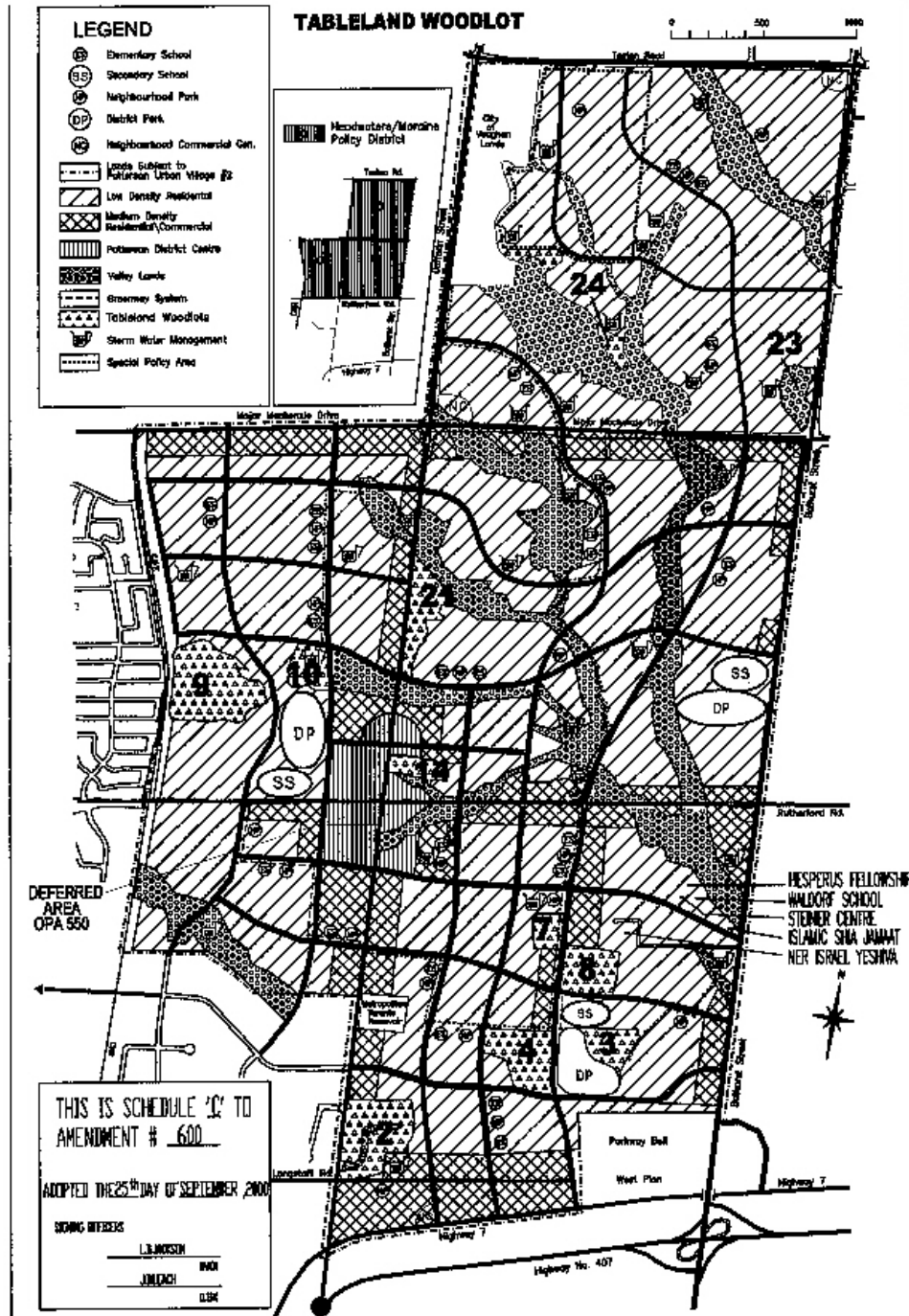
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ATTACHMENT "1" URBAN VILLAGE No.1	FILE #:	REPORT #:	CITY OF VAUGHAN PLANNING DEPARTMENT	DATE:	01/03/07
	15.80.1	LOCATION: PT. LOT 16 TO 25 CONC. 5 TO 7		APPLICANT:	SCALE:

CARRVILLE - URBAN VILLAGE 2



THIS IS SCHEDULE 'C' TO AMENDMENT # 600

ADOPTED THE 25TH DAY OF SEPTEMBER 2000

BOARD MEMBERS:

____ I.B. JACKSON _____ BIRD

____ J. LUDWIG _____ C. SMITH

ATTACHMENT "2" URBAN VILLAGE No.2	FILE #:	REPORT #:	DATE: 01/03/07
	15.80.1	LOCATION: PT. LOT 11 TO 25 CONC. 2 TO 3	SCALE: NOT TO SCALE
CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT:	

KLM PLANNING PARTNERS INC.
URBAN PLANNERS AND DEVELOPMENT CONSULTANTS

64 JARDIN DRIVE, UNIT 1B
CONCORD, ONTARIO L4K 3P3
TELEPHONE: (905) 669-4055
FACSIMILE: (905) 669-0097

ATTACHMENT NO. 3
MAY 16 2001

Directors
James M. Kennedy, M.C.I.P., R.P.P.
Roy W. Mason, B.E.S.
Mark Yarranton, B.E.S., M.C.I.P., R.P.P.

May 14, 2001

Mr. M. DeAngelis
Commissioner of Planning and Urban Design
City of Vaughan
2141 Major MacKenzie Drive
Maple, Ontario
L6A 1T1


Re: Proposed Tableland Woodlot By-law

On behalf of the Roybridge Holdings, owner of a woodlot located in Part of Lot 23, Concession 6, in Block 40 south of Cold Creek, I wish to advise that they would like their woodlot to retain the existing Agricultural zoning that is provided by Zoning By-law 1-88, as amended.

Please keep us informed of any further meetings dealing with this matter.

Yours very truly

KLM Planning Partners Inc.



Roy W. Mason

PART OF 2001



GOODMAN AND CARR LLP
BARRISTERS AND SOLICITORS

ATTACHMENT NO. 4

RUSH

Mary L. Flynn-Cugliesi
Direct Line: 416-595-2346
E-mail: mflynn@goodmanccr.com
File Number: 0101996

May 7, 2001

VIA FAX

The Chair Councillor Bernie Di Vona and
Members of the Committee of the Whole

Dear Sir:

Re: Committee of the Whole Meeting scheduled for Monday, May 7, 2001
Item No. 3: Amendment to Zoning By-law File No. Z.O.1.027
Tableland Woodlots
Communities of Vellore & Patterson - Urban Villages 1 & 2
Preliminary Report

ITEM # **3**
ADDITIONAL INFORMATION
PUBLIC HEARING

Date: Mon. May 7, 2001

We are the solicitors acting on behalf of the owners of the property municipally known as 9900
Dufferin Street, in the City of Vaughan.

We have now had an opportunity to review the City of Vaughan's Woodlot Protection Strategy
which identifies our client's lands as being part of Woodlot Identification No. 10. We understood
that Council at its meeting on April 2, 2001 directed that a Public Hearing be scheduled for May 7,
2001 concerning the re-zoning options for designated tableland woodlots. We have also had an
opportunity to review the report prepared by the Commissioner of Planning and Urban Design in
connection with this matter that will be considered by Council this evening. We understand the
Commissioner is recommending that any issues identified during the May 7, 2001 public hearing be
addressed by Staff in a comprehensive report to the Committee of the Whole.

With respect to our client's property, we understand that there is currently a secondary plan
application for what is known as Block 18. It is described as being from Rutherford Road to Major
Mackenzie Drive, between Dufferin Street and north-south CN Rail Line on the west. We
understand that numerous reports were filed with the secondary plan application and are presently
being considered by your Staff.

We respectfully submit that it is premature to apply any specific zoning to our client's property until
such time that the Block 18 secondary plan has been thoroughly reviewed and considered by
Council.

In addition, we would like Staff to address the issue of the recent Court of Appeal decision in the
Derek Russell case. A panel of three members of the Court of Appeal upheld an Ontario Municipal
Board decision wherein the Board members pursuant to Section 43 of the Ontario Municipal Board
Act overturned an earlier Board decision on the grounds that that Board Member did not apply a
long-standing Board Policy that it should not approve a by-law that has the effect of sterilizing lands.

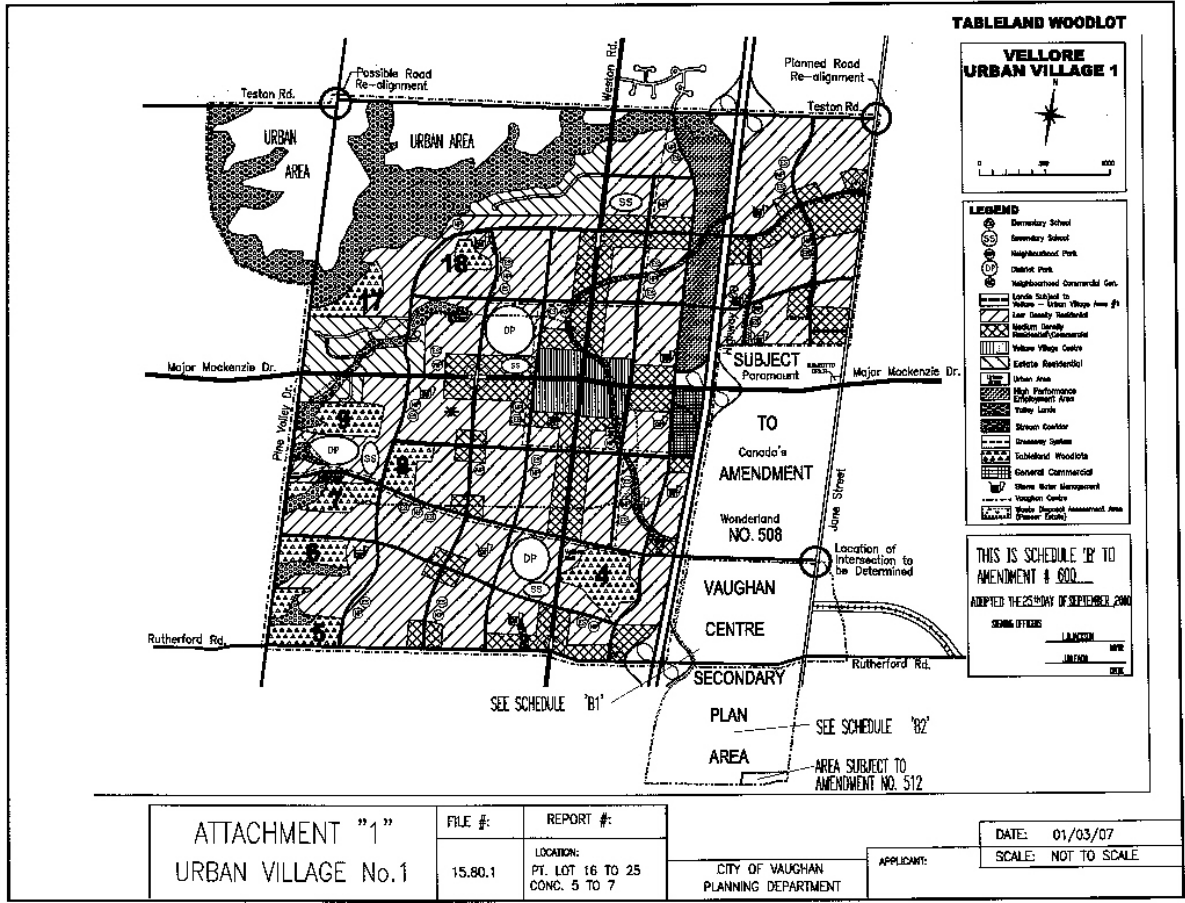
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Received 05-07-01 04:06pm

From: 416 595 0567

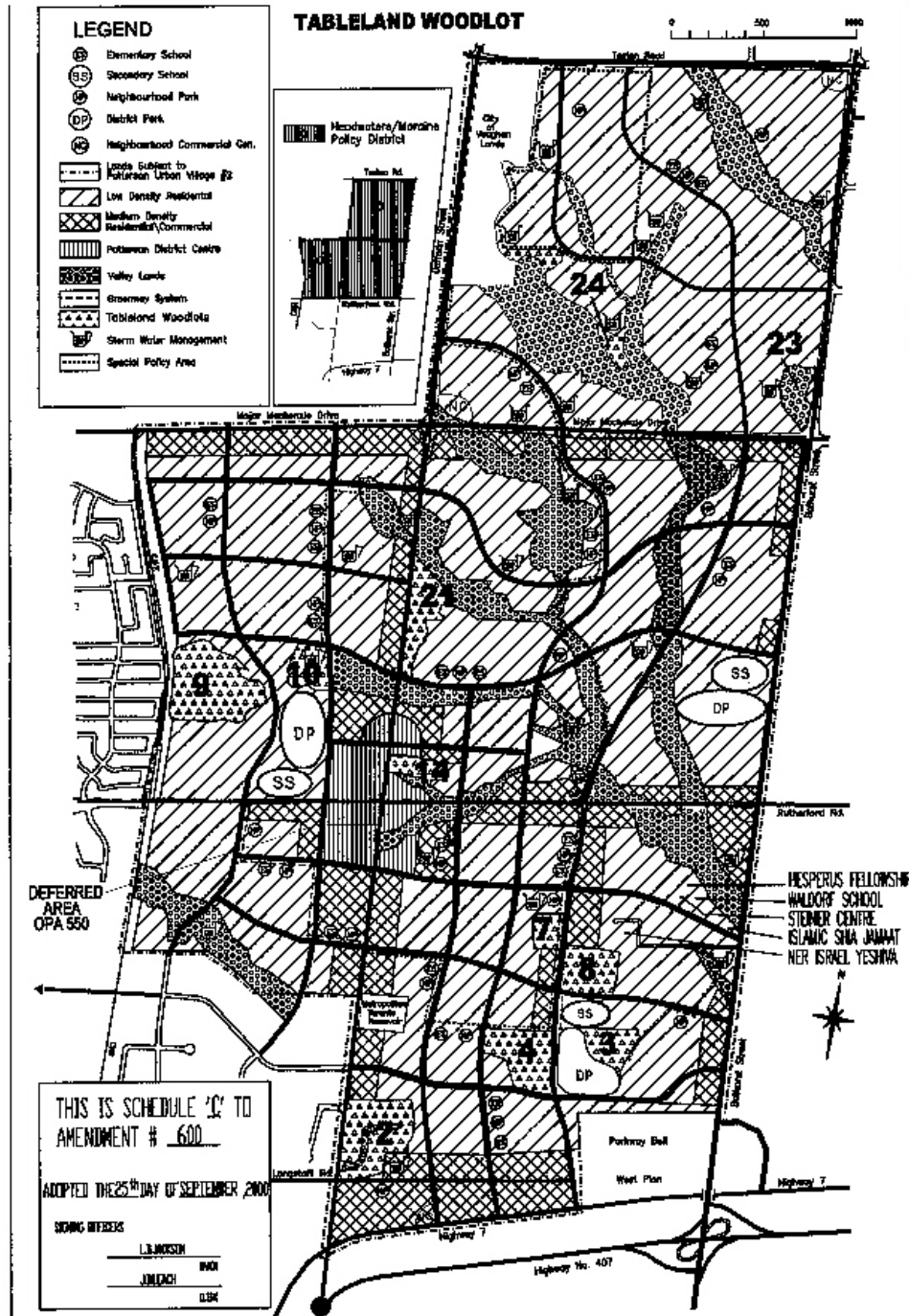
To: CLERKS

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ADOPTED THE 25TH DAY OF SEPTEMBER 2000

BOARD MEMBERS:

_____	BOB
_____	JOHN
_____	CLIVE

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KLM PLANNING PARTNERS INC.
URBAN PLANNERS AND DEVELOPMENT CONSULTANTS

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KLM Planning Partners Inc.



Roy W. Mason

PART OF 2001

GOODMAN AND CARR LLP
BARRISTERS AND SOLICITORS

ATTACHMENT NO. 4

RUSH

Mary L. Flynn-Cugliesi
Direct Line: 416-595-2346
E-mail: mflynn@goodmancarr.com
File Number: 0101996

May 7, 2001

VIA FAX

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Members of the Committee of the Whole

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unless the municipality in question can justify such a drastic result within the guidelines set out in earlier decisions of the Ontario Municipal Board.

We respectfully submit that a zoning designation such as proposed would have the effect of sterilizing our client's property and we submit that the justifications given in the Staff Report are not sufficient to meet the test.

Unfortunately I will not be able to attend the public hearing this evening however as Staff is being requested to identify any issues and address such issues in a comprehensive report, we would ask that the issues that we have raised in this letter in relation to our client's property should be thoroughly reviewed by Staff as part of its comprehensive report.

If I can be of any further assistance, do not hesitate to call me. I thank you for your kind consideration in respect of this matter.

Yours very truly,


Mary L. Flynn-Clugston

MLFG/mc
Enc.

cc: John Leach, City Clerk
Eugene Iacubelli

May 7, 2001 (4:02PM)

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** TOTAL PAGE 03 **

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From-416 595 0557

To-CLERKS

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