

## **COMMITTEE OF THE WHOLE JANUARY 17, 2012**

### **OFFICIAL PLAN (VOP 2010) MAPPING CHANGE FOR LANDS LOCATED IN THE OAK RIDGES MORaine WARD 1**

#### **Recommendation**

The Commissioner of Planning, in consultation with the Legal Services Department, recommends that:

1. The Vaughan Official Plan (VOP) 2010, Volumes 1 and 2, be modified by designating the lands located at 1600 Teston Road as "Natural Areas" in Schedule 13 and Schedule 13-J in Volume 1, and identifying the lands on Schedule 14-C 'Areas Subject to Site Specific Plans' and adding a new subsection with specific policies regarding a portion of the lands in Section 13 'Site Specific Policies' in Volume 2.
2. This report be forwarded to the Region of York as a recommended modification to the Vaughan Official Plan 2010, Volumes 1 and 2, and that the Region of York be requested to modify the Plan accordingly as part of the process leading to the approval of the Vaughan Official Plan 2010.

#### **Contribution to Sustainability**

Goal 2 of *Green Directions Vaughan* (2009), the City's Community Sustainability and Environmental Master Plan, focuses on the new Official Plan to "ensure sustainable development and redevelopment".

Green Directions Vaughan (2009) provides the following objective with respect to the Natural Heritage Network:

*2.2.4. Develop a comprehensive Natural Heritage Strategy that examines the City's natural capital and diversity and how best to enhance and connect it. As part of this action:*

- *Develop an inventory of Vaughan's natural heritage, and identify opportunities for habitat restoration;*
- *Ensure that policies in the City's new Official Plan protect all ecological features and functions as per current provincial and regional policies, and also include consideration for locally significant natural features and functions;*
- *Develop policies to create opportunities for near urban agriculture within Vaughan's rural areas, through policies described in the City's new Official Plan.*

#### **Economic Impact**

The recommendation of this report comprises a mapping change and the addition of a site specific policy to reflect the designation of lands in OPA 332, as amended by OPA 604. Therefore, there is no expected economic impact.

#### **Communications Plan**

This report and any accompanying Council minutes will be forwarded to the Region of York for its consideration in the approval process for VOP 2010.

## **Purpose**

The purpose of this report is to identify the lands municipally known as 1600 Teston Road as "Natural Areas" in Schedule 13 and Schedule 13-J in Volume 1, and identifying the lands on Schedule 14-C 'Areas Subject to Site Specific Plans' and adding a new subsection to Section 13 'Site Specific Policies' in Volume 2, with an accompanying clause regarding potential development opportunities, under VOP 2010.

## **Background - Analysis and Options**

### **Location**

The subject lands, municipally known as 1600 Teston Road, are located to the west of Dufferin Street, on the north side of Teston Road.

### **Background**

OPA 332 designates these lands as Open Space (see Attachment 1). VOP 2010 shows the lands as Core Features (the western portion of the lands) and Enhancement Areas (the eastern portion of the lands) on Schedule 2, and designates the western portion as Natural Areas and eastern lands as Low Rise Residential on Schedule 13 and Map 12.3.A. The designation of the eastern portion of the lands in VOP 2010 as Low Rise Residential appears to be inconsistent with the Open Space designation in OPA 332. In order to reconcile the inconsistency, the lands should be designated as "Natural Areas" in Schedule 13 and Schedule 13-J.

### **Policies Pertaining to Subject Lands**

#### **OPA 332**

OPA 332 describes the Waste Disposal Assessment Area surrounding the former Keele Valley Landfill Area, an area which includes the subject lands. The lands are designated "Open Space" on Schedule 2A in OPA 332. Most of the lands are designated "North Maple Residential Area" on Schedule 3 in OPA 332, with a portion of the lands associated with the TRCA regulated area designated as "Open Space" on Schedule 3 in OPA 332.

#### **OPA 604**

Schedule 3 to OPA 604, amending OPA 332, designates the lands as (1) "Oak Ridges Moraine Natural Core" consistent with the ANSI and Natural Core Area designation in the Oak Ridges Moraine Conservation Plan (ORMCP), and (2) "Oak Ridges Moraine Settlement Lands" on the balance of lands to the east. Schedule 4 to OPA 604, amending Schedule 3 of OPA 332, is the land use schedule and designates the lands as "Open Space".

OPA 604 also amends OPA 332 by deleting Schedule 2A (see Part B, Section 3 of OPA 604). OPA 604 does not amend section 3.3.c) i) whereby an "application for their designation for other uses will be given due consideration" in the Open Space Area designation.

#### **By-Law 121-2003**

By-Law 121-2003 is the implementing by-law for OPA 332. The permitted uses for the "Open Space Area" described in section 3.3 of By-Law 121-2003 is generally consistent with the "Natural Area" designation on Schedule 13 and the Core Features overlay on Schedule 2 of the Vaughan Official Plan. However, Section 3.3 c) i) of By-Law 121-2003, being also section 3.3.c) i) of OPA 332, notes that lands under private ownership that are designated Open Space Area, and other than valleylands and woodlots, are not necessarily protected as natural features, as excerpted below.

"Where lands designated as "Open Space Area" are under private ownership, this Amendment does not indicate that these lands will necessarily remain designated as such

indefinitely, nor shall it be construed as implying that such areas are free and open to the general public, nor that such lands will be purchased by the municipality or by any other public agency. Where such lands other than valley lands and woodlots are not acquired by a public body, application for their designation for other uses will be given due consideration by the municipality.”

### **Oak Ridges Moraine Conservation Plan**

The Oak Ridges Moraine Conservation Plan shows the lands designated as Natural Core Area and Settlement Area.

### **Vaughan Official Plan 2010**

The lands are shown as Core Features and Enhancement Area on Schedule 2 of the VOP.

Enhancement Areas reflect the best opportunities on remaining undeveloped land to provide additional habitat and/or ecological connectivity to the Natural Heritage Network. The request for and precise limits of Enhancement Areas to add to the Natural Heritage Network will be determined through appropriate studies.

The lands with the Enhancement Areas overlay are designated Low Rise Residential on Schedule 13 of the VOP. Schedule 14-B indicates that the subject lands fall under an Area Specific Plan, Keele Valley Landfill Area (Map 12.3.A). The subject lands are shown as Natural Areas and Low Rise Residential on this map.

### **Zoning By-Law 1-88**

The lands at 1600 Teston Road are zoned:

- (1) OS5 (Environmental Protection Zone) for the part overlapping the ANSI and the Natural Core Area designation of the ORMCP, and
- (2) 'A' (Agriculture) for the remainder of the lands to the east of the ANSI.

### Basis for the Identification as “Natural Areas” in Site Specific Plan

The ecology of the lands include the forest and wetlands, which are included in the ANSI boundary, at the west portion of the property. The eastern portion of the property does not include natural features as defined in the Provincial Policy Statement, and as provided in the report, Natural Heritage in the City. The area is classified by TRCA as meadow habitat (see also Figure 9 of the Natural Heritage in the City report). Area sensitive bird species are associated with the ANSI, (see Figure 12 of the Natural Heritage in the City report), making the restoration of the eastern portion of the lands important to maintaining interior forest species.

Downstream habitat has been identified as coldwater habitat supporting brown trout, brook trout and rainbow trout. Hence, efforts to maintain coldwater stream habitat should be promoted.

The lands are within an area identified by the TRCA as Priority 3 Terrestrial Natural Heritage Regeneration Site as noted in Figure 27 of the Don River Watershed Report.

While it is the opinion of the City that the Open Space Area designation (i.e. Schedule 4 of OPA 604) prevails over the Oak Ridges Moraine Settlement Area designation, the Open Space Area policies do not provide outright protection of the lands in question as per section 3.3.c) i) of OPA 332. Hence, Schedule 2 of the VOP is correct in identifying the lands with the Enhancement Areas overlay.

The Low Rise Residential land use designation is a valid interpretation of the clause in section 3.3.c) i) of OPA 332 and the Settlement Area designation in the Oak Ridges Moraine Conservation Plan. However, under OPA 332, any application for designation of private lands in the Open Space designation requires an Official Plan Amendment. Hence, a development right

as interpreted by the Low Rise Residential designation in VOP 2010 is not consistent with the development approvals process articulated in OPA 332.

To reconcile this inconsistency, staff recommend identifying 1600 Teston Road as “Natural Areas” in a Site Specific Plan. The policy language in Site Specific Policies (Volume 2, Section 13) should include an interpretation of Section 3.3 c) i) of By-Law 121-2003, being also section 3.3.c) i) of OPA 332. This inclusion will demonstrate that an application for development on these lands will be given due consideration.

### Recommended Changes to VOP

On this basis staff can recommend that the lands municipally known as 1600 Teston Road that are currently designated “Low Rise Residential” in VOP 2010 should be designated as “Natural Areas” on Schedule 13 and Schedule 13-J. In addition, the lands shall be identified on Schedule 14-C.

Specific policies shall be provided in Section 13 of Volume 2 of the VOP to reflect the relevant policies of OPA 332 as amended by OPA 604. The recommended additions to Section 13 are noted below.

Adding a new subparagraph to Section 13.1.1 as follows:

- The lands known as 1600 Teston Road are identified on Schedule 14-C and are subject to policies set out in Section 13.X of this Plan.

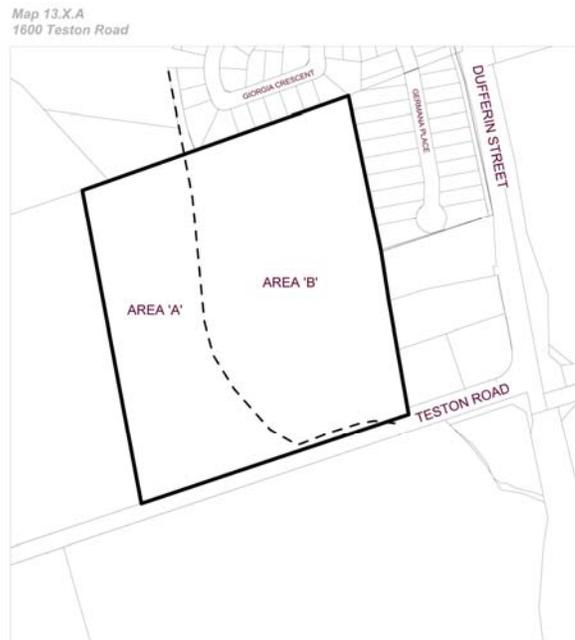
Adding a new subsection to Section 13 as follows:

### **13.X 1600 Teston Road**

Map 13.X.A

13.X.1.1 Notwithstanding policy 9.2.1.1 of the Official Plan, for lands designated Natural Areas at 1600 Teston Road and shown on Map 13.X.A as Area ‘B’, and which are under private ownership, it shall not be construed that these lands will necessarily remain designated as such indefinitely or that such areas are free and open to the general public. Where such lands are not acquired by a public body, application for their designation for other uses will be given due consideration by the municipality.

13.X.1.2 Core Features policies in s. 3.2.3 of Volume 1 of the Official Plan apply to lands in Area ‘A’ in Map 13.X.1. Enhancement Areas policies in s. 3.2.3 of Volume 1 of the Official Plan apply to lands in Area ‘B’ in Map 13.X.1.



It is recommended that these modifications be made through the York Region modifications process of the VOP.

### **Relationship to Vaughan Vision 2020/Strategic Plan**

The new Official Plan is addressed under the objective “Plan and Manage Growth & Economic Vitality”, including the following specific initiatives:

- Complete and implement the Growth Management Strategy (Vaughan Tomorrow);
- Conduct the 5-year comprehensive review of the Official Plan as part of the Growth Management Strategy 2031;

### **Regional Implications**

This report and the accompanying Council minutes will be forwarded to the Region of York for consideration in the approval process for VOP 2010 Volumes 1 and 2.

### **Conclusion**

The lands municipally known as 1600 Teston Road are suitable for designation as “Natural Areas” and for site-specific policies that apply to a portion of the lands be provided in Section 13 of Volume 2 of the VOP. Therefore the recommendations set out above should be adopted.

### **Attachments**

1. Schedule “4” to Amendment No. 604 (amending Schedule “3” to OPA 332)

### **Report prepared by:**

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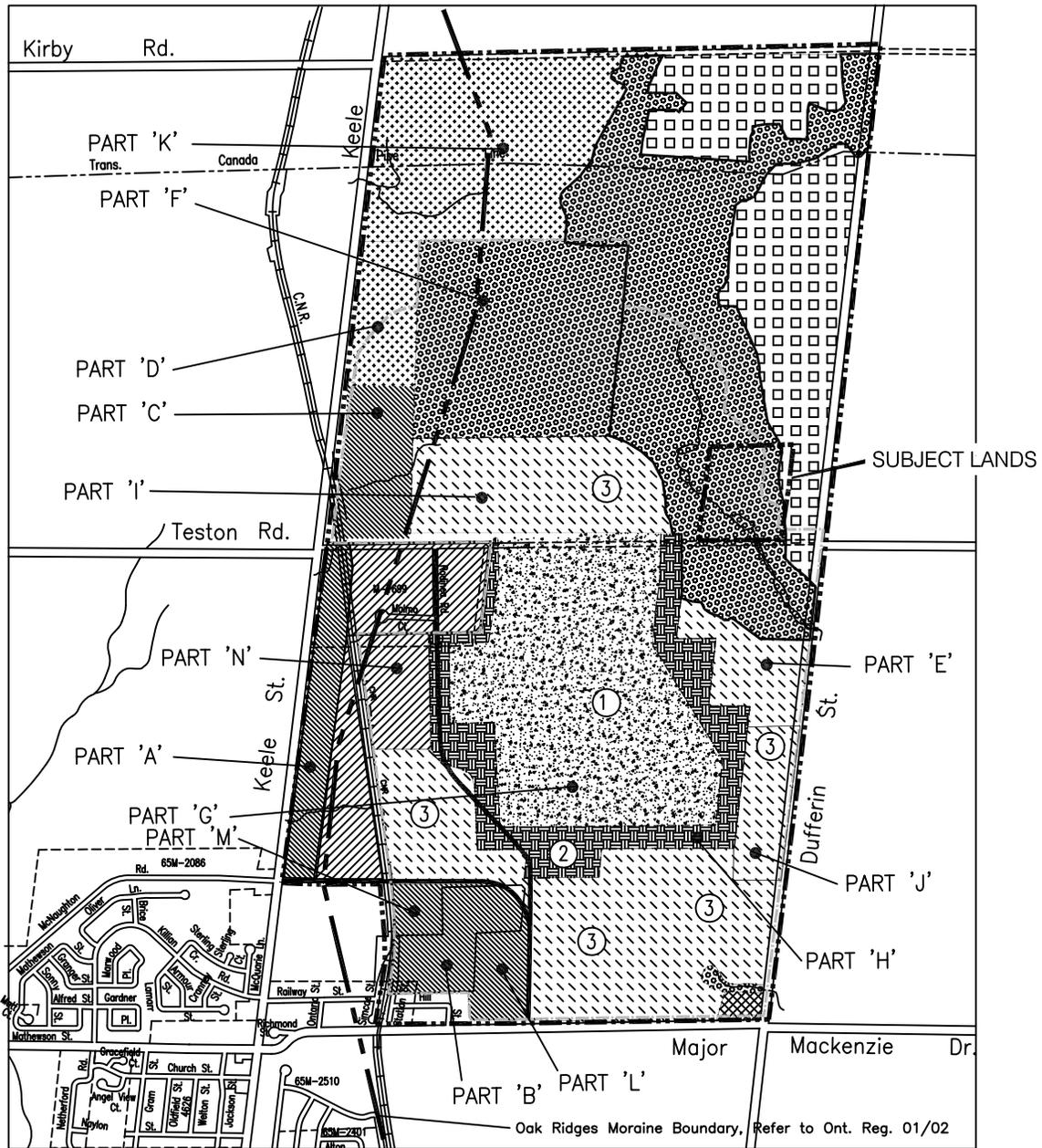
Respectfully submitted,

JOHN MACKENZIE  
Commissioner of Planning

DIANA BIRCHALL  
Director of Policy Planning

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THIS IS SCHEDULE "4"  
TO AMENDMENT NO. 604



THIS IS SCHEDULE "3"  
TO AMENDMENT NO. 332

