

COMMITTEE OF THE WHOLE JUNE 4, 2001

**OFFICIAL PLAN AMENDMENT 601
KLEINBURG-NASHVILLE COMMUNITY PLAN
AGGREGATE PITS**

Recommendation

The Commissioner of Planning & Urban Design recommends:

1. THAT Council not initiate a zoning amendment of the "O'Connor" pit in Lot 20, Concession 9 and the "Wardlaw" pit in Lot 17, Concession 8 and Lots 17 and 18 in Concession 9, and that any development potential and rezoning be established through the review and approval of neighbourhood plans in OPA No. 601, secondary plans for the future employment area, and the environmental assessment for the Major Mackenzie Drive extension.
2. THAT By-law Enforcement continue to monitor the Wardlaw property to ensure compliance with the Zoning By-law.

Purpose

To respond to Vaughan Council's July 10, 2000 and September 25, 2000 resolutions respecting former aggregate extraction areas within the Kleinburg-Nashville Community Plan Area OPA No. 601.

Background - Analysis and Options

On July 10, 2000 Council included in a resolution respecting the public hearing on the Kleinburg-Nashville Community Plan Review, the following:

- " 3) That staff be directed to provide a report to a future Committee of the Whole, to initiate the rezoning of the gravel pit lands located on the west side of Highway No. 27, to Open Space;"

Vaughan Council approved the following as part of a September 25, 2000 resolution on the Kleinburg- Nashville Official Plan Review:

"WHEREAS there are existing aggregate extraction sites and fill operations located in OPA No. 601; and

WHEREAS these sites have been in operation for a number of years; and

WHEREAS there have been some concerns expressed about the future potential use of these lands; and

WHEREAS the community has in public meetings expressed concerns regarding the rehabilitation of these pits;

THEREFORE, BE IT RESOLVED that City staff be directed to review various options regarding these concerns."

On February 26, 2001 Council deferred item 25, Report 14 of the Committee of the Whole on the "O'Connor" and "Wardlaw" pits in the Kleinburg-Nashville Community Plan until additional

information was available, in accordance with the memorandum from the Commissioner of Planning and Urban Design. The memorandum from the Commissioner of Planning and Urban Design advised that further review was warranted with respect to the uses that have taken place on the properties.

Staff have undertaken additional investigation with By-law Enforcement and Planning Staff having visited the Wardlaw property.

Location

- west side of Highway No. 27, between Rutherford Road and Major Mackenzie Drive

Review

This report considers the two aggregate extraction sites within OPA No. 601, the Kleinburg-Nashville Community Plan. The report is organized into two parts, (Site 1 and Site 2) with the issues and planning considerations associated with the O'Connor pit, appearing first (Site 1), and those associated with the Wardlaw pit following, thereafter (Site 2).

Site 1. Former Aggregate and Waste Disposal (T. O'Connor)

Location

- South side of Major Mackenzie Drive, west of Regional Road 27
- Part Lot 20, Concession 9, City of Vaughan

Land Use Status

- Designation - York Region Official Plan - "Urban Area" in OPA No. 19 and "Regional Greenlands System"
- Designation - Vaughan Official Plan - "Highway No. 27 Valley Corridor Study Area" and "Waste Disposal Assessment Area" in OPA No. 601
- Adjacent Designation: "Serviced Residential" - "Humber Trails Neighbourhood"
- Zoning - M4 Pits and Quarries and OS1 Open Space Conservation Zones by Bylaw 1-88

Adjacent Uses

North - Major Mackenzie Drive, agriculture

South - forested Humber River Valley

West - agriculture

East - forested valley, Humber River and residential on Broda Drive

Aggregate Use of Site

Aggregate extraction is evident on the site in 1959 and 1967 air photography in the area zoned M4 Pits and Quarries Zone. The excavated area comprises approximately 7 ha. The 1973 air photos and those in more recent years, indicate filling of the excavated area.

The introduction of the Pits and Quarries Act in 1971 required owners of existing pits to obtain a licence to continue extracting aggregate. Ministry of Natural Resources (MNR) staff has advised that they have no record of permits having been issued for a pit on this property.

The area of the former pit is zoned M4 Pits and Quarries Zone, permitting an aggregate extraction use. However, for aggregate extraction to occur in the future, an aggregate licence would need to be issued by the Ministry of Natural Resources under the Aggregate Resources

Act. Adjacent lands under the same ownership are zoned A Agricultural Zone and would also require an amendment to the Official Plan and Zoning By-law to permit aggregate extraction.

Rehabilitation of Site

With no Pit Licence on the property, there is no approved rehabilitation plan that must be implemented as part of the closure of the pit. As a result, the rehabilitation of the pit must comply with all applicable municipal by-laws and regulations of public authorities, including the Toronto and Region Conservation Authority (TRCA) and the City Fill By-laws.

The TRCA issued a Fill Permit on November 25, 1988 to permit filling within the pit. The permit provides for 45,000 m³ of earth to be relocated from higher elevations on the property, with an additional 300,000 m³ of non-organic clay or granular fill to be placed in the former pit. All filling is to take place outside of the floodplain of the Humber River. The most recent extension to the fill permit was issued by the TRCA on December 11, 2000 for a period of one year.

Waste Disposal Use of Site

In addition to the past use of the site as an aggregate extraction area, the pit site has also been identified in MOE records as a Waste Disposal Site. The Ministry records identify the facility as "U-Pak Disposal Ltd. (O'Connor Pit)". The approval date is shown as July 29, 1971 with a **closure date of January 1, 1976**. The MOE record shows that 5% of the waste is comprised of "Domestic" materials and 95% is "Non-Hazardous Solid Industrial Waste" materials. The use of the property as a "Waste Disposal Site" is identified in both OPA No. 160 and OPA No. 601 (Kleinburg - Nashville Community Plans), along with policies respecting studies to be undertaken prior to any development within 500 metres of the disposal site.

Planning Considerations

Council's July 10, 2000 motion included that staff initiate the rezoning of the pits to Open Space. This was followed by Council's September 25, 2000 motion that directed staff to review options regarding concerns of future use and rehabilitation of the pits.

From staff's review it appears that aggregate extraction ceased on the site several years ago and that filling of the pit has been underway since the 1970s, first as a waste disposal site up to 1976 and since 1988 with a fill permit from the TRCA.

A rezoning from M4 Pits and Quarries Zone to OS1 Open Space Conservation Zone would not prevent the filling of the site as authorized in the fill permit from the TRCA. In fact, By-law 1-88 recognizes that filling may be permitted in OS1 Open Space Conservation Zones in subsection 7.2.2 which states that:

"Notwithstanding any other provisions contained in this Section, any lands in the OS1 Open Space Conservation Zone shall only be rezoned when such lands are filled to the satisfaction of the Toronto and Region Conservation Authority and the City."

With respect to the possible future use of the former pit, the land use designations in OPA No. 601 and the Region of York Amendment No. 19 provide direction. The former pit is located at the boundary between the "Humber Trails Residential" neighbourhood and the "Highway No. 27 Valley Corridor Study Area" in OPA No. 601. The realigned extension of Major Mackenzie Drive as shown in OPA No. 601 would pass through the property in the area of the former pit. Prior to any development in this area an environmental assessment must be completed and the final alignment of the Major Mackenzie Drive extension determined. OPA No. 601 provides that the Major Mackenzie Drive extension west of the valleyland shall constitute the boundary between the "Humber Trails Residential neighbourhood and the employment area contemplated in OPA No. 19 to the Region of York Official Plan.

The policies of OPA No. 601 provide that the limits of the Valley and Stream Corridor shall be clearly established to the satisfaction of the TRCA and the City during the preparation of the Master Environmental Servicing Plan for the neighbourhood. Given the filling that has been approved on the site by the TRCA, there may be the potential that a portion of the former pit could be suitable for development as either residential north of the Major Mackenzie Drive extension or employment uses to the south of the extension. However, matters of stability of the filled material, slope stability, and issues relating to the use of the site as a waste disposal site, along with servicing and other matters would need to be reviewed and addressed to the satisfaction of the City and other affected agencies, prior to any development. The review of these matters would be the appropriate means to determine the limits of any future development of the site and applicable zoning and any additional open space zone that should be applied to the property.

Site 2. Former Aggregate Operation (G.& F. Wardlaw)

Location

- West of Regional Road 27, approximately mid-block between Rutherford Road and Major Mackenzie Drive
- Part of Lot 17, Concession 8 and Part Lots 17 and 18, Concession 9, City of Vaughan

Land Use Status

- Designation - York Region Official Plan - "Urban Area" in OPA No. 19 and "Regional Greenlands System"
- Designation - Vaughan Official Plan - "Highway No. 27 Valley Corridor Study Area" in OPA No. 601
"Valley and Stream Corridor" and "Future Employment Secondary Plan Study Area" in OPA No. 600
- Zoning - most of property is zoned A Agricultural Zone. A portion of the property located in the floodplain of the Humber River is zoned OS1 Open Space Conservation Zone in By-law 1-88.

Adjacent Uses

North - residential at Regional Road 27, forested, agriculture
South - Commercial (gas station) at Regional Road 27, agriculture
East - Regional Road 27, Humber River
West - Agriculture, CPR rail line

Aggregate Use of Site

A review of air photography dating from 1946 to 2000, revealed what would appear to be aggregate extraction activity on the site in 1959. By-law 2523 zoned the property A Agricultural Zone in 1960.

The 1973 air photos reveal an excavated area of approximately 20 ha with approximately half of this area covered in water, presumably as a result of excavation below the water table. The extent of the excavated area in 1982 appears to be the same as in the 1973 air photo. The Pits and Quarries Act in 1971, required owners of existing pits to obtain a licence to continue extracting aggregate. MNR staff has advised that they have no record of a permit having been issued for a pit on this property for any aggregate extraction to occur in the future, an aggregate licence under the Pit and Quarries Act would need to be issued by the MNR. As well,

amendments to the Official Plan and Zoning By-law would be required to permit a resumption of the extraction use.

Aggregate Stockpile

By-law Enforcement visited the Wardlaw property in February 2001 and observed a stockpile of crushed aggregate material on the property. By-law Enforcement and Planning Staff also visited the site in May 2001 and observed the stockpile of aggregate material. No crusher was observed on the site at the time of the inspections. The operation of an aggregate crusher is not a permitted use in the A Agricultural Zone. The recommendation section of the report includes that By-law Enforcement continue to monitor the property to ensure compliance with the Zoning By-law.

Rehabilitation of the Site

The 1984, 1987, 1992 and 2000 air photos reveal filling of the site, such that almost all of the pond area has been filled in the 2000 photo.

In 1982 the TRCA issued a fill permit to G. & F. Wardlaw for the purpose of rehabilitating the abandoned pit. On February 8, 2001 a one year extension was granted to the fill permit. The permit provides for the filling of the excavated pit.

With no Pit Licence on the property there is no approved rehabilitation plan that must be implemented as part of the closure of the pit. In rehabilitating the pit, the owner would however need to comply with all municipal by-laws and regulations of public authorities, including TRCA and, the City Fill By-laws.

Planning Considerations

From Staff's review, it appears that aggregate extraction stopped several years ago on the Wardlaw site with rehabilitation of the site in the form of filling starting in the early 1980s. The presence of the stockpile of aggregate material recently observed on the property and any activities which may be related to it are considered to be By-law Enforcement matters.

The Wardlaw pit is largely zoned A Agricultural Zone, with the access area adjacent to Regional Road 27, located in the Humber River Floodplain zoned OS1 Open Space Conservation Zone. Rezoning the pit to OS1 Open Space Conservation Zone would not prevent filling of the site, authorized in the TRCA fill permit or in any future extensions to the fill permit.

With respect to the future potential use, the pit lands are designated "Highway No. 27 Valley Corridor Study Area" in OPA No. 601. Amendment No. 19 to the Region of York Official Plan designates the tableland area as "Urban Area" in support of Vaughan's Future Employment Secondary Plan Area. On the Wardlaw property, the eastern boundary of this employment area is the "Valley and Stream Corridor" along the Humber River valley. Given the filling that has occurred on the property, there is a potential that some of the lands that were used for extractive purposes, could be made suitable for employment uses. This would depend on how the site is rehabilitated, including issues such as grades, stability and quality of the fill material and where the final top of the bank is established. These issues would need to be addressed and satisfied as part of the secondary planning process and any subsequent development applications filed on the property.

Conclusion

Aggregate excavation has not taken place on the O'Connor and Wardlaw pits for several years. Filling operations have been underway with fill permits issued by the TRCA for both sites.

Rezoning the properties to OS1 Open Space Conservation Zone would not prevent the sites from continuing to be filled. The potential future use of both sites is addressed in OPA No. 601 the Kleinburg -Nashville Community Plan and the Region of York Amendment No. 19.

Given the past uses and the filling operations on each, the extent of the lands that could be suitable for development in accordance with the land use designations in the Official Plan, is not known at this time. The determination of development potential will be dependent on several studies respecting their stability, grading, and determination of final top-of-bank, along with other matters. On the O'Connor property, the future uses will also be dependent on the final alignment of the Major Mackenzie Drive extension, which forms the boundary between the Humber Trails residential neighbourhood to the north, and the future employment lands to the south.

In consideration of the above, it is recommended that the land use status of the lands be maintained at this time. The future use and zoning of both pits can be established through the review and approval of the Humber Trails neighbourhood plan in OPA No. 601, the employment area secondary plans and the environmental assessment for the Major Mackenzie Drive extension. Should the Committee concur, the Recommendation of this report should be adopted.

Attachments

1. Location Map
2. Zoning Map
3. 1999 Air photo

Report prepared by:

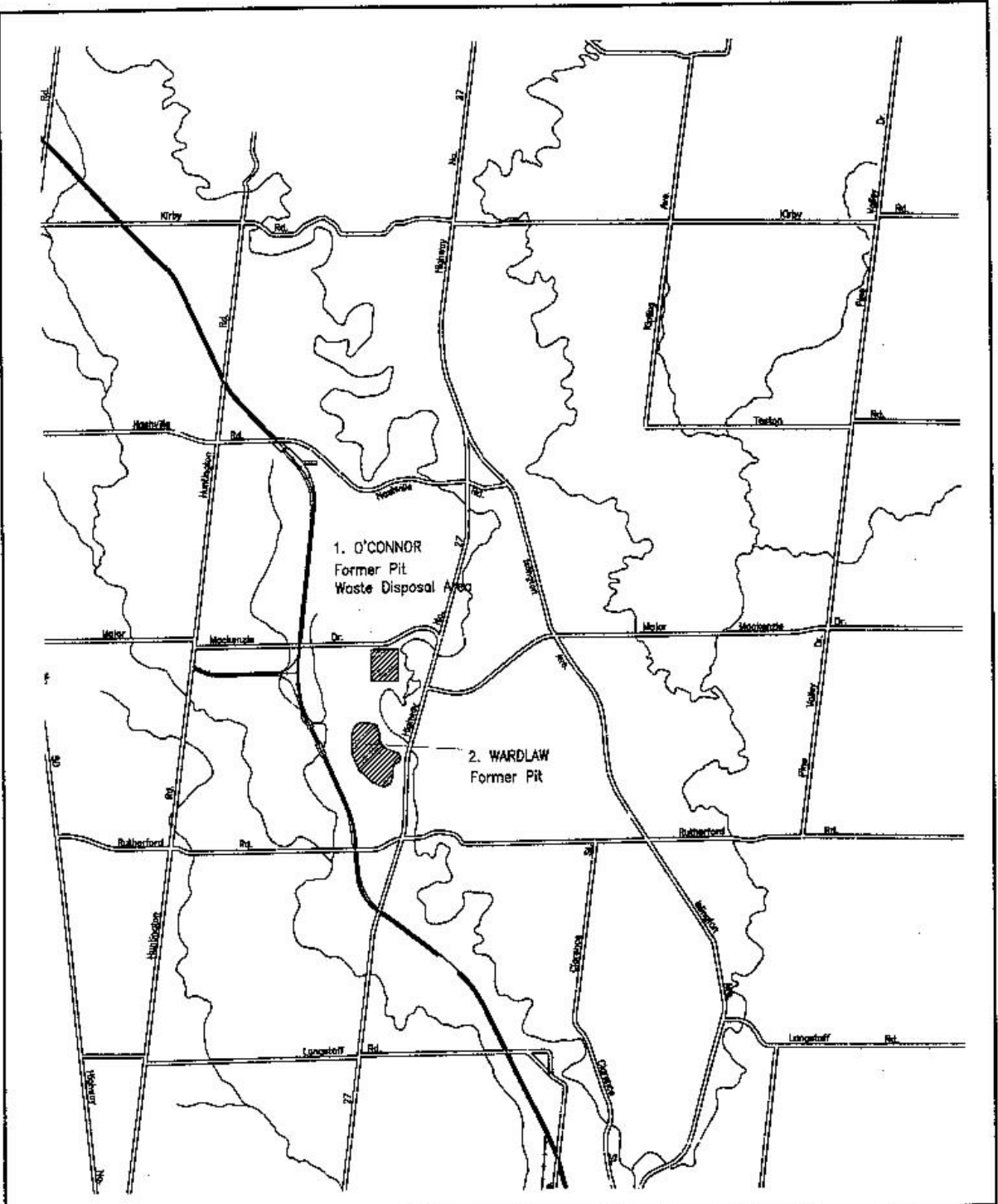
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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning & Urban Design

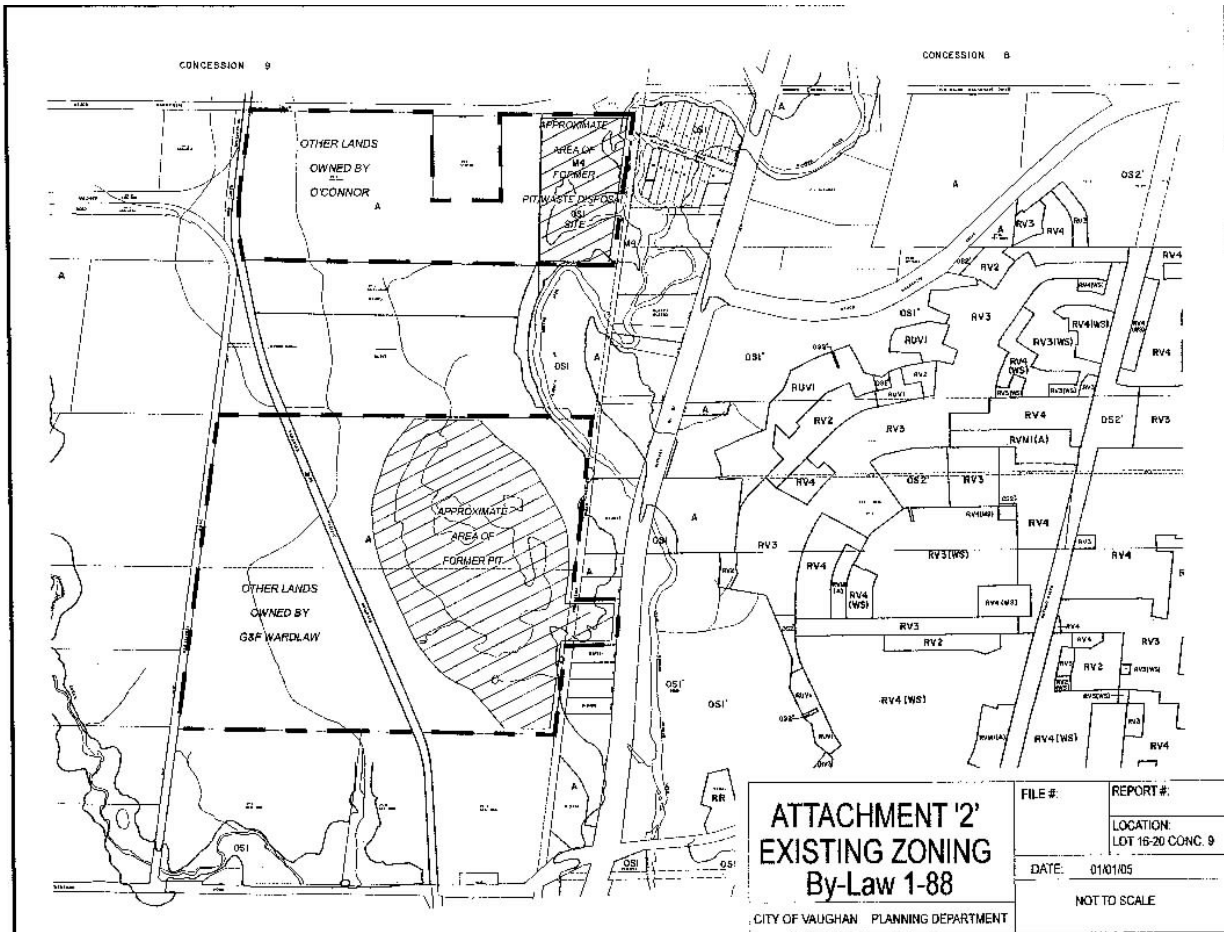
JOANNE R. ARBOUR
Director of Community Planning

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CITY OF VAUGHAN
 PLANNING DEPARTMENT

ATTACHMENT '1' LOCATION MAP	REPORT #:
	LOCATION: LOT 16-20, CONC. 9





O'CONNOR

2. WARDLAW

CITY OF VILLAGES
PLANNING DEPARTMENT

ATTACHMENT '3'
1999 AIR PHOTO

REPORT #
LOT 16-20, CO