

COMMITTEE OF THE WHOLE DECEMBER 3, 2001

**OFFICIAL PLAN AMENDMENT FILE OP.01.011
ZONING BY- LAW AMENDMENT FILE Z.01.002
S. & F. MAMMONE, ET. AL.**

Recommendation

The Commissioner of Planning recommends:

THAT Official Plan Amendment and Zoning Amendment Applications Files: OP.01.011 & Z.01.002 (S. & F. Mammone Et. Al.) BE REFUSED.

Purpose

On January 10, 2001, the Owner submitted an application to amend the Zoning By-law, and later a related Official Plan amendment application, to facilitate the severance of the 8.09 ha lot into two rural residential lots fronting on the north side of Kirby Road, as follows:

	<u>Lot 1</u>	<u>Lot 2</u>
Area	2.85 ha	5.36 ha
Frontage	157.0m	419.7m

Background - Analysis and Options

The site is located on the northeast corner of Kirby Road and Cold Creek Road, in Lot 31, Concession 10, City of Vaughan. It is a 8.09 ha site, with 576.7m frontage on the north side of Kirby Road, and is developed with a one-storey brick dwelling and barn. A horse farm is also located on a portion of the lands. The lands are fairly flat and grass covered with some trees, and contain a well-defined tributary corridor of the Humber River and pond on the west part. The surrounding land uses are:

- North - vacant (A Agricultural Zone);
- South - Kirby Road; Hydro lands with training center and hydro corridor, (A Agricultural Zone);
- East - hydro corridor and CPR Railway (A Agricultural Zone);
- West - Cold Creek Road; vacant (A Agricultural Zone)

The Zoning Amendment Application (File - Z.01.002 - S. & F. Mammone Et. Al.) was received at a Public Hearing on March 5, 2001. The preliminary report concluded that the proposed development did not conform to the policies of the Official Plan. The related Official Plan Amendment Application File (OP.01.011), was received at a separate Public Hearing on August 2, 2001. No comments have been received to date from the circulation of the notices or Public Hearings.

Official Plan

a) York Regional Official Plan

The lands are designated "Rural Policy Area" by the York Region Official Plan, and the stated objective is "to retain the rural character of the lands and protect the viability of existing agricultural operations". The Regional Official Plan further states that residential uses shall generally be directed to urban areas, towns, villages and hamlets. Consents are permitted for the following purposes:

- i) to consolidate farm holdings;
- ii) to create a lot for a retiring farmer;
- iii) to divide a large agricultural lot where both lots will be used for agricultural purposes;
- iv) for rights-of-ways and easements; and
- v) for limited infilling between two existing dwellings no more than 100m apart.

The proposed severance does not satisfy any of the above criteria and therefore does not conform to the "Rural Policy Area" criteria of the Regional Official Plan.

OPA #600

The lands are designated "Rural Use Area", "Valley and Stream Corridor", and "Classified Wet Lands" by Official Plan Amendment #600. The primary use for lands designated "Rural Use Area" is for farming and accessory uses.

OPA #600 permits the severance of agricultural lots only in compliance with the following policies:

Section 7.3.1 (Agricultural Lots)

- for a minor boundary adjustment, right-of-way or easement which does not create a separate non-farm residential lot;
- consents which enlarge or consolidate agricultural holdings; and,
- to create a lot for a retiring farmer or his widow or her widower, subject to additional conditions.

Section 7.4 (Non-Farm Residential)

- to create lots in the form of infilling within areas designated as Hamlet or Estate Residential;
- strip development along concession roads shall generally not be permitted except for infilling where an application is for non-farm residence on a proposed lot located between existing non-farm residences which are no more than 100m apart on the same side of the road;
- severances should not be permitted where they may conflict with the operation of agricultural uses; and
- the City shall be satisfied that approval of the severance will not set an undesirable precedent.

The subject lands contain a horse farm on the west portion and vacant agricultural land on the east. The lands are not designated hamlet and do not represent an infill or consolidation situation. Furthermore, the severance is not for a retiring farmer or a boundary adjustment. Therefore, the proposed severance does not conform to the Official Plan consent policies.

The OPA contains policies (Section 6.2 Rural Use Area Policies) for non-farm uses which do not conform to the consent policies of the Plan. In accordance with these policies, the application must include a "Justification Report" prepared by a professional, addressing the "Food Land Guidelines", as follows:

- i) The necessity of the proposed land use and the amount of land needed, including an evaluation of the proposed use indicating the need and demand for the use relative to the locations and scale of similar uses in the area or region.
- ii) Whether suitable alternative locations on lower capability agricultural land or in non-agricultural areas have been considered.
- iii) The suitability of the site chosen and the reason for its choice.

- iv) Whether the proposal will reduce or impede surrounding farm operations, including a soils analysis of lands in and adjacent to the proposed location indicating their capability for agriculture and confirmation that the proposal is in compliance with the minimum distance separation formula of the Provincial Agricultural Code of Practice.
- v) The proposed use shall be compatible with existing and permitted uses in the surrounding area.

Accordingly, the Applicant submitted a Preliminary Agricultural Assessment Report prepared by ESG International Inc., dated October 24, 2001. The report concludes that although the lands are prime agricultural lands with soils classified as CL1 Classes 1-3, the relatively small size of the parcel (8 ha) limits the agricultural potential to hobby farming. The report also states that the proposed use is unlikely to impede surrounding agricultural uses, or to violate the minimum distance separation required between the hobbyhorse farm on the retained parcel and the proposed residential use.

The report does not address (i.) the necessity of the proposed land use, or (ii.) whether suitable alternative locations have been considered for such use. The report also does not address the appropriateness of the proposed residential use adjacent to the hydro corridor and a training center (characterized by a field of hydro poles).

As such, the "Justification Report" is not considered to meet the requirements of the Official Plan policies in support of a proposed severance.

Precedent

Currently the subject lands are surrounded by larger agricultural lots to the north, south, and west. Approval of this application will create smaller lots than is typical in the area and set an undesirable precedent for similar applications.

Zoning

By-law 1-88 permits one detached dwelling per agricultural lot. An agricultural lot is required to meet the minimum area and frontage requirements of 10 ha and 100m respectively. At 8.09 ha the subject lot is undersized and recognized as legal non-conforming. The proposed severance would create a further deficiency in lot area for both lots, and further diminish their farming potential.

Services

The Engineering Department has reviewed the development proposal and advised that approval of the applications would be subject to the following conditions:

- i) A road widening of 7.5 m along Kirby Road and 3.0 m along Cold Creek Road, as well as a 15 m daylight triangle conveyed at no cost and free of charge and encumbrance to the City.
- ii) A 0.3m reserve at the daylight triangle and 15m return, conveyed at no cost and free of charge and encumbrance to the City;
- iii) Approval of the Toronto and Region Conservation Authority (TRCA);
- iv) Approval from Building Standards Department regarding septic bed/tank and water supply; and,
- v) A Water Supply Report addressing water quality and quantity.

Environmental Considerations

The Toronto and Region Conservation Authority have advised that upon further review, the wetland pockets associated with the locally significant Tormore wetland complex, do not fall within the subject property. Accordingly, an Environmental Impact Study will not be required for this application. The property, contains wetland features associated with the stream corridor. The following matters have not been addressed for this property:

- a) the limits of the stream corridor to be zoned OS1 Open Space Conservation Zone.
- b) a Phase 1 Environmental Site Assessment be required in accordance with the City's Contaminated Sites Policy.

Conclusion

The proposed development has been reviewed in accordance with the questionnaire attached to the application, the policies of the York Regional Official Plan, OPA #600, and the requirements of the Zoning By-law. The proposal is contrary to the intent of policies contained within both Official Plans to encourage the conservation of agricultural lots and more specifically, does not meet the criteria permitting severances in the "Rural Use Area".

The subject site is currently undersized for an agricultural lot under the provisions of By-law 1-88. The proposal to sever the parcel would further diminish the farming potential of the lands, and could set a precedent for the future severance of other lots in the surrounding area.

A number of environmental/engineering concerns have not yet been addressed by the applicant, including establishing a top-of-bank for the stream corridor, and submitting the required Phase 1 Environmental Site Assessment.

Based on the above policies, Staff cannot support the proposed amendment to the Official Plan and Zoning By-law and therefore, recommend refusal of the application. Should Committee concur, the "Recommendation" can be adopted.

Attachments

1. Location Map
2. Proposal

Report prepared by:

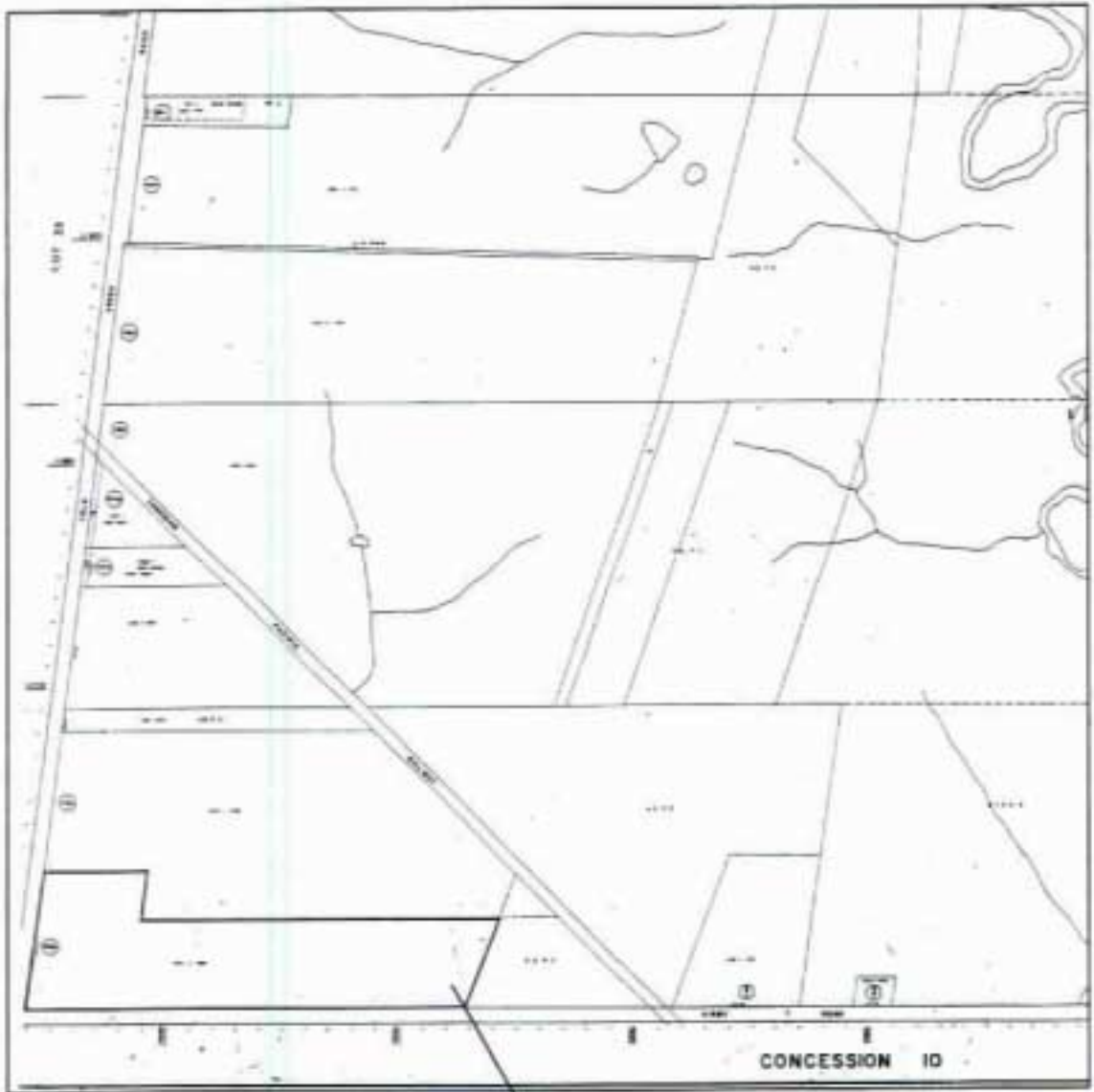
Anna Sicilia, Planner, ext. 8064
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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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SUBJECT LANDS

ATTACHMENT '1'
LOCATION MAP

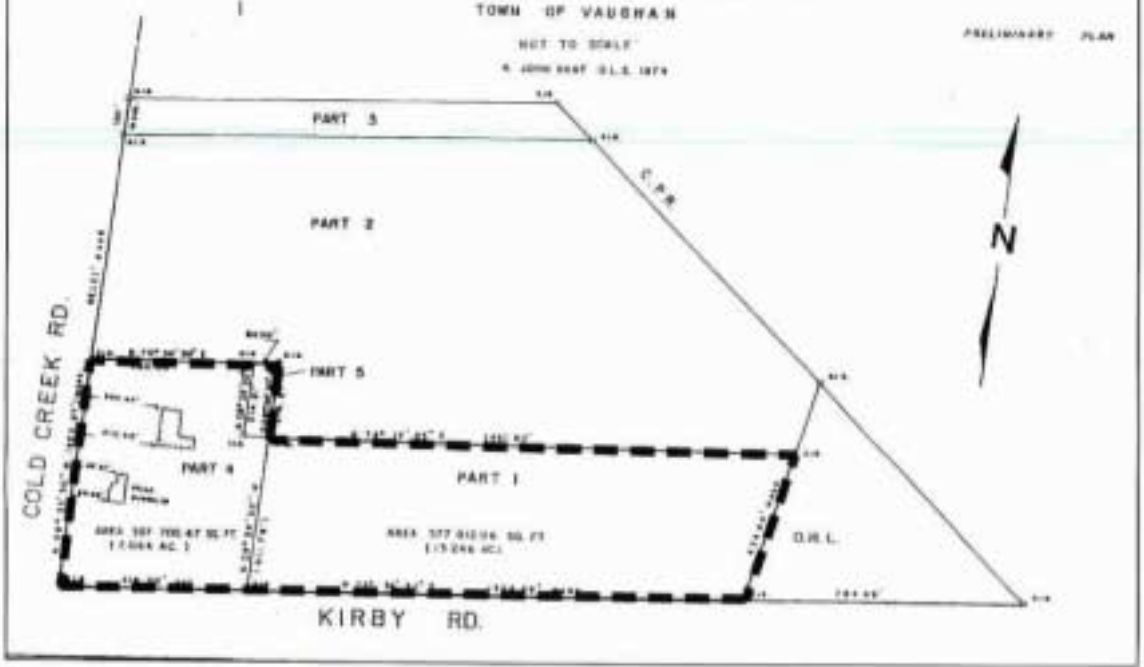
FILE #	REPORT #	DATE: 01/02/02	APPLICANT: SANDRA AND FRANCO WARMON, D. & W.
OP.01.011	LOCATION:	SCALE: NOT TO SCALE	
RELATED # Z.01.002	LOT 31, CONC. 10	CITY OF VAUGHAN PLANNING DEPARTMENT	

City
DN 5945
MILAS

PLAN OF SURVEY OF
PART OF LOT 31, CONCESSION 10
TOWN OF VAUGHAN

NOT TO SCALE
A JOHN BOST O.L.S. 1974

PRELIMINARY PLAN



ATTACHMENT "2"
SITE PLAN

FILE #	REPORT #
OP-01.011 RELATED # 2.01.002	UNWARR PT LOT 31, CONC. 10

SUBJECT LANDS

CITY OF VAUGHAN
PLANNING DEPARTMENT

DATE: 01/02/00
SCALE: NOT TO SCALE
APPLICANT: SANDRA AND FRANCES WARRONE, D. R.