

**COMMITTEE OF THE WHOLE SEPTEMBER 2, 2003**

**OFFICIAL PLAN AMENDMENT FILE OP.02.016  
ZONING BY-LAW AMENDMENT FILE Z.02.061  
GEORGE KNIGHT  
REPORT #P.2002.60**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment Application OP.02.016 and Zoning By-law Amendment Application Z.02.061 (George Knight) BE REFUSED.

**Purpose**

On August 1, 2002, the Owner submitted applications to amend the Official Plan and Zoning By-law to permit the severance of the subject property into 2 non-farm lots and 1 parcel, in the following manner:

	<u>Area</u>	<u>Frontage</u>
Lot 1	1.78 ha	222 m
Lot 2	2.06 ha	92 m
Lot 3	3.24 ha	0 m

The Owner intends to add the third parcel to the agricultural lands to the west, to create a new lot with an area of 9.38 ha and frontage of 191 m.

**Background - Analysis and Options**

The subject lands are located at the southwest corner of Kirby Road and Huntington Road, being Parts 4 and 5 on Plan 65R-16285 (6901 Kirby Road), in Lot 30, Concession 10, City of Vaughan. The 7.08 ha property, with approximately 409m frontage on Kirby Road, is developed with a detached dwelling and metal building. The easterly portion of the lot is within the valley corridor. The westerly portion is part of a hydro corridor. The surrounding land uses are:

- North - Kirby Road; vacant (A Agricultural Zone)
- South - farm, farm dwelling and accessory structures (A Agricultural Zone)
- East - Huntington Road; valley land (A Agricultural Zone)
- West - farm, waste transfer station (A Agricultural Zone)

The subject lands are designated "Agriculture Area" and "Valley and Stream Corridor" by OPA #600. The lands are zoned A Agricultural Zone by By-law 1-88.

The Owner has submitted a severance application (File B50/02) and 2 minor variance applications (Files A280/02 and A281/02) to create proposed Lots 1 and 2. These applications are currently being held, pending the subject Official Plan and Zoning By-law Amendment applications.

On August 23, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and to the Kleinburg and Area Ratepayers Association. No comments were received. The recommendation of the Committee of the Whole at the Public Hearing on September 17, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on September 23, 2002.

## York Region Official Plan

The lands are designated “Agricultural Policy Area” by the Regional Official Plan. The Region of York has advised that the applications to permit non-farm development are not consistent with the policies of the Regional Official Plan. The proposed development does not conform to the Regional Official Plan.

The Regional Official Plan requires that any proposal for a non-farm land use in the “Agriculture Policy Area” be subject to an amendment to the Regional Official Plan.

## Official Plan

The subject lands are designated "Agriculture Area" and “Valley and Stream Corridor” by OPA #600. The primary use for lands designated “Agriculture Area” is for farming and accessory uses. The “Valley and Stream Corridor” policies prohibit any development.

The Official Plan contains policies for evaluating Non-Farm Land Uses in the “Agriculture Area”, as well as consent policies.

## Non-Farm Land Uses

Non-farm development in the “Agriculture Area” requires the submission of an official plan amendment application supported by a Justification Analysis. The Justification Analysis, which is to be evaluated in accordance with the Food Land Guidelines, must address the following:

- i) The necessity of the proposed land use and the amount of land needed.
- 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, the reason for its choice.
- iv) Whether the proposal will reduce or impede surrounding farm operations.
- v) Servicing.
- vi) Compatibility.

The Owner submitted an Agricultural Assessment prepared by AgPlan Limited, dated June 2003, to address the requirements of Justification Analysis. The first criteria respecting the necessity of the use has not been addressed adequately. The report does not demonstrate a need for a non-farm residential lot in this area, aside from the applicant’s desire to construct a smaller residence for his own use.

The report does not show that alternative sites have been considered, but the Agricultural Assessment does state that the lands are not prime agricultural land. As a result of the soil classification, the report proposes that it is a suitable location for a non-farm residential dwelling.

The Agricultural Assessment addressed the criteria regarding surrounding farming operations. There is a farm to the south that could be potentially affected by the non-farm land use. Minimum Distance Separation calculations were prepared and it was found that the proposed non-farm land use would meet the distance criteria.

The applicant has received preliminary approval from the City for a septic system. A letter from a well-drilling company was submitted indicating their expectation of being able to obtain a potable water supply for the proposed residence.

The compatibility criteria examines the potential of the proposed land use interfering with surrounding land uses. The report does not specifically address this criteria, but it would not be expected that a non-farm residential use would have any significant impact on surrounding lands.

While most of the criteria have been adequately addressed, the need for the proposed use has not been clearly demonstrated. No justification for creating more non-farm residential dwellings has been provided. The proposal must satisfy all of the criteria to comply with the policies of the Official Plan, which this application does not.

### Consent Policies

Official Plan Amendment #600 contains severance policies for the "Agriculture Area". Consents in the designation are permitted only for minor boundary adjustments and right-of-ways or easements that do not create a separate non-farm residential lot. Consents that enlarge or consolidate agricultural holdings are also permitted.

The severance of Lot 3, which will be added to an existing farm to the west, cannot be supported as the remaining land will not be of sufficient size to be viable or flexible enough for agricultural uses.

A severance which creates a new residential lot, as is being proposed, cannot be supported. The proposed new non-farm residential lot does not conform to the consent policies of OPA #600.

### Valley Land

A portion of the subject lands is designated "Valley and Stream Corridor" by OPA #600. The Toronto and Region Conservation Authority have visited the site and advised that there is sufficient area for a dwelling on the western portion of Lot #1 (Attachment #2). They have requested a condition if the applications are approved, that the valley lands be zoned OS1 Open Space Conservation Zone and a building envelope be established in the zoning by-law.

### Engineering

The City of Vaughan Engineering department has requested a 7.5 m wide road widening along Kirby Road. A Phase 1 Environmental Site Assessment is required for the lands that are to be dedicated to the City. The Engineering Department has also requested the submission of site plans prior to the issuance of building permits.

### Conclusion

The proposed lots do not conform to the consent policies of Official Plan Amendment #600. The Agricultural Assessment submitted by the applicant, in support of the amendment application, does not satisfy the criteria set out in the Official Plan. The applicant did not adequately justify the need for additional non-farm residential lots in the area, and the proposal is not in conformity with the Regional Official Plan. Staff cannot support these applications. Should Committee concur, the "Recommendation" can be adopted.

### Attachments

1. Location Map
2. Concept Plan

### Report prepared by:

Todd Coles, Planner, ext. 8634  
Arto Tikiryan, Senior Planner, ext. 8212  
Marco Ramunno, Manager of Development Planning, Ext. 8485

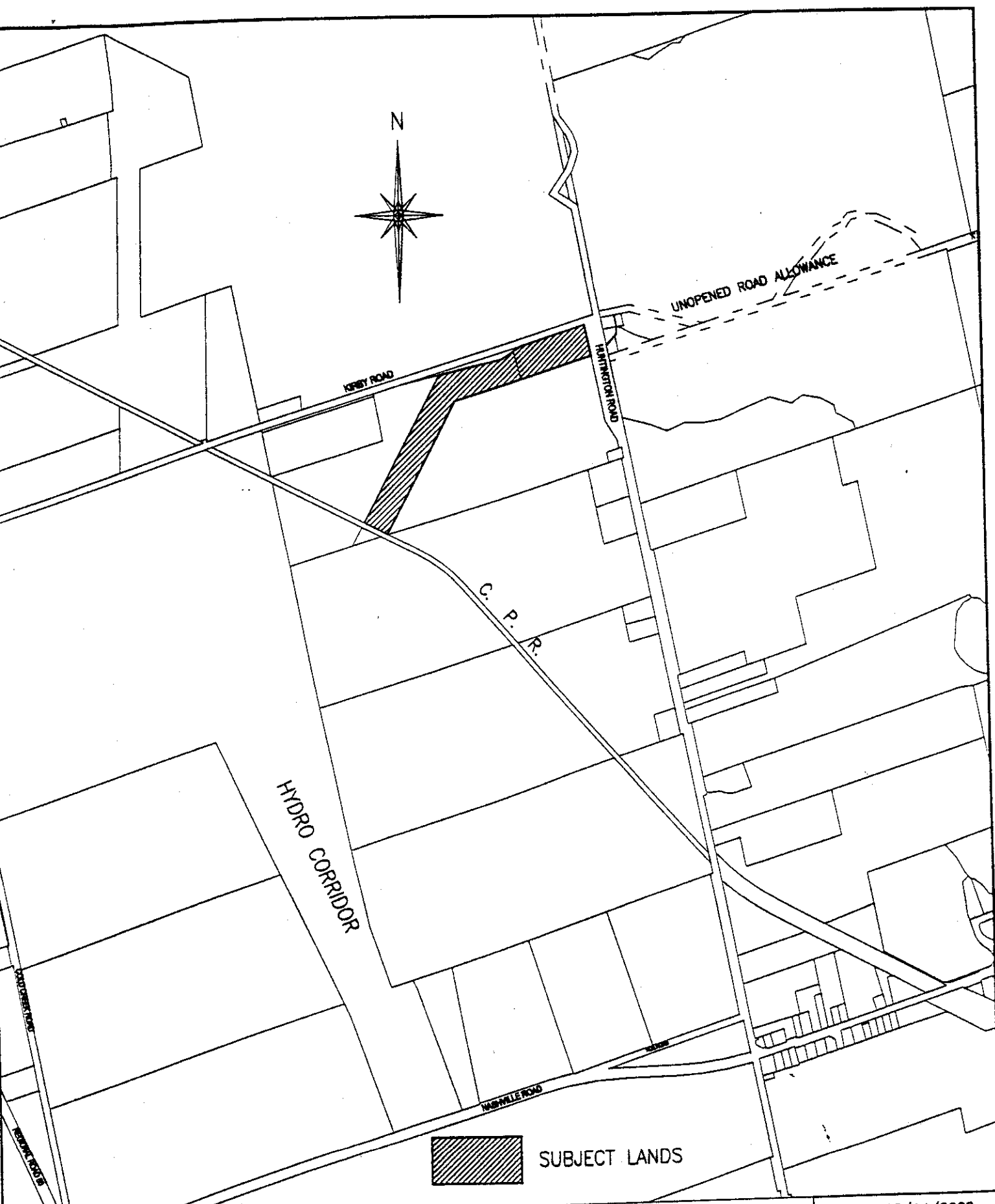
Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

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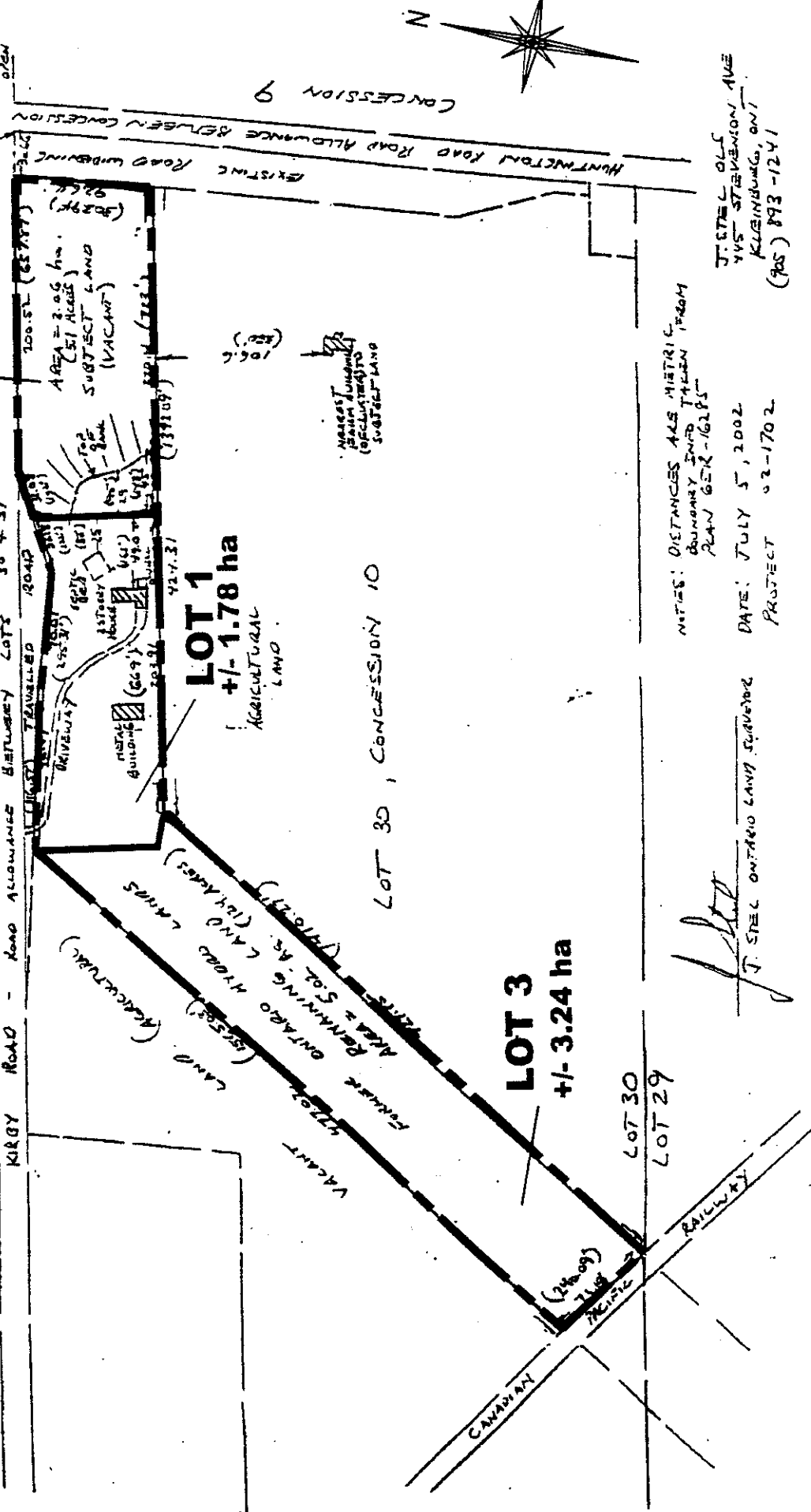
**ATTACHMENT '1'  
LOCATION MAP**

FILE #:	REPORT #:		DATE: 08/14/2002
OP.02.016 Z.02.061	LOCATION: LOT 30, CONCESSION 10	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: GEORGE KNIGHT
			SCALE: NOT TO SCALE

**LOT 2**  
+/- 2.06 ha

PART OF LOT 30, CONCESSION 10,  
CITY OF VAUGHAN, REGIONAL MUNICIPALITY OF YORK  
SCALE 1:3000

LOT 31



SUBJECT LANDS

ATTACHMENT '2' CONCEPT PLAN		FILE #: OP.02.016 Z.02.061	REPORT #: LOCATION: LOT 30, CONCESSION 10	APPLICANT: GEORGE KNIGHT	DATE: 09/04/2002 SCALE: NOT TO SCALE
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J. STEEL  
445 STEVENSON AVE  
KILBURN, ONT.  
(905) 893-1241

NOTES: DISTANCES ARE METRIC  
BOUNDARY SURVEY TAKEN FROM  
PLAN 6E2-16285  
DATE: JULY 5, 2002  
PROJECT 02-1702