

COMMITTEE OF THE WHOLE SEPTEMBER 20, 2004

**OFFICIAL PLAN AMENDMENT FILE OP.01.009
ZONING BY-LAW AMENDMENT FILE Z.00.063
DAVID AND ROSE BEATTY
REPORTS #P.2000.72 AND #P.2002.43**

Recommendation

The Commissioner of Planning Recommends:

THAT Official Plan Amendment application OP.01.009 and Zoning By-law Amendment application Z.00.063 (David and Rose Beatty) BE REFUSED.

Purpose

On June 6, 2000, the Owner submitted an application to amend the Zoning By-law to permit exceptions to the minimum lot area (10ha) and frontage (100m) in the A Agricultural Zone, to facilitate the severance of 2 additional residential lots as follows:

	<u>Area</u> (Required - 100m)	<u>Frontage</u> (Required - 10ha)
Retained Lot	5.166 ha	± 246m (Keele St.)
Lot 1	0.66 ha	± 57m (Keele St.)
Lot 2	0.68 ha	± 96m (King-Vaughan Rd.)

On April 5, 2001, the Owner submitted an application to amend the Official Plan to permit the severance of 2 non-farm residential lots from an existing lot in the "Agriculture Area".

Background - Analysis and Options

The subject lands are located at the northeast corner of King-Vaughan Road and Keele Street, (12295 Keele Street), in Part of Lot 1 (former Township of King), Concession 3, City of Vaughan. The 6.51 ha site has 156m of frontage on King-Vaughan Road and 281m of flankage on Keele Street. The site is currently developed with a detached residential dwelling, and the northern portion of the lands contains a woodlot. The surrounding land uses are:

- North - Township of King, farmland
- South - King-Vaughan Road; farmland, detached residential (ORM Oak Ridges Moraine Zone)
- East - residential, farmland (ORM Oak Ridges Moraine Zone, OS5 Open Space Environmental Protection Zone)
- West - Keele Street; detached residential (A Agricultural Zone)

On June 9, 2000, a notice of public hearing for the zoning by-law amendment application was circulated to all property owners within 120m of the subject lands. No comments were received. On April 2, 2001, Council resolved:

"That this matter be deferred to allow the Applicant the opportunity to submit an Official Plan Amendment application concurrently with the Zoning By-law Amendment application."

The Official Plan Amendment application was submitted and scheduled for a Public Hearing on June 4, 2001. As the Oak Ridges Moraine Protection Act, 2001, came into effect on May 17, 2001, the Public hearing was cancelled in accordance with the Act and the application was held

pending the provincial legislation. The Oak Ridges Moraine Conservation Act, 2001, is now in effect and the processing of the applications was allowed to proceed.

On May 10, 2002, a notice of public hearing for the official plan amendment application was circulated to all property owners within 120m of the subject lands. No comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on June 3, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on June 10, 2002.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) states that *"Prime agricultural areas will be protected for agriculture. Permitted uses and activities in these areas are: agricultural uses; secondary uses; and agriculture-related uses"*. The PPS also states that lot creation in these areas are generally discouraged, however, consents may be permitted in certain situations. The proposed severance does not satisfy these criteria, therefore, the proposed amendment is not consistent with the PPS.

York Region Official Plan

The lands are designated "Agriculture Policy Area" by the Regional Official Plan which encourages primarily farming and accessory uses.

Policy 5.10.1 of the Regional Official Plan states "That consents for development purposes will generally be discouraged outside of urban areas, towns, villages and hamlets...". Notwithstanding, consents in the Agricultural Area may be permitted in accordance with the policies of the Plan and only for a limited number of purposes. The proposed severance is not for any of the permitted purposes. Therefore, the proposed zoning by-law amendment is not consistent with the policies of the Regional Official Plan.

Oak Ridges Moraine

The applications were submitted prior to the enactment of the *Oak Ridges Moraine Conservation Act*. The Oak Ridges Moraine Conservation Plan designates the lands as Natural Core Area and Natural Linkage Area. As a result, these applications are required to conform to the Prescribed Provisions of the Oak Ridges Moraine Conservation Plan and the provisions of OPA #604 (The City's Oak Ridges Moraine Conformity Official Plan Amendment).

Official Plan

The lands are designated "Agriculture Area" by OPA #600 which permits primarily farming and accessory and farm-related uses. The designation recognizes the lands as high quality agricultural land and provides policies to protect them for long-term farming use.

Non-farm uses, such as residential development, shall be directed to urban or rural uses areas. Therefore, the proposed zoning by-law amendment is not consistent with the policies of the Official Plan and an Official Plan Amendment is required.

Zoning

The lands are zoned ORM Oak Ridges Moraine Zone and OS5 Open Space Environmental Protection Zone by By-law 1-88, as amended by By-law 242-2003. The minimum lot area and minimum lot frontage in the Oak Ridges moraine Zone is 10 ha and 100m, respectively. The Applicant is seeking reductions to these requirements to facilitate the severance of 2 non-farm residential lots. The lot areas will be 0.66 ha, 0.68 ha and 5.17 ha, and frontages will be 57m for 2 lots and 96m for the third lot.

Natural Heritage Evaluation

A Natural Heritage Evaluation prepared by LGL Limited was submitted in accordance with the Oak Ridges Moraine Conservation Plan and OPA #604 (Oak Ridges Moraine Conformity Official Plan Amendment). The report identifies the key natural heritage features and hydrologically sensitive features in the vicinity of the proposed residential lots, including wetlands, significant woodlands, areas of natural and scientific interest, and a permanent or intermittent stream within 120 metres of the subject site, which have been designated within OPA #604 and zoned OS5 in by-law 242-2003.

The report was reviewed by City staff and the Toronto and Region Conservation Authority. Both agree with the conclusions of the report that the proposed development conforms to the requisite sections of the Oak Ridges Moraine Conservation Act and Plan and OPA 604. The report contained mitigation measures, that should these applications be approved, will need to be implemented. These measures are:

1. Site Plan will be required and must include a landscape plan that identifies restoration of native species and replacement of lost vegetation.
2. Development envelope must be established in the zoning by-law for the dwellings, private services, driveway and accessory structures. Lawn areas should be restricted to the front of the dwelling and should not exceed 2000 sq.m in size.
3. A minimum 30 m setback from the CUP3 Coniferous Plantations should be established in the zoning by-law.
4. A silt fence around the development envelope will be required before and during construction.
5. Fences should be limited to the area of the development envelope.

Justification Analysis

OPA #600 requires that any development proposal for a non-farm land use in the "Agriculture Area" be justified by the Applicant in accordance with the Food Land Guidelines. The criteria to be assessed are:

- 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 reasons for its choice.
- iv) whether the proposal will reduce or impede surrounding farm operations.
- v) servicing; and,
- vi) compatibility

An agricultural study was prepared by KLM Planning Partners Inc., dated February 12, 2001. The Analysis indicates that the 2 lots will be for family members, but has not demonstrated a need for additional rural residential lots in Vaughan. Other locations for the proposed development on the site were not considered due to an existing woodlot and topography, nor were locations in non-agricultural areas. The Applicant has indicated that the location is suitable due to the surrounding non-farm residential uses, access to King-Vaughan Road and the fact that the lots will not impact on the woodlot.

The Justification Analysis has indicated that the soils on the property are Class 1 and 2 according to the Canada Land Inventory, with the Class 2 lands having limited agriculture potential due to topography constraints. Class 1 and 2 lands are considered to be capable of sustained use for growing common field crops. Aerial photography shows that the lands where the 2 new lots will be created have been used for farming activity as recently as April 2000. The Minimum Distance Separation has been met, in accordance with the requirements of the Ministry of Agriculture and Food and it is expected that the severances will not impede surrounding farm operations.

The Justification Analysis did not clearly demonstrate that the proposed lots can be serviced by an individual well and septic systems. The lots, however, do meet the minimum size required by the Region of York for lots on private services. The report also indicates that the lots are compatible with surrounding land uses by identifying a number of existing non-farm residential properties.

Consent Policies

OPA #600 contains general consent policies and criteria when considering a proposed severance, including adjacent uses, access, servicing, conservation and financial implications.

The proposed lots will be smaller than the agricultural lots located to the west, north and south. There are 2 non-farm residential lots to the east, which are smaller than the proposed lots. Both lots will have access to King-Vaughan Road. Servicing is to be provided by private well and septic system. The Toronto and Region Conservation Authority (TRCA) have no objection to the proposed application and any costs associated with the development shall be the responsibility of the Applicant.

OPA #600 contains policies that are to be used in evaluating consents in the "Agriculture Area". Consents may be permitted in the "Agriculture Area" for a very limited number of reasons, including minor boundary adjustments, enlarging an agricultural holding, for a retiring farmer and for a surplus farm dwelling. The proposed severance does not satisfy these criteria in the Official Plan for the "Agriculture Area." The severance does not conform to the severance policies of OPA #600.

Access

The Region of York Transportation and Works Department has no objection to the proposed application, subject to the 2 severed lots sharing access to King-Vaughan Road by way of a single driveway located on the centre line of the severed lots.

Road Widening

The Region of York Transportation and Works Department has indicated that the Region has begun an Environmental Assessment Study for the King City by-pass. The alignment of the by-pass has not been determined, however, the King-Vaughan Road is a potential location. The Region requires a 36m right-of-way along both Keele Street and King-Vaughan Road.

Additionally, a grade separation may be required in the future for the railway crossing west of the property. Additional land may be required from the severed lands.

Noise

The Engineering Department has indicated that a noise report will be required, as the proposed dwellings will be adjacent to two arterial roads.

Stormwater Management

The Engineering Department has requested a stormwater management report.

Relationship to Vaughan Vision 2007

Vaughan Vision encourages managed growth through the implementation of OPA #600.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Planning Staff do not consider the proposed development to represent good planning, as it does not conform to the Provincial Policy Statement, the Region of York Official Plan and the policies of OPA #600. The Applicant has not sufficiently justified the need for a non-farm land use in an "Agricultural Area" and the proposed severance would serve to fragment the property ownership.

Should Committee concur, the application can be refused with the adoption of the "Recommendation" of this report.

Attachments

1. Location
2. Severance Plan

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Respectfully submitted,

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