

Franline Investments Limited, Official Plan Amendment File OP.22.013
Zoning By-law Amendment File Z.22.024, 4130 King Vaughan Road

The owner is seeking approvals to permit the existing mineral aggregate storage and distribution operation and accessory office etc. **If the zoning and official plan does not permit the uses the Owner is seeking, why would you make amendments to permit the existing operation?**

We are against approval to permit existing mineral aggregate storage and distribution operation, and amendments to the Vaughan Official Plan, Zoning By-law 1-88, and Zoning By-law 001-2021, to permit the continued use of existing operation.

The impact of this sites M-F, daily trucking past us – noise, vibration, dirt, dust, exhaust is tremendous. At times trucks pull off idling along the roadsides, or are seen lined up waiting to enter the site. **To this end we ask:**

1) From December 1st, 2022 onward, that all trucks enter and exit the subject lands only from the West of 4130 King Vaughan Road. Regional Councillors – correct me if I'm wrong, they have a Regional Road permit to Weston Road only. By observation, they are not compliant, as trucks are travelling east on King Vaughan Road towards Jane Street and back to the subject lands. The Staff report sites, trucks leave and approach the subject lands from the east on King Vaughan Rd, then turn south along Weston Road, and east-west roads in Vaughan to access Highway 400. How do you protect the residents in King, as multitudes of trucks run up and down through Laskay on Weston Road, where children live and play? All the trucks impact Vaughan area and surrounding municipalities. How do elderly safely walk east of Weston Road on King Vaughan Road, with huge trucks quickly travelling on the narrow roads? There are bicyclists using King Vaughan Road. The speed limit by our home and to the west along King Vaughan Road is 60km/hr, 70km/hr to the east of us, could loaded aggregate trucks brake in time if someone stumbles, or a child runs after a ball into the road?

2) We ask for the Mayor, Councillors and the Region to request York Regional Police to make a presence on King Vaughan Road & Weston Rd to strictly enforce the traffic act, road postings, and any road usage permits. Should road safety for us as residents and all drivers of this narrow 2 lane road not be a priority and a mandate of York Region, the City of Vaughan and York Region Police? Is it not true City Staff also enforce some regulations of the Regional Municipality of York, such as the Parking and Stopping on Regional Roads By-laws? Why is this not happening on King Vaughan Road and Weston Road area?

3) Please ensure the year-round weight restrictions from Pine Valley to Jane Street and or Bathurst, are kept in place and enforced on King Vaughan Road. Keep all truck advisory's in place. How much is this costing tax payers to maintain roads for all this heavy loaded truck traffic? How dangerous (road safety) for all these trucks to be mixing with the residential traffic? The road is a hilly terrain, with areas of poor site lines. If trucks park on the narrow road waiting to enter the subject lands, how will drivers see past on the hill for oncoming

traffic, when attempting to pass? I've heard it stated (paraphrasing), at other past committee meeting discussions, commercial and residential traffic do not mix. Why would it be considered okay in this area?

4) In the Staff report highlights Page 1 - the technical report that is to be prepared for a future Committee of the Whole Meeting, should be within 6 months.

Questions arising from the Planning Justification Report:

Planning Justification report, extract from the Introduction states, the existing use of the Subject Land for the outside storage of mineral aggregates is not a permitted uses in the Agricultural designation and zone in accordance with the City of Vaughan Official Plan 2010.

Page 14, they state, that the scale, function, and activity of the use has not changed on the Subject Lands since at least 2009.

When was the earth berm installed? Were applications of permit required for the berm? Why are there more and more trucks daily/yearly entering and exiting subject lands? Why does it appear to be more area taken up with aggregate if it has not changed in scale?? Why are trucks seen lining up along the narrow 2 lane road waiting to enter the site, if it has not increased in scale? Why does it appear to be higher and higher piles of aggregate? What year was this data based on? How was this statement conclusion arrived at?

Page 14 – The use has integrated within the rural landscape and there are no anticipated impacts related to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity resulting from the outdoor aggregate storage use. Why are we as residents not considered, we're impacted by the above? We are heavily impacted by 4 road directions at the intersection, as our home sits at the corner, just a few feet from the road. How was this conclusion reached? What impact studies and assessments were done to support this statement? Please provide the materials so that we can see how residents were acknowledged, to arrive at this conclusion.

Page 10 – Provincial Policy heading, I question – is this not a stretch to include shipped in aggregate? It is not a naturally occurring mineral in the area, this is not an extraction quarry. What written information have you received, if any, from the Ministry of Natural Resources regarding the submitted planning justification materials? **Page 13** calls it a small-scale temporary storage area. What is their definition of temporary? What is considered Small Scale?

Page 7 comments on the truck traffic volume. **What year did their trucking numbers come from?** What is observed daily is vastly different to the numbers provided? How did they arrive at these truck numbers? How environmentally sustainable and efficient is the tremendous daily truck traffic?

One set of trucks make deliveries; a completely different amount of trucks enters and exit removing product from subject lands. This is an impactful operation on the area and residents. What is the cost to tax payers for the costly up keep of road infrastructure? The cost of daily impact on residents and environment? The cost for enforcement? The cost of by-law enforcement? The cost of Staff and By-law Staff time?

Cost Savings? Referenced Page 13

How can shipping in product from far off aggregate quarry pits to be dumped at the subject lands - 4130 King Vaughan Road, then reloaded be considered cost savings? Would it not add to the cost? With all due respect is this not the basis of business, to make money?

Page 7 – of planning justification, states Hours of operation- 7:30 am to 4:30 pm on weekdays? What year did these hours apply too? What does this reference –office hours as compared to trucking hours? The hours of trucks moving in and out, vastly differ from the stated hours!

Page 12/13 – Extract from Section 2.2.9 of the growth plan #1 & #3 Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for.....

This is a rural area, I'm sure you are also aware there are residential homes all along the road including agricultural lands. We again, are hugely impacted by all the trucks – noise, fumes, vibration, dirt and dust, lighting, honking, braking etc.

Why do rural residents not count? Are we to all move? Which is an ironic question to ask, when there is demand to build more homes, and is it not a part of this operations/subject lands justification to have materials for building communities?

Staff report questions?

The owners of the subject lands have been issued notices to comply from By-law and Compliance, Licensing and Permit Services. From my understanding, reading through this section, past property owners – (summarized) notice to comply, failed to do so, legal action, hearings were held, given a fine. New property owners, (operation still ongoing), has submitted the Official Plan amendment and Zoning By-law amendment applications to address the Notices to comply. Why would you find this the type of business suitable for this area?

- How many complaints have been received by residents, directly to by-law or through the Councillors office? How many complaints to Regional Staff and Regional Councillors?
- Why have they not applied earlier, or been compliant for all these years? Is this the type of operation you want in this area?

Operating “since at least 2009” per planning justification report. With all due respect; after reading the Staff Report - how can there be any appropriateness to make amendments to VOP 2010 required to permit the existing uses, and *owner proposed site-specific amendment* to the “Agricultural” designation of VOP 2010 to permit the existing uses?

I ask the Mayor, Councillors and Regional Councillors to please consider my questions, and 4 requests. To please ensure the year-round weight restrictions from Pine Valley to Jane Street and or Bathurst, are kept in place and enforced on King Vaughan Road. Keeping all truck advisory's in place. To work with the Region to mandate all trucks enter and exit the site to and from the West of the subject lands, and be enforced. Mitigating noise impact on our home.

Alexandra Ney, Resident of King Vaughan Road

**PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT,
AND SITE PLAN APPROVAL APPLICATIONS**

Franline Investments Limited
4130 KING VAUGHAN ROAD
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK



HUMPHRIES PLANNING GROUP INC.

**190 Pippin Road, Suite A
Vaughan, Ontario L4K 4X9
(905) 264-7678, FAX 264-8073**

**File No.: 18579
MAY 2022**

TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	PURPOSE OF REPORT	4
3.0	SITE AREA AND CONTEXT	4
4.0	PROPOSAL	6
5.0	POLICY ANALYSIS.....	10
5.1	PROVINCIAL POLICY	10
5.1.1	PROVINCIAL POLICY STATEMENT (2020).....	10
5.1.2	GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020).....	12
5.2	REGIONAL POLICY	14
5.2.1	REGION OF YORK OFFICIAL PLAN (2010).....	14
5.2.2	REGION OF YORK DRAFT OFFICIAL PLAN (2021)	19
5.3	LOCAL POLICY.....	221
5.3.1	CITY OF VAUGHAN OFFICIAL PLAN	21
6.0	ZONING	28
5.1.1	ZONING BY-LAW 1-88.....	28
5.1.2	COMPREHENSIVE ZONING BY-LAW 01-2021.....	29
7.0	SUPPORTING STUDIES	31
8.0	CONCLUSION.....	31

TABLE OF FIGURES

FIGURE 1 – AIR PHOTO OF SUBJECT LAND	4
FIGURE 2 - SURROUNDING LAND USE & CONTEXT MAP.....	6
FIGURE 3 – SITE PLAN (EXISTING).....	8
FIGURE 4 - 3-METRE LANDSCAPE BERM/PUSH WALL (EXISITNG).....	9
FIGURE 5 – OFFICE BUILDING (EXISITNG).....	9
FIGURE 6 - REGION OF YORK OFFICIAL PLAN 2010, MAP 1 - REGIONAL STRUCTURE.....	15
FIGURE 7 - REGION OF YORK OFFICIAL PLAN 2010, MAP 8 - AGRICULTURAL AND RURAL AREA	16
FIGURE 8 - REGION OF YORK DRAFT OFFICIAL PLAN 2021, MAP 1 - REGIONAL STRUCTURE.....	19
FIGURE 9 - REGION OF YORK DRAFT OFFICIAL PLAN 2021, MAP 1A - LAND USE.....	20
FIGURE 10 - CITY OF VAUGHAN OFFICIAL PLAN, SCHEDULE 1 - URBAN STRUCTURE.....	22
FIGURE 11 - CITY OF VAUGHAN OFFICIAL PLAN, SCHEDULE 13 - LAND USE.....	24
FIGURE 12 – CITY OF VAUGHAN ZONING MAP – BY-LAW 1-88, AS AMENDED.....	28
FIGURE 13 - CITY OF VAUGHAN COMPREHENSIVE ZONING BY-LAW 01-2021.....	30

1.0 INTRODUCTION

Humphries Planning Group Inc. (“HPGI”) is the agent and planning consultant for Franline Investments Ltd., (the “Owners”) of the property located at 4130 King Vaughan Road in the City of Vaughan (the “Subject Land”). The Subject Land is located on the north side of King Vaughan Road between Pine Valley Drive and Weston Road. The site has an area of approximately 12.4 hectares (30.6 acres) with a frontage of 330.00 metres (1,082.68 feet) along King Vaughan Road. The Subject Land represents an agricultural parcel and is currently occupied by one single-detached dwelling converted into an accessory business office; one detached garage with an attached outdoor patio; one storage building; one wooden barn; and an outdoor area to store mineral aggregates. The existing use of the Subject Land for the outside storage of mineral aggregates is not a permitted uses in the Agricultural designation and zone in accordance with the City of Vaughan Official Plan (“VOP 2010) and the City of Vaughan Zoning By-law 1-88 and new City-wide Comprehensive Zoning By-law 01-2021.

A Pre-Application Consultation Meeting (“PAC”) (PAC.19.040) was held with City of Vaughan Planning Staff on June 5, 2019 to discuss the existing uses on the site and to clarify the applications and supporting information required to be submitted to legally establish and recognize the existing use of the site.

On Monday February 10, 2020, HPGI attempted to formally submit applications for Official Plan Amendment, Zoning By-law Amendment, and Site Plan Approval in order to facilitate the existing outdoor storage use; however, the Application were refused by Planning Staff at the counter. Their refusal of the Applications was based on their interpretation of the subject Official Plan Amendment as ‘Major’ and the requirement for additional processing fees. This determination was made without reviewing the Applications and supporting materials including a Planning Justification Report which provided a rational and analysis for why the Official Plan Amendment should be considered ‘Minor’. The Planning Applications were never filed with the City and the associated PAC Letter of Understanding expired on February 3, 2020.

A new PAC meeting was held on January 20, 2022 (PAC.21.137) which confirmed additional application submission requirements. The subject applications and supporting materials are being submitted in accordance with the Pre-Application Consultation Letter of Understanding issued by the City of Vaughan Planning Department dated February 1, 2022.

This Planning Justification Report (the ‘Report’) provides a description of the Subject Land, the development proposal along with the approvals required to permit the development of the site. It also considers the application in the context of Provincial, Regional and Local Planning Policy and regulatory documents, and provides a professional planning opinion and justification in support of the redevelopment proposal.

In conjunction with the submission of this Report, concurrent applications for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval have been submitted to the City in order to recognize the existing outdoor mineral aggregate storage uses on the site.

2.0 PURPOSE OF REPORT

The purpose of this Report is to outline and evaluate the nature of the proposed development in the context of the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (GGH), the York Region Official Plan (YROP), the draft York Region Official Plan, the City of Vaughan Official Plan, the City of Vaughan Zoning By-law 1-88 and the new City of Vaughan Comprehensive Zoning By-law 01-2021. This Report provides planning analysis and justification in accordance with good planning as a basis for supporting the proposed use being requested through these Applications.

3.0 SITE AREA AND CONTEXT

The Subject Land is located on the north side of King Vaughan Road, west of Weston Road and east of Pine Valley Drive. The site is also located on the boundary between the City of Vaughan and the Township of King. The site has a lot area of 12.4 hectares (30.6 acres), with a lot frontage of approximately 330.00 metres (1,082.68 feet) and a lot depth of approximately 377.7 metres (1,239.20 feet).

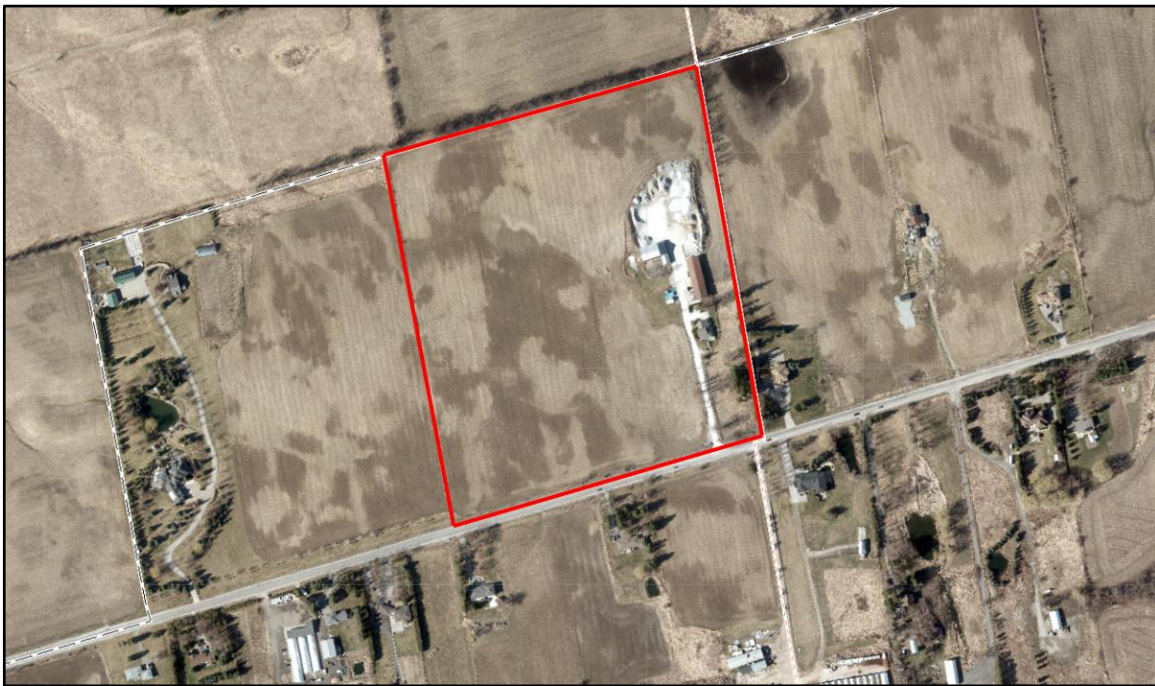


FIGURE 1: AIR PHOTO OF SUBJECT LAND (— SUBJECT LAND)

The site represents an agricultural parcel is currently occupied by one single-detached dwelling with business office; one detached garage with an attached outdoor patio; one storage building; one wooden barn; and an outdoor storage area for mineral aggregates. The majority of the site area is comprised of farm fields which are utilized for farming operations. A row of perimeter trees and hedgerows are located at the southeast corner of the site along the eastern property line. A large landscape berm/push wall, approximately 3 metres in height, is located along the eastern property limit adjacent to the aggregate stockpiling areas. Access to the Subject Land is achieved from King Vaughan Road which extends to a large, 230-metre gravel driveway, providing access to the various buildings and uses on site. A photo inventory of the existing building has been included in Appendix A of this Report.

The surrounding consists predominately of large agricultural lots, typically with associated accessory buildings and structures included single detached dwellings. The properties to the immediate south of the Subject Lands, on the south side of King Vaughan Road (i.e., 4101 King Vaughan Road and 4081 King Vaughan Road) are currently utilized for outdoor storage of various materials, storage containers, disposal bins, construction equipment, machinery, and other tools and implements. Further, the property located at 41010 King Vaughan Road contains stockpiles of soils and other raw materials of varying quantities, similar to the existing use and operations occurring on the Subject Land. It is recognized that this area of Vaughan's countryside is primarily made up of small to large scale rural agricultural/industrial home businesses and on-farm diversified uses which offer a wide range of services and have been operating for a number of years. The Subject Land shares a similar identity to the existing uses in the surrounding area.

Land uses and built form characteristics in the vicinity of the Subject Land include the following:

North: Immediately north of the Subject Land are rural and agricultural lands under the jurisdiction of the Township of King. These lands encompass large farming plots, open space and natural heritage features.

South: King Vaughan Road is located immediately south of the Subject Land. The lands on the south side of King Vaughan Road are comprised of agricultural lands with associated farming operations and accessory buildings and structures including dwelling units. The property located at 4101 King Vaughan Road is comprised of a number of structures used for the operation of a mushroom farm. The site also contains areas utilized for the outdoor storage of various materials, storage containers, disposal bins, construction equipment, machinery, and other tools and implements associated with the farming operation. Stockpiles of soils and other raw materials, of varying quantities, are located at the rear of the 4101 King Vaughan Road site.



FIGURE 2: SURROUNDING LAND USE AND CONTEXT MAP (— SUBJECT LAND)

East: Existing agricultural lands and accessory dwelling units are located east of the Subject Land. Weston Road is located approximately 1000 metres east of the site.

West: To the west of the site are a number of small farm holdings and some rural residential properties. The areas to the west also comprise of some natural heritage features and open space areas. Pine Valley Drive is located approximately 730 metres west of the Subject Land.

While the surrounding area is predominantly comprised of agricultural and farming related activities and uses, it has also evolved with a wide range of different on-farm diversified uses within the agricultural designation. Generally, these other uses are limited in size and intensity, and remain secondary to the principal use of the lot for farming.

4.0 PROPOSAL

Through the submission of Applications for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval, the Applicant is requesting that the existing small-scale outdoor mineral aggregate storage operation on the Subject Land be formally recognized and legally established as a permitted use.

The applications do not propose any new development or site alterations; rather, the purpose and intent of the proposal is to allow the existing uses on the property to be recognized within the context of the City of Vaughan's Official Plan, Zoning By-law 1-88 and new Comprehensive Zoning By-law 01-2021. The policies and regulations under the existing policy regime do not

currently permit the existing use of the site. The proposal does not seek to establish any new development and the Subject Land and the site will generally remain in its current state as described in Section 3.0 of this Report.

DESCRIPTION OF EXISTING OPERATION & USE

The Tenants currently operate an outdoor mineral aggregate storage related use on the Subject Land. The operation facilitates the accessibility of mineral aggregate resources through the supply chain and acts as a temporary staging, and storage area for aggregates facilitating the distribution of these materials to serve local markets. It functions as a small-scale outside temporary receiving terminal and storage area for aggregate materials used for construction and construction related activities.

The hours of operation are from 7:30am to 4:30pm on weekdays. The types of trucks travelling in and out of the site consist of end dump trailers which are approximately 12 feet high and 68 feet long as well as triaxle dump trucks and stone slinger conveyor trucks, which are approximately 12 feet high and 32 feet long. The end dump trailers only access the site in the early morning and facilitate long distance transportation. They are used to haul in the material from the quarries that produce the aggregate material (i.e., limestone). The triaxle dump trucks and stone slingers periodically access the site throughout the day to pick up the material and haul it to the various delivery sites.

The amount of truck traffic generated on-site is seasonally dependent and winter weather causes significant variations in traffic volume. Generally, in the winter months (approx. mid November to late March), end dump trailers haul in material once a week, representing one (1) truck entering and leaving the site. However, during these months, it is not uncommon that raw materials are delivered every 2-3 weeks based on quantity of material being stored and demand for mineral aggregates during the 'slow season'. On average, over the winter months, approximately 5 to 10 loads of limestone come in and out of the site. The frequency of triaxle dump trucks and stone slingers entering the site during the winter months is also infrequent and follow similar truck trip distribution patterns as the end dump trailers.

During the summer-time and early fall (April to October) the frequency of truck traffic increases due to seasonal demand. Approximately 40 – 50 loads of aggregate materials are hauled in and out during these months. Typically, end dump trailers haul in material two or three times a week, representing two or three trucks entering and leaving the site in the early morning. Daily frequency of triaxle dump trucks and stone slingers entering and leaving the site increase to about 30 - 50 trips per day throughout the day and within the hours of operation.

In terms of truck haul routes, the end dump trailers travel to and from Orillia utilizing the Highway 400 corridor. Upon arrival in Vaughan, trucks exit onto King Rd, travel southbound along Weston Road and then westbound on King Vaughan Road where they access the site. The triaxle dump trucks and slingers vehicles exit the site in an eastbound direction towards Weston Road and proceed to their end location (either north or south) using that roadway.

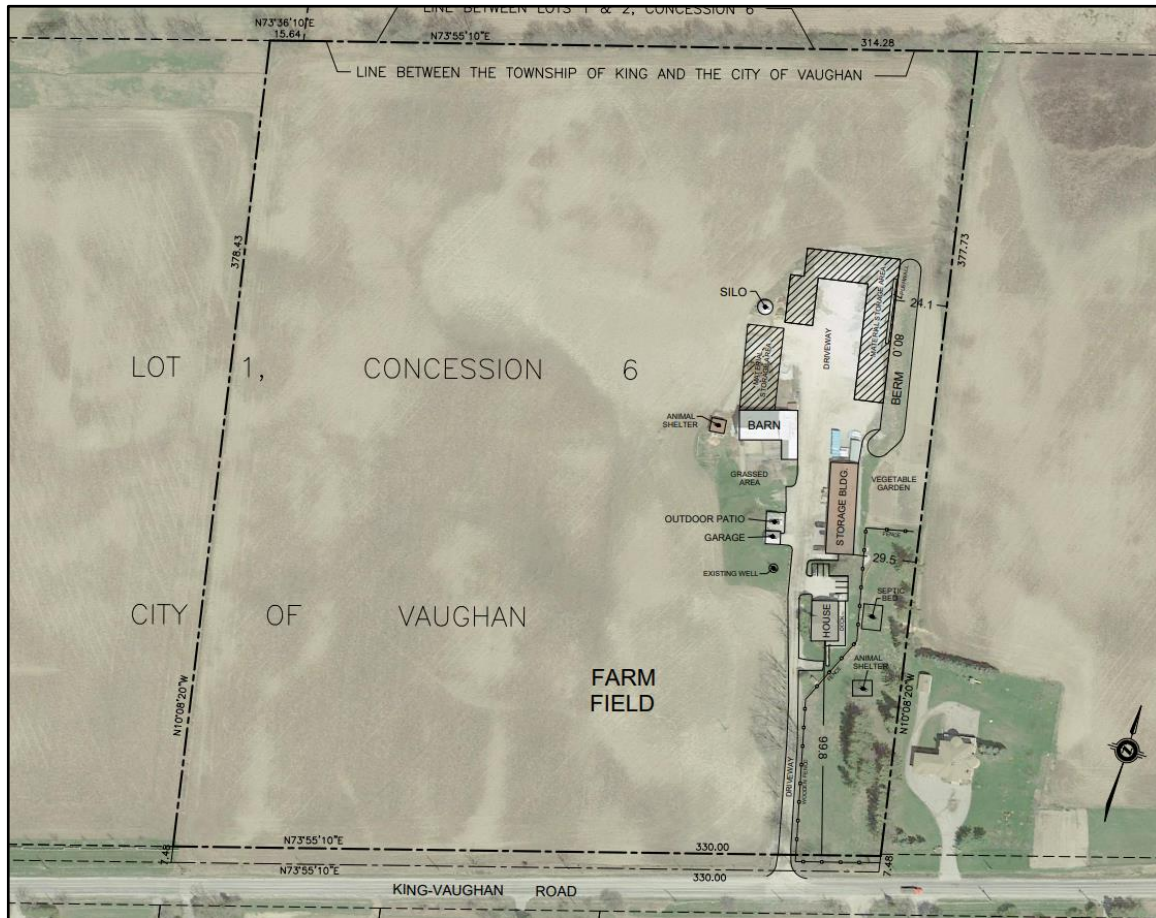


FIGURE 3: SITE PLAN (EXISTING)

The open material storage area is located interior to the site and approximately 700m away from King Vaughan Road. The area is accessed via the internal driveway and is buffered to the east by an existing 3-metre high landscape berm/push wall.



FIGURE 4: 3-METRE LANDSCAPE BERM/PUSH WALL (EXISTING)

The existing dwelling unit on site has been converted into an accessory office where drivers can access a walk-up window to complete their delivery paperwork.



FIGURE 5: OFFICE BUILDING (EXISTING)

5.0 POLICY ANALYSIS

The following sections outline the applicable planning policy regime and provide an evaluation of the proposed development in the context of the existing policy framework. In the preparation of this Report, the following policies have been considered: the Provincial Policy Statement (2019), the Growth Plan for the Greater Golden Horseshoe (2017), the York Region Official Plan (2010), the 2021 draft York Region Official Plan, the City of Vaughan Official Plan (2010), the City of Vaughan Zoning By-law 1-88 and the new City of Vaughan Comprehensive Zoning By-law 01-2021.

5.1 PROVINCIAL POLICY

5.1.1 PROVINCIAL POLICY STATEMENT (2014)

The 2020 Provincial Policy Statement (PPS) is a statement of the Province's position on land use planning matters and is issued under Section 3 of the Planning Act. The 2020 PPS came into effect May 1st, 2020 and contains policies on growth management, community design and development, housing, infrastructure, economic development, energy, resource management, natural heritage, agriculture and cultural heritage. It recognizes that rural areas of municipalities are important to the Province's economic success, and that permitted uses on rural lands include agricultural uses, locally appropriate lot creation for residential development, and resource-based recreational uses. The PPS states that *"recreational, tourism and other economic opportunities should be promoted"*

The Subject Land is located on agricultural lands outside the Urban Area. The PPS identifies Rural Areas as a system of lands that may include rural settlement areas, rural lands, agricultural areas, natural heritage features and other resource areas. Rural areas are important to the economic success of the Province, quality of life, and are recognized to offer varied opportunities across the Province. A key goal for Rural Areas, as identified by the PPS, is "promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources" (Section 1.1.4.1 f) and, "to provide opportunities for economic activities in agricultural areas, in accordance with the agricultural policies of the Plan (Section 1.1.4.1i).

In accordance with Section 1.1.5.2 of the PPS, on rural lands located in municipalities, permitted uses include:

- a) **the management or use of resources;**
- b) *resource-based recreational uses (including recreational dwellings);*
- c) *residential development, including lot creation, that is locally appropriate;*
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*

- e) **home occupations and home industries;**
- f) *cemeteries; and*
- g) *other rural land uses.*

The existing use on the Subject Land can be described as a home industry related to the management or use of resources. In this case, the resource is mineral aggregates which encompasses a number of raw naturally occurring materials including gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act*. The use represents an on-farm diversified use which is secondary to the principal agricultural use of the property, and is limited in area.

Section 2.5.2.3 of the PPS also establishes the protection of mineral aggregate resources, and states that “*mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible*”. In accordance with the PPS a ‘mineral aggregate operation’ means:

“associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products”.

Based on the above, the nature and function of the existing use on the Subject Land closely aligns to and falls within the general definition of a mineral aggregate operation. As indicated in Section 4.0 of this Report, the operation facilitates the accessibility of mineral aggregate resources through the supply chain and acts as a temporary staging, storage area and terminal for aggregates facilitating the distribution of these materials to serve local markets. As such, it is recognized that the existing use quite literally functions as a ‘facility’ associated with the ‘transport’ of mineral aggregates and is therefore permitted to be located on rural lands within municipalities, including the City of Vaughan.

Further, Section 2.5.2.1 of the PPS states that “as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible”. Based on the policy extract above, it is evident that the availability of mineral aggregate resources is encouraged to locate proximate to local/regional markets in order to respond to regional supply demands and reduce transportation costs which frequently form the major portion of the delivery price of aggregate originating from market sources. The existing mineral aggregate storage operation is an important component part of the supply chain for aggregate and resource type materials in southwestern Ontario. Given that limited number of operations that supply these types of products, it is important these facilities exist as close-source of supply to meet projected demands by the construction industry. The aggregates stored at the existing facility are suitable for most road building and construction projects.

The subject application seeks to maintain and legally recognize the aggregate related uses on the subject site. As described above, the existing business facilitates key components of the market supply chain as part of the temporary staging, storage and transportation of commercial mineral aggregate resources to local markets. Further, the existing operation fits within the PPS's definition of mineral aggregate operation and acts as a transport terminal between raw mineral aggregate extraction and the delivery of the aggregate products to end users, thus making the distribution of these resources more efficient and accessible.

The existing mineral aggregate storage operation is consistent with the policies of the PPS as it provides for an identified permitted use and contributes to the diversification of economic activity in the rural and agricultural areas. Additionally, given its small-scale (i.e., approximately 2% of the total landholding), location along a regional arterial road with access to higher order goods movement corridors (i.e., Highway 400), and its proximity to existing agriculture and similar open storage type uses, the existing mineral aggregate storage operation is compatible with the existing surrounding context and does not impact the planned function of the rural area. Lastly, the business assists in the protection of long-term resource supply as infrastructure and housing construction projects continue to intensify across the GTHA.

For the reasons stated above, the existing development and subject applications are consistent with the policies of the PPS.

5.1.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020)

The Growth Plan for the Greater Golden Horseshoe ("Growth Plan") provides direction respecting the development and growth of communities within the Greater Golden Horseshoe ("GGH"). The new Growth Plan was prepared and approved under the Places to Grow Act, 2005 and took effect on May 16, 2019 replacing the 2017 Plan. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved and took effect on August 28, 2020.

Although many of the policies of the Growth Plan (2019) have remained the same, the changes to the new Growth Plan (2020) are intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. The overarching objectives of the Growth Plan (2020) continue to support the achievement of complete communities that are healthier, as well as the wise management and protection of natural heritage systems and resources.

Section 2.2.9 of the Growth Plan outlines the policies for Rural Areas. With respect to Rural Areas, it is stated that:

- 1. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.*

3. *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*
 - a. *the management or use of resources;*
 - b. *resource-based recreational uses; and*
 - c. *other rural land uses that are not appropriate in settlement areas provided they:*
 - i. *are compatible with the rural landscape and surrounding local land uses;*
 - ii. *will be sustained by rural service levels; and*
 - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

The Subject Land is located with Vaughan's rural area outside the built urban boundary. It is recognized that the management or use of resources including mineral aggregate operations are permitted outside of Settlement Area subject to the policies in Section 4 of the Growth Plan.

Section 4.1 of the Growth Plan discusses "Protecting What is Valuable". In part, Section 4.1 states:

"Building compact communities and the infrastructure needed to support growth requires significant mineral aggregate resources. The Aggregate Resources Act establishes the overall process for the management of mineral aggregate operations, and this Plan works within this framework to provide guidance on where and how aggregate resource operations can occur, while balancing other planning priorities. The GGH contains significant deposits of mineral aggregate resources, which require long-term management. Ensuring mineral aggregate resources are available in proximity to demand can support the timely provision of infrastructure and reduce transportation-related greenhouse gas emissions."

Mineral aggregates are materials essential for most types of construction are necessary to build and maintain new and existing infrastructure. Over the past 20 years, Ontario has consumed over three billion tonnes of aggregate, or an average of 164 million tonnes (including recycling) per year. Given projected levels of economic and population growth, future consumption projections average about 186 million tonnes (including recycling) per year over the next 20 years, or 13 per cent higher than in the past 20 years. The Greater Toronto Area (GTA) uses about one-third of the aggregate consumed in Ontario each year. Issues related to transportation of these resources continue to be increasingly important. Long distance transportation of mineral aggregates increases the price of the delivered products substantially. Smaller quantities and/or using closer sources has proven to be more viable, environmentally sustainable and efficient. The limestone aggregate materials stored at the existing facility are suitable for use in a variety of building and construction settings. Further, the existing development acts as an intermediary facility (i.e., a small-scale temporary staging and storage terminal) in the supply and distribution chain and

facilitates the accessibility of high-quality aggregates to local and regional market. Due to the site location proximate to a network of connected major regional roads, as well as inter-regional transportation infrastructure, the existing development can be considered an important regional and local source of aggregate materials and a close source for the GTHA required to continue to support significant capital investment and construction for new infrastructure.

Additionally, the existing aggregate use on the Subject Land serves the needs of the businesses in both the immediate area as well as the needs of the broader economy across the GTHA. The continued use of the site for aggregate resource storage represents the responsible management of resources and protects existing mineral aggregate operations in the long-term in accordance with Section 4.1 of the Growth Plan.

Lastly, the proposed use will not result in compatibility issues with surrounding development and/or land uses. The purpose of the application is not to establish a new outside storage use, but rather, to recognize pre-existing use which has operated on the Subject Land, without significant negative impact, for an extended period of time. It should be noted that the scale, function, and activity of the use has not changed on the Subject Land since at least 2009. The proposed operation is consistent with the nature of historical and current activities and continues to be within the scope of the original purpose. The length of time that the use has operated on site, without issue, indicates that the activities outlined in the land use permissions sought, was and continues to be a compatible use for the Subject Land and in a broader extent, the surrounding rural and agricultural area. The use has integrated within the rural landscape and there are no anticipated impacts related to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity resulting from the outdoor aggregate storage use.

For these reasons, it is our professional opinion that the development and subject applications is consistent with the Growth Plan.

5.2 REGIONAL POLICY

5.2.1 REGION OF YORK OFFICIAL PLAN (2010)

The Region of York Official Plan (2010) (the "ROP") provides a broad policy framework, addressing Provincially provided direction on development, and speaking to a multitude of matters. The main objectives of the ROP include the development of healthy communities, maintaining economic vitality in the Region, and the protection of the natural environment.

The Subject Land is designated as "Whitebelt" and "Conceptual Planned Corridors" per Map 1 – Regional Structure of the ROP. The "Whitebelt" is a term used to describe the lands between the outer edge of the approved urban settlement areas and the Greenbelt Plan area. Although, the 'Whitebelt' is similar in appearance and land use to the Protected Countryside designation of the

Greenbelt Plan, these areas do not have the same level of protection from urban development standpoint. The City of Vaughan contains approximately 1,800 hectares of 'Whitebelt' lands. At present, these lands have not been designated for urban growth. Under the provincial Growth Plan, the "Whitebelt" is eligible to accommodate for future growth, if it is found to be necessary. It is anticipated that as the Region and City continue to grow over time, and additional land needs beyond the those within the existing settlement area boundary are identified, new growth and development would fill in existing 'Whitebelt' gaps in the urban fabric before extending outwards

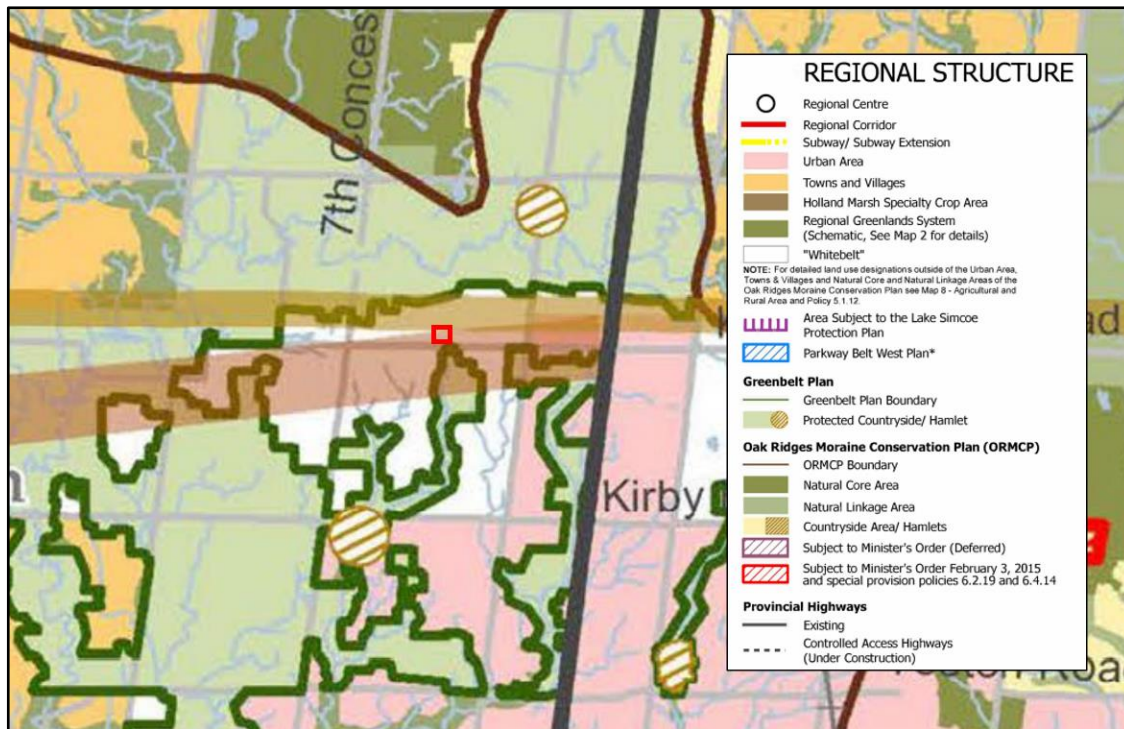


FIGURE 6 – MAP 1 – REGIONAL STRUCTURE, ROP 2010 (— SUBJECT LAND)

Additionally, the site also identified as being located in an "Agricultural Area" per Map 8 – Agricultural and Rural Area.

Section 6 of the ROP outlines the policies applicable to Agricultural and Rural Areas. These policies are intended to maintain the existing agricultural and rural areas and their associated uses, functions and economic activities. Specifically, it is the Region's policy:

6.4.3 That existing and new agricultural uses, agriculture-related uses, normal farm practices, forestry, conservation, land extensive recreational uses, and resource-based commercial and industrial uses are permitted in the Rural Area, consistent with the policies of the Provincial Plans and local municipal official plans and zoning by-laws

The existing uses on the Subject Land is consistent with the Region's policies related to permitted uses in agricultural and rural areas as they provide for "resource based" commercial activities. While the term "resourced based commercial operation is not defined on the ROP, a plain dictionary definition would indicate an operation or use that has functional or economic connections to resource based industries. It is implied that 'resources' means naturally occurring raw materials or assets that can be used for economic production or consumption. Based on the above definition, the existing operation can be characterized as a "resource-based" use in that it directly supports the production of mineral aggregates resources and facilitates the movement of these resources for commercial purposes.

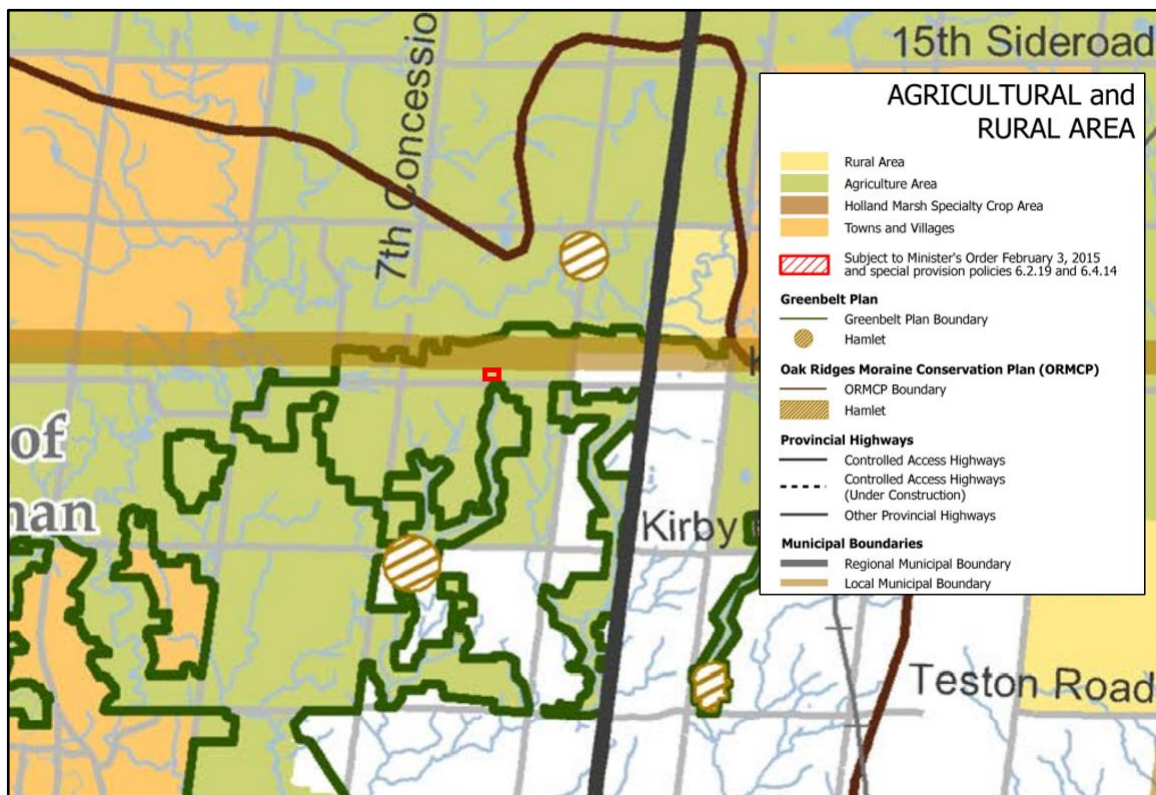


FIGURE 7 – MAP 8 – AGRICULTURAL & RURAL AREA, ROP 2010 (— SUBJECT LAND)

Section 6.5 of the ROP underscores the economic importance of the availability of aggregates close to market and that the management these resources be undertaken in a responsible and environmentally sensitive manner. Specifically, Policy 6.5.8, states that:

6.5.8 To ensure that all extraction and processing activities are conducted in a manner that minimizes negative environmental and social impacts, in accordance with all government legislation, standards and policies.

While the first stage of aggregate processing involves quarrying where a large deposit of desirable aggregate is identified and extracted from the ground additional processes related to the activity of mineral extraction commonly consists of transporting the materials to a site, stockpiling and loading. Further, based on the small-scale nature of existing operation, negative environmental and social impacts associated with the continued use have been successfully mitigated through the implementation of setbacks, screening and natural landscape buffers. The development has established measures which minimizes impacts on surrounding land uses and is compatible with the wide range of agricultural and agricultural related uses already existing and permitted in the agricultural and rural area. The proposal is therefore consistent Section 6.5.8 of the ROP.

Further, Section 6.5.13 of the ROP states that:

“That mineral aggregate extraction may occur in the Agricultural Area on an interim basis provided rehabilitation of the site will be carried out so that substantially the same areas and same average soils quality for agriculture is restored. In the following cases, complete agricultural rehabilitation is not required:”

In accordance with Section 6.5.13 of the ROP, Agricultural Areas are identified as appropriate locations for “aggregate extraction” activities. Although the existing use does not facilitate the physical extraction of aggregate resources, it should be noted that the development is recognized as a incidental and related use that supports normal aggregate extraction operations. The existing use plays a necessary and vital role in the supply chain for aggregate producers to their delivery to market. The use of the Subject Land for a small-scale mineral aggregate storage operation is consistent with the general intent of the York Region Official Plan as it recognizes that while a conceptual distinction exists between aggregate extraction and aggregate storage, any such distinction lacks substantive practical effect in considering that the scale and function of the existing operations is considered to be less intensive and is more less acute from the standpoint of potential adverse impacts than a extraction operation.

The existing mineral aggregate storage operation conforms to the York Region Official Plan as it is recognized as being consistent with the range of permitted uses in Agricultural and Rural Areas. Additionally, the Region’s Official Plan recognizes that aggregate resources have economic benefits such as reducing transportation costs of supplying materials for urban developments, as well as an understanding that the use of aggregate is the main source of building materials which supports future planned housing and infrastructure growth. Lastly, the small-scale of the operation and location of the outdoor storage area ensures that any potential adverse impacts on existing surrounding uses are minimized including visual and noise impacts.

In this regard, it is our opinion that the proposal is in conformity to the applicable policies of the Region of York Official Plan.

5.2.2 DRAFT REGION OF YORK OFFICIAL PLAN (2010)

The draft York Region Official Plan (DYROP) released for review and comment in November 2021 promotes forward thinking, action-oriented policies to continue to deliver on the Region's commitment to protect the environment, guide growth and build strong, caring and safe communities.

A key update to the DYROP, from its predecessor Plan, is the accommodation of additional projected growth to the year 2051 established through the Growth Plan (2020) and the distribution of the forecasted growth across the nine local municipalities in York Region. The Provincial Growth Plan assigns York Region the highest share of growth of any Greater Toronto and Hamilton Area (GTHA) single or upper-tier municipality: 22% of the projected population growth and 25% of the projected employment growth to 2051. This represents a population of 2.02 million and 990,000 jobs to 2051 in York Region, which adds 800,000 people and 345,000 jobs over the next 30 years. Vaughan is forecast to grow to a population of 568,700 with 352,000 jobs. This accounts for almost one third (29%) of the Region's growth to 2051. Vaughan is expected to add in the next 30 years to 2051 (250,000 people & 112,000 jobs) This represents a 74% increase in population and a 47% increase in jobs by 2051.

In order to accommodate this forecast growth all of Vaughan's remaining "Whitebelt" lands (approximately 1,210 hectares) have been brought into the Urban Area as part of the Region's MCR and Official Plan update and is reflected in new DYROP mapping.

Map 1 – Regional Structure of the DYROP, designates the Subject Land as "Urban Area". Within the Region's urban structure, the *Urban Area* is comprised of a variety of communities that contain diverse living, working and cultural opportunities. *Urban Areas* are designated as the primary growth areas in the Region and the focus for the majority of new residential and employment growth as well as for the provision of a wide range of goods and services for residents.

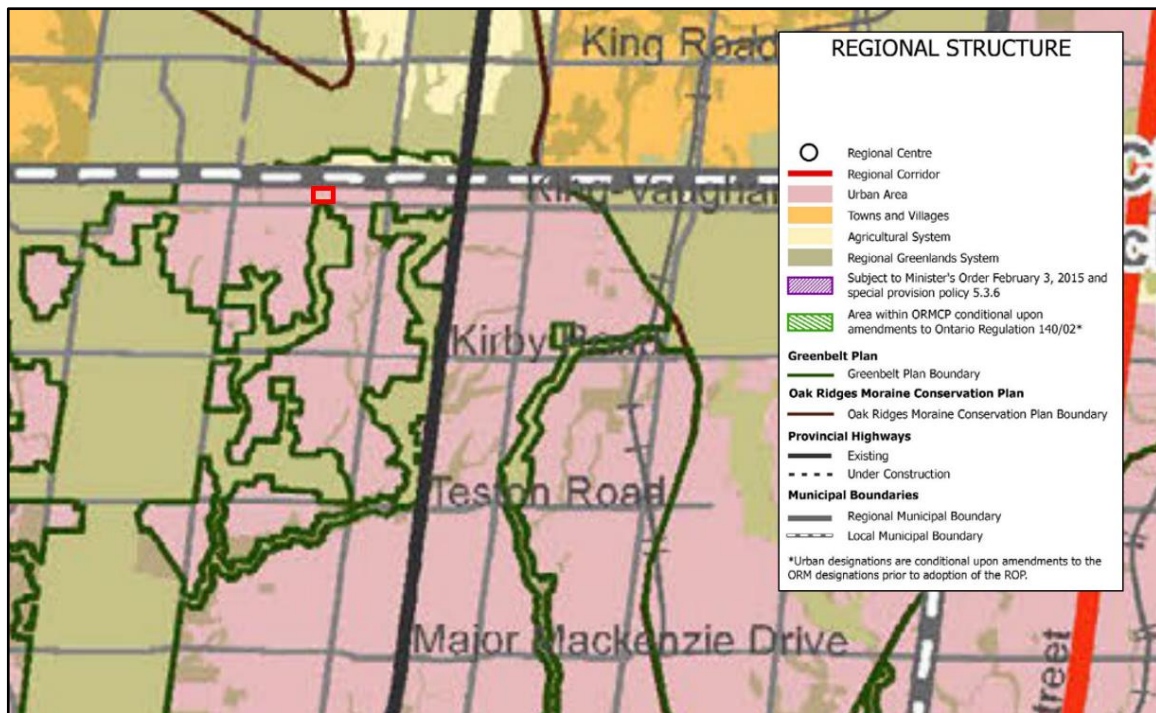


FIGURE 8 –MAP 1 – REGIONAL STRUCUTRE, DYROP 2021 (— SUBJECT LAND)

The Subject Land is further identified as 'New Community Area' and Designated Greenfield Area'. In accordance with Section 4.2.1.4 of the DRYOP, new community area shall contain community core areas, planned as vibrant, mixed use, walkable neighbourhoods that include:

- mixed-use, integrated commercial and high density residential;*
- adaptable human and community service amenities as local community anchors;*
- diverse local retail, grocery and personal services;*
- connections to active transportation networks and transit for all ages an abilities, to amenities within, and beyond the core areas(s);*
- public spaces and greenspace;*
- employment opportunities;*
- incorporate elements that promote a sense of place within the community.*

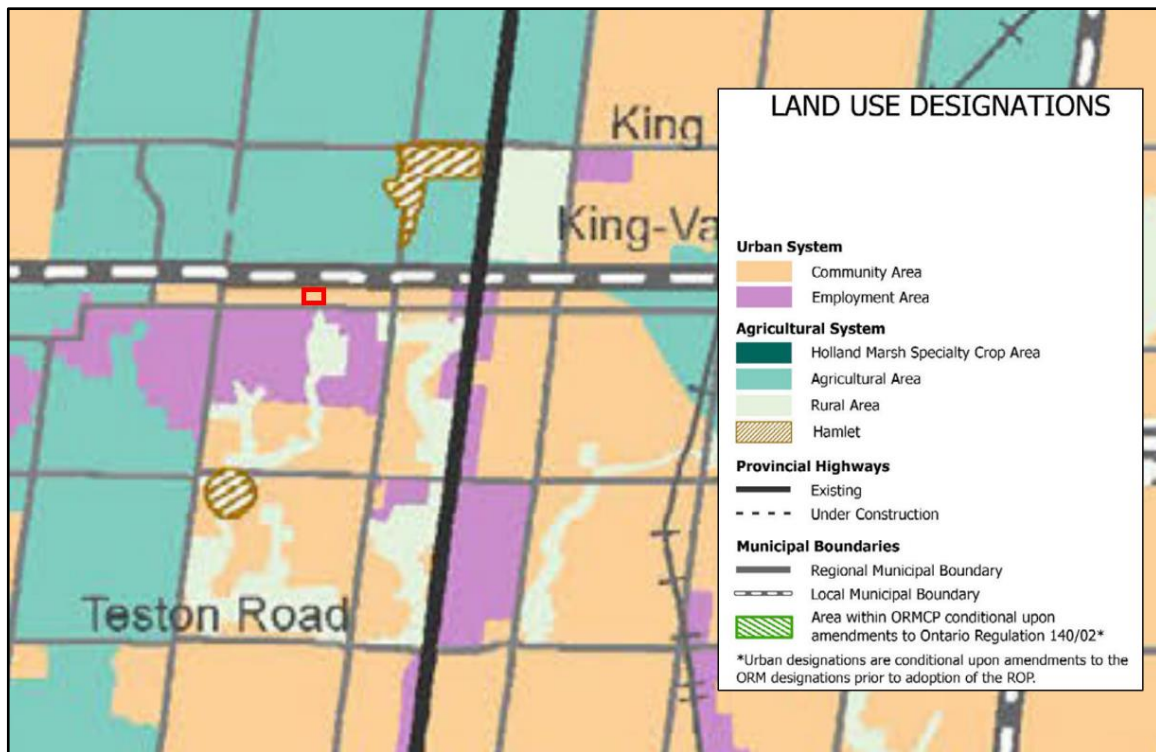


FIGURE 9 –MAP 1A – LAND USE DESIGNATIONS, DYROP 2021 (— SUBJECT LAND)

New community areas are expected to meet or exceed a minimum density of 65 residents and jobs per hectare and 18 residential units per hectare in the developable area. The Designated Greenfield Area designations applicable to the site denotes that Subject Land was located outside of the built-up area as of June 2006 as defined by the Province's Built Boundary in the Growth Plan and where minimum density targets may apply.

Based on the Regions new planning and development framework, there has been a fundamental shift in policy direction respecting the future planned use of the Subject Land. The site is no longer planned to accommodate or support agriculture or agricultural-related uses, rather, it is intended to support new urban development over the long term. It is also recognized that the lands located on the south side of King Vaughan Road, immediately adjacent to the Subject Land, have been planned to accommodate a large contiguous Employment Area where clusters of industrial, business, transportation, warehousing and related economic activities are to be directed. Recognizing that the Subject Land and surrounding area will eventually accommodate future community and employment growth with new patterns of urbanized development, any perceived impact to the existing agricultural and rural system resulting from the existing use is seen to be negligible. Further, based on the demonstrated need for new housing to support growth, together with the high value of land, it is expected that existing uses will be phased out of existence through the future build-out and natural evolution of the area.

While the Region's new draft Official Plan is not yet approved, and the ROP 2010 remains in force, the policies and mapping of the new draft Official Plan reflect the most current planning initiatives and the desired intent of the Region for development in previously identified Whitebelt Areas, including the Subject Land.

5.3 LOCAL POLICY

5.3.1 CITY OF VAUGHAN OFFICIAL PLAN

The City of Vaughan Official Plan ("VOP 2010") was adopted by City Council in September 2010, approved with modifications by the Region of York in July, 2012 and subsequently appealed to the Ontario Municipal Board (the "OMB"). Many of the appeals have been resolved or scoped and as such, portions of VOP 2010, including those which are subject to the proposed development are in effect.

Schedule 1 – Urban Structure of VOP 2010, the Subject Land is designated as "Natural Areas and Countryside". *Natural Areas* are key features that contribute to the overall environmental health of the City and wider region: they form part of the larger Regional Greenlands system that ultimately extends south through Toronto to Lake Ontario. The *Countryside* is made up of predominantly agricultural lands and complements the Natural Areas by providing additional environmental benefits such as wildlife habitat and infiltration and contributes to a diverse economy. Section 2.2.2.2 of the VOP states that it is the policy of Council:

"To maintain a significant and productive Countryside within the Municipal Boundary of the City of Vaughan, and to recognize the important role of the Countryside lands for agricultural uses, food production, rural uses, and in providing open spaces connections between Natural Areas."

Based on the above, Countryside Areas are identified rural areas which are intended to serve a diverse range of functions and land uses including agriculture, conservation uses, non-intensive recreation, open space and shall also provide for accessory commercial facilities which support local residents and the surrounding agricultural, harvesting, resource extraction and rural recreational economy. As such, the existing mineral aggregate storage operation is a permitted use as it supports and advances the objectives of the Countryside Area in promoting and protecting agricultural and other rural land uses.

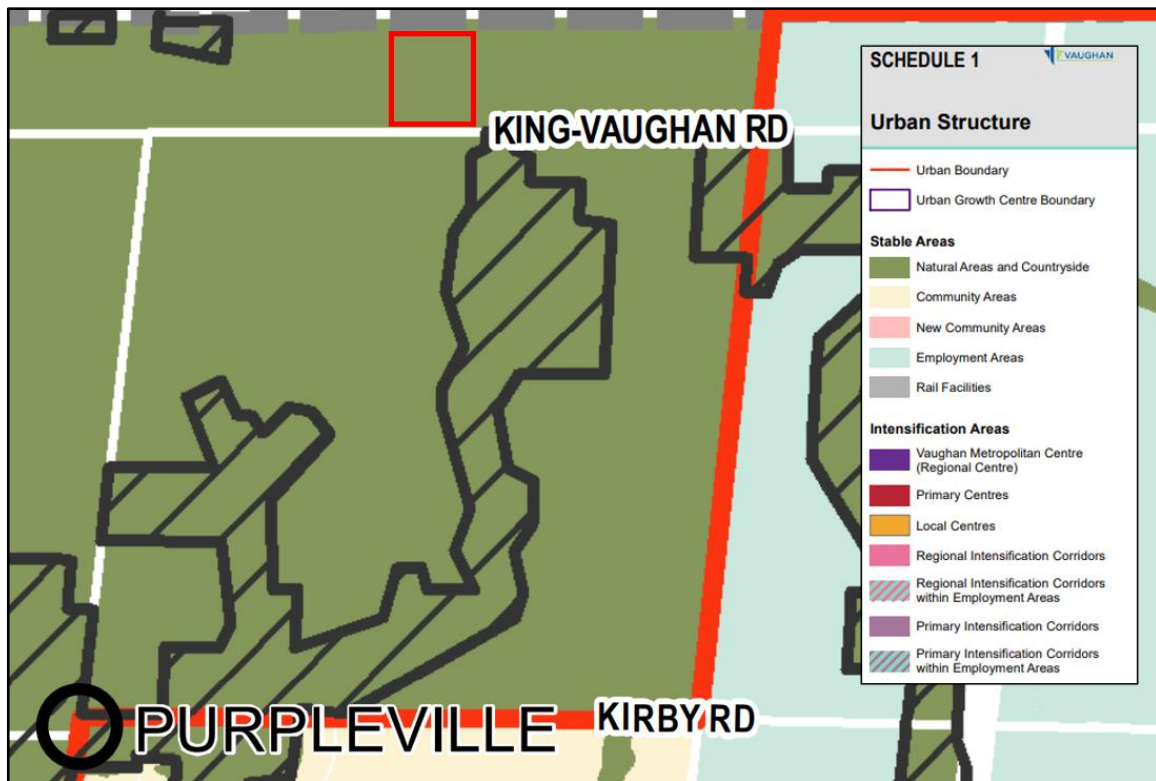


FIGURE 10 – SCHEDULE 1 – URBAN STRUCTURE, VOP2010 (— SUBJECT LAND)

In addition, Section 2.2.1.1.a of the VOP states that:

“Natural Areas and Countryside shall be protected for environmental, agricultural or rural purposes, and shall restrict the encroachment of urban uses into these areas.”

Through the Growth Plan, it is recognized that future population and employment growth will be mostly accommodated through redevelopment and intensification of existing settlement areas; however, additional lands will also be required through boundary expansion into Countryside Areas in the northern end of the City, like the Subject Land. Most recently, as part of York Regions MCR, a Land Needs Assessment was completed which determined a need for 3,400 hectares of urban expansion, or 80% of the remaining Whitebelt in the Region are needed to accommodate growth to 2051. Of the total share of Whitebelt lands required, approximately 1,210 hectares are located in Vaughan in the remaining rural and agricultural areas that are not protected by the Greenbelt and Oak Ridges Moraine legislation. In October 2021, Regional Council in consultation with Local Municipalities resolved to include all of Vaughan’s Whitebelt lands into the 2051 urban boundary which is represented in the new draft York Region Official Plan. It is recognized that the existing use assists in the protection and preservation of Countryside for rural purposes, however, in the long-term, these lands exhibit less priority from a rural and agricultural perspective and

have been identified as being required to accommodate future employment and population forecasts.

Section 5 of the VOP outlines the importance of local economies and a diversity of employment opportunities to support the long-term economic health of the City in the long term. Specifically, Section 5.2.8 states that:

“The remaining Countryside and its agricultural and agriculture-related uses will be preserved as important and valued components of Vaughan’s economy. Opportunities to promote and support urban agriculture will augment Countryside agriculture, generating local economic benefits.”

Pursuant to Section 5.2.8 of the VOP, the continued use of the Subject Land as a mineral aggregate storage operation will contribute to the overall economic productivity of Vaughan’s Countryside and facilitate economic diversity in the City. While rural economies remain largely associated with primary agricultural production, there is more to rural economies than just farming. Rural areas are characterized by a great diversity of economic activities, including processing and marketing of agricultural products, tourism, resource extraction operations and related services. The existing use seeks to expand business within the Countryside Area, in a manner that continues to respect the purpose and function of the Countryside, and will create a more diverse economic environment in the rural areas of Vaughan.

In accordance with Schedule 13 – Land Use of the VOP, the Subject Land is designated “Agricultural”. Agricultural areas consist predominantly of high quality agricultural lands as determined by the York Region LEAR evaluation, and shall be protected for agricultural uses. Non-agriculture uses, including but not limited to open storage, transportation and industrial uses, are prohibited from locating on lands designated as Agricultural. Temporary permissions for non-agricultural purposes shall not be permitted.

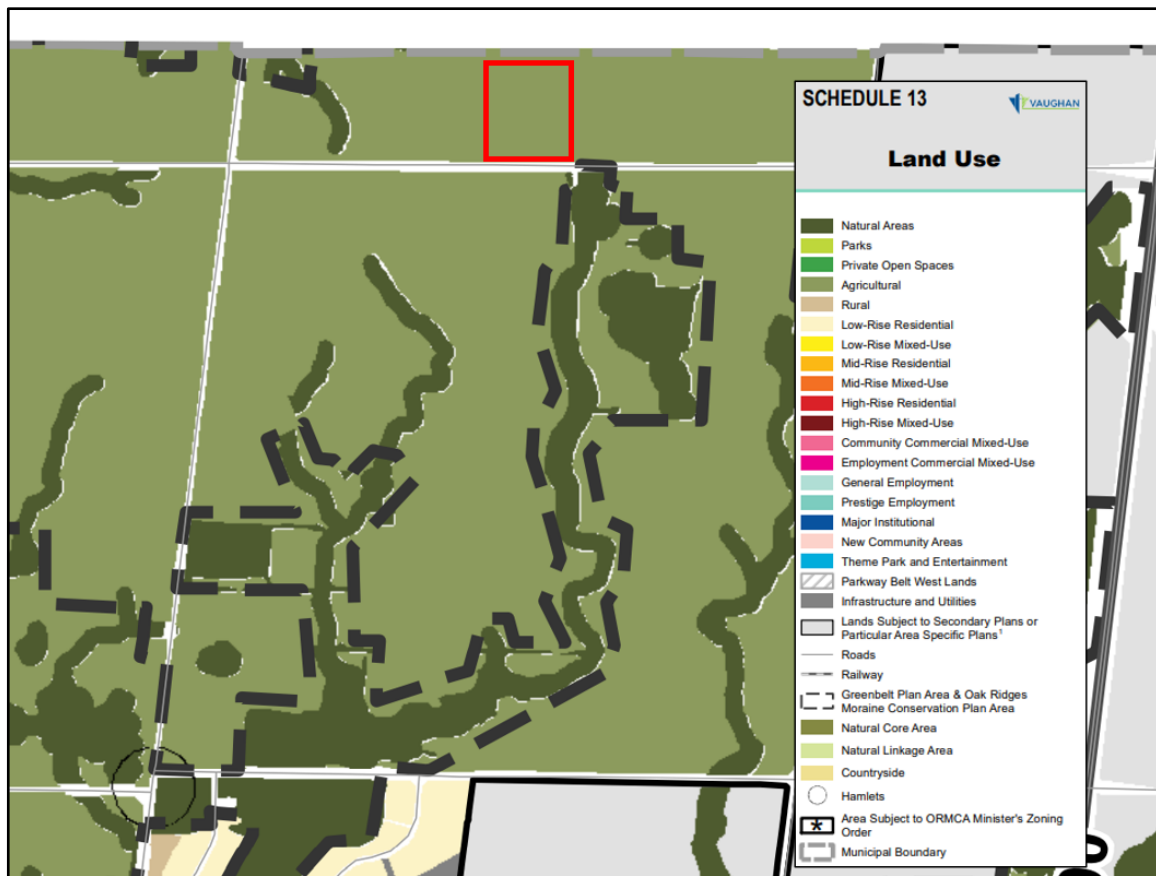


FIGURE 11 – SCHEDULE 13 – LAND USE, VOP2010 (— SUBJECT LAND)

Section 9.2.2.24 b of the VOP lists the uses identified as being permitted in the Agricultural designation. They include:

- i. *farming activities associated with: the growing of crops, including nursery and horticultural crops; raising of livestock; raising of animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and, associated on-farm buildings and structures, including accommodation for full-time labour when the size of the operation requires additional employment;*
- ii. *farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation, as permitted through policy 9.2.2.24.b.i, and are in close proximity to the farm operation; and*
- iii. *uses secondary to the principal use of the property, as permitted through policy 9.2.2.24.b.i, including but not limited to, home*

occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

The existing of the Subject Land does is not consistent with the permitted land use policies for Agricultural designated areas. As such, an Official Plan Amendment is required in order to legally establish site-specific land use permission for a mineral aggregate storage operation on the site.

Notwithstanding the above, policy (d) under Section 9.2.2.24 outlines the considerations for mineral aggregate resources:

- d. Mineral aggregate resources, including those known active sites shown on Schedule 5, are to be protected, however, the development and rehabilitation of extractive resource areas shall be controlled so that land use conflicts and environmental degradation are avoided and the aesthetic quality of the City is maintained. Accordingly:*
- i. extraction of minerals and petroleum resources is permitted in Agricultural areas, provided that the site is rehabilitated;*
 - ii. extractive operations shall be permitted from existing licensed pits, and adjacent land uses shall be controlled to ensure compatibility;*
 - iii. new extractive operations, other than wayside pits and quarries, shall require an amendment to the Official Plan;*
 - iv. in areas adjacent to or in known deposits of mineral aggregates, development which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if;*
 - A. the proposed land use would not significantly preclude future extraction of mineral aggregate resources,*
 - B. the proposed land use would serve the long-term interest of the public better than would aggregate extraction,*
 - C. aggregate extraction would not be economically, socially or environmentally feasible;*
 - v. wayside pits and quarries as well as portable asphalt plants are temporary facilities used only on public authority contracts for specific public street construction projects. These uses shall be permitted throughout the Plan without requiring an amendment to the Plan or zoning by-law, except on the Oak Ridges Moraine identified on Schedule 4, and in areas of existing development, or in the Natural Heritage Network as shown on Schedule 2, where these uses are prohibited;*

- vi. *within the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area, shown on Schedule 4, existing and new mineral aggregate operations shall comply with the provisions of the applicable Provincial Plans; and*
- vii. *abandoned wayside pits and quarries shall be rehabilitated and the progressive rehabilitation of operating wayside pits and quarries shall occur in a manner that is in conformity with the other policies of this Plan.*
- viii. *mineral aggregate extraction may occur on lands designated as Agricultural on an interim basis provided rehabilitation of the site will be carried out so that substantially the same areas and same average soils quality for agriculture is restored. In the following cases, complete agricultural rehabilitation is not required:*
 - A. *where there is a substantial quantity of aggregate below the water table such that the depth of the extraction makes restoration to pre-extraction levels unfeasible; or*
 - B. *where other alternatives have been considered by the applicant and found unfeasible in accordance with the Provincial Policy Statement.*

Based on the above, it is recognized that the establishment of new aggregate operations (*other than wayside pits and quarries*) can be considered in Agricultural areas subject to a number of evaluation criteria and through an amendment to the Official Plan. On the basis, it is our opinion that opportunities exist to expand the existing planning vision for Agricultural areas, specifically on the Subject Land, resulting from the evolution of operations and activities directly supportive of purpose and function of agricultural areas, however, fall out of the policy considerations of the Plan. While it acknowledged that the main concentration of industrial and commercial activities should continue to be focused in urban employment areas, additional small-scale, less-intensive land uses, such as the existing aggregate operation, could be accommodated in strategic locations including underserving rural or agricultural lands on the immediate periphery of the urban boundary as a temporary use.

From this perspective, agricultural and rural areas can serve as a potentially viable land base for smaller non-typical agricultural users that share similar qualities. Furthermore, these types of uses, like the proposed, can function with little to no impacts to surrounding agricultural operations. This is most evident by the fact that the western and northern portion of the Subject Land, abutting the aggregate storage area, continues to be farmed with no impact to normal farm practices, including seeding, sowing, fertilizing, irrigation and harvesting or as a result of the existing use. In fact, by its very nature, the existing use is complimentary to and compatible with

the general profile of the agri-food sector and related activities and share many common characteristics.

As indicated above, the Subject Land and surrounding Whitebelt area have been identified as lands needed to accommodate future planned employment and population growth. It is expected that through the approval of the draft York Region Official Plan and subsequent updates and amendments to the VOP, to bring the Official Plan into conformity with the Regional Plan, the site and surrounding context will be redesignated to New Community Areas and Employment Area. In broad terms, the existing small-scale aggregate storage use, which does not figure prominently within typical employment areas, is better suited for agricultural or rural lands that have fallen into disuse and which form significant pockets of land currently outside the city's urban boundary and not yet covered by new land use regulations.

The existing operation is a complementary use related to mineral aggregate resource extraction, a use which is permitted and protected for under the VOP, ROP as well as the PPS and Growth Plan. The specific type of use facilitates the accessibility of mineral aggregate resources through the supply chain and acts as a temporary staging, storage area and terminal for aggregates facilitating the distribution of these materials to local markets. In near-urban agricultural contexts like the City of Vaughan, allowing a mix of on-farm uses makes a great deal of sense because of proximity to markets and better infrastructural capacity. Agricultural areas located on the urban-rural fringe form key connections between major centres and form some of the main arteries of the Region's urban structure proximate to larger markets.

Although this specific type of aggregate operation is not explicitly identified as being permitted in the Agricultural designation, by its very nature, this type of operation is complimentary and compatible with mineral extraction activities which are permitted in agricultural areas. It is our opinion, that existing mineral aggregate storage operation is best suited in this located as it is sufficiently separated from settlements and residential areas, in order to avoid land use conflicts and impacts and/or undermine the planned function of those areas. The enclosed Site Plan demonstrates that an appropriately sized farm can still function properly on the site in a manner which helps to achieve the City of Vaughan's Countryside and Agricultural objectives. A further indicator of the appropriateness of the project is the extent to which it can be supported by background technical studies. The technical studies, completed in support of the proposal confirm the ability of the site to accommodate this use and mitigate any perceived associated impacts.

Given that the existing operation is similar in purpose and function to the types of permitted uses in the Agricultural designation, it is our opinion that the development maintains the spirit and general intent of Section 9.2.2.24 (d) as well as the relevant policies of the Official Plan.

6.0 ZONING

6.1.1 CITY OF VAUGHAN ZONING BY-LAW 1-88

The Subject Land is zoned “A” – Agricultural Zone under City of Vaughan Zoning By-law 1-88, as amended. Uses permitted in the “A” Zone include: *Agricultural Uses as defined in Section 2; Veterinary Clinic; Single Family Detached Dwelling; Church; Community Centre; Day Nursery; Public Library; Public or Private Hospital; School; Bowling Green; Curling Rink; Private or Municipal Swimming or Wading Pool; Retail Nursery Use; Seasonal fruit, vegetable, flower or farm product sales outlet; Wayside Pit; and Wayside Quarry.*

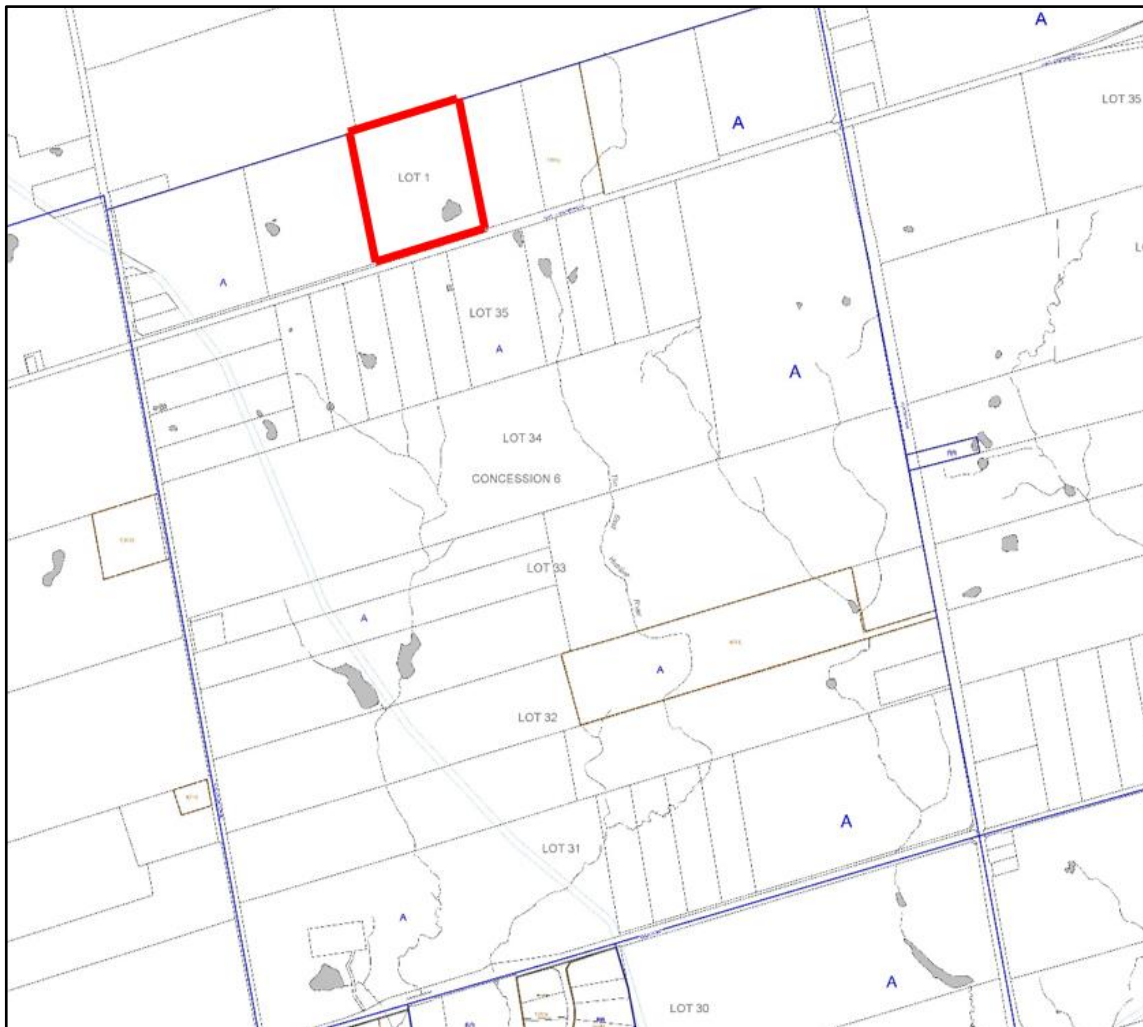


FIGURE 12 – ZONING MAP, BY-LAW 1-88 (— SUBJECT LAND)

Open storage uses are not identified as permitted for lands in the Agricultural (A) zone. As such, Zoning By-law Amendment application has been submitted. The proposed amendment seeks to

amend the existing zoning to add a site-specific zoning provision to permit open storage uses on the Subject Land.

Recognizing that the existing/proposed use is not a defined term in the By-law, the proposed application would introduce a definition to control the precise nature and scope of use as well as implement a site-specific exception limiting the use to a defined location/area on the site.

The existing and proposed use has been defined as follows:

“Mineral Aggregate Material Open Storage – means the leaving and placing of sand, gravel, limestone and other aggregate on a lot and not covered by a structure. The aggregate material open storage use shall be permitted on the subject site only in the area identified on the attached reference plan.”

The proposed Zoning Amendment would have the purpose and intent of introducing land use permission for ‘Mineral Aggregate Material Open Storage’ as defined above.

6.1.2 CITY OF VAUGHAN COMPREHENSIVE ZONING BY-LAW 01-2021

On October 20, 2021, the Council of the City of Vaughan enacted a new City-wide Comprehensive Zoning By-law (the ‘CZBL’) for the City of Vaughan. The new Zoning By-law will implement the Official Plan and accurately reflect the intent of policy direction under one consolidated, streamlined Zoning By-law. The CZBL will delete and replace Zoning By-law 1-88 while carrying forward previously approved site-specific exceptions.

The Subject Land is zoned “A” – Agricultural Zone in accordance with Schedule A – Map 282 of the CZBL. In accordance with Section 12.2.1 of the CBZL (Table 12-2), permitted uses in the Agriculture Zone include: *Agriculture; Animal boarding; Community Garden; Conservation use; Passive recreation use; Single detached dwelling; Stormwater management facility; Accessory agriculture dwelling; Agri-tourism; Bed and breakfast; Home industry; Home occupation; Intermodal container; Seasonal farm stand; Secondary suite; and, Short-term rental.*

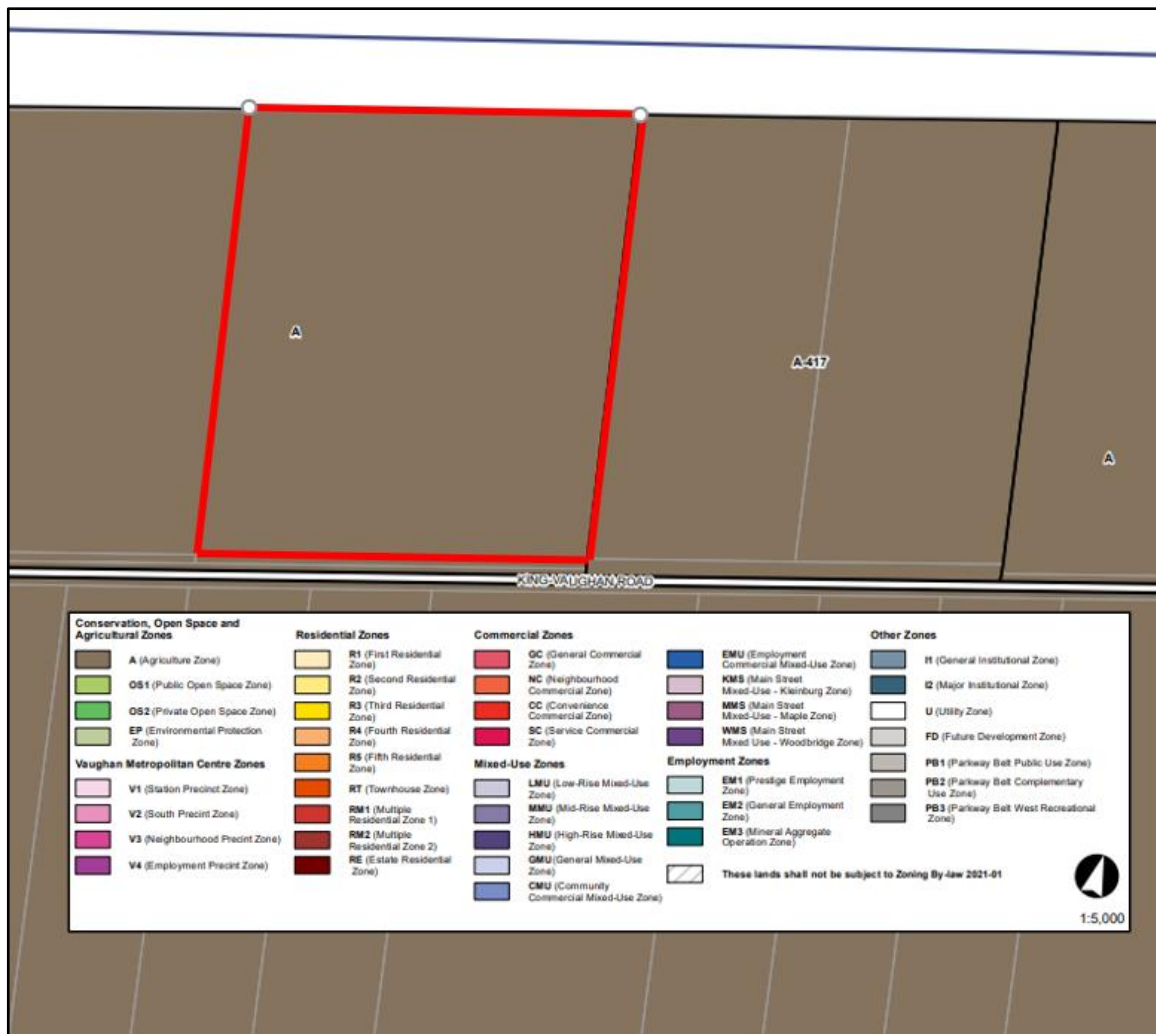


FIGURE 13 – ZONING MAP, COMPREHENSIVE ZONING BY-LAW 01-2021 (— SUBJECT LAND)

Similar to previous By-law 1-88, Outside storage is prohibited in the Agriculture Zone. As such, an amendment to the new CZBL has been prepared and submitted in order to recognize the existing mineral aggregate storage operation on the Subject Land and to identify/regulate its use limits.

It should be noted that Section 34(10.0.0.1) of the *Planning Act* prohibits applications to amend Zoning By-laws for before the second anniversary of the day on which Council repeals and replaces them. However, the 2-year moratorium on amendments to the CZBL does not apply in this case as the CZBL was not passed within three years of the VOP 2010 coming into effect.

7.0 SUPPORTING STUDIES

A number of technical reports have been completed in support of the Official Plan Amendment, Zoning By-law Amendment and Site Development Approval applications. The main conclusions and recommendations of these studies are enclosed under separate cover with this application.

- Grading Plan;
- Arborist Certification Letter; and,
- Noise Brief;

8.0 CONCLUSION

Applications for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval have been submitted to the City of Vaughan to legally establish and recognize the existing aggregate operation of the Subject Land.

The purpose of the application is not to establish a new outside storage use, but rather, to recognize a pre-existing use which has operated on the Subject Land since at least 2009. The existing operation on the Subject Land is not permitted within the existing *Agricultural* zoning and components of the development do not conform to the current Official Plan policy for *Agricultural* uses; however, in our opinion the continued operation of the use is recognized within the context of the PPS, the Growth Plan and the York Region Official Plan. Further, the existing development conforms to the Vaughan Official Plan as it appropriately demonstrates conformity with the overall intent, goals and policies of the Official Plan as it relates to preservation of agricultural lands. The use is limited in size and intensity (2% of total landholding), and remains secondary to the principal use of the lot for farming. The use has not impacted the ability to farm the Subject Land nor has it negatively impacted surrounding agricultural operations. As such, the use is seen to be compatible with the existing and future use of surrounding lands and remains respectful and consistent with typical agricultural of uses and practices. Accordingly, an Amendment to the Vaughan Official Plan and Zoning By-law(s) can be supported in the context of the existing policy regime.

It is our opinion that the proposed development represents good planning and is an appropriate use of the Subject Land.