

Committee of the Whole (2) Report

DATE: Tuesday, December 10, 2024

WARD: 4

TITLE: 523 VALLEY INC.
ZONING BY-LAW AMENDMENT FILE Z.24.022
523 BOWES ROAD
VICINITY OF LANGSTAFF ROAD AND KEELE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning, Growth Management and Housing Delivery

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to rezone the subject lands to permit a waste transfer processing and storage station use, as shown on Attachment 2.

Report Highlights

- The Owner proposes a waste transfer processing and storage station use.
- A Zoning By-law Amendment application is required to permit the proposed use.
- The Development Planning Department supports the proposed development subject to conditions as outlined in this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.24.022 (523 Valley Inc.) BE APPROVED, to amend Zoning By-law 001-2021, to rezone the Subject Lands with a Holding Symbol “(H)” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 in Attachment 3 of this report.
2. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following condition is addressed to the satisfaction of the City:

- a) The Owner shall submit a copy of the approved Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks for the waste transfer facility to the satisfaction of the City.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands came into effect, to permit minor adjustments to the implementing Zoning.

Background

Location: 523 Bowes Road (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1. The Waste Transfer Processing and Storage Station has been operating illegally on the Subject Lands.

A Zoning By-law Amendment Applications has been submitted to permit the proposed development.

523 Valley Inc. (the 'Owner') has submitted Zoning By-law Amendment File Z.24.022 (the 'Application') to permit the additional use of a waste transfer processing and storage station on the Subject Lands as shown on Attachment 2, together with the site-specific zoning exceptions identified on Table 1 in Attachment 3 of this Report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol.

- Date of Notice: August 16, 2024 (Circulated 150 m from Subject Lands as shown on Attachment 1)
- Location of Notice Sign: A Notice Sign was installed along the Bowes Road frontage of the Subject Lands
- Date of Public Meeting: September 10, 2024, ratified by Council September 24, 2024
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: December 3, 2024

Public Comments were received.

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

Requested Use and Site Functionality.

- The Application could cause operational impacts to abutting land uses
- The Application could generate outside storage issues not compatible with the surrounding context
- The Application could impact the land value of surrounding properties

Environmental Impacts

- The Application could cause current and future risks to the surrounding properties based on the types of waste that may be stored and any future proposed operation expansions

These comments are addressed throughout this report.

Previous Reports/Authority

Previous reports related to the Application can be found at the following link:

523 Valley Inc., Zoning By-law Amendment File Z.24.022, Public Meeting Report [September 10, 2024, Committee of the Whole Public Meeting \(Item 5, Report 28\)](#)

Analysis and Options

The Development is consistent with the Provincial Planning Statement 2024 and conforms to the Vaughan Official Plan 2010.

Provincial Planning Statement, 2024 ('PPS 2024')

The Provincial Planning Statement 2024 ('PPS 2024') is a policy statement issued pursuant to section 3 of the Planning Act and comes into effect on October 20, 2024. All decisions made on or after October 20, 2024, in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement.

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the Provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Subject Land is developed for employment uses in an established Settlement Area where full municipal services exist. Section 2.1 and 2.8 of the PPS 2024 speak to planning authorities providing for an appropriate mix of land uses to meet the long-term needs of communities. The proposed use will not change the built form of the existing building and limited outdoor storage is proposed. Staff are satisfied that the Application is consistent with the PPS 2024.

York Region Official Plan 2022 ('YROP 2022')

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ("Bill 185") received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Employment Area" on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 ('VOP 2010').
- "General Employment" on Schedule 13 – Land Use by VOP 2010.

"Employment Areas" are intended for economic activities which require separation from other uses in order to achieve their maximum potential. The "General Employment" designation permits a full range of industrial uses including manufacturing, warehousing, processing, transportation, and distribution, any of which may or may not include outdoor storage. Anticipated uses must not result in a nuisance or have an adverse effect on neighbouring uses by virtue of the emission/discharge of noise, odor, etc. The use is largely proposed within the existing building. A designated outdoor storage area for temporary storage bins for the loading/offloading of materials is proposed in-front of a portion of the building dedicated to waste transfer, processing, and storage.

The use requires an Environmental Compliance Approval ('ECA') from the Ministry of Environment, Conservation and Parks ('MECP'). Through the ECA, the MECP is given the authority to conduct inspections as they see fit of the facility to ensure compliance with the ECA. The MECP, through their enforcement officers, may ensure that the facility operates in accordance with the ECA. The MECP also has financial assurances, provided by the operator, that they can draw upon to enforce any action as required.

The use shown on Attachment 2 provides a function which serves the needs of the community and is located within an Employment Area. The function of an Employment Area is to provide for the clustering of uses which require spatial separation from more sensitive land uses. On this basis, the Development conforms to VOP 2010.

Amendments to Zoning By-law 001-2021 are required to permit the use.

Zoning:

- "EM2 – General Employment Zone" by Zoning By-law 001-2021.
- The Zone does not permit the use, and the use is listed as an obnoxious use under Section 3.0 and as a prohibited use under Section 4.16.
- The Owner proposes site-specific zoning exceptions to permit the use and establish site-specific requirements, as shown on Table 1 in Attachment 3.

As shown on Attachment 2, outside storage is proposed in a designated area in the form of temporary storage bins in-front of the portion of the building dedicated to waste

transfer processing and storage. However, the EM2 Zone does permit outside storage in other locations. Should outside storage be proposed in other locations at a future date, it must comply with the outside storage provisions within Section 5.13 of Zoning By-law 001-2021. Outside storage, where permitted, must comply with the maximum height requirement of 3 m in accordance with Section 5.13.1.2. Section 5.13.1.4 of Zoning By-law 001-2021 prohibits the outside storage of obnoxious goods or materials. The other site-specific exceptions being sought in Table 1, Attachment 3 reflect the as-built form and function of the site, and no adverse impacts are anticipated.

The Development and Parks Planning Department can support the site-specific zoning exceptions identified in Table 1, Attachment 3 on the basis that the proposed site-specific zoning standards facilitate a development that is consistent with the policies of the PPS and conforms to VOP 2010.

Minor modifications may be made to the zoning exceptions identified in Table 1, Attachment 3 prior to the enactment of an implementing Zoning By-law, as required, should the Application be approved.

A Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City.

A Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issue discussed throughout this report. The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the condition included in the Recommendation section of this report is addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

The Policy Planning and Special Programs (‘PPSP’) Department supports the Application.

The PPSP Department has advised that there are no natural heritage features on the Subject Lands and therefore, has no further concerns respecting this Application. However, all applications regardless of their location are required to abide by the Endangered Species Act (2007) regulated by the Ministry of Natural Resources (‘MNR’). Environmental Planning staff note that the onus is on the proponent to ensure the provisions of the Act are not contravened. As such, it is the responsibility of the applicant to comply with any MECP regulations and guidelines to protect SAR and their habitat.

The Development Engineering (‘DE’) Department supports the Application, subject to the conditions in this report.

Development Engineering Department is recommending that the Subject lands be zoned with the Holding Symbol “(H)” to ensure the appropriate Provincial permissions

are obtained to operate the proposed use. Once the ECA approval is obtained from MECP, the Owner may apply to lift the holding provision to fully implement the by-law use and provisions, should Council approve the Application. A condition to this effect is included in the Recommendation section of this Report.

Other external agencies and various utilities have no objection to the Development.

The Development Finance Department, Emergency Planning, Alectra, Fire and Rescue Service, Parks Horticulture and Forestry Operations, Environmental Services, Enbridge Gas Inc., By-law and Compliance Licensing and Permit Services, Toronto and Region Conservation Authority, and Metrolinx have no objection to the Application.

Broader Regional Impacts/Considerations

The Application has been circulated to York Region for the purpose of receiving comments on matters of Regional interest i.e. roads and servicing infrastructure. York Region has no objection to the Application's approval.

Conclusion

The Development and Parks Planning Department is satisfied the Application is consistent with the PPS, conforms with VOP 2010, and is an appropriate use for the Subject Lands. The Application is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications, subject to the recommendations in this report.

For more information, please contact David Harding, Senior Planner, at extension 8409.

Attachments

1. Context and Location Map
2. Proposed Zoning and Existing Site Plan
3. Zoning By-law 001-2021 Table 1

Prepared by

David Harding, Senior Planner, ext. 8409

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development and Parks Planning, ext. 8529