

Committee of the Whole (2) Report

DATE: Tuesday, June 8, 2021

WARD: 1

TITLE: RESPONSE TO YORK REGION'S REQUEST FOR COMMENTS
ON REGIONAL OFFICIAL PLAN AMENDMENT 7

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council's endorsement of staff's recommendations with respect to York Region's request for comments on the privately initiated Regional Official Plan Amendment No. 7, to amend the York Region Official Plan by redesignating lands located in the City of Vaughan, forming part of the Greenbelt Plan, from "Agricultural Area" to "Rural Area". If redesignated, these lands would provide potential opportunities for (active) parkland, trails, and other recreational uses in portions of the Greenbelt Plan area that are outside of the natural heritage features and their associated vegetative protective zones.

Report Highlights

- York Region has received a privately initiated Regional Official Plan Amendment to redesignate lands from "Agricultural Area" to "Rural Area".
- The lands are located in Blocks 27 and 41 and are surrounded by and/or adjacent to New Community Areas.
- The lands are identified as prime agricultural areas within the Provincial Agricultural System of the Growth Plan and Greenbelt Plan.
- Staff do not support the blanket redesignation of lands from "Agricultural Area" to "Rural Area" as submitted, as these lands are within the Greenbelt Plan boundary which is not intended for urban uses.
- Staff support York Region exploring an alternative designation.
- The City's Parkland Dedication Guideline Study is underway and includes an analysis of parkland considerations within the Greenbelt Area; this study will be presented for Council consideration by Q4 2021.

Recommendations

1. That York Region be advised that the City of Vaughan Council does not support Regional Official Plan Amendment No. 7 to redesignate the lands in the Greenbelt Plan area located in Blocks 27 and 41 from “Agricultural Area” to “Rural Area”;
2. That an alternative land use designation and the appropriate policies for the Greenbelt Fingers be explored by York Region in consultation with the City; and
3. That the City Clerk be directed to forward a copy of this report to York Region with respect to Regional Official Plan Amendment No. 7.

Background

The City of Vaughan received a Notice of a Request for a Regional Official Plan Amendment No. 7 (‘ROPA 7’) from the Regional Municipality of York (‘York Region’), dated March 5, 2021. The privately initiated ROPA 7 proposes to redesignate certain lands in the cities of Vaughan and Markham from “Agricultural Area” to “Rural Area”. The Subject Lands located in Blocks 27 and 41 are within the boundaries of the Greenbelt Area and are immediately adjacent to and/or surrounded by the New Community Areas as shown on Attachment 1.

The New Community Areas were brought into the Urban Area of the Regional Official Plan through ROPA 2, the Vaughan Urban Expansion Area by redesignating the lands in Blocks 27 and 41 from “Agricultural Area” to “Urban Area”. The Subject Lands also referred to as the “Greenbelt fingers” were not included in the redesignation of lands through ROPA 2.

The Subject Lands are immediately adjacent to and/or surrounded by the New Community Areas also located in Block 27 and Block 41

The individual Secondary Plan studies for both the New Community Areas were initiated in 2015 and have been completed providing specific land use designations for lands in Blocks 27 and 41. The New Community Area of Block 27 is approximately 311.71 hectares in area and comprises part of Lots 26 – 30 of Concession 4, in the City of Vaughan. The Greenbelt Area within Block 27 is approximately 50.06 hectares of which 23.09 hectares is designated “Agricultural” as shown on Schedule 13 – Land Use of VOP 2010. Policies in VOP 2010 require a 30 metre Vegetative Protective Zone (‘VPZ’) from key natural heritage and key hydrological features. Once the VPZs are provided very little tableland remains and therefore the Block 27 Secondary Plan shows the entire Greenbelt Area as Natural Areas.

The Block 27 area includes the Hamlet of Teston in the southwest quadrant of the Block, a reach of the West Don River and an additional central tributary of the West Don River which is a component of the Greenbelt Area and the City's Natural Heritage Network. The TransCanada Pipeline Canadian Mainline crosses the northern portion of the Block in an east-west direction and the GO Railway line runs north-south through the Block. The lands subject to ROPA 7 extend from Teston Road north to Kirby Road on the west side of the Block as shown on Attachment 1.

An appeal to Local Planning Appeal Tribunal (LPAT) of VOP 2010 Chapter 3 policies by the Block 27 Landowners Group remains outstanding.

The New Community Area in Block 41 is approximately 171.88 hectares in area and comprises part of Lots 26 – 30 of Concession 6, in the City of Vaughan. The Greenbelt Area within Block 41 and subject to the ROPA 7 application is approximately 150.83 hectares of which 48.47 hectares is designated "Agricultural" by VOP 2010.

The Block 41 area includes an existing large lot residential community in the northwest quadrant of the Block and the TransCanada PipeLines Ltd. Maple Compressor Station 130 is located centrally in the north half of the Block, neither of which are part of the New Community Area. The TransCanada PipeLines Ltd. Canadian Mainline traverses the Block in an east-west direction and extends north from the compressor station to Kirby Road.

A Minister's Zoning Order ('MZO') for the Block 41 Secondary Plan area, *O. Reg. 644/20* was approved by the Province. The area zoned by the MZO does not include the lands subject to ROPA 7.

Staff comments on ROPA 7 were prepared in consideration of the existing Provincial, Regional and Municipal policy context and framework
Planning Act

Section 2 of the *Planning Act, R.S.O. 1990, c.P.13* ('*Planning Act*') states that the Council of a municipality in carrying out their responsibilities shall have regard to, among other matters, matters of Provincial interest such as:

"... (a) the protection of ecological systems, including natural areas, features and functions;

(b) the protection of the agricultural resources of the Province;

(p) the appropriate location of growth and development; ..."

A privately initiated application to amend the York Region Official Plan, ROPA 7 was submitted under Section 22 of the *Planning Act* to York Region for review and consideration.

Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2020 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development.

Policy 2.3.1 in respect to prime agricultural areas states, “*Prime agricultural areas shall be protected for long-term use for agriculture...*” Permitted uses and activities include “*...agricultural uses, agricultural-related uses and on-farm diversified uses.*”

Although not referenced in the PPS, the Provincial Plans, and related Implementation Procedures for the Agricultural System in Ontario’s Greater Golden Horseshoe Supplementary Direction to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Implementation Procedures) do establish a process for refinement of prime agricultural areas in the Greenbelt Area.

Growth Plan (2019) and the Greenbelt Plan (2017) build upon the policies provided by the PPS

A Place to Grow Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended, identifies an Agricultural System for the City of Vaughan. Section 4.6 Agricultural System of the Growth Plan (2019) provides policy direction on agricultural land base mapping and protection. This mapping applies to lands that are found within the Greenbelt Area.

Section 3.2 of the Implementation Procedures provides guidance on interpretation and the application of the agricultural land base mapping. Section 3.2 reads, “Within the Greenbelt area, the provincial agricultural land base mapping of prime agricultural areas was in effect as soon as it was issued by the Province on February 9, 2018.”

Policy 4.2.6.9 of the Growth Plan (2019) stipulates the manner in which the agricultural land base mapping can be refined. Section 4.2.6.9 reads, “Upper-and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation their official plans, based on implementation procedures issues by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower tier municipality. After provincial

mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a municipal comprehensive review.

York Region is currently refining the Agricultural System mapping and policies through their Municipal Comprehensive Review (MCR). City staff are part of the MCR working group and are consulted on the development of the Agricultural System mapping and policies.

Greenbelt Plan (2017)

The lands subject to ROPA 7 within the City of Vaughan are designated Protected Countryside by the Provincial Greenbelt Plan (2017). The Protected Countryside designation is intended “to enhance the spatial extent of agriculturally and environmentally protected lands ... while at the same time improving linkages between these areas and the surrounding major lake systems and watersheds”. The Protected Countryside is made up of Agricultural System, Natural System and Settlement Areas. The Protected Countryside Agricultural and Natural Systems in the Greenbelt Plan are intended for non-urban uses.

The Protected Countryside contains an Agricultural System (Section 3.1) that provides “a continuous, productive and permanent agricultural land base and complementary agri-food network ... The agricultural land base is comprised of prime agricultural areas, specialty crop areas, and rural lands.”. Section 4.1.1.1 states that non-agricultural uses are not permitted within prime agricultural areas in the Protected Countryside, with the exception of those uses permitted in section 4.2 to 4.6 of the Greenbelt Plan (2017).

As defined in the Greenbelt Plan (2017), green infrastructure uses that promote natural and human made elements that provide ecological and hydrological functions and processes are permitted within prime agricultural areas subject to meeting policy 4.2.1.2 g) which requires an “agricultural impact assessment or equivalent analysis as part of an environmental assessment shall be undertaken”. It is the interpretation of City staff that the subject lands can be used for natural heritage enhancements, stormwater management systems, tree plantings and permeable surface trails.

The proposed Rural designation would permit a wide range of urban uses including schools, places of worship and fire halls which are not permitted in a prime agricultural area. In addition, municipal active parkland including playing fields and tennis courts are not permitted. Also, any use requiring substantial site alteration to the landscape in the Greenbelt protected lands, would not conform to Section 4.1.1.1 of the Greenbelt Plan (2017).

York Region Official Plan (2010)

The York Region Official Plan 2010 (YROP) designates the Subject Lands as “Agricultural Area” (Map 8) and identifies overlays that also apply including; Protected Countryside (Map 1), Regional Greenlands System (Map 2), Natural Heritage System (Map 3) within the Greenbelt Plan, Provincially Significant and Provincial Plan Area Wetlands (Map 4), and Woodlands (Map 5) (this overlay applies only to the Subject Lands in Block 41).

In keeping with Provincial Policy, the YROP affords the highest level of protection to Agricultural Areas and the Holland Marsh Specialty Crop Area from incompatible land uses. Policy 6.3.2 identifies, “That within the Agricultural Area and Holland Marsh Specialty Crop Area, normal farm practices and a full range of agricultural uses, agriculture-related uses and secondary agricultural uses are supported and permitted.”

ROPA 7 proposes redesignating the Subject Lands to “Rural Area”. The YROP permits the following uses for lands through the “Rural Area” designation, “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.”

Based on the policies of the YROP, a redesignation of the Subject Lands to “Rural Area” would permit the intended uses on the Subject Lands, provided the intended uses (specifically active parkland) are uses consistent with the policies of the Provincial Plans and local municipal official plans. Therefore, an amendment to the YROP is required.

Vaughan Official Plan 2010

The Vaughan Official Plan 2010 (VOP 2010) designates the subject lands, “Natural Areas” and “Agricultural” on VOP 2010 Schedule 13 - Land Use. Schedules 1 (not including 1B) to 8 and 10 to 13 all identify the Greenbelt Area as an overlay. The Subject Lands are situated within the “Greenbelt fingers” of the Greenbelt Area, refer to Attachment 2. The Greenbelt fingers are contained within Vaughan’s Natural Heritage Network (‘NHN’) identified in Schedule 2. The Greenbelt fingers are composed of long linear valley and stream corridors that contain both key natural heritage features (e.g. significant woodlands, significant valleylands) and key hydrological features (e.g., provincially significant wetlands) protected by the Greenbelt Plan, the VOP 2010 NHN policies and by the Toronto and Region Conservation’s Authority regulation (*O.Reg. 166/06*, as amended), where applicable.

In keeping with the Greenbelt Plan and based on policy 3.5.5.6, “Notwithstanding the above, major recreational uses are not permitted on Agricultural designated lands as identified on Schedule 13 of the Plan.” VOP 2010 includes serviced playing fields in the definition of major recreational uses.

The Province is the approval authority on changes to the Prime Agricultural Areas within the Greenbelt Area

The Ontario Ministry of Municipal Affairs and Housing (‘MMAH’) provided comment on ROPA 7 recognizing the Subject Lands are located entirely in within the Protected Countryside and are subject to the Greenbelt Plan’s Natural Heritage and Agricultural Systems. The portion of the Subject Lands which are part of the Agricultural System are also designated as prime agricultural areas on the provincial agricultural land base mapping.

In consideration of the proposed redesignation, the MMAH comments reference Section 3.3.2.3 of Implementation Procedures, “By definition, the agricultural land base includes rural lands. The rural land policies in the PPS, A Place to Grow and Greenbelt Plan apply and allow for a wider range of uses than in prime agricultural areas. [...] Identification of rural lands within the agricultural land base is left to municipal discretion, as long as the Agricultural System purpose and outcomes are met.” Furthermore, the letter recognizes, “Parkland and recreational uses are permitted within the rural areas of the protected countryside within the Greenbelt Plan Area.” Comments from MMAH do not provide any further clarity on whether active parkland is permitted in the Natural Heritage System overlay of the Greenbelt Plan.

City staff is of the opinion that the proposed redesignation of the Subject Lands to permit active parkland and other uses would not maintain the purpose and outcomes of the Agricultural System. Support for City staff’s opinion is provided in the Analysis and Options section of this report.

Pursuant to *O.Reg. 525/97*, of the *Planning Act*, the Minister of Municipal Affairs and Housing is the approval authority for official plan amendments that:

- relate to lands located within the Greater Golden Horseshoe growth plan area:
- amends or revokes the designation of a prime agricultural area, other than for the purposes of including all of the applicable land within an area of settlement; and
- Is commenced on or after May 16, 2019.

ROPA 7 seeks approval of an official plan amendment within the Greater Golden Horseshoe growth plan area, seeks the amendment/revoking of prime agricultural area designation which is not connected to inclusion in a settlement area and was initiated after May 16, 2019. As such, the MMAH is the approval authority for ROPA 7.

Previous Reports/Authority

Not applicable.

Analysis and Options

The North Leslie Ontario Municipal Board Case Decision did not permit active parkland within Protected Countryside of the Greenbelt Plan

The Ontario Municipal Board (OMB) Decision (now known as the Local Planning Appeal Tribunal – LPAT) of November 23, 2006 regarding the appeal of the Secondary Plan for the North Leslie Area in Richmond Hill (Lionheart Enterprises Ltd. v. Richmond Hill (Town) - PL020446) provides further direction specifically to the matter of parks in the Greenbelt Plan.

The issue was raised during the OMB hearings as to whether parts of the Protected Countryside, particularly outside of key natural heritage features and key hydrologic features, could be used for stormwater management ponds, active parkland, and private amenity space. The OMB accepted the evidence of the Ministry of Municipal Affairs and Housing, the local municipality, and other public agencies' positions that the intent of the Greenbelt Act "is not to permit active parkland within the Protected Countryside of the Greenbelt". The OMB Decision further notes "...because some form of government approval (such as severance, subdivision or condominium) is required in order to permit private amenity space to be appended to a lot or condominium, this sort of use constitutes an urban use and is not permitted within the Protected Countryside of the Greenbelt".

The North Leslie Secondary Plan includes two land use designations in the Greenbelt Plan area that comprise the natural areas. The Natural Heritage System designation including key natural heritage features and key hydrologic features, and the Protected Countryside designation. The Secondary Plan policies related to the Greenbelt Plan maintain the direction in the OMB Decision of November 23, 2006.

- There are several policies directing that the Natural Heritage System lands and the Protected Countryside lands be dedicated into public ownership at no or minimal cost (see policies 9.5.2.1(j) and 9.5.2.1(k)).
- Natural Heritage System lands shall be zoned in an appropriate environmental protection zone (policy 9.8.6(c)).

- Permitted uses in the Protected Countryside shall be governed by the Greenbelt legislation (policy 9.8.6(f)).
- Protected Countryside lands shall be zoned in an appropriate environmental protection or open space zone and prohibited uses in the Protected Countryside "shall include any urban use or any use associated with, accessory to or serving, an urban use, such as schools, community centres, arenas, libraries, parks, condominiums and subdivisions" (policy 9.6.8(h)).

Policy 9.6.8(g) directs that "dedication of Protected Countryside lands or Natural Heritage System lands in fulfilment of parkland dedication requirements under the *Planning Act*" is not required but may be accepted.

The York Region review of the Provincial agricultural land base mapping through the MCR did not recommend changes in the City of Vaughan

York Region retained Planscape to review the Provincial agricultural system mapping. This involved a review of the Region's Land Evaluation and Area Review (LEAR) 2009 report with the Provincial LEAR and in consideration of the Implementation Procedures, in order to determine if there were any necessary changes needed to agricultural lands in York Region as part of the agricultural land base mapping and policy review. Planscape prepared an Agricultural Land Refinements Report (2019) and the study determined that no lands in the City of Vaughan required changes to land use designations, as per the Regional Official Plan Update Policy Direction Report (March 18, 2021). City staff understand that York Region staff are currently reviewing the long-term agricultural viability of the Greenbelt fingers in the City of Vaughan and City of Markham due to its proximity to the urban area. City staff would like to be engaged in this review in order to understand the criteria used to determine the appropriateness of redesignating lands.

City of staff are of the opinion that the "Rural Area" land use designation in YROP for lands in the Greenbelt Area would be overly permissive, as this designation would not only permit active parkland (such as sports fields, playgrounds, courts, etc.) but "...support and provide the primary locations for a range of recreational, tourism, institutional (including cemetery) and resource-based commercial/ industrial uses", as stated in the Greenbelt Plan (2017). Urban uses such as cemeteries, schools, and places of worship would significantly alter the landscape as it would be considered major development under the Greenbelt Plan (2017). Also, the Greenbelt Plan (2017) defines rural lands as those lands outside of settlement areas which are not prime agricultural areas, and which are generally designated as rural or open space within official plans. Therefore, the Subject Lands being surrounded by and/or adjacent to

settlement area (the New Community Areas in Blocks 27 and 41) does not meet the intent of the Rural Area designation, as defined above.

Situating urban uses such as cemeteries, schools, and other permitted uses in the Greenbelt Area, does not conform to the goals of the Greenbelt Plan. The proposed Rural Area designation would introduce major development in these Greenbelt fingers, resulting in significant site alteration and disturbance. Also, introducing urban uses within the Protected Countryside would set a precedent for similar proposals to redesignate Greenbelt fingers in other parts of the City of Vaughan and the Greater Golden Horseshoe.

The Implementation Procedures requires an Agricultural Impact Assessment ('AIA') to determine the viability for agricultural uses or production of lands identified as prime agricultural area and to inform a decision to redesignate the lands. To-date an AIA has not been made available for review. Should an AIA be prepared, City staff requests to be engaged as there may be implications on the future development of the existing New Community Areas.

Where an AIA reviewed and supported by the required approval authorities indicates that agricultural uses and practices are no longer viable an alternate land use designation will be required. City staff would support York Region exploring the development of a more appropriate land use designation, policies and associated permitted uses.

The Subject Lands are contemplated for natural heritage restoration and urban agriculture opportunities

The Blocks 27 and 41 Secondary Plans have identified the Greenbelt fingers for protection and restoration and do not contemplate urban uses. For instance, in Block 27, the agricultural lands within the Greenbelt fingers are contemplated for natural heritage restoration and naturalization to support and grow the NHN in Vaughan once the agricultural lands are no longer farmed. These initiatives are promoted by City's Green Directions Vaughan 2019 and VOP 2010 but also by York Region natural vegetation and tree canopy targets outlined in York Region's Forest Management Plan. There is also an opportunity within the Greenbelt fingers to transition urban agriculture opportunities such as community and allotment gardens.

In Block 41 the Greenbelt fingers potentially provide opportunities for restoration as there are natural heritage and hydrological impacts identified through the technical studies that require compensation. The expectation is that wetland, woodlands, permanent and intermittent streams, valley and stream corridors, fish habitat and

significant wildlife habitat restoration can occur in the Greenbelt fingers. If the Greenbelt fingers are no longer available for restoration and naturalization, then the proponent would need to examine alternative locations on the tableland portion of the lands.

City-Led initiative underway in consideration of parkland

The City of Vaughan is developing a Parkland Dedication Guideline document to inform current practices for the acquisition of parkland and use of future funding from the payment-in-lieu of parkland through the development application approval process. The guidelines will inform how public spaces are developed and will help the City achieve its goals with respect to establishing passive and active parkland in the City of Vaughan.

The guideline document will explore possible park typologies and programming options within the Greenbelt fingers, in conformity with the Greenbelt Plan. Through this study, the project consultant in consultation with City staff and stakeholders will consider opportunities to provide for recreational uses through the review of existing policies and municipal best practices.

Once complete, the Parkland Dedication Guidelines will inform a future Parkland By-law, assist the City in responding to the current and future needs of Vaughan's communities and provide a clear direction to address long-term parkland needs. The guidelines will also identify the types of public spaces required in the City, as recommended in Vaughan's 2018 Active Together Master Plan. The final guideline document completion is planned for the end of Q3 2021, subject to stakeholder consultation and Council approval.

City staff support York Region exploring an alternative land use designation

City staff would support York Region exploring alternative land use designations and the appropriate policies for the Greenbelt fingers that support environmental and open space protection consistent with the Greenbelt legislation. This should be done in consultation with the City, as the Parkland Dedication Guidelines can inform this process. Any land use designation and supporting policies in the Regional Official Plan should provide the local municipalities with the opportunity and flexibility to provide for and articulate such uses through the submission of the necessary supporting studies. The Regional Official Plan should allow local official plans to prescribe the nature of any supporting studies, the degree to which any of the specified land uses may be permitted, and the land use designation that maybe applied by the local official plan to provide for conformity with the Regional Official Plan.

Financial Impact

There are no financial impacts associated with this report to the City as a result of the proposed ROPA 7.

Broader Regional Impacts/Considerations

ROPA 7 proposes to redesignate lands in the York Region Official Plan from “Agricultural Area” to “Rural Area” in both Vaughan and Markham. In the City of Vaughan, the subject lands are located within Blocks 27 and 41 and are adjacent to or surrounded by the New Community Areas within those Blocks and in Markham the lands are located adjacent to or surrounded by the Future Urban Areas . A Notice of the York Region Committee of the Whole Public Meeting was provided in the Vaughan and Markham Metroland Media newspapers on Thursday March 18, 2021.

In accordance with Section 22(1) of the *Planning Act*, York Region held a public meeting to inform the public and receive comments on the proposed ROPA 7 on May 13, 2021. At the time this report was prepared Regional Council’s adoption of the recommendations contained in the report titled Information Report for Public Meeting Proposed Amendment No.7 to the York Region Official Plan was not available.

Conclusion

City staff do not support ROPA 7 to redesignate lands from “Agricultural Area” to “Rural Area” in the Greenbelt fingers for Blocks 27 and 41. The proposal does not meet the intent of the Growth Plan (2019) and the Greenbelt Plan (2017). The current YROP and VOP 2010 designations are in keeping with the intent of the applicable Provincial Plans, therefore a Regional Official Plan Amendment is required. However, City staff cannot support the extent of permissions associated with the “Rural Area” designation and the introduction of urban type uses and therefore suggest an alternative land use designations and the appropriate policies for the Greenbelt fingers be explored by York Region in consultation with the City.

For more information, please contact Tony Iacobelli, Manager of Environmental Sustainability, ext. 8630

Attachments

1. Context and Location Map New Community Areas.
2. Greenbelt Fingers Location Map.

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