

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 9, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

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**OFFICIAL PLAN AMENDMENT FILE OP.09.003
1539253 ONTARIO LTD.
WARD 1 - VICINITY OF KIPLING AVENUE & TESTON ROAD**

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to September 2013, to allow further consultation between the applicant, staff, and the local residents;**
- 2) That the following deputations and Communication be received:**
 - 1. Ms. Josie Vivona, Green Valley Court, Kleinburg;**
 - 2. Mr. Robert Klein, KARA, Kleinburg, and Communication C9, dated June 18, 2013;**
 - 3. Mr. Antony Niro, Laurentian Boulevard, Maple; and**
 - 4. Ms. Rosemarie Humphries, representing the applicant.**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Official Plan Amendment File OP.09.003 (1539253 Ontario Ltd.) BE APPROVED, to amend OPA #600, specifically the "Rural Use Area" designation to establish the development limits of the subject lands in order to facilitate the use of the subject lands shown on Attachments #1 and #2 for a recreational facility comprised of the following uses as shown on Attachment #3:
 - i) recreational uses conducted outdoors on playing fields including but not limited to soccer, cricket and football fields, tennis courts, and associated parking areas, picnic areas, and pedestrian and bicycle trails; and,
 - ii) recreational uses conducted within an indoor facility including but not limited to an ice rink and cultural centre with associated parking, and accessory maintenance and storage buildings related to the permitted uses; a Cultural Centre is defined as one or more buildings not to exceed a total of 11,000 m² to be used for community activities including recreational uses and may include private or public commercial uses incidental thereto, and a Cultural Centre shall not include a place of worship.
2. THAT the implementing Official Plan Amendment include the following policies:
 - i) the limits of development shall be in accordance with the final approved Natural Heritage Evaluation Report and Vegetation Enhancement Plan as identified on Attachments #3 and #4;
 - ii) that the outdoor and indoor recreational uses shall be conducted in the general areas as shown on Attachments #3 and #4;
 - iii) in support of a Zoning By-law Amendment application, a Site Development application and the following reports and studies, as required, shall be submitted:
 - Market/Need Facility Study;
 - Archaeological Assessment/Evaluation to the satisfaction of the Vaughan Cultural Services Division;

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- Hydrological Study;
 - Environmental Impact Statement;
 - Built Heritage Evaluation;
 - Noise Impact Study;
 - Water Conservation Plan;
 - Final Functional Servicing Report;
 - Traffic Study Update;
 - Cultural Heritage Resource Impact Assessment; and,
 - Any other study(ies) that may be required as part of the processing of a Zoning By-law Amendment Application;
- iv) that prior to the demolition of any building on the subject lands, the approval of a Heritage Permit shall be required;
- v) the implementing Zoning By-law shall define the specific permitted recreational uses and shall limit such uses to those that can be accommodated on site and conform to the final Vegetation Enhancement Plan and Conservation Plan;
- vi) the appropriate road widening shall be identified at the Site Plan Approval stage to the satisfaction of the Vaughan Development/ Transportation Engineering Department; and,
- vii) the implementing Zoning By-law shall not be enacted until Vaughan Council approves a Site Development Application.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment.

- Objective 2.2: To develop Vaughan as a City with maximum green space and an urban form that supports our expected population growth.

Goal 4: To create a vibrant community where citizens, business and visitors thrive.

- Objective 4.1: To foster a City with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and development features will be included in the proposed development:

- Pervious parking areas to permit infiltration of water into the ground and 30 m wide buffer areas in accordance with the Greenbelt Plan to protect existing key natural features; and,
- The provision of significant vegetation enhancement on the property as shown on Attachment #4.

Economic Impact

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

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Communications Plan

On November 6, 2009, a Notice of Public Hearing was circulated to all landowners within 150 m of the subject lands and to those individuals requesting notification. To date, two (2) letters of objection to the proposed development have been received by the Vaughan Development Planning Department.

A letter was submitted by a landowner on Stegman's Mill Road who expressed concerns about the impacts of the development on the existing traffic conditions. The landowner strongly opposes the development, however, indicated that should the application be approved, the City must consider traffic and safety concerns.

The Kleinburg and Area Ratepayers Association (KARA) submitted a letter in opposition to the application for the following reasons:

- the lands should be protected and conserved as agricultural land;
- the appropriateness of the proposed development comprising privately operated facilities, and not public facilities. Public facilities would have a higher commitment to the public interest in the long term;
- the appropriateness of the location within the rural area and the impact to the immediate area as there is a lack of bicycle, pedestrian or public transit facilities;
- the traffic impacts to the immediate area and the Kleinburg Core Area; and,
- site servicing and the availability of water and sewage servicing for the site.

KARA generally supports recreational and sports facilities to serve the needs of the local residents and their families and to serve the greater community and public interest. However, at this time and with the information provided, KARA cannot support the proposed development. They suggest that the Owner meet with stakeholders through additional community meetings.

At the Public Hearing on December 1, 2009, several residents appeared in opposition to the proposed development expressing concerns with respect to the protection of agricultural land and the "Protected Countryside" of the Greenbelt Plan and the need for a Traffic Study given the current traffic conditions.

The recommendation of the Committee of the Whole to receive the Public Hearing report of December 1, 2009, was ratified by Vaughan Council on December 14, 2009.

Purpose

The Owner has submitted Official Plan Amendment File OP.09.003 on the subject lands shown on Attachments #1 and #2, to amend OPA #600, specifically the "Rural Use Area" designation to establish appropriate Official Plan policies and the development limits on the subject lands to facilitate the use of the property for a recreational facility with potential recreational uses including 1 (one) maximum 11,000 m² indoor facility for a skating rink and cultural centre, five (5) soccer fields, one (1) football field, four (4) tennis courts, two (2) cricket fields, pedestrian and bicycle trails, picnic areas, and associated parking areas to be permitted on the developable portions of the subject lands, as shown on Attachment #3.

Background – Analysis and Options

1.0 Location

The subject lands (80.42 ha) shown on Attachments #1 and #2 are located on the east side of Kipling Avenue, north of Teston Road, municipally known as 10951 Kipling Avenue, City of Vaughan. The surrounding land uses are shown on Attachment #2.

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The site contains an existing residential structure and associated accessory buildings. The site has an undulating terrain with an existing wooded area adjacent to Kipling Avenue that will be maintained.

1.1 Original Submission

The Owner originally submitted Official Plan Amendment and Zoning By-law Amendment Files OP.09.003 and Z.09.026 (1539253 Ontario Ltd.) on the subject lands shown on Attachments #1 and #2, specifically to amend OPA #600 to facilitate the development of a (private) recreational facility consisting of a 9 hole golf course, golf driving range, golf clubhouse building, 4 baseball diamonds, 4 soccer fields, an ice rink, swimming pool, lawn bowling and bocce courts, tennis courts, a picnic area, and accessory maintenance and storage buildings, served by 720 parking spaces, as shown on Attachment #5.

Since the original submission (September of 2009) the Owner has undertaken the following studies to determine the extent of the natural features and associated setback requirements on the subject lands, in order to establish the development limits for the proposed recreational facility:

- i) Preliminary Natural Heritage Evaluation Report, prepared by Beacon Environmental - Updated August 2011, December 2011, February, 2012, October, 2012 and February, 2013;
- ii) Greenbelt Plan Policy Review, prepared by Beacon Environmental - March, 2011;
- iii) Planning Justification Report, prepared by Humphries Planning Group Inc. - September 2009, and Updated October, 2012;
- iv) Regional Storm Floodline Analysis – prepared by Municipal Infrastructure Group - March 3, 2010;
- v) Geomorphic Setback Analysis, prepared by Municipal Infrastructure Group - March, 2010;
- vi) Long Term Stable Slope Analysis – prepared by Municipal Infrastructure Group - March, 2010;
- vii) Phase One Environmental Site Assessment, Proposed Recreational Use, 10951 Kipling Avenue, prepared by Soil Engineers Ltd. - December 5, 2011;
- viii) Preliminary Traffic Management and Access Study - prepared by Cole Engineering Group Ltd. - November 13, 2013, and Revised March 4, 2013;
- ix) Conceptual Vegetation Enhancement Plan prepared by Beacon Environmental - Revised February 2013; and,
- x) Functional Servicing Report (FSR) prepared by The Municipal Infrastructure Group Ltd. - January 21, 2012.

At this time, the Owner has decided to proceed with Official Plan Amendment File OP.09.003 only, and will process the Zoning By-law Amendment application together with a Site Development application at a later date, should the Official Plan Amendment application be approved.

2.0 Land Use Policies/Planning Considerations

The Vaughan Development Planning Department has reviewed Official Plan Amendment File OP.09.003, in consideration of the following policies:

2.1 Conformity with the Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development, and sets the policy foundation for regulating the

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development and use of land. Efficient land use and development patterns support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs.

The PPS outlines policies which promote development patterns that optimize the use of land, resources and public investment, promote a mix of housing, employment and open space and create communities which enhance social well-being that are economically and environmentally sound.

In the rural areas located in municipalities, Section 1.1.4.1 of the PPS states (in part) that development that is compatible with the rural landscape and can be sustained by service levels should be promoted. In addition, recreational, tourism and other economic opportunities should also be promoted.

Section 1.5 outlines policies related to public spaces, parks and open spaces, stating (in part) that healthy, active communities should be promoted by providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, and open space areas.

The proposed development conforms to the policies of the PPS by providing opportunities for recreational tourism and a range of recreational activities that are publically accessible and compatible with the rural area. The proposed development meets the requirements of the Provincial Policy Statement.

2.2 Conformity with the Greenbelt Plan

The subject lands form part of the Rural Area in the Protected Countryside and are identified as “Natural Heritage System” in the Greenbelt Plan. Rural Areas are lands located outside of the settlement areas that are not prime agricultural areas and are generally designated as “Rural” within the Official Plan. The rural areas of the Protected Countryside are intended to support a range of recreation and tourism uses including buildings and structures.

2.2.1 Sections 3.1 Agricultural System and 3.2 Natural System Policies

Section 3.1.4 Rural Area Policies provides policies for the Rural Area within the Greenbelt Plan, (in part) as follows:

“Rural Areas support and provide the primary locations for a range of recreational tourism, institutional and resource-based commercial/industrial uses. They also contain many historic, highway commercial, non-farm residential and other uses which, in more recent times, would generally be directed to settlement areas but which are recognized as existing uses by this Plan and allowed to continue and expand subject to the existing use policies of Section 4.5. Notwithstanding this policy or the policies of Section 5.3, municipal official plans may be more restrictive than this plan with respect to the types of uses permitted within rural areas.”

“Other uses may be permitted subject to the general policies of Section 4.0 for Non-Agricultural Uses and Recreational Use policies.”

“New Land Uses are also required to comply with the minimum distance separation formulae.”

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Section 3.2.2 Natural Heritage System Policies of the Greenbelt Plan provides the following (in part):

- “3. New Development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:
- a) there will be no negative effects on Key Natural Heritage features or key hydrological features or their functions;
 - b) connectivity between key natural heritage features and Key Hydrological features is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape;
 - c) the removal of the natural features not identified as key natural heritage features and key hydrological features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible; and,
 - d) the disturbed area of any site does not exceed 25%, and the impervious surface does not exceed 10% of the total developable area, except for uses described in and governed by Sections 4.1.2 and 4.3.2. With respect to golf courses, the disturbed area shall not exceed 40% of the site.”

All natural features and functions contained on the site and immediately adjacent thereto have been assessed in support of this application. The proposed indoor and outdoor recreational activities have been sited on the subject lands where the topography is generally level and where the impact on existing key natural features is minimized. All existing woodlands, wetlands and stream corridors on the subject lands are protected and buffered with proposed 30 m Minimum Vegetative Protection Zones (MVPZ), as shown on Attachment #3, and have been incorporated in the overall design of the site. The Natural Heritage Evaluation Report, prepared by Beacon Environmental dated October, 2012, in support of the application provides further detailed mitigation measures. Connectivity has been considered and opportunities for enhancement have been identified within the Conceptual Vegetation Enhancement Plan as shown on Attachment #4.

Section 3.2 respecting non-agricultural uses within the Natural Heritage System states: (in part):

- “4. Where non-agricultural uses are contemplated within the Natural Heritage System, the Owner shall demonstrate:
- a) at least 30% of the total developable area of the site will remain or be returned to a natural self-sustaining vegetation;
 - b) connectivity along the system and between key natural heritage features or key hydrologic features located within 240 m of each other is maintained or enhanced; and,
 - c) buildings or structures do not occupy more than 25% of the total developable area and are planned to optimize the compatibility of the project with natural surroundings.”

The Owner is proposing primarily outdoor recreational uses that involve pervious sports playing fields and unpaved parking areas, thereby limiting impervious surface areas on the site to only the proposed access road and the proposed indoor facility. The developable area for the subject lands is calculated as follows:

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Total Site Area	80.42 ha
Key Natural Heritage Features & Key Hydrological Features	<u>34.22 ha</u>
Developable Area	46.20 ha

The Owner has prepared a Conceptual Vegetation Enhancement Plan (Attachment #4) which illustrates that 30% (13.86 ha) of the developable area of the site (46.2 ha) will remain and/or be returned to natural, self-sustaining vegetation. The Plan recommends various vegetation treatments and native species mixes to create meadows and woodlands. Details inclusive of management considerations, water conservation and general mitigation measures are provided within Section 7 of the Beacon Report. Connectivity between key natural heritage features and key hydrological features is maintained, or where possible, enhanced for the movement of native plants and animals across the lands.

The land area devoted to outdoor uses and the proposed buildings and structures, does not exceed 25% (11.55 ha) of the total developable area (46.2 ha) of the lands. The proposed 11,000m² indoor facility or impervious coverage is approximately 1.1 ha in size, or 2.3% of the total developable area. The outdoor programmable area is approximately 8.64 ha in size or 19% of the total developable area, for a total area of approximately 22% of the total site area. The proposed development satisfies the Greenbelt policy objective identified above.

Section 3.2.4 identifies a number of Key Natural Heritage Features (KNHF) and Key Hydrological Features (KHF) including the following, which have been identified on the subject land including: significant valleylands; significant woodlands; significant wetlands; significant habitat of endangered species, threatened species/special concerned species (Redside Dace); fish habitat; and, permanent and intermittent streams.

The Revised Concept Plan (Attachment #3) and Conceptual Vegetation Enhancement Plan (Attachment #4) identify the proposed enhancement area for the subject lands, which is required to be a minimum of 30% of the total developable area by the Greenbelt Plan. The plans also illustrate that a 30 m Minimum Vegetative Protection Zone (MVPZ) is proposed as a buffer adjacent to each of these features, and to the limits of the KNHFs and KHFs identified above. The Preliminary Natural Heritage Evaluation report prepared by Beacon Environmental demonstrates that the proposed 30 m MPVZs are sufficient to protect the KNHFs and KHFs on the subject lands from the proposed development. Should this application be approved, the Owner is required to satisfy all applicable regulations (i.e. the Fisheries Act, the Toronto and Region Conservation Authority (TRCA) Regulations and Policies, and Ministry of Environment (MOE) Guidelines) prior to Site Plan approval, to the satisfaction of the TRCA and MOE, and the City of Vaughan.

2.2.2 Section 3.3.3 Municipal Parkland, Open Space and Trail Strategies

This Section of the Greenbelt Plan states that (in part):

“A system of parklands, and trails across the Greenbelt is necessary to provide opportunities for recreation, tourism and cultural/natural heritage appreciation, as well as to support environmental protection. This system currently supports a variety of passive and active uses, as well as health, economic and other quality of life benefits within the Greenbelt.

It should be recognized that parkland, open space and trails exist within surroundings of predominantly privately held lands. While private land owners may, and do, adopt a collaborative approach with groups such as hiking and snowmobile associations to allow public access across portions of their property, this is only with the consent of the landowner.

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Maintaining and expanding the supply of publicly accessible parkland, open space and trails is encouraged through strategic planning activities that identify, plan for and protect these resources for current and future generations. The planning and activity associated with parkland, open space and trail uses should maximize the opportunity to cooperate with all landowners.

The Province should, in partnership with municipalities, conservation authorities, non-government organizations, and other interested parties:

1. Encourage the development of a system of publicly accessible parkland, open space and trails where people can pursue the types of recreational activities envisaged by this Plan, and to support the connectivity of the Natural Heritage System;
2. Encourage the development of a trail plan and a coordinated approach to trail planning and development in the Greenbelt to enhance key existing trail networks and to strategically direct more intensive activities away from sensitive landscapes; and,
3. Promote good stewardship practices for public and private lands within the Greenbelt, including clear demarcation of where public access is permitted.

For all lands falling within the Protected Countryside, municipalities should:

1. Provide for a full range of publicly accessible, buildings and natural settings for recreation including facilities, parklands, open space areas, trails and water-based activities;
2. Include the following considerations in municipal parkland and open space strategies:
 - a) Providing for open space areas for current and future populations and promoting stewardship of open space areas;
 - b) Providing facilities, parklands, open space areas and trails that particularly support an active, healthy community lifestyle;
 - c) Identifying key areas or sites for the future development of major facilities that avoid sensitive landscapes; and,
 - d) Identifying and targeting under-serviced areas for improved levels of protection."

The proposed development satisfies the above-noted policies of Section 3.3 of the Greenbelt Plan by encouraging the development of a publically accessible recreational facility that protects Key Natural Heritage features as described in this report in a manner that is compatible with the surrounding land uses.

2.2.3 Section 4.0 General Policies for the Protected Countryside

Section 4.1 of the Greenbelt Plan (Non-Agricultural Uses) states that rural areas of the Protected Countryside are intended to continue to accommodate a range of commercial, industrial and institutional uses serving the rural resource and agricultural sectors. They are also intended to support a range of recreation and tourism uses such as trails, parks, golf courses, bed and breakfasts and other tourism based accommodations, serviced playing fields and camp grounds, ski hills and resorts.

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Section 4.1.1 General Non-Agricultural Use Policies of the Greenbelt Plan requires that non-agricultural uses must demonstrate that (in part):

- “2. a) the use is appropriate for location in a rural area;
- b) the type of water and sewer servicing proposed is appropriate for the type of use;
- c) there are no negative impacts on key natural heritage features and/or key hydrologic features or their functions; and,
- d) there are no negative impacts on the biodiversity or connectivity on the Natural Heritage System.”

The surrounding land uses to the north, east and south are rural and agricultural in nature. The area immediately west of Kipling Avenue is subject to the Kleinburg Nashville Secondary Plan (Block 55) and will be developed for urban uses. The proposed recreational uses would not adversely impact the existing and future land uses.

As part of the future urban development west of Kipling Avenue (Block 55), water and sewer services will be extended along Kipling Avenue and will be available to service the site if required. On an interim basis, the Owner has advised that the proposed recreational fields can be serviced by temporary portable facilities. The Owner has submitted a Functional Servicing Report (FSR) in support of the application to demonstrate that the site and the proposed development can be serviced, as discussed later in this report.

The Preliminary NHE Report prepared by Beacon Environmental in support of the proposed application identifies the requirements necessary to ensure that there are no negative impacts to the Key Natural Heritage and Key Hydrologic features on the site.

In addition to the non-agricultural use policies discussed in Section 4.1.1 above, Section 4.1.2 Recreational Use Policies of the Greenbelt Plan states (in part):

- “2. An application to establish or expand a major recreational use in the Natural Heritage System will be accompanied by a Vegetation Enhancement Plan that incorporates planning, design, landscaping and construction measures that:
 - i) maintain or where possible, enhance the amount of natural self-sustaining vegetation on the site and the connectivity between adjacent key natural heritage features or key hydrologic features;
 - ii) wherever possible, keep intermittent stream channels and drainage swales in a free-to-grow, low-maintenance condition;
 - iii) minimize the application and use of pesticides and fertilizers; and,
 - iv) locate new natural self-sustaining vegetation in areas that maximize the value of the area.
- 3. An application to expand or establish a major recreational use shall be accompanied by a Conservation Plan demonstrating how water use and nutrient and biocide will be kept to a minimum, including the establishment and monitoring of targets.
- 4. Small-scale structures for recreational uses (such as boardwalks, footbridges, fences, docks and picnic facilities) are permitted within key natural heritage features and key hydrologic features; however, the negative impacts on these features should be minimized.”

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It is noted that major recreational uses are defined as recreational uses that require large scale modification of terrain, vegetation or both and usually also require large scale buildings and structures, including but not limited to the following: golf courses, serviced playing fields, serviced camp grounds, and ski hills.

The Conceptual Vegetation Enhancement Plan (Attachment #4) has been prepared in support of the proposed recreational facility. A complete Water Conservation Plan will be submitted by the Owner as a requirement of the Site Plan approval process and will demonstrate how water use and nutrient and biocide will be kept to a minimum. It will also include a clearly defined plan for monitoring and reporting.

The Preliminary NHE prepared by Beacon Environmental, the report prepared by The Municipal Infrastructure Group and work undertaken by Landscape Planning and the Humphries Planning Group support and address the policies noted of the Greenbelt Plan to allow recreational uses with no impact to the natural features of the site. A Functional Servicing Report (FSR) prepared by Municipal Infrastructure Group Ltd. was also submitted to demonstrate the serviceability of the subject lands and the proposed development. The final sewage and water and stormwater management for the development will be approved as part of the Site Plan approval process, should the application be approved.

2.3 Conformity with Region of York Official Plan (YROP)

The Region of York Official Plan designates the subject lands "Rural Policy Area" and is subject to a "Regional Greenbelt System" overlay by the 1994 Regional Official Plan. The "Rural" Policy Area "permits recreational uses (Policy 5.9.3) subject to certain criteria, such as: demonstrating the need for the proposed development, appropriateness of the location, impacts to local agricultural uses, impacts to natural environment, explaining why the proposed use cannot be accommodated in partially or fully serviced areas, conformity with servicing policies, compatibility with its surrounding uses, and the availability of potable water and sewer disposal system. The Owner has submitted a Planning Justification Report addressing these criteria, which has been reviewed by the Region of York Transportation and Community Planning Department and have advised that the Region is satisfied with the analysis and are of the opinion that the application conforms to the Regional Official Plan (1994).

The Region has also indicated that the "Regional Greenbelt System" policies protect and restore natural areas and connecting links as an essential structural component of the Region. The proponent is required to submit reports that evaluate the natural environment. The City of Vaughan and the Toronto and Region Conservation Authority will review and evaluate the Owner's submissions against relevant policies and guidelines.

The Preliminary Natural Heritage Evaluation report, including the Vegetation Enhancement Plan submitted in support of the application indicates that the proposed development area of the site should not exceed 46.2 ha, and that any disturbance to existing vegetation will be replanted and restored. Section 3.2.2.4 a) of the Greenbelt Plan requires that 30% of the total developable area must be converted to natural self-sustaining vegetation, that there is connectivity between Key Natural Heritage features and that building and structures do not exceed 25% of the total developable lot area, which the current design is in conformance with. The proposed development conforms to the Regional Official Plan.

2.4 Conformity with the City of Vaughan Official Plan Amendment #600

2.4.1 Section 6.2 Rural Use Area Policies

The subject lands are designated "Rural Use Area" and "Valley and Stream Corridor" by OPA #600". Schedule "E" - Hydrogeologically Sensitive Areas of OPA #600 identifies portions of the

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subject lands as Highly Sensitive (River Valleys) and Highly Sensitive (Glacial Lake and Outwash Deposits). Schedule “H” - Terrestrial Resources, of OPA #600 identifies a portion of the subject lands as “Woodland Area”, and as such development on these areas is not permitted. The applicant is not proposing to utilize any of these areas for the recreational facility.

The “Rural Use Area” designation permits the uses that are permitted in the Agricultural Area designation (farming and accessory uses) as well as forestry, conservation and farm related uses. Limited rural industrial, commercial, recreational, cemetery and institutional uses shall only be permitted subject to an amendment to the Official Plan, provided that the policies of the Plan applicable to said uses are addressed following the general criteria outlined below and the policies of the Region of York Official Plan as noted in Section 2.3:

- i) need for the proposed use and the amount of land needed;
- ii) location of the proposed use;
- iii) impact on agricultural land and farming activities;
- iv) servicing;
- v) compatibility; and,
- vi) environment.

Each of these criteria are addressed as follows:

i) Need for the Proposed Use and the Amount of Land Needed

The proposed recreational facility includes a range of recreational uses that require a larger parcel of land to operate. Typically, large parcels of unserviced lands are located in the rural area.

The City of Vaughan has just undertaken the 5 year review of the Active Together Master Plan for Parks, Recreation, Culture, and Libraries (Master Plan), dated November 28, 2008. The 2013 Active Together Master Plan for Parks, Recreation & Libraries builds upon the previous 2008 Master Plan with renewed emphasis on the sustainable provision of parks, recreation and library facilities. Specifically the following have been noted (in part):

- i) quantifying outdoor facility needs (e.g., soccer fields, ball diamonds, skateboard parks, off-leash areas, playgrounds, etc.) and giving consideration to areas of geographic under-supply;
- ii) ensuring that appropriately located sites are secured for required future parks and facilities; and,
- iii) supporting the strategic initiatives put forward by Vaughan Vision 2020.

The Master Plan also indicates the following:

- i. There is a growing deficiency of parkland in the City's newest communities and residential intensification areas. Opportunities to acquire land in these areas are infrequent and costly.
- ii. The tools available under the Planning Act for parkland dedication are not sufficient on their own to meet Vaughan's active parkland needs. Without thoughtful municipal intervention, per capita active parkland supplies will continue to decline.
- iii. The opportunities to assemble and acquire District and Regional Park sites – the larger parks that contain multiple lit sports fields, waterplay facilities, skateboard parks, picnic areas, etc. – are dwindling as the City transitions its focus from greenfield development to intensification.

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- iv. With a supply of 582.1 hectares, the City presently has a shortfall of 102.5 hectares, although much of this will be negated through pending parkland development (including North Maple Regional Park). If no new parkland is added, this shortfall would increase to 210.7 hectares by 2021 and 334.4 hectares by 2031. To meet the 2031 target, the City's active parkland supply would need to increase by 57%, to 916.5 hectares.
- v. There are presently 4 communities that do not currently meet the recommended standard of 2.2 ha of parkland / 1,000 persons of active parkland, including the two communities of Vellore Village and Kleinburg.
- vi. The City should ensure that the acquisition of an adequate land base for the outdoor recreational facilities proposed in the Master Plan, particularly those requiring large land bases and those required to serve new residential communities.
- vii. The Master Plan continues to specify that the City should obtain sites that are suitable for active recreational pursuits in keeping with the recommended provision standards of 2.2ha of active parkland per 1000 residents which the City of Vaughan currently does not meet."

The proposed recreational facility shown on Attachment #3, provides publically accessible recreational facilities which are not specifically intended to address the deficiency in the facilities identified by the Master Plan, however, can provide private recreational opportunities for the surrounding community in this area of Vaughan.

The Master Plan projects that growth over the next 25 years will primarily be centred around the existing communities of Woodbridge, Kleinburg, Vellore Village, Maple, VMC, Carville and Thornhill. The proposed recreational centre is located where it could potentially provide recreational facilities to serve both Kleinburg and Vellore Village, in addition to the surrounding communities. The Master Plan recommends that different approaches to providing community facilities be considered that are financially sustainable. Parks and facility capital projects are currently funded through development charges, municipal taxes and grants. Parkland is provided through the parkland dedication provisions of the Planning Act, by donations and through purchase. These implementation tools will continue to be utilized and will be supplemented by other approaches (e.g. establishing trail and pedestrian transportation corridors etc., through development applications).

ii) Location of the Proposed Use

Multi-use recreational facilities such as the one being proposed, requires a large parcel of land to operate. Settlement areas within existing communities in Vaughan typically do not have vacant parcels large enough to provide a facility of this size and would be cost prohibitive to develop.

The subject lands are located between Kleinburg and Vellore Village communities and would provide additional publically accessible recreational opportunities to serve the existing and future growth. The site is located on Kipling Avenue with convenient access to Highway #400, Teston Road, Regional Road 27 and Islington Avenue. A Traffic Report, prepared by Cole Engineering Group Ltd., dated November, 2012, has been submitted in support of the application. The Vaughan Development/Transportation Engineering Department has indicated that they accept the finding of the report which concludes that traffic and on-site parking can appropriately accommodate the proposed development. The implementing Zoning By-law shall not be enacted by Vaughan Council until the exact uses have been determined. A condition to this effect will be included as a policy of the implementing Official Plan.

As noted in the Greenbelt Plan Section of this report, the proposed use is permitted in this location provided the policies of the Plan are satisfied, which the Owner has addressed through

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the Official Plan Amendment application and detailed considerations that will be further addressed through the zoning and site plan approval processes.

iii) Impact on Agricultural Land and Farming Activities

The subject lands are surrounded by rural and agricultural land uses. The Owner has submitted a preliminary Natural Heritage Evaluation (NHE) and a supporting Concept Plan as shown on Attachment #3, which identifies the appropriate buffer zones to protect the key natural features of the site. The proposed recreational uses are sited towards the interior of the site, with significant setbacks to the property edges. The potential impacts between the proposed uses and surrounding lands are mitigated by the distance separation proposed between the recreation uses and the surrounding properties, and will be enhanced through further vegetation enhancement opportunities. Therefore, no negative impacts to the existing agricultural uses are anticipated.

The Provincial Policy Statement and Official Plan Amendment #600 require new land use planning applications to comply with the current Minimum Distance Separation Formulae (MDS). The MDS formulae has been established to minimize nuisance complaints due to odour, reduce land use incompatibility and provide separation distances between livestock and poultry barns from non-compatible uses and vice-versa. There are no active livestock facilities in the area and the new VOP 2010 designates the lands immediately to the west of the subject lands for residential purposes (Kleinburg North Residential Community). The application satisfies this requirement.

iv) Servicing

The Owner has indicated that the recreational facility will be serviced utilizing full municipal services proposed on Kipling Avenue and that the facility is not anticipated to generate significant sewage or water requirements. The Owner has indicated that temporary portable facilities are proposed to service the playing field uses on an interim basis. The Owner has submitted a Functional Servicing Report prepared by The Municipal Infrastructure Group Ltd. - January 21, 2013, which demonstrates that the lands and the proposed uses can be appropriately serviced. The final Functional Servicing Report must be approved by the City of Vaughan Development/Transportation Engineering Department. A condition to this effect shall be included in the Official Plan Amendment.

v) Compatibility

The subject lands are surrounded by natural areas and existing agricultural uses. Recreational uses are considered a compatible rural land use and are permitted as-of-right by Zoning By-law 1-88 in the A Agricultural Zone. Currently, there are no significant existing residential developments in the vicinity, however, the City of Vaughan Official Plan 2010 (Volume 2, North Kleinburg-Nashville Secondary Plan) identifies the lands immediately west of the subject lands as a future Focus Area 5 and 6 (Kipling Avenue Community) which permits a mix of low density building forms with a projected target of 30 persons/ha. One neighbourhood park and four parkettes are currently proposed for the community. The community is also surrounded by natural area. The proposed facility is compatible with the surrounding land uses.

The Owner has submitted a traffic study in support of the application, which has been approved by the Development/Transportation Engineering Department. In addition, through the detailed review of the Site Development application, details such as fertilizer use, lighting, surface materials, etc., will be reviewed to ensure compatibility with the surrounding land uses.

vi) Environment

The proposed development will respect and maintain the existing natural features and functions of the site, by siting each recreational facility in areas with minimal impact to existing natural

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features. OPA #600 requires an Environmental Impact Statement which evaluates: the impacts of the development on the environmental functions, attributes and linkages; the adequacy of the proposed environmental management techniques and mitigation measures; and, compliance with the environmental management policies of the Plan.

The Owner has submitted a Greenbelt Policy Review and Preliminary Natural Heritage Evaluation (PNHE) report, prepared by Beacon Environmental. The report includes a Vegetation Enhancement Plan (Attachment #4) which demonstrates that approximately 13.8 ha, or 30% of the development area of the site, can accommodate self-sustaining vegetation. In addition, the total area of disturbance for the recreational facility does not exceed 25% of the developable area in accordance with the Greenbelt Plan. The Owner has indicated that there will be minimal use of fertilizer and pesticides and that their use will be restricted only to the playing fields. The Owner has also prepared Mitigation Measures as part of the overall NHE study report. The final NHE report shall be approved by the City of Vaughan and the Toronto and Region Conservation Authority at the Site Plan stage.

The Development Planning Department is satisfied that the proposed recreational facility addresses the requirements of Section 6.2.1 of OPA #600.

2.4.2 Official Plan Amendment #600 - Section 6.2.2. Recreational Uses

Section 6.2.2, Recreational Uses of OPA #600 states that recreational uses include the use of land for outdoor parks, playgrounds, outdoor athletic fields, miniature golf, golf course, golf driving ranges, including buildings and structures accessory to these uses. Recreational uses may be permitted in the "Rural Use Area" designation subject to an amendment to the Official Plan and the following criteria:

- "a) Recreational uses include the use of land for outdoor parks, playgrounds, outdoor athletic fields, miniature golf course, golf course, golf driving ranges, including building and structures accessory to these uses.
- b) Recreational uses may be permitted in the Rural Use Area subject to an amendment to the Official Plan, and the following criteria:
 - i) the principal activity shall not require the use of motorized vehicles or equipment;
 - ii) the principal activity or past time shall be conducted out-of-doors and extend over the major part of the subject property;
 - iii) the impact of the proposed use on environmental resources;
 - iv) the principal activity, including associated buildings and structures shall be compatible with uses on surrounding lands, and shall not result in any noise, odour, fumes, lighting, or similar effects, detrimental to activity, amenity, or general rural character on surrounding lands; and,
 - v) buildings or other structures accessory to the principal activity shall be primarily for the use of persons engaged in the principal activity, and shall be small in scale and occupy a relatively small portion of the subject property."

The proposed recreational uses, with the exception of the indoor facility, are permitted on the subject lands by OPA #600. However, all of the proposed uses are permitted as-of-right by Zoning By-law 1-88, which zones the subject lands A Agricultural Zone.

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The proposed Concept Plan (Attachment #3) includes a range of outdoor recreational uses including soccer, football and cricket fields, passive areas, and tennis courts which do not require the use of motor vehicles. Mowing equipment, required for the maintenance of the fields, are not considered the principal activity, and therefore are considered acceptable. The proposed plan shown on Attachment #3 includes a pedestrian/bicycle trail system throughout the site, not intended for use by motorized bikes, ATV's, or snowmobiles all of which generate noise and emissions.

The Owner has indicated the uses in this indoor facility may include a swimming pool, senior sports field, arena, cultural centre, or private club resort. The indoor facility occupies 2.3% of the developable area of the subject lands. The remainder is utilized for the outdoor activities, and will be maintained in its current state or enhanced with additional vegetation, and is therefore considered appropriate.

The preparation of the Preliminary Natural Heritage Evaluation (PHNE) included the staking of the natural features, a Headwater Drainage Assessment, Geomorphic Setback Analysis, Regional Storm Floodline Analysis, Ministry of Natural Resources (MNR) input respecting Species at Risk and a Conceptual Vegetation Enhancement Plan (Attachment #4). This work assisted in establishing the development limits on the subject lands, which includes buffers and setbacks and a minimum vegetation protection zone consistent with the policies of the Greenbelt Plan, and implements mitigating measures to ensure the proposed development does not create adverse impacts to the natural environment.

The subject lands are surrounded by lands that are zoned A Agricultural Zone, which would permit recreational uses as-of-right, subject to the Greenbelt Policies. The existing woodlands located along the Kipling Avenue frontage will be retained, thereby maintaining the existing rural character of the east side of Kipling Avenue. The proposed recreation uses are situated in a manner that does not impact the natural features of the site. The proposed recreational facilities will provide publically accessible recreational opportunities for the existing and future planned communities within the City of Vaughan.

A Traffic Impact Study prepared by Cole Engineering was submitted based on the concept plan shown on Attachment #3 and concludes that there would be no adverse traffic and that the intersection of Kipling Avenue and Teston Road will continue to operate at acceptable levels of service as a result of the recreation complex. A noise impact study is required to ensure that both the existing and future community is not adversely impacted by the uses. Prior to the enactment of an implementing Zoning By-law any impact to surrounding land uses must be determined and addressed.

In summary, the proposed development includes primarily outdoor recreational facilities. The indoor facility proposed on the site is minimal and would result in an approximate building footprint (impervious surface) area of approximately 11,000 m². The proposed building represents less than 1% of the total lot area or 2.3% of the total developable area. The building is intended to be used by persons visiting the site for recreational opportunities and for employees of the recreational centre. The proposed development satisfies the requirements of Section 6.2.2 of OPA #600.

2.5 City Of Vaughan Official Plan 2010 (VOP 2010)

On September 7, 2010, Vaughan Council adopted the new City of Vaughan Official Plan 2010 (as modified September 27, 2011, March 23, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. VOP 2010 redesignates the subject lands from "Rural Area" to "Agricultural". The new "Agricultural" designation is consistent with the Region of York Official Plan (adopted by Regional Council in January 2013 and approved (in part) by the Ontario Municipal Board) which

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only permits the lands to be used for agricultural purposes such as farming and uses accessory to a farm operation.

As part of the VOP 2010 approval process, the agent representing the Owner requested that the subject lands remain designated “Rural Area”. At the July 28, 2010, Special Committee of the Whole meeting the City considered the applicant’s request and provided the following response:

“The subject lands are located in the Greenbelt Plan area and is identified as Agricultural consistent with the Region of York Official Plan and therefore, was designated accordingly. At the July 28, 2010, Special Committee of the Whole meeting, the City recommended no change to the subject lands designation and that it remain designated Agricultural to be consistent with the new Regional Official Plan.”

On November 12, 2012, the Owner appealed VOP 2010 to the Ontario Municipal Board based on the lack of decision, pursuant to Subsection 17(40) of the Planning Act. The appeal is filed with respect to the entirety of VOP 2010, as it applies to the subject lands. The Owner does not support the change of land use designation from “Rural “ to “Agricultural” and is concerned that the current and future applications may not be approved prior to the approval of VOP 2010 despite the transition policies identified in VOP 2010.

2.6 Kleinburg/Nashville Secondary Plan Kipling Avenue Community (Area 5 and 6)

As noted previously, VOP 2010 (Volume 2) includes the Kipling/Nashville Secondary Plan, which has been approved (in part) and designates the lands on the west side of Kipling Avenue, opposite the subject lands for a new residential community. The Kipling Avenue Community consists of a mix of low density building forms with a Community Focus area fronting on Kipling Avenue designated “Low Rise Mixed Use II” and “Low Rise Residential III”. The Community Focus Area provides for the retail component of the community and other permitted building forms that include stacked townhouse and townhouse dwellings.

One central neighbourhood park is located within the community adjacent to the Natural Heritage Network and 4 other parkettes are distributed throughout the community. There are two stormwater management ponds located along Kipling Avenue in the southerly half of the plan. A system of on and off-site trails link the main community elements and could also be extended to provide links to the subject lands, pending review of appropriate on grade pedestrian crossings, compliance with City development and design standards, public accessibility and any required maintenance agreements. The Kipling Avenue frontage of the Community Plan provides for a natural area, a focus community area and two stormwater management ponds, which all provide a transition to the proposed recreation facility on the subject lands.

2.7 City of Vaughan Active Together Master Plan

The City of Vaughan Active Together Master Plan for Parks, Recreation, Culture, and Libraries (Master Plan), dated November 28, 2008 has been updated by the 2013 Active Together Master Plan and builds upon the previous 2008 Master Plan with renewed emphasis on sustainable provisions of parks, recreation and library facilities. Specifically the following (in part) is noted:

- recommending the development of smaller neighbourhood hubs and program sites in order to fill distribution gaps in emerging areas undergoing substantial population renewal/growth;
- quantifying outdoor facility needs (e.g., soccer fields, ball diamonds, skateboard parks, off-leash areas, playgrounds, etc.) and giving consideration to areas of geographic under-supply; and,

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- ensuring that appropriately located sites are secured for required future parks and facilities.

The Master Plan also indicates that due to the City's rapid population growth, deficiencies are still being noted in some areas, including (but not necessarily limited to) library space, multi use fields (rugby, football), cricket, senior soccer fields, off-leash dog parks, picnic areas and large skateboard parks. Maintaining appropriate standards for park facility provisions in growing neighbourhoods will be a key goal of the City over the coming years. There also continues to be a requirement to promote appropriate community and public private partnerships in the municipal parks system in order to leverage additional resources, expedite development, and improve accessibility. As per the previous Master Plan there is a growing interest to work in partnership with volunteers, community organizations, and private businesses in meeting many local leisure needs.

The Master Plan identifies a need for parks and recreation facilities and the realization that municipalities cannot meet all recreational needs and in response to demands and shifting economic conditions, many municipalities are pursuing partnership approaches that differ from the traditional methods of delivery of these services. Although the proposed facility would be privately owned and operated, the site is located between two communities that do not currently meet the recommended standard active parkland, and the proposed facility will provide additional publically accessible recreational opportunities for residents in the adjacent existing and planned communities.

The City of Vaughan Parks Development Department has indicated that they have no objection to the proposed development and that based on a general review of the Active Together Master Plan document, the growing communities located within the long term residential growth area, Vellore Village and Kleinburg will require the development of additional active parkland to keep pace with the increased populations projected for these areas.

2.8 Vaughan Policy Planning Department (Environmental)

The Policy Planning Department (Environmental Section) has reviewed the revised Preliminary Natural Heritage Evaluation (Beacon Environmental, October 2012) and has indicated that they are satisfied with the latest submission and that through the zoning and site plan approval stage, the Owner will be required to address detailed matters including, but not limited to:

- i) preparing a Conservation Plan that addresses irrigation and methods to minimize pesticide and fertilizer use as required by the Greenbelt Plan; and,
- ii) a final Functional Servicing Report shall be prepared to demonstrate compatibility with the storm water management policies of the Official Plan.

2.9 Pedestrian Bicycle Master Plan Study (2007)

The City of Vaughan has developed a City-wide comprehensive pedestrian and bicycle path that would connect the City and provide for a variety of users and their recreational needs while promoting a healthy lifestyle. The Pedestrian and Bicycle Master Plan (Map 4) identifies a "Class 1 Community Recreational Pathway" just north of the property and a "Class 2 Community Paved Shoulder Bikeway" to the south on Teston Road. The Vegetation Enhancement Plan and Concept Site Plan (Attachment #4) provides a proposed trail system through the site that connects to both Kipling Avenue and the property limit to the north. The connection, proposed to extend to the property limit of the subject lands, provides for the future opportunity to connect with the proposed development on the subject site offering both pedestrian and bicycle linkages.

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3.0 Zoning By-law 1-88

The subject lands are zoned A Agricultural Zone by Zoning By-law 1-88, which would permit a number of recreational uses as-of-right on the property, including bowling greens, curling rink, swimming pool, skating rink and tennis courts, subject to the policies of the Greenbelt Plan. A community centre is also permitted under the Agricultural Zone as an institutional use, which is defined as one or more buildings to be used for community activities, including recreational and institutional uses and may include private or public commercial uses incidental thereto.

The proposed soccer, football and cricket fields, and picnic area are not specifically identified as permitted uses in the A Agricultural Zone, and therefore, an amendment to Zoning By-law 1-88 is required to permit these uses on the subject lands. The Owner has submitted Zoning By-law Amendment File Z.09.026, in support of the Official Plan Amendment application, however, the Owner is proceeding only with the Official Plan Amendment application at this time, in order to define the development limits of the property and establish the general land use policies for the lands.

Should the Official Plan Amendment application be approved, the Zoning By-law Amendment application will be considered together with a Site Development application, at which time the site-specific uses, zoning standards and detailed site plan and development matters will be considered and the appropriate standards will be included in the implementing Zoning By-law and secured through the Site Plan approval process.

4.0 Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the application and supporting studies, and provides the following comments:

4.1 Proposed Development

If the application is approved, the Owner shall convey (prior to the enactment of the implementing Zoning Bylaw) to the City of Vaughan sufficient property to provide a 17.5 m municipal road allowance from the centreline of Kipling Avenue, in accordance with the requirements of OPA #600 (35m right-of-way for Kipling Avenue). The property for the road widening shall be at no cost, and free of all charge and encumbrance to the City, and undertaken to the satisfaction of the Development/Transportation Engineering Department. In addition, the Owner shall convey sufficient property beyond the future streetline for future grade separation.

The Owner shall arrange to prepare and register a Reference Plan at their expense for the conveyance of the required road widening, to the satisfaction of the Development/Transportation Engineering Department.

4.2 General Municipal Services and Section 2.0 of the Functional Servicing Report (FSR)

There are currently no municipal services along Kipling Avenue to service the site. The Owner shall pay their proportionate share of the cost for any external municipal services that have been designed, oversized and built temporarily or permanently by others to accommodate the development of the Plan. A Site Servicing Plan shall be submitted at the Site Plan stage, to the satisfaction of the Development/Transportation Engineering Department.

4.3 Storm Water Management and Section 3.0 of the Functional Servicing Report

The Functional Servicing report should show the existing floodline (Figure 4). The Owner should submit a Storm Water Management Report signed and sealed by a professional engineer at the Site Plan stage indicating that there is an acceptable outlet for storm water runoff from the subject

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site and justifying that the allowable site release rate will not be exceeded, to the satisfaction of the Development/Transportation Engineering Department and the Toronto and Region Conservation Authority (TRCA).

4.4 Lot Grading and Section 4.0 of the Functional Servicing Report

The Owner shall provide grading plans showing the existing and proposed grades at the Site Plan stage to the satisfaction of the Development/Transportation Engineering Department. Existing grades should be shown a minimum 20 m beyond the site boundary.

4.5 Mitigation Measures and Section 5.0 of the Functional Servicing Report

The Owner shall provide an Erosion and Sediment Control Plan at the Site Plan stage to the satisfaction of the Development/Transportation Engineering Department. In addition to the above, an external Lighting Plan shall be submitted at the Site Plan stage to the satisfaction of the Development/Transportation Engineering Department.

4.6 Transportation

The Transportation Engineering Section has reviewed the revised Traffic Management and Access Study Report dated November 13, 2012 prepared by Cole Engineering for the above mentioned application, and provide the following comment with additional comments on the proposed access requirements to be provided at the Site Plan stage:

i) Traffic and Access Study

A Zoning By-law Amendment application has been submitted to amend the provisions of Zoning By-law 1-88 to permit the proposed development. The recreational facility is comprised primarily of outdoor uses and an indoor facility and will be served by one access driveway from Kipling Avenue and 1150 parking spaces.

The existing level of service conditions have been estimated for the study area utilizing existing traffic volumes. The analysis indicates that under existing conditions the intersection of Kipling Avenue/Teston Road is generally operating at acceptable levels of service.

The future level of service conditions were determined for the intersections of Kipling Avenue/Teston Road, and Kipling Avenue/Site Access utilizing future background traffic volumes for the planning horizon of 2017. The Synchro analysis indicates that under future total traffic condition (2017), both intersections within the study area would operate at acceptable levels of service.

In view of the foregoing, the Development/Transportation Department concludes that the traffic volumes generated by the proposed development is a small component of total traffic passing through the intersection during the peak hours, and therefore is a minor factor in intersection operation and determination of improvements.

ii) Parking Study

The Parking Study is in support of a parking standard reduction for the proposed recreational centre located at 10951 Kipling Avenue from the City of Vaughan Zoning By-law 1-88 parking requirements.

As per the City of Vaughan Zoning By-law 1-88 parking standards for a recreational centre, the total number of required parking spaces for the proposed development is between 848 spaces and 1695 spaces depending on the use for an indoor facility.

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The proposed parking supply provide for a total of 1,150 spaces. The Parking Study concludes that the proposed parking supply would be sufficient for a development's specific requirements since the proposed rates are justified based on the following surveys:

- survey results at Toronto City Church Soccer field (20 Curity Avenue, City of Toronto); and,
- parking inventory at 2839 Rutherford Road (Astra Sportsplex).

The Parking Study concludes that the proposed parking supply of 1150 spaces would be sufficient for the development's specific use. This Study includes all the supporting documents which verifies the proposed parking supply rate. Based on the above, the Development/Transportation Engineering Department has no issue with the conclusion of the report and therefore supports the parking supply reduction.

4.7 Environmental

The Owner has submitted a Phase One Environmental Assessment Report prepared by Soil Engineers Ltd. (SEL), dated December 5, 2011, in support of the application. The report was circulated to Decommissioning Consulting Services Limited (DCS), the City's Environmental Peer Reviewer. As a result of the peer review, DCS provided a response in a letter dated March 8, 2012, with a list of issues to be addressed so that DSC can satisfy the City of Vaughan of the environmental condition of the site, and more specifically, for any lands proposed to be transferred. On September 17, 2012, a response letter from DCS identified 4 remaining unresolved issues, which were subsequently addressed by SEL in their response letter on September 20, 2012.

The Development/Transportation Engineering Department has indicated that based on their review of the Site Screening Questionnaire, the Phase 1 ESA report, and the peer review letters and responses from DCS and SEL, the requirements of the City of Vaughan's Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites have been satisfied. No further ESA work is required at this time to process the Official Plan Amendment application for the subject lands. In the event that environmental impacts are encountered during the course of development on the subject lands, a Ministry of Environment Record of Site Condition (RSC) will be required by the City that would include the submission of a Remedial Action Plan along with Phase 1, 2 and 3 ESA reports which meet the requirements of O.Reg.153/04 (as amended) for the City's review and approval.

5.0 Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has reviewed the preliminary Natural Heritage Evaluation prepared by Beacon Environmental for the subject lands (February 2012) and have indicated that it must be revised to the satisfaction of the TRCA. TRCA staff has no objections to Official Plan Amendment Application OP.09.003 moving forward for approval, subject to the following:

- i) The proposed Official Plan Amendment and schedules are updated to include the recommendations of the Preliminary NHE (Beacon Environmental October 2012), as amended per the TRCA's comments dated February 14, 2013, including consideration of the development area, site-specific considerations and any future study requirements.
- ii) As part of the future planning and/or building approvals, the Owner must demonstrate that safe ingress and egress can and will be provided to any proposed development on the property during a regulatory storm event to the

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- iii) satisfaction of the TRCA. Any measures required to provide safe ingress and egress to the development must be implemented by the Owner to the satisfaction of the TRCA prior to development proceeding elsewhere on the property.

6.0 Cash-in-Lieu of Parkland Dedication

The Vaughan Legal Services Department, Real Estate Division, has indicated that the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a building permit, or fixed per unit rate whichever is higher, in accordance with the Planning Act and the City's Cash-in-Lieu Policy. The Owner shall submit an appraisal of the subject lands in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. The cash-in-lieu of parkland dedication requirement will be addressed in a future report respecting the Site Development application.

6.0 Vaughan Cultural Services Division

The Cultural Services Division has reviewed the Official Plan Amendment application and has provided the following comments:

1. The subject parcel of land lies in an area identified as a being of high archaeological potential in the City's database of archaeological resources. Cultural Services does not have any record indicating an archaeological assessment has been completed for the proposed property. The Owner is to informed of the requirement to adhere to the following archaeological conditions of approval of any development on the subject lands:
 - a) The Owner shall at their expense carry out an archaeological assessment of the entire development property, and mitigate through preservation or resource removal and documentation all adverse impacts to any significant archaeological resources found.
 - b) No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority confirming that all archaeological resource concerns have met resource conservation requirements.
 - c) The property will be assessed by a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances.
 - d) The consultant archaeologist will submit 1) 1:10,000 scale mapping that clearly outlines the limits of the property subject to assessment and the locations of any new archaeological site locations; and 2) a copy of the relevant assessment report(s) all to the Cultural Services Division, in accordance with the Ministry of Tourism, Culture and Sport *Standards and Guidelines for Consultant Archaeologists, 2010*.
 - e) The applicant is also to be made aware that as of January 2011, consultation with First Nations communities is mandatory for archaeological assessments that meet certain criteria, including but not limited to all Stage 3 to Stage 4 assessments. More information regarding consultation with First Nations

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communities can be found in the living document *Engaging Aboriginal Communities in Archaeology, 2010* available on the Ministry of Tourism, Culture and Sport website.

- f) Areas deemed to have no remaining archaeological integrity by a licensed consultant archaeologist will be excluded from the zone of archaeological potential.
 - g) In areas where there is no identified archaeological potential, the following standard clauses apply for lands being disturbed for development/construction, as required by the Ministry of Tourism, Culture and Sport:
 - i) Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Policy Planning and Development Planning/Urban Design, and Recreation and Culture Departments shall be notified immediately.
 - ii) In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services.
 - h) The Owner should be aware that areas deemed to be of high archaeological significance by a licensed archaeologist, including but not limited to First Nations village and ossuary sites, shall be excluded from the calculation of developable area of a property, and may be included as a part of open space land dedications.
 - i) Prior to final approval of a Site Development application, the Owner shall agree that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as protective and measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Tourism, Culture and Sport (Archaeology Unit) and the municipality.
- 2. The subject property is listed on the City of Vaughan Heritage Inventory as a site of potential cultural heritage significance. Buildings and resources included in the *Listing of Buildings of Architectural and Historical Value* shall be preserved through the tools and provisions outlined in the *Strategy for the Maintenance and Preservation of Significant Heritage Buildings* (as approved by Council on June 27, 2005).
 - 3. A Built Heritage Evaluation shall be carried out by Cultural Services staff in order to assess the architectural, historical and contextual value of the subject property, in particular the building located at 10951 Kipling Avenue, Concession 7, Lot 27. Demolition of any buildings on the subject property will require the approval of a Heritage Review application, in addition to the other City permits such as Building Permits or Development Planning Application approvals.
 - 4. In line with Strategy 1 of the *Strategy for the Maintenance and Preservation of Significant Heritage Buildings*, the following may be required as condition of approval, subject to the assessment mentioned in point 2) above:

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- a Letter of Credit calculated in the amount of \$100 per square foot of the structures being conserved;
- submittal of a Cultural Heritage Resource Impact Assessment reports by the heritage property Owner for review and approval by Cultural Services and Heritage Vaughan Committee, including preservation and mitigation measures for the impact of the proposal to the heritage resource.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) Enhance and Ensure Community Safety/Health and Wellness

The proposed development will provide additional recreational opportunities for the projected growth over the next 25 years for the City of Vaughan.

ii) Lead and Promote Environmental Sustainability

The Owner will be providing the sustainable development features identified in this report in conformity with the provisions of the Greenbelt Plan including appropriate buffers to existing key natural features and enhanced vegetation and plantings on the site.

iii) Manage Growth & Economic Well Being

The proposed development is consistent with the Greenbelt Plan, Provincial Policy Statement, the Regional and City Official Plan policies and will be subject to future Zoning By-law Amendment and Site Development review processes to ensure the appropriate development of the subject lands.

Regional Implications

The Region of York Transportation and Community Planning Department has reviewed the Official Plan Amendment application and indicated that the Owner has appealed the 2010 York Region Official Plan and is currently engaged in Minutes of Settlement discussions with York Region. The Region's Long Range Planning Branch has confirmed that the 1994 Regional Official Plan would apply to this Official Plan Amendment application.

The subject lands are designated "Rural Policy Area" and is subject to a "Regional Greenland System" overlay by the 1994 Regional Official Plan. The "Rural" Policy Area "permits recreational uses (Policy 5.9.3) subject to certain criteria, such as: demonstrating the need for the proposed development, appropriateness of the location, impacts to local agricultural uses, impacts to natural environment, explaining why the proposed use cannot be accommodated in partially or fully serviced areas, conformity with servicing policies, compatibility with its surrounding uses, and the availability of potable water and sewer disposal system. The proponent has submitted a Planning Justification Report addressing these criteria, which has been reviewed by Regional Staff and who are satisfied with its analysis and are of the opinion that it conforms to the Regional Official Plan (1994).

Regional Staff have also indicated that the "Regional Greenland System" policies protect and restore natural areas and connecting links as an essential structural component of the Region. The proponent is required to submit reports that evaluate the natural environment. The City of Vaughan and the Toronto and Region Conservation Authority will review and evaluate the proponent's submissions against relevant policies and guidelines.

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The application was also considered by the Regional Development Review Committee, comprised of staff from various Regional Departments. Additional technical comments will be provided at the Site Plan stage dealing with, but not limited to road requirements, transit, vehicular access and noise attenuation features, but have provided the following preliminary comments based on the Official Plan Amendment application as follows:

- i) The Regional Infrastructure Branch - Water and Wastewater Section advises that a Functional Servicing Report (FSR) is required. The report should specifically provide information on typical consumption rates for the proposed uses and detail how the proposed development will be serviced. A FSR was submitted and circulated to the Region of York, which must be amended upon determination of the final land uses on the site. The Infrastructure Planning (Water and Wastewater) division has indicated they have no objection to the development provided the Functional Servicing Report (FSR) includes typical consumption rates expected for the proposed development and how it will be serviced.
- ii) The Regional Transportation Planning Branch advise that the subject lands do not abut a Regional road and therefore, the Region has no issues with the Official Plan Amendment application.
- iii) The Regional Environmental Services Department, Water Resources Group, advises that the Wellhead Protection Area of the Kleinburg Municipal Well No. 2 traverses the subject lands. However, there are plans to decommission this municipal well. If a future Site Development application is submitted prior to the decommissioning of this municipal well, the Site Development application must be circulated to Regional Water Resources Department for review and comments. In this situation, the proposed development should ensure compliance with the Wellhead Protection Policies of the 2010 Regional Official Plan (Policy 7.3.3.9), conduct a Risk Assessment and Risk Management Plan, and provide dewatering plans, if required to the satisfaction of Water Resources Staff.

New Regional Official Plan

The new Region of York Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing on September 7, 2010, and appealed to the Ontario Municipal Board (OMB). Since that time, the York Regional Official Plan 2010 has been partially approved by the OMB. The new Plan redesignates the subject lands from Rural to Agricultural, which would not permit the redevelopment of the lands for recreational purposes. During the Draft York Region Official Plan review the Owner requested a change to the Draft Official Plan, objecting to the redesignation of the subject lands from Rural Area to Agricultural Area, since the applications were filed in advance of the new Official Plan being approved.

In April 2010, as part of the OPA Submission Analysis (December 2009), the Region of York determined that since the Official Plan Amendment application was received by Vaughan in September 2009, transition Policy 8.4.15 would apply and therefore, the proposal is in accordance with the existing Rural Area policy of the existing Regional Official Plan and the Greenbelt Plan.

On October 26, 2009, the applicant requested Official Plan Amendment Exemption from Regional Approval and was denied on the basis that the proposed amendment is a non-farm development in the agricultural and/or rural area, within the Regional Greenbelt System and may effect Regional road infrastructure.

The Owner has appealed the 2010 York Region Official Plan and is currently engaged in Minutes of Settlement discussions with the Region of York. The Region's Long Range Planning Branch has confirmed that the 1994 Regional Official Plan would apply to this application.

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Conclusion

The Vaughan Development Planning Department has reviewed Official Plan Amendment File OP.09.003 (1539253 Ontario Ltd.) in consideration of the applicable Provincial policies, Regional and City Official Plan policies, and the surrounding existing and planned land use context.

The Provincial Policy Statement (PPS) and Greenbelt Plan provide policies permitting opportunities for recreational uses. The PPS states that development that is compatible with the rural landscape and can be sustained by service levels and recreational, tourism and other economic opportunities should be promoted. The Greenbelt Plan identifies the subject lands as "Rural Area" in the Protected Countryside and Woodlands, which is intended to support a range of recreational and tourism uses, including a golf course and small scale structures for recreational uses. The Owner has prepared supporting studies in support of the application, which have been reviewed and approved by the appropriate City Departments and external agencies. The Official Plan amendment intended to establish the development limits and general land use policies on the subject lands, and implement policies to guide the future use of the lands for recreational purposes, conforms to the Greenbelt Plan, the policies and requirements of the Region of York Official Plan and the in-effect City of Vaughan Official Plan.

On this basis, the Development Planning Department can support Official Plan Amendment File OP.09.003, subject to the comments and recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Revised Concept Plan
4. Conceptual Vegetation Enhancement Plan
5. Original Conceptual Site Plan

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)