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File: P-2948

December 4, 2022

Minister of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario
M7A 2J3

Attention: Honorable Steve Clark, Minister of Municipal Affairs and Housing

**Re: Proposed Amendments to the Greenbelt Plan
ERO No. 019-6216
1539253 Ontario Inc.
10951 Kipling Avenue
Part of Lots 27 and 28, Concession 7
City of Vaughan, ON**

Dear Minister Clark,

We write on behalf of the owner (“1539253 Ontario Inc.” or “Owner”) of the lands known municipally as 10951 Kipling Avenue (the “Subject Lands”) in the City of Vaughan (“City”). The Subject Lands are located on the east side of Kipling Avenue, north of Teston Road, being in the northwestern quadrant of the City. The site has approximately 807 metres frontage on the east side of Kipling Avenue and an approximate depth of 982 metres. The property is approximately 79.69 hectares (196.9 acres) in size and, based on a natural features staking exercise that took place with TRCA in September 2019, the gross developable area of the site (net of all natural features and their associated buffers) is 49.45 hectares (122.2 acres).

The purpose of this letter is to ask the Minister of Municipal Affairs and Housing (the “Minister”) to approve a Minister’s Zoning Order (“MZO”) on the Subject Lands in a form substantially in accordance with the zoning by-law in Attachment 1. This will allow the Subject Lands to be used for privately owned, publicly accessible recreational uses, which are uses that are permitted within the Greenbelt Plan. Approval of the requested MZO will support the provision of residential housing in the adjacent urban area, which is a more effective use of lands designated for urban uses. For clarity, we are not asking the Province to remove the Subject Lands from the Greenbelt Plan Area.

Background

The Owner submitted Development Applications (the “Applications”) to the City on September 11, 2009 to facilitate a privately-owned and publicly accessible outdoor and indoor recreational centre, to be known as the Kipling Recreational Centre (the “Recreational Centre”), on the developable portion of the

Subject Lands only. A revised submission with updated reports was provided to the City on January 19, 2021.

The Owner has appealed the Applications, and the Vaughan Official Plan 2010 (the “VOP 2010”) to the OLT, formally known as the Local Planning Appeal Tribunal (the “LPAT”) and the Ontario Municipal Board (the “OMB”) and is a party to the outstanding appeals of the York Region Official Plan 2010 (the “YROP 2010”) (for convenience, collectively the “Appeals”).

As a result of the outstanding Appeals, prior to the approval of the 2022 York Region Official Plan (“YROP 2022”) on November 4, 2022 by the Minister, the Subject Lands continued to be designated “Rural Policy Area” and “Rural Use Area” under the York Region Official Plan 1994 (“YROP 1994”) and Vaughan Official Plan Amendment 600 (“OPA 600”) respectively. These are the applicable land use designations in accordance with which the Applications are to be and have been evaluated when considering the identification and application of the relevant policies within the applicable Provincial Plans and policies. For further clarity, in the context of evaluation of the Proposed Development against Provincial Policy, the Subject Lands were not designated as “prime agricultural” in the YROP 1994 or OPA 600. The Rural Policy Area and Rural Use Area designations both explicitly permitted recreational uses subject to certain specific criteria.

It is important to note that through the respective Municipal Comprehensive Review (“MCR”) processes that led to new Official Plans in 2010, both York Region (the “Region”) and the City proposed the redesignation of the Subject Lands as “Agricultural Area”. The YROP 2022 recently approved by the Minister also designates the lands as “Agricultural Area”. Such redesignations would no longer permit recreational uses, other than passive recreational trails on the Subject Lands, notwithstanding the Greenbelt Plan permits recreational uses.

The Province updated and issued its Agricultural Land Base mapping in 2018 (the “2018 Provincial Mapping”) to support the Agricultural System policies of the Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”). The Subject Lands are shown as being within a “Prime Agricultural Area” on the 2018 Provincial Mapping and are currently designated as “Protected Countryside – Natural Heritage System” in the 2017 Greenbelt Plan.

We previously provided written comments to the Region dated April 8, 2022 as part of their consultation process related to their now recently completed MCR and made depositions at the statutory public meeting on May 19, 2022 with respect to maintaining a rural designation on the Subject Lands to allow the Applications to continue to be processed.

Provincial Policy

Rural lands are located outside of settlement areas and outside Prime Agricultural Areas. Provincial Policy, including the Provincial Policy Statement (“PPS”), the Growth Plan and the Greenbelt Plan provide that recreational, tourism and other economic opportunities should be promoted in the rural area. In the context of the Subject Lands, the proposed Recreational Centre is encouraged by the PPS and permitted within the Greenbelt Plan. In the context of Provincial Policy, the Subject Lands represent an appropriate location for the proposed recreational centre based on the following key considerations:

- Until the recent approval of the 2022 YROP, the Subject Lands were “Rural Area” under the YROP 1994 and “Rural Use Area” under OPA 600. These “Rural Area” and “Rural Use Area” designations under the YROP 1994 and OPA 600, respectively, permit the Proposed Recreational Centre Uses. Consideration should be provided respecting the Applications which are still under review, particularly now that York Region no longer has planning responsibilities as a result of Bill 23.
- The Subject Lands are located outside of but are immediately adjacent, to the urban boundary and are in a location which is easily accessible to surrounding residential use. As such, the Subject Lands provide a convenient additional opportunity for recreation uses within the City.
- The viability of the Subject Lands being utilized to their full extent for agricultural uses, including for livestock and poultry facilities, is greatly limited due to the presence of sensitive uses to the immediate west and the requirement to meet Minimum Distance Separation policies in Provincial Policy. Recreational uses on the Subject Lands, which are permitted by the Greenbelt Plan in the Rural Area, provide an appropriate transitional use between urban uses and agricultural uses.
- With respect to servicing, the approved Master Environmental Servicing Plan for the adjacent Block 55 community to the west contemplated that the Recreational Centre would be located on the Subject Lands and would be provided full municipal services. The existing services, installed for the adjacent Block 55 community, have been sized and constructed accordingly to accommodate this Recreational Centre use.
- Permitting a Recreational Centre on the Subject Lands would fully utilize infrastructure which has been sized to accommodate the use of the Subject Lands specifically and is consistent with the policy direction in the PPS which requires the efficient use of existing infrastructure.
- The proposed Recreational Centre on the Subject Lands appropriately balances the objectives of Provincial Policy and municipal policy by permitting larger format recreational uses within the Greenbelt Plan, which is permitted, while allowing lands within the urban boundary to be more appropriately developed for more intensive urban uses including residential and employment uses. This will directly support the Provincial Government’s objective of contributing to the much needed housing supply while allowing supportive recreational uses within the Greenbelt Plan, which are permitted uses in Rural Areas of the Greenbelt.
- For example, the net developable area of the site is 34.46 hectares after environmental and natural self-sustaining areas (in accordance with the Greenbelt Plan) have been protected. Based on the new YROP 2022, new community areas shall be designed to meet or exceed a minimum density target of 65 residents and jobs/hectare. Locating the proposed Recreational Centre within the urban boundary could potentially result in the loss of housing for 2,240 future residents. This would also have a significant impact on the Region’s Land Needs Assessment, undertaken as part of the Region’s MCR.
- Seen from this perspective, lands within the urban boundary are more appropriately suited to accommodate urban uses such as residential, commercial, employment, institutional or other

such uses that are capable of efficiently utilizing land served by the full range of hard and community infrastructure associated with and planned as part of future urban areas and will support the provision of more housing in Vaughan and the well-being of current and future residents of the City.

- Permitting the proposed Recreational Centre on the Subject Lands will provide much-needed recreational uses on Rural Lands in close proximity to residential communities while creating the potential to free up an equivalent amount of land in the urban area for uses other than large format, land intensive recreational uses. This will protect opportunities to provide more housing in the urban areas of Vaughan.
- The City's Active Together Master Plan ("ATMP"), which was updated in 2018, contemplates the provision of parks, recreation, and library facilities for the period from 2018 - 2023, and with a view to 2031 when the population is projected to increase from 324,100 in 2018 to 424,500. The proposal to permit privately-owned and publicly accessible recreation uses on the Subject Lands would contribute to the realization of the ATMP vision, supplementing available and planned public facilities to complement the spread and availability of a diversity of recreational options for the residents.
- Considering the ATMP intention to provide parkland, including facilities such as those contained within the Proposed Development, at a rate of 2.0 ha. per 1,000 residents, the Proposed Development has the potential to serve approximately 17,230 residents of the City. In a more specific assessment of the ATMP recommendations, Table 1 within the Executive Summary, recommends that twelve (12) additional soccer fields, three (3) cricket pitches, two (2) multi-use artificial fields (football, rugby, lacrosse, etc.), and twenty (20) tennis courts be developed within the City. If approved as proposed, the Recreational Centre could provide parks, playgrounds, racquet courts, lawn bowling greens, skating and curling rinks, athletic fields, picnic areas, swimming pools, day camps, indoor facility, snow skiing, walking trails and all similar uses, together with necessary and accessory buildings and structures.
- Furthermore, the recently approved amendments to the Planning Act through Bill 23, which received Royal Assent on November 28, 2022, amend the parkland dedication rates to 1 hectare of parkland per 600 units. Based on this, the Recreational Centre would provide parkland for 20,676 housing units based on a net developable area of 34.46 ha.
- The uses proposed as part of the Applications would contribute to a high quality of life for residents of the City, not only in providing expanded opportunities to recreate but also by creating opportunities for employment and economic growth.
- On February 9, 2022, Vaughan Committee of the Whole considered a report from the Deputy City Manager, Infrastructure Development regarding the City's Parkland Dedication Guideline Strategy. As part of the discussion, Vaughan Committee acknowledged the need for more parkland in the City and is exploring, as part of the Strategy, opportunities for the City to acquire additional parkland and open spaces including recreational uses such as trails and sitting areas.

The Proposed Development, supports the current direction of the City to provide more recreational opportunities.

In the context of the Proposed Amendments to the Greenbelt Plan being considered under ERO No.19-6216, we are asking the Minister of Municipal Affairs and Housing to approve an MZO on the Subject Lands in a form substantially in accordance with the Zoning By-law found in Attachment 1. This will allow the Subject Lands to be used for privately owned, publicly accessible recreational uses, which are uses that are permitted within the Greenbelt Plan. This will support the provision of residential housing in the adjacent urban area which is a more effective use of lands designated for urban uses. For clarity, we are not asking the Province to remove the Subject Lands from the Greenbelt Plan Area.

Yours truly,

KLM PLANNING PARTNERS INC.



Ryan Mino-Leahan, BURPI, MCIP, RPP
PARTNER

Copy: 1539253 Ontario Inc.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER -21

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are not in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

AND WHEREAS there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

NOW THEREFORE the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:

a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from ‘A’ Agricultural Zone to ‘A’ Agricultural Zone and OS1 Open Space Conservation Zone in the manner shown on the said Schedule “1”.

b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“(____) Notwithstanding the provisions of:

- a) Subsection 2.0 respecting Definitions;
- b) Subsection 8.0 respecting uses permitted in the ‘A’ Agricultural Zone;
- c) Subsection 8.1 and Schedule ‘A’ respecting Zone Standards in the ‘A’ Agricultural Zone;

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-____”:

ai) Include the following definition for a *Recreational Use*:

RECREATIONAL USE - Means -

- a) the use of land for parks, playgrounds, racquet courts, lawn bowling greens, skating and curling rinks, athletic fields, picnic areas, swimming pools, day camps, indoor facility, snow skiing, walking trails and all similar uses, together with necessary and accessory buildings and structures; but
- b) does not include a track for the racing of animals, motor vehicles, snowmobiles, motorcycles, golf driving ranges, miniature golf courses, or golf courses.

- a ii) Include the following definition for an *Indoor Facility Use*:

INDOOR FACILITY USE – Means a maximum 11,210 m² GFA building that is intended to complement the outdoor recreational uses throughout the year, which can include the following but not be limited to similar type uses: an indoor soccer facility; ice rink; curling rink; bowling alley; a hotel and conference centre; meeting rooms; concession area; accessory restaurant and banquet hall type uses to hold functions associated with sports leagues using the recreational play fields, and which can be rented for weddings and other special occasions during off-peak hours or off-season periods; locker rooms; washroom facilities; administrative offices; storage and maintenance rooms; and associated parking related to the permitted uses; but shall not include a place of worship.

- bi) Permit the following uses on the subject lands:

- Recreational Use
- Indoor Facility Use.

- ci) For the purposes of this Exception Paragraph, the subject lands shall be deemed to be one lot, regardless of the number of buildings and structures constructed thereon, the creation of separate parcels by way of plan of condominium, consent, conveyance of private or public roads and reserves, strata title arrangements, or other permissions, and any easements or registrations that are granted;

- cii) A minimum of 30 % of the developable land area within the 'A' Agricultural Zone shall remain or be returned to a natural self-sustaining vegetation in accordance with the provisions of the *Greenbelt Plan*."

- b) Adding Schedule "E- ____" attached hereto as Schedule "1".

- c) Deleting Key Map 7F and substituting therefor the Key Map 7F attached hereto as Schedule "2".

2. Schedules "1" and "2" shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this ___th day of _____ 20__.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

DRAFT

Authorized by the Decision of Local Planning Appeal Tribunal
Issued _____, 20__, Case No: PL_____
Adopted by Vaughan City Council on _____, 20__.
(Item No. ___ of Report No. ___ of the Committee of the Whole)

SUMMARY TO BY-LAW -20

The Subject Lands are located on the east side of Kipling Avenue and north of Teston Road, and municipally known as 10951 Kipling Avenue, in the City of Vaughan.

The purpose of this Amendment to the City of Vaughan Comprehensive Zoning By-law 1-88 is to permit active and passive recreational and accessory related and tourism uses on the developable portion of the property that is to remain zoned A' Agricultural Zone; include an exception to require a minimum of 30 % of the developable land area within the 'A' Agricultural Zone to remain or be returned to a natural self-sustaining vegetation in accordance with the provisions of the *Greenbelt Plan*; and, to rezone the natural heritage features and associated buffers from 'A' Agricultural Zone to OS1 Open Space Conservation Zone to protect these areas that include the watercourses, wetlands, and wooded areas and their habitats.

On _____, 20____, Vaughan Council endorsed the approval of the Committee of the Whole recommendation of _____, 20____, to approve Official Plan Amendment File OP.09.003 and Zoning By-law Amendment File Z.09.026 (1539253 Ontario Inc.), as follows:

"1. THAT Zoning By-law Amendment File Z.09.026 BE ENDORSED, to amend City of Vaughan Comprehensive Zoning By-law 1-88, specifically to address the following:

a) add the following site-specific exceptions to the 'A' Agricultural Zone to permit active and passive recreational uses and buildings and structures accessory and complementary to the recreational uses including uses promoting tourism:

i. Include the following definition for a *Recreational Use*:

RECREATIONAL USE - Means -

a) *The use of land for parks, playgrounds, racquet courts, lawn bowling greens, skating and curling rinks, athletic fields, picnic areas, swimming pools, day camps, indoor facility, snow skiing, walking trails and all similar uses, together with necessary and accessory buildings and structures; but*

b) *does not include a track for the racing of animals, motor vehicles, snowmobiles, motorcycles, golf driving ranges, miniature golf courses, or golf courses.*

ii. Include the following definition for an *Indoor Facility Use*:

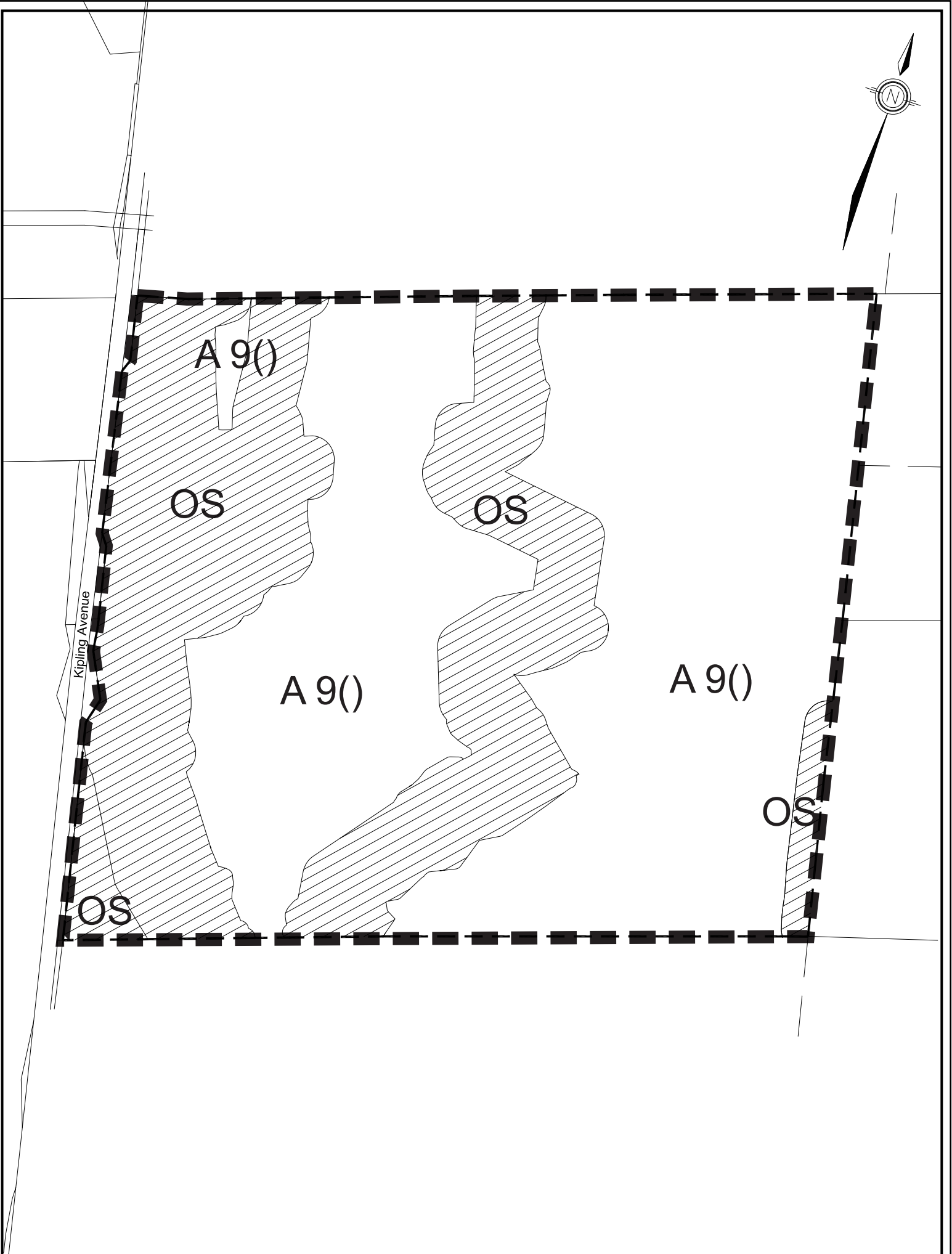
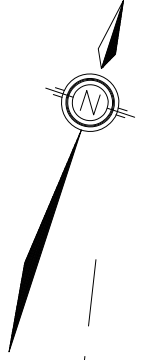
INDOOR FACILITY USE – Means a maximum 11,210 m2 GFA building that is intended to complement the outdoor recreational uses throughout the year, which can include the following but not be limited to similar type uses: an indoor soccer facility; ice rink; curling rink; bowling alley; a hotel and conference centre; meeting rooms; concession area; accessory restaurant and banquet hall type uses to hold functions associated with sports leagues using the recreational play fields, and which can be rented for weddings and other special occasions during locker rooms; washroom facilities; administrative offices; storage and maintenance rooms; and associated parking related to the permitted uses; but shall not include a place of worship.

iii. Permit the following uses on the subject lands:

- *Recreational Use*
- *Indoor Facility Use*

iv. Require a minimum of 30 % of the developable land area within the 'A' Agricultural Zone to remain or be returned to a natural self-sustaining vegetation in accordance with the provisions of the *Greenbelt Plan*.

b) Rezone the natural heritage features including the watercourses, woodlands, and wetlands, and associated buffers from 'A' Agricultural Zone to OS1 Open Space Conservation Zone."



 SUBJECT LANDS

THIS IS SCHEDULE '1'
TO AMENDMENT No. _____

ADOPTED THE _____ DAY OF _____, 2020

FILE: _____

RELATED FILE: _____

LOCATION: _____

APPLICANT: . _____

SIGNING OFFICERS

MAYOR

CLERK

CITY OF VAUGHAN