

# Regional Municipality of York

Committee of the Whole  
Planning and Economic Development  
June 16, 2022

Report of the Commissioner of Corporate Services and Chief Planner

## 10951 Kipling Avenue Request for Rural Designation

### 1. Recommendations

1. The 10951 Kipling Avenue lands in the City of Vaughan be designated Agricultural Area in the proposed York Region Official Plan.
2. The Regional Clerk circulate this report to the City of Vaughan for information.

### 2. Summary

This report provides information in response to [Council Motion I.3](#), referred to Staff by Council at its meeting on May 26, 2022 for a report back, specifically to assess a Rural Area versus Agricultural Area designation as part of the proposed York Region Official Plan (ROP) for 10951 Kipling Avenue in the City of Vaughan (Attachment 1) .

Key Points:

- Lands, originally designated in the 1994 Region Official Plan as rural, were designated Agriculture in the 2010 York Region Official Plan (ROP) following the 2009 Land Evaluation and Agricultural Review exercise
- Landowner has active development applications, filed initially in 2009, and is an appellant to the Vaughan Official Plan and 2010 ROP as they pertain to the lands
- On April 8, 2022, the landowner submitted a request for a Rural designation in the 2022 York Region Official Plan for lands located at 10951 Kipling Avenue in the City of Vaughan
- York Region Land Evaluation and Area Review and Provincial policies and guidelines reinforce appropriateness of an agricultural designation consistent with abutting lands
- Provisions of the Greenbelt Act identify that the Greenbelt Plan prevails in the event of a conflict with zoning or Official Plan designations

### 3. Background

#### **The applicant is proposing publicly accessible private recreational uses through applications filed in 2009, prior to the agricultural designation**

The subject lands are approximately 80 hectares (199 acres) in size, municipally known as 10951 Kipling Avenue, located on the east side of Kipling Avenue, between Teston Road and Kirby Road as shown on Maps 1 and 2 in Attachment 1. Lands are located within the Greenbelt Protected Countryside Area and are surrounded by agricultural lands to the north, south and east, and a residential community to the west.

Originally submitted in 2009, Official Plan and Zoning By-law Amendment applications seek to amend in effect “Rural Use Area Policies” of Official Plan 600 (‘OPA 600’) and “A Agricultural Zone” of Zoning By-law 1-88 to permit development of a private recreational facility. The most recent proposal includes consideration of the following privately-owned and publicly accessible outdoor and indoor recreational facilities:

- An 11,200 m<sup>2</sup> indoor facility which may include indoor soccer and ice rink, 100 room hotel and conference centre, meeting rooms, restaurant, banquet hall, washrooms, administrative offices, and storage room
- Five outdoor soccer fields
- Two outdoor cricket fields
- One outdoor football field
- Four outdoor tennis courts
- One outdoor picnic area
- Trail System

#### **Recreational uses are permitted within rural area of the Greenbelt Protected Countryside, but not agricultural area**

The subject lands are designated Protected Countryside in the Greenbelt Plan. The Greenbelt Plan contains policies regarding permissions within the Protected Countryside, being more permissive in rural areas, and fairly restrictive in agricultural areas. The Greenbelt Plan does not identify Agricultural and Rural areas, but rather refers to Municipal Official Plans for this purpose. Recreational uses, both public and private are permitted within rural areas of the Greenbelt Protected Countryside, but not within Agricultural Areas. Uses proposed by the applicant, particularly the hotel and conference centre, are considered to exceed those uses permitted within the Greenbelt Protected Countryside.

## **The applicant’s site specific OPA application, Vaughan 2010 Official Plan and 2010 Regional Official Plan are all subject to appeal as they pertain to these lands**

In 2009, the Regional agricultural land base was identified through a comprehensive Land Evaluation and Area Review (LEAR) which informed the agriculture and rural land use designations in the 2010 ROP. The LEAR and the 2010 ROP identify the subject lands as Agriculture. The Vaughan 2010 Official Plan also designates the subject lands as Agriculture.

The Owner has appealed the local Official Plan amendment application and the Vaughan Official Plan 2010 (“VOP 2010”) to the Ontario Land Tribunal and is a party to the outstanding appeals of the 2010 ROP regarding the designation, mapping and specific policies pertaining to these lands.

### **Motion I.3 proposes a rural designation on the subject lands be supported in the proposed ROP**

On April 8, 2022, the landowner submitted a request for a rural designation in the proposed ROP for lands located at 10951 Kipling Avenue in the City of Vaughan. On May 26, 2022, [Motion I.3](#), requesting Council support for a “rural area” designation for the subject lands, was referred to staff for additional information.

## **4. Analysis**

### **2009 Land Evaluation and Area Review identified the subject and surrounding lands as prime agricultural lands**

In 2009, the Region’s agricultural land base was established through a comprehensive Land Evaluation and Area Review (LEAR) which informed agriculture and rural land use designations in the 2010 ROP. This work conformed with Provincial direction and provided the basis for policy direction in the 2010 ROP for protection of agricultural lands using a systems approach. This work also provided the basis for policy direction and updated mapping in the proposed 2022 ROP and included designation of the subject lands, and adjacent lands as agriculture, reinforcing the systems approach required by Provincial plans. Consistent with the 2010 ROP, the proposed ROP designates prime agricultural lands as Agricultural Area.

### **Recent updates to the Growth Plan and Greenbelt Plan reinforce the systems approach to agricultural planning**

In 2017, the Province released draft agricultural mapping to implement agricultural system policies in updated Provincial plans. Through the Municipal Comprehensive Review, the Region can refine this Provincial mapping to better reflect Regional and local municipal context in accordance with Provincial implementation procedures.

An agricultural consultant was retained to compare and assess differences between Provincial mapping and the Region's current agricultural mapping. Consultant recommendations were presented to Council in [June 2019](#). Consultation with local municipalities, stakeholders and the public also occurred through the MCR process.

In evaluating the request for 10950 Kipling Avenue, Provincial Implementation Guidelines were considered. These guidelines reinforce the systems approach and discourage the removal of lands on a site-by-site basis. The systems approach looks to maximize continuity of the system and recognizes that some non-agricultural uses may be included within the Agricultural Area.

## **The Greenbelt Plan prevails in the event of conflict with zoning or Official Plan designations**

Section 8 of the Greenbelt Act requires that:

Despite any other Act, the Greenbelt Plan prevails in the case of a conflict between the Greenbelt Plan and,

- (a) an official plan;
- (b) a zoning by-law; or
- (c) a policy statement issued under section 3 of the *Planning Act*

If an Agricultural designation is in force and effect on the subject lands, Section 8 suggests the requested recreational uses, and perhaps municipal recreational uses, would not be permitted.

## **5. Financial**

York Region has external counsel retained to resolve outstanding appeals to the 2010 ROP, including those pertaining to 10951 Kipling Avenue. Funding to resolve appeals is within the existing approved budget.

## **6. Local Impact**

Based on discussion at Committee of the Whole, and through information obtained from City of Vaughan staff, the City seems to have a long-term interest in a community centre and parkland in this area of Vaughan. While permitted within a Rural Area designation, Section 8 of the Greenbelt Act suggests recreational uses would not be permitted if designated Agricultural Area.

## 7. Conclusion

Given findings of the LEAR work, and provincial direction regarding agricultural systems planning, it is recommended that the agricultural designation continue to be reflected in the proposed ROP.

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For more information on this report, please contact Teresa Cline, Manager of Policy and Environment at 1-877-464-9675 ext. 71591. Accessible formats or communication supports are available upon request.

Recommended by:



**Paul Freeman, MCIP, RPP**  
Chief Planner



**Dino Basso**  
Commissioner of Corporate Services

Approved for Submission:



**Bruce Macgregor**  
Chief Administrative Officer

June 10, 2022  
Attachment (1)  
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