



64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

File: P-2598

October 19, 2016

Valerie Shuttleworth, Chief Planner
Corporate Services
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Re:

**York Region Submission to the Province (MMAH) re:
Proposed Oak Ridges Moraine Conservation Plan (EBR No. 012-7197) and Proposed
Growth Plan for the Greater Golden Horseshoe (EBR No. 012-7194)**

Robintide Farms Limited

**2720 King Vaughan Road (north side, between Jane Street and Keele Street)
Part of Lot 1, Concession 4, King; As in B41438B, Save and Except Part 1 and 2 on
65R-16609, Vaughan (PIN 03367-0161)
Block 28, City of Vaughan, Regional Municipality of York**

Dear Ms. Shuttleworth;

KLM Planning Partners Inc. provides land use planning consulting services to Robintide Farms Limited ("RFL"), the owner of the above-noted lands in the City of Vaughan ("subject lands"). The property is known municipally as 2720 King Vaughan Road and is approximately 48.21 hectares (119 acres) in size and is bounded on the west by Jane Street, on the north by residential homes along the King Township border, on the east by residential homes fronting Stallions Court and on the south by King Vaughan Road.

We are writing in connection with current initiatives that will have an impact on the future of the above-referenced lands, including the land use planning reviews being undertaken by the Province of Ontario through the Ministry of Municipal Affairs and Housing and the ongoing Regional Municipality of York ("York Region" or "Region") Municipal Comprehensive Review.

We are writing at this time on behalf of RFL for the following purposes:

1. *Region's Submissions to the Province re ORMCP:* We request that the Region urge the Province to provide a clear, accessible, principled and timely process for landowners such as RFL to seek boundary adjustments and possible redesignation or removal of lands under the Oak Ridges Moraine Conservation Plan; and

2. *Merits of Changes re the Subject Lands:* We provide a summary of the basis on which in the Region and the Province may consider the merits of an ORMCP boundary adjustment in the case of the subject lands.

1. York Region Submission to the Province (MMAH)

It is our understanding that by October 31, 2016 the Region will be submitting to the Province its 'Provincial Plan Amendments Regional Submission' document as may be approved by York Region Council on October 20, 2016.

We request that the Region take every opportunity to recommend to the Province the merits of providing a clear, accessible, principled and timely process for landowners such as RFL to have requests for boundary adjustments and/or removal of lands from designations under the ORMCP carefully considered on a case-by-case basis. More particularly, we urge the Region to recommend as follows:

- a) The Province should establish in connection with the ORMCP a process through which landowners can work with their local municipalities to determine the appropriate location and boundary of the ORMCP lands based on scientific information and technical environmental analyses of the existing natural heritage features on specific properties;
- b) This process should explicitly include lands (and associated boundaries) designated under the ORMCP as Settlement Area, Countryside Area or Natural Linkage Area. We note on this point that in view of the fact that the decisions surrounding the final mapping of the ORMCP were not made with regard to the available scientific evidence concerning the types of environmental features the ORMCP was intended to protect, it is important that Natural Linkage Areas are included.
- c) This process should be accessible through the development application review process.

We request that the Region include a copy of this letter and its attachments as part of its submissions to the Province.

2. The ORMCP and the Subject Lands

Subject Lands

The York Region Official Plan 2010 ("YROP 2010") designates the eastern portion of the subject lands as Natural Linkage Area (Oak Ridges Moraine Conservation Plan) on Map 1 (Regional Structure). The remaining western portion of the subject lands are in what are commonly known as the 'whitebelt' lands, which are without a designation on Map 1 (Regional Structure), but form part of Block 28, including in connection with proposed future urban uses. The entirety of the subject lands is designated as "Agricultural" on Map 8 (Agricultural and Rural Area).

The City of Vaughan Official Plan 2010 ("VOP 2010") designates the eastern portion of the subject lands as "Oak Ridges Moraine Natural Linkage" and designates the western portion "Agricultural" with a small "Natural Areas" designation located at the southwest corner of the property as

shown on Schedule 13 (Land Use). Approximately 28 hectares (69 acres) of the eastern portion of the subject lands are currently within the Oak Ridges Moraine Conservation Plan (“ORMCP”) Area.

The subject lands are surrounded by residential uses to the north (in King Township), residential uses to the east fronting Stallions Court, proposed future urban uses in Block 28 to the south and proposed employment uses in Block 35 East to the west. The subject lands are currently occupied by three single detached dwellings and numerous farm buildings.

Natural Heritage Review

A preliminary Natural Heritage Review has been conducted on the subject lands by Beacon Environmental (see **Attachment “A”**). This review notes that the lands are predominately composed of active agricultural fields and that almost none of the lands consists of natural habitat. The review identifies that the subject lands are devoid of any natural features, with the exception of an intermittent stream across the extreme southwest corner of the property.

The review states that from the perspective of natural heritage, there is little or no difference between the eastern part of the lands within the ORMCP Area and the western part of the lands not in the ORMCP Area. The review concludes that there is no clear rationale for inclusion of the eastern part of the lands in an ORMCP Natural Linkage Area designation, having regard to the express purposes under the ORMCP meant to be served by such a designation. The review also concludes that there are no significant natural features on lands adjacent to the subject lands that would suggest either natural linkages or that connection of habitat would benefit from a Natural Linkage Area designation.

York Region 2041 Preferred Growth Scenario

York Region Planning staff prepared a recommendation report titled ‘York Region 2041 York Preferred Growth Scenario’ considered at the Committee of the Whole meeting on November 5, 2015. Under this report, the part of the subject lands situated outside the Oak Ridges Moraine Conservation Plan Area, which lands form part of Block 28, are proposed to be brought within the urban boundary under the Preferred Growth Scenario (to 2036).

Proposed Changes re Subject Lands and the ORMCP

RFL submits that in view of the following compelling factors:

- a) The uses and proposed future uses of the immediately surrounding lands, namely:
 - ORMCP Settlement Area with existing residential use to the immediate north,
 - existing residential use to the immediate east,
 - proposed future urban residential use to the immediate south,
 - and proposed employment use to the immediate west;
- b) The very close and central proximity of the subject lands to the major local transportation routes and hubs, including Highway 400 (~1 km); King City GO station (~1 km); proposed Kirby Road GO station (2 km);

- c) The absence of natural heritage features on the subject lands and absence of linkage of the subject lands to any Natural Core Area or Greenbelt Plan lands;
- d) Other factors that RFL will put forward in separate submissions;

RFL proposes:

- a) The removal of the ORMCP Natural Linkage Area designation from the eastern part of the subject lands currently under such designation; or in the alternative,
- b) The redesignation as ORMCP Settlement Area of the eastern part of the subject lands currently designated as ORMCP Natural Linkage Area.

Should you have any questions or concerns with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

KLM PLANNING PARTNERS INC.



Ryan Mino-Leahan, MCIP RPP
Associate/Senior Planner

Copy: Denis Kelly, Regional Clerk
Sandra Malcic, Manager of Policy and Environment, Long Range Planning - York Region
John Mackenzie, Commissioner of Planning, City of Vaughan
Roy McQuillin, Director of Policy Planning and Environmental Sustainability
Tony Iacobelli, Senior Environmental Planner, City of Vaughan
Robintide Farms Limited



GUIDING SOLUTIONS IN THE
NATURAL ENVIRONMENT

Natural Heritage Review - Oak Ridges Moraine Conservation Plan Robintide Farms Limited

Prepared For:

Robintide Farms Limited

Prepared By:

Beacon Environmental Limited

Date: Project:

February 2016 215306

Table of Contents

	page
1. Introduction	1
2. Methodology	1
3. Oak Ridges Moraine Conservation Plan	2
4. Existing Conditions	3
5. ORMCP Considerations	3
5.1 Natural Linkage Designation.....	3
5.2 Area of High Aquifer Vulnerability	4
5.3 Landform Conservation Area	5
6. Conclusions	5
7. References	7

Figure 1. Site Location and Context.....	after page 2
Figure 2. Natural Heritage Features.....	after page 2

1. Introduction

Beacon Environmental Limited (Beacon) was retained by Robintide Farms Limited to conduct a review of the existing natural heritage conditions and potential development constraints associated with the property located at 2720 King Vaughan Road, in the City of Vaughan, Regional Municipality of York (**Figure 1**). The subject property is approximately 48 ha and is located on the northeast corner of the intersection of King Vaughan Road and Jane Street, and includes only that land west of Stallions Court. It is the principle part of an active farm operation.

The eastern portion of the subject property, encompassing approximately 55% of the entire farm, is located within the Oak Ridges Moraine Planning Area and is therefore subject to the Oak Ridges Moraine Conservation Plan (ORMCP). This eastern portion of the subject property is designated as a Natural Linkage Area under the ORMCP and forms the westernmost boundary of the Planning Area (**Figure 2**). The subject property contains three dwellings and numerous farm buildings, and it is actively managed for agricultural land uses.

The purpose of this review is to specifically examine, from a natural heritage perspective, that part of the Robintide Farms property that has been designated as an ORMCP Natural Linkage area and to render an opinion as to whether there is any ecological rationale to account for why it has been so designated.

2. Methodology

As part of this ORMCP Natural Heritage review several sources of information were consulted to determine the possible natural heritage constraints on and adjacent to the ORMCP portion of the subject property. The following sources of information and policy were reviewed:

- Oak Ridges Moraine Conservation Plan (MMAH 2002)
- Provincial Policy Statement (MMAH 2014)
- York Region Official Plan (2010; June 2013 Office Consolidation)
- City of Vaughan Official Plan – Volume 1 (2010; July 2015 Office Consolidation)
- Air photos and oblique aerial photos from Google Earth and Bing

Reconnaissance level site investigations were completed on August, 21, September 1, and December 10, 2015 to document general site conditions. The site visits included a review of existing conditions with respect to natural features within and adjacent to the subject property, with specific focus placed on of the ORMCP portion of the subject property, although any other features on the westerly portion of the site (i.e., outside the ORM Planning Area) were also noted. Features on adjacent properties were assessed to the extent possible from the edge of the subject property itself, adjacent road rights-of-way and aerial photographs.

3. Oak Ridges Moraine Conservation Plan

As noted above, the eastern half of the subject property lies within a Natural Linkage Area designation of the Oak Ridges Moraine Conservation Plan (ORMCP) (MMAH 2002). According to the ORMCP, the “purpose of Natural Linkage Areas is to maintain, and where possible improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors, by,

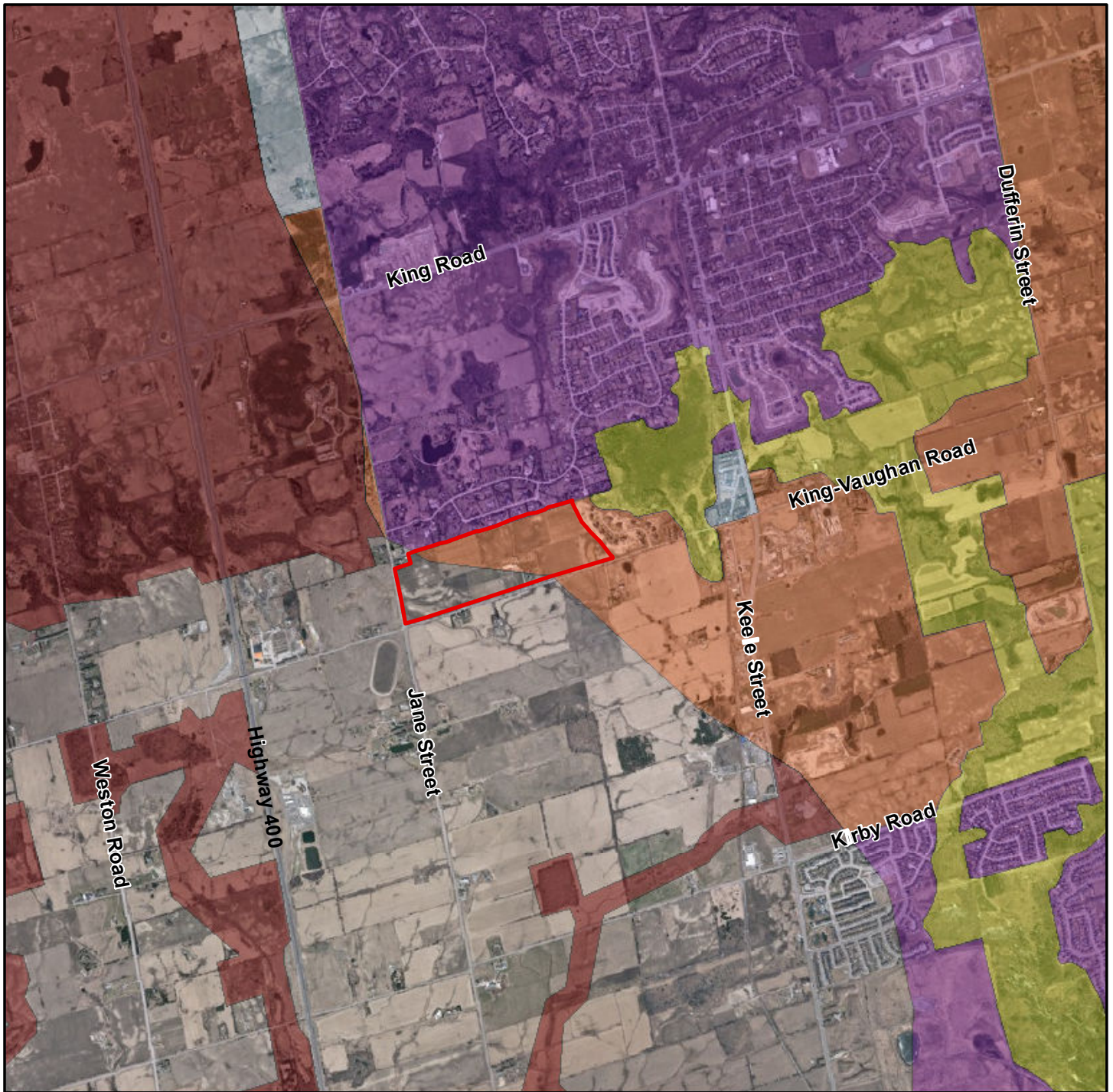
- (a) maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key heritage features, hydrologically sensitive features and the related ecological functions;
- (b) maintaining, and where possible improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals;
- (c) maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area;
- (d) maintaining the quantity and quality of groundwater and surface water;
- (e) maintaining groundwater recharge;
- (f) maintaining natural stream form and flow characteristics; and
- (g) protecting landform features.

The ORMCP provides for a variety of permitted uses in a natural Linkage Area, namely, existing uses and new resource management, certain agricultural, low intensity recreational, home businesses, transportation and utility uses subject to Parts III and IV of the ORMCP.

Part III of the ORMCP discusses the Key Natural Heritage Features (KNHF) and Hydrologically Sensitive Features (HSF) that are protected under the Plan. The following features are considered KNHF and/or HSF:

- Wetlands;
- Significant portions of the habitat of endangered, rare and threatened species;
- Fish habitat;
- Areas of natural and scientific interest (life science);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat;
- Sand barrens, savannahs and tallgrass prairies;
- Permanent and intermittent streams;
- Kettle lakes; and
- Seepage areas and springs.

Section 21 (1) of the ORMCP requires that buffers in the form of Minimum Vegetation Protection Zones (MVPZs) be applied to the limits of KNHFs and HSFs. The MVPZ for most features, including Fish Habitat, Wetlands and Significant Woodlands, is 30 metres. Permitted uses within the MVPZs are very limited and include: forest, fish, and wildlife management; conservation and flood or erosion control projects under certain conditions; transportation, infrastructure, and utilities under certain conditions; and low intensity recreation.



Legend

- Subject Property
- Greenbelt Protected Countryside
- Oak Ridges Moraine Settlement Area
- Oak Ridges Moraine Natural Core Area
- Oak Ridges Moraine Countryside Area
- Oak Ridges Moraine Natural Linkage Area

Contains information licensed under the Open Government License – Ontario

Site Location and Context

Figure 1

Robintide Farms

First Base Solutions
Web Mapping Service 2014

UTM Zone 17 N, NAD 83



0 325 650 1,300 Metres



1:35,000



Project 215306
February 2016



ORMCP Natural Linkage Designation

Figure 2

Robintide Farms

Legend

- Subject Property
- Watercourse (MNRF)
- Provincially Significant Wetland (MNRF)
- Oak Ridges Moraine Natural Linkage Area (High Constraint)
- Area of High Aquifer Availability (0.8627 ha)
- Landform Conservation Area Category 2 (0.2430 ha)

Contains information licensed under the Open Government License – Ontario

First Base Solutions
Web Mapping Service 2014

UTM Zone 17 N, NAD 83



1:4,500



Project 215306
February 2016

4. Existing Conditions

The entire Robintide Farms subject property is composed of active (cultivated) agricultural fields. The ORMCP portion contains residential dwellings and numerous farm buildings. The farm fields are planted in corn, soybean, grain crops and hayfields, and around the dwellings and outbuildings, a small areas of horse pasture. Most of the fields are not separated by hedgerows, but there is at least one hedgerow comprised of woody species. A line of mature trees runs along the frontage of the property, within the right-of-way of King-Vaughan Road (a Regional Road).

5. ORMCP Considerations

5.1 Natural Linkage Designation

There is no apparent ecological rationale for why the eastern portion of the Robintide Farms has been included within an ORMCP Natural Linkage designation.

Section 10 (1) of the ORMCP defines Natural Linkage Areas as: *areas forming part of a central corridor system that support or have the potential to support movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors.*

From a natural heritage perspective there are absolutely no features found within this area, either KNHFs or HSFs, which would warrant its inclusion. Because there are no watercourses and the entire property is actively cultivated, there is no natural corridor system evident. Nor is there any opportunity for plants and animals to utilize the subject property to move between and among river valleys, stream corridors, Natural Core Areas or Natural Linkage Areas, since these are all absent from the area.

There are no KNHFs or HSFs on the neighbouring properties to the north or those to the south of Robintide Farms which would suggest that there is any habitat connection, or linkage, diagonally oriented NW/SE through this area. Furthermore, the farm property is entirely surrounded by anthropogenic land uses, with residential subdivisions to the north and east and active agricultural fields to the south and west (**Figure 2**). Thus, it appears that the limit of the Natural Linkage designation that cuts diagonally across the subject property has been arbitrarily drawn and does not follow any natural “corridor”. **Figure 1** shows the location of the site within the context of the Oak Ridges Moraine Conservation Plan land use areas and Greenbelt Plan areas.

The left-hand column of the table below lists all of the ecological and physical purposes underlying the ORMCP Natural Linkage designation, as per Section 12 (1) of the ORMCP. The right-hand column of the table lists whether or not, in Beacon’s professional opinion, the eastern portion of the Robintide Farms property appears to fulfill any of these purposes. There is no rationale for the inclusion of this area on the basis of any natural heritage features (which are entirely absent) or functions (which are not readily apparent). It should be noted that the swath of Natural Linkage on the Robintide Farms forms the extreme western edge of the Oak Ridges Moraine Conservation Plan boundary.

Purpose of ORMCP Natural Linkage Area	Robintide Farms Contribution to this Function
<i>maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key heritage features, hydrologically sensitive features and the related ecological functions</i>	None
<i>maintaining, and where possible improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals</i>	None for 'improving'; the only possibility for 'restoring' would be if the designation disallows agriculture, which it does not. Restoration is unrealistic, as the property is an active and very long-standing farm operation.
<i>maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area</i>	No natural linkage contribution; the site does not provide a westerly connection to Greenbelt Plan lands as already developed ORMCP Settlement lands completely separate the site from such lands.
<i>maintaining the quantity and quality of groundwater and surface water</i>	No evidence to suggest that the subject property specifically meets this purpose, particularly since the site supports no surface water features. Would require hydrogeological opinion regarding the site's infiltration potential.
<i>maintaining groundwater recharge</i>	No evidence to suggest that the subject property specifically meets this purpose. Would require hydrogeological opinion regarding the site's groundwater recharge function
<i>maintaining natural stream form and flow characteristics</i>	None. There are no streams in the ORMCP portion of the subject property.
<i>protecting landform features</i>	A very small portion of the property is identified as a Category 2 Landform Conservation Area; no other portion of the site falls within a Landform Conservation zone. Furthermore, a Category 2 Landform Conservation Area is not an absolute constraint to development

5.2 Area of High Aquifer Vulnerability

As shown on “Reference Map for Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) – Section 1”, a very small portion of the subject property at its northern limit is designated as an Area of High Aquifer Vulnerability (see **Figure 2**).

Section 29 (1) of the ORMCP restricts the storage and use of hazardous waste and certain contaminants, and prohibits the use of the site for waste disposal within Areas of High Aquifer Vulnerability. However, agricultural activity or residential development is not in any way limited within Areas of High Aquifer Vulnerability.

5.3 Landform Conservation Area

Section 30(1) of the ORMCP directs an applicant to consult a series of maps to determine whether a proposed development property falls within a Landform Conservation Area. The vast majority of the ORMCP portion of the Robintide Farms property lies outside of a Landform Conservation Area. However, a very small area near the northwestern corner of the property falls within a Category 2 (Moderately Complex Landform) Landform Conservation Area.

Section 30(6) of the ORMCP outlines the requirements for development or site alteration to minimize disturbance to landform character:

(6) An application for development or site alteration with respect to land in a landform conservation area (Category 2) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,

- (a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;*
- (b) limiting the portion of the net developable area of the site that is disturbed to not more than 50 per cent of the total area of the site; and*
- (c) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.*

Nothing in Section 30(6) limits agricultural practices within Landform Conservation Area Category 2 Areas. Furthermore, residential development is permitted within these areas, subject to satisfying the three tests listed above. In Beacon's experience this is routinely dealt with as part of the development approval process.

6. Conclusions

Based upon a policy review, aerial photograph examination, and three 2015 field investigations, it is Beacon's opinion that the ORMCP Natural Linkage designation depicted on the eastern portion of the Robintide Farms is not based on any natural heritage consideration and appears to have been arbitrarily drawn. This portion of the property does not contain any Key Natural Heritage Features or Key Hydrologic Features. Nor are there any KNHFs or HSFs or their respective Minimum Vegetation Protection Zones situated immediately adjacent to the subject property. From a natural heritage perspective there is nothing to distinguish the western portion of the property from the eastern portion; the entire property supports an agricultural use (i.e., cultivated fields).

In summary, the Robintide Farms is entirely devoid of any natural features, with the exception of an intermittent/ephemeral drainage feature that crosses the extreme southwestern corner. This watercourse does not fall within the ORMCP portion of the property. Due to the absence of any natural features and the presence of existing residential development to the north and east, the property does not provide an ecological "linkage" or plant and animal corridor function.

In our view, therefore, there is no rationale to support the inclusion of the eastern portion of the property as an ORMCP Natural Linkage area. Accordingly, we believe that this area is a logical candidate for a formal Provincial review of its current ORMCP land use designation and consideration should be given to re-evaluating the appropriateness of a Natural Linkage designation in this area.

Report prepared by:
Beacon Environmental



Donald M. Fraser, M.Sc.
Principal

Report reviewed by:
Beacon Environmental



Rosalind Chaundy, M.Sc. F
Senior Ecologist

7. References

City of Vaughan. 2014.

City of Vaughan Official Plan 2010, Volume 1. July 2015 Office Consolidation.

Ontario Ministry of Municipal Affairs and Housing. 2002.

Oak Ridges Moraine Conservation Plan. Ontario Regulation made under the Oak Ridges Moraine Conservation Act, 2001.

Ontario Ministry of Municipal Affairs and Housing. 2014.

Provincial Policy Statement. Toronto: Queen's Printer for Ontario. 56 pp.

Province of Ontario. 2007.

Endangered Species Act (S.O. 2007).

York Region. 2013.

Official Plan Office Consolidation (June 20, 2103) Annotated to Reflect Repealed Policies/Maps.