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MEMORANDUM

From: Arvin Prasad, Commissioner of Development Services
To: Mayor and Members of Development Services Committee
Prepared by: Stephen Corr, Senior Planner, East District

Date: January 21, 2019

**Re: Information Memorandum
City Initiated Zoning By-law Amendment Application to permit Open
Storage and Office Use as part of a Proposed Operations Yard at 10192
9th Line
(Ward 5)
File: ZA 19 142029**

This memo provides preliminary information on a zoning by-law amendment application submitted by the City prior to the statutory Public Meeting on January 21, 2020. Due to the tight timelines associated with this project, an information memo is being provided in lieu of a preliminary report. This memo contains general information regarding the proposal, including applicable official plan or other policies as well as other issues. It should not be taken as staff's opinion or recommendation on the application. The application was deemed complete on December 17, 2019.

Next Steps:

- The Statutory Public Meeting is scheduled for January 21, 2020
- A Site Plan Control application is required to initiate technical review of the detailed design in conjunction with the Zoning By-law amendment application;
- A future recommendation report respecting the Zoning By-law amendment application may be provided at a future Development Services committee meeting, if requested by Committee.
- The Site Plan application to facilitate the proposed Operations Yard meets the requirements for delegation to the Director of Planning and Urban Design, or his designate, in accordance with Delegation By-law 2002-202.
- The site plan application would have to be approved prior to development occurring on the subject lands.

Subject land and area context

The 40.14 ha (99.2 ac) subject property (10192 9th Line) is located on the west side of 9th Line, north of Major Mackenzie Drive East (See Figures 1 to 3). The site predominantly consists of agricultural fields used for farming. There are remnants of agricultural out buildings in the central area of the site. A tributary of Little Rouge Creek bisects the property, and the site is within the Rouge Watershed Protection Area. There is also a small wetland located on the south central portion of the subject property.

Surrounding land uses are predominantly agricultural to the north, east, south and west. Surrounding lands uses also include:

- Two rural residential homes to the north at 10248 and 10268 9th Line;
- Lands within Rouge National Urban Park (RNUP) to the east (across 9th Line);
- First Markham Baptist Cemetery to the south; and

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- The Metrolinx Stouffville GO rail corridor, which abuts the rear (west) side of the subject property.

Proposal

The City of Markham is proposing an Operations Works Yard serving east Markham for winter snow maintenance on the subject lands. The zoning by-law amendment and future site plan control applications are being made by the City's Operations Department to facilitate development, which will occur in two phases.

Phase one is for the portion of the site on the east side of the Little Rouge Creek tributary, fronting 9th Line. This area is proposed to be developed with a 1078 m² (11,609 ft²) pre-fabricated building for indoor storage of salt and sand. A conceptual site plan is provide in Figure 4, and it includes an asphalt parking area for storage of maintenance equipment and vehicles seasonally, employee parking, fueling stations and a weigh scale. Construction is anticipated to commence in Spring 2020, with the facility being operational by Winter 2020.

Details and timing on the second phase have yet to be finalized, but may include additional outdoor storage and buildings, including accessory offices. Phase 2 will be located on the larger portion of the site, west of the Little Rouge Creek tributary, for which a future site plan application will be required.

Public Authorities, including local municipalities, have certain permitted development rights to use land and erect buildings for public uses and for the delivery of services. However, in this case, a zoning by-law amendment is required to permit open storage and offices as additional public uses by a Public Authority, since these uses are not permitted by the public use permission. A draft zoning by-law is attached as Appendix 'A'. Further details are provided in the zoning subsection of this report.

Provincial Policy Conformity

Provincial Policy Statement, 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe, 2019 (GGH Growth Plan 2019)

The PPS 2014 and GGH Growth Plan 2019 include policies to plan for infrastructure (which includes transportation facilities and associated storage and maintenance) and public service facilities in a coordinated cost efficient manner that considers climate change impacts while accommodating projected needs that are:

- financially viable over their life cycle, which may be demonstrated through asset management planning; and
- available to meet current and projected needs.

There are current gaps in winter snow maintenance service in east Markham, necessitating the need for a new Operations Yard. Further information will be detailed in a presentation by the Operations Group at the Statutory Public Meeting on January 21, 2020.

The PPS 2014 and GGH Growth Plan 2019 also provide policies to protect and preserve prime agricultural lands, existing natural heritage and hydrological features as matters of Provincial interest. The subject lands are considered prime agricultural, and contain both

natural heritage and hydrological features, including woodlots, wetlands and a tributary of Little Rouge River.

The PPS 2014 provides that non-agricultural uses in *prime agricultural areas* may only be permitted for limited non-residential uses, provided it is demonstrated that:

1. the land does not comprise a *specialty crop area*;
2. the proposed use complies with the *minimum distance separation formulae*;
3. there is an identified need within or beyond the 20-year planning horizon for additional land to be designated for infrastructure and public service facilities; and
4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

Where new non-agricultural uses are permitted, the policy seeks to mitigate impacts on existing surrounding agricultural operations to the extent feasible.

An Agricultural Impact Study is required in support of the site plan application to evaluate the potential impact of developing portions of the site as a City Operations yard. This will assess impacts on the subject lands and on the surrounding lands, which will remain agricultural. Careful siting of the proposed facility will mitigate impacts to existing natural heritage and hydrological features on site. This will be confirmed through the review of the site plan application, including hydrogeological, environmental impact and species at risk studies.

Greenbelt Plan, 2017

The intent of the Greenbelt Plan, 2017 is to protect and preserve prime agricultural lands and existing natural heritage and hydrological features. While the south portion of the 100 acre property is Protected Countryside and subject to the policies of the Provincial Greenbelt Plan, 2017, it is anticipated that the proposed development will be located outside this area.

While the Greenbelt Plan, 2017 discourages non-agricultural uses in prime agricultural areas, these uses may be permitted following assessment of an Agricultural Impact Study subject to other policies of the Plan. Criteria for the location and construction of infrastructure in the Protected Countryside area are as follows:

- minimizing the amount of Greenbelt, and particularly the Natural Heritage System and Water Resource System being occupied;
- minimizing impacts to the landscape, including light, noise and road salt;
- avoiding key natural heritage features, key hydrologic features or key hydrologic areas unless need has been demonstrated and there is no reasonable alternative;
- avoiding specialty crop areas and other prime agricultural areas in that order of priority, unless need has been demonstrated and it has been established there is no reasonable alternative.

The Agricultural Impact Study will address these criteria in determining the most appropriate siting of future buildings and operational areas.

Ministers Zoning Order – Ontario Regulation 104/72

The subject lands are within an area subject to the Minister’s Zoning Order (MZO), Ontario Regulation 104/72 (Airport Freeze) which is administered by the Ministry of Municipal Affairs and Housing (MMAH). The MZO, Ontario Regulation 104/72 has been in effect since the early 1970s and its purpose is to regulate development in the vicinity of a possible future airport on lands in Federal ownership in the neighboring City of Pickering. The most recent Pickering Lands Needs Assessment Study (March 2010), prepared by the Greater Toronto Airports Authority, concluded that an additional airport will be needed to accommodate future growth in the Greater Golden Horseshoe, and that the Pickering lands should be protected for future aviation needs.

In an email dated February 11, 2019 to the Manager of Real Property, the MMAH confirmed that public uses by the City of Markham are permitted on lands within the MZO, Ontario Regulation 104/72 without requiring an amendment to the order.

Region of York Official Plan, 2010

The majority of the subject lands are designated ‘White Belt’ in the Region of York Official Plan, 2010, which reflects agricultural lands outside the Urban Area, Provincial Plan areas or areas containing significant natural heritage features. The Region of York Official Plan, 2010 identifies the portion of the subject lands within the Provincial Greenbelt Plan, which includes areas identified as ‘woodland’ along the south property line.

The Region of York Official Plan, 2010 is silent on public use policies, however transportation infrastructure and utilities are permitted in the Greenbelt, in areas designated agricultural, key natural heritage features and key hydrologic features, where the provisions of the Greenbelt Plan have been met.

Official Plan

2014 Official Plan [as partially approved on November 24, 2017 and further updated on April 9, 2018 (the “2014 Official Plan”)].

The subject lands are designated ‘Greenway’ and ‘Countryside’ in the City of Markham 2014 Official Plan (see Figures 5 and 6). The ‘Greenway’ designation applies to lands within the Greenbelt Plan, 2017, and other natural heritage and hydrological features onsite. The intent of the ‘Greenway’ designation is to implement the Greenbelt Plan policies and preserve natural heritage or hydrological features. The ‘Countryside’ designation applies to the majority of the site, and its intent is to preserve agricultural uses, as well as permit limited compatible non-agricultural uses.

The proposed operations yard is anticipated to be located entirely outside of the ‘Greenway’ designation. This will be confirmed through the site plan review and approval process, through which development will be sited to mitigate impact to existing natural heritage and hydrological features.

The 2014 Official Plan permits in all designations a range of public land uses, which includes “a municipal service facility - including underground service, utility operation and maintenance facility.” Accordingly, the proposed operations yard is allowed in the 2014 Official Plan, subject to Provincial Policies outlined above.

Zoning

The majority of the subject property is zoned Agricultural (A1), under By-law 304-87, as amended, which permits agricultural uses and an accessory dwelling. A small portion of the site, located at the south property line, is zoned Open Space (O1) under By-law 304-87, as amended, which prohibits buildings and structures. The current zoning designations are shown on Figure 2.

The zoning by-law permits Public Authority uses in any zone and the proposed use of the subject property by the City of Markham for municipal purposes is permitted. However, certain uses by a Public Authority are not permitted, including but not limited to, open storage and offices. Therefore, a zoning by-law amendment to permit open storage and offices as additional uses permitted by a Public Authority for the proposed Operations Yard is required.

OPTIONS/ DISCUSSION:

Current zoning permits Public Authority uses as of right and the zoning by-law amendment is required to expand those use permissions by allowing open storage and offices to facilitate a City Operations Yard.

The 2014 Official Plan permits public uses in all land use designations, thereby allowing the Operations Yard within the Countryside and Greenway designations on the subject lands subject to policies of the Provincial Plan detailed above. These policies aim to protect agricultural areas, natural heritage features and natural hydrological features as matters of Provincial interest. Where the need for a public facility is demonstrated then such non-agricultural use shall be substantiated through an agricultural impact assessment and other environmental studies, which in this case will be submitted with the future site plan control applications.

Approval of the future site plan application(s) is delegated to the Director of Planning and Urban design, or his designate. There are a number of site plan matters that will be assessed through the technical review, including but not limited to:

- Ensuring the siting of buildings, structures and paved parking areas provides appropriate setbacks and buffers to existing natural heritage features onsite, which includes woodlands and wetlands;
- Ensuring an appropriate landscape buffer is provided along 9th Line to reduce any visual impact and improve the interface with the Rouge National Urban Park located directly on the east side of 9th Line;
- Ensuring appropriate measures are taken to control the quality of surface water runoff, particularly from salt storage on the subject property.
- Obtaining required Toronto Region Conservation Authority approval and/or permits;
- Obtaining required Region of York approvals and/or permits; and

- Assessing any issues resulting from the review of technical studies including, but not limited to, stormwater management and servicing reports, tree preservation plan, grading and drainage plans and transportation studies.

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Area Context/Zoning

Figure 3: Aerial Photo

Figure 4: Conceptual Site Plan

Figure 5: 2014 Official Plan Land Use Designations

Appendix A: Draft Zoning By-law

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