

---

**Subject:** Requested Minister’s Zoning Order – 120 Lake Woods Drive

**Staff Report No.** DS-053-24

**Department/  
Commission:** Development Services Commission

**Date:** November 6, 2024

---

**Recommendation:**

- 1) That Council support the request of Ms. Paola Civello Malandrino to the Minister of Municipal Affairs and Housing for a Minister’s Zoning Order to re-zone the subject property with a site-specific Oak Ridges Moraine Linkage Exception Zone X [(ORM-L(X))] which would permit all of the uses and impose all of the regulations associated with the Residential Private Services (RPS) Zone from the Town’s Comprehensive Zoning By-law (2010-001-ZO) and permit the proposed development;
- 2) That Council direct staff to forward a copy of Report No. DS-053-24 to the Minister of Municipal Affairs and Housing, York Region and the Township of Uxbridge.

**Report Highlights**

- The property Owner at 120 Lake Woods Drive (“subject property”) has submitted a request for a Ministers Zoning Order (“MZO”) for the subject property to allow severance of the subject property and develop the lands for a new single detached dwelling. The proposed lot creation and new residential development is not permitted by the Oak Ridges Moraine Conservation Plan policies and the Provincial Policy Statement.
- The “Ministers Zoning Order Framework” that the Ministry of Municipal Affairs and Housing has established for Zoning Orders, states that the Minister will consider requests for zoning orders that are supported by the municipality through a municipal council resolution or a letter from a mayor where the municipality has been designated with strong mayor powers.
- Town Staff have also received a request by the Owner to review the submission materials for the MZO request, which includes amongst other documents, Planning Justification Report, Natural Heritage Evaluation,

Hydrogeological and Servicing Study and review and planning rationale of the proposed development against Provincial and Local plans.

- Staff have reviewed the submission package and provide the summary and background on the request as well as an opinion on the request for the Ministers Zoning Order.

## 1. Purpose:

The purpose of this report is to seek Council endorsement on a request of Ms. Paola Civello Malandrino (“Owner”) to the Minister of Municipal Affairs and Housing for a Ministers Zoning Order to rezone the lands to a site-specific zone and which will facilitate the severance of the existing property at 120 Lake Woods Drive to create one new residential lot, to accommodate one single detached dwelling. The Owner is being represented by Bob List, RPP of List Planning Ltd. (Planning Consultant).

A Minister's Zoning Order provides for the Ontario Minister of Municipal Affairs and Housing the authority to directly zone land, pursuant to section 47(1) of the Planning Act. There is no requirement to give a notice or undertake a hearing prior to the Minister’s decision.

Members of the public may request the Minister to amend or revoke in whole or in part of the Zoning Order. Once such a request is received, the Minister may refuse to consider or refer the matter to the Ontario Land Tribunal for a hearing. Based on the recommendations from the Ontario Land Tribunal, the Minister may decide to amend or revoke the Zoning Order.

## 2. Background:

### 2.1 Property Description

The subject property is located on the southwest corner of York Durham Line and Lakewoods Drive, it is municipally known as 120 Lake Woods drive and legally described as PT LOT 23, CON 9 (WW) PT 4, 65R15133, EXCEPT PTS 1,2,3 & 4, 65R16118; WHITCHURCH-STOUFFVILLE.

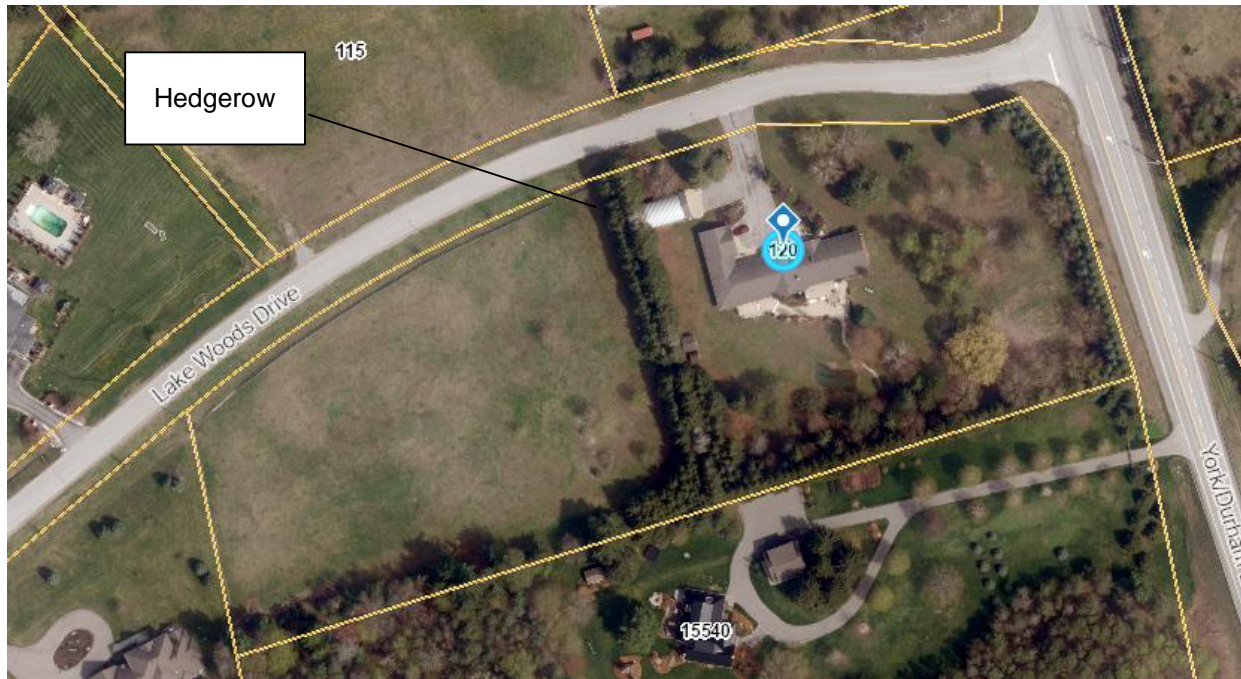
See **Attachment 1** to this report for a copy of the location map.

The subject property is approximately 2.4 hectares in area with lot frontage of 125 metres along Lake Woods Drive. The subject property was originally part of a larger parcel of land, municipally known as 15582 York Durham Line. the 2.4-hectare parcel as it exists today was created through a consent application (File No. CA-97-12) which conveyed 11.73 hectares and retained the 2.4-hectare parcel of land. This was part of a larger Official Plan and Zoning By-law amendment applications as well as a draft plan of

subdivision associated with the Evergreen Estates project which was reviewed and approved between 1988 and 2002.

The subject property includes a hedgerow, located north-south approximately in the middle of the subject property which visually separates the lands from east to west. Figures 1 and 2 below shows the property configuration as it exists today and photo of the hedgerow.

**Figure 1**



**Figure 2 – Hedgerow (north south) in the middle of the subject property**



The easterly portion of the subject property includes an existing detached dwelling, a sperate garage and two accessory buildings. The westerly portion of the subject property has no buildings nor any significant vegetation and can be described as manicured meadow.

## 2.2 Surrounding Land Uses

The subject property is located outside of the Settlement Area boundaries for both Ballantrae and Mussleman's Lake but within the Ballantrae-Mussleman's Lake and Environs Secondary Plan. The surrounding land uses are as follows:

**North** – Across from the subject property on the north side of Lake Woods Drive are smaller properties with existing residential dwellings and accessory buildings and one vacant lot zoned RPS.

**South** – The subject property is bordered on the south side by an existing residential estate lot with existing building. The westerly portion of the southerly property is a mature woodlot (which abuts the westerly portions of the subject property).

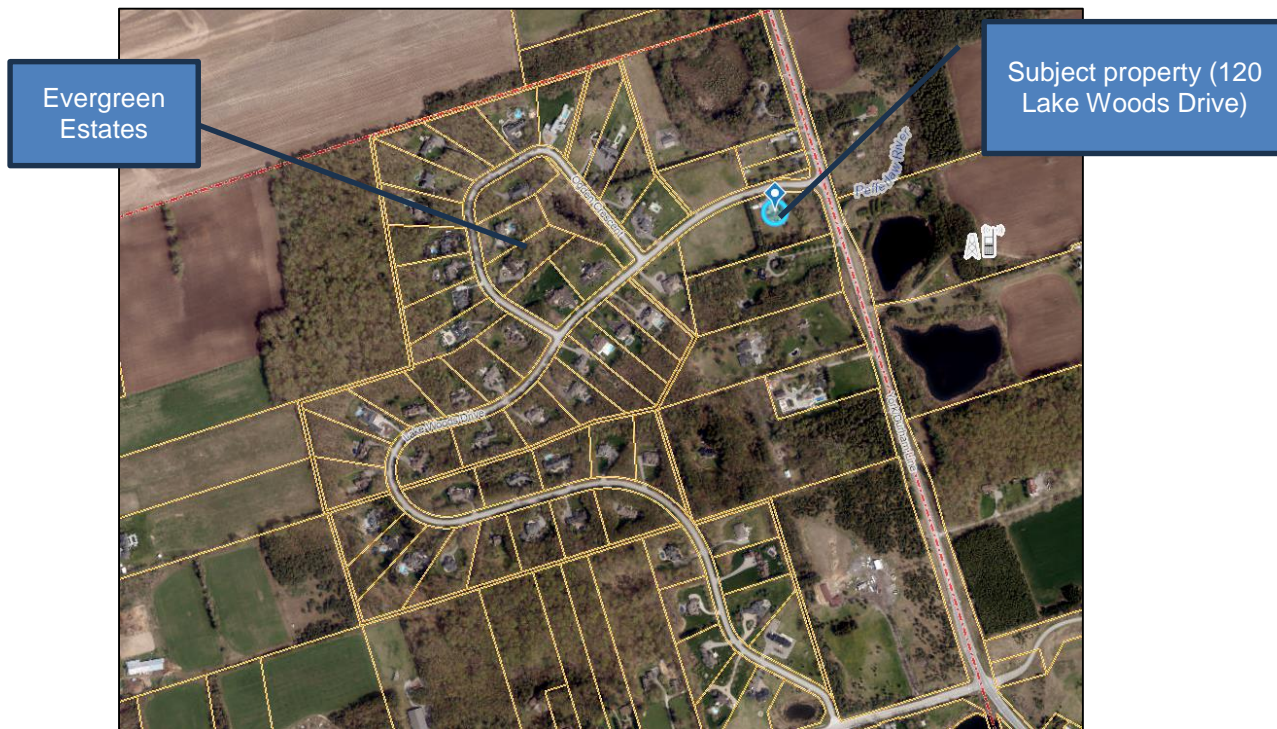
The lots immediately to the south of the subject property zoned ORM-L, previously zoned Rural, which are of a similar size to the subject property. There was a site-specific zoning by-law amendment approved in 1996 which regulated the size of the subject property as well as properties to the north and south of the subject lands.

**East** – The subject property is bounded by York Durham Line on the east side.

**West** - The subject property is bordered to the west by an existing residential plan of subdivision (Evergreen Estates) which was draft approved by the Region of York in 1988 with the subsequent subdivision agreement signed at the Town in 2002. Figure 3 below shows the location of the Evergreen Estates subdivision (in relation to the subject property and the surrounding land uses).

As can be seen in Figure 3 below, overall, the properties adjacent to or surrounding the subject property can be characterised as low density rural and estate residential, comprising of various sizes and configuration.

**Figure 3**



The Evergreen Estates subdivision was zoned Rural Residential Two (RR2) and comprised of lots with a minimum lot area of 0.8 hectares which include single detached dwellings.

Figure 4 below shows the Council approved RR2 zoning of the Evergreen Estates subdivision in 1996 (highlighted in beige color) in relation to the subject property which continued to remain zoned Rural, with a site specific regulation for lot area (2.4 ha) only, at the time.

**Figure 4**



**2.3 (Historic Applications) Official Plan Amendment Application 87.018, Zoning By-law Amendment Application 87.026 and Draft Plan of Subdivision Application 19T-88.097**

Applications for Official Plan, Zoning By-law amendments and Draft Plan of Subdivision were received by the Town in 1987 to facilitate the development of a 56-lot estate residential development known as Evergreen Estates. Although the aforementioned applications did not include the subject property subject to the Minister’s Zoning Order request, the surrounding land assembly for Evergreen Estates, comprised of 58.4 hectares taken by consent from properties fronting onto York Durham Line including the subject property.

OPA 63 was adopted by Town Council on August 30, 1988, and re-designated the adjacent Evergreen Estate lands from Rural to Estate Residential within the Town’s Official Plan. The approved Official Plan Amendment did not include the subject property as it exists today however, as the property was not severed until 1997, the applications

for Official Plan and Zoning By-law amendments as well as Draft Plan of Subdivision did include a portion of the property as it existed prior to consent.

The Zoning By-law amendment was passed by Council on December 12, 1989, which zoned the lands subject to the Evergreen Estates residential subdivision as Rural Residential Two (RR2). The RR2 Zone regulations are similar to those of the Residential Private Services (RPS) zone in that they require a minimum lot area of 0.8 hectares and a minimum lot frontage of 45 metres.

## 2.4 Reserve 0.3 metre

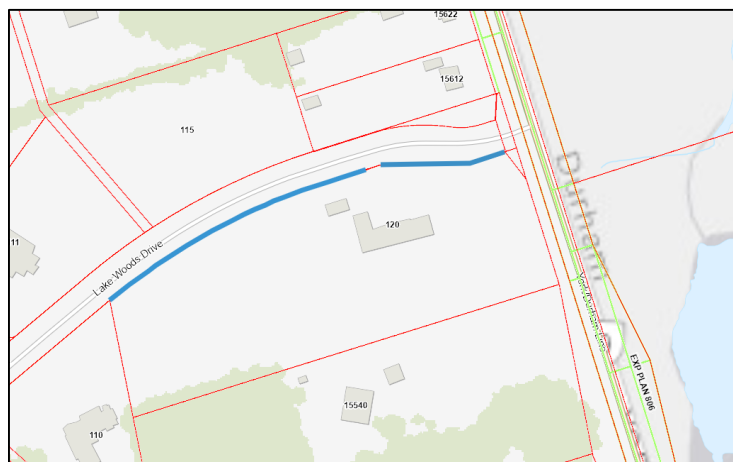
Through the review of the application for subdivision application (19T-88.097) at the time when the planning applications were being processed as noted in section above (between 1987 to 1996), the Region of York issued approval subject to conditions related to the lands. The Region included as a condition of approval the following:

“Any dead ends or **open sides of road allowances** created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the municipality free of cost and encumbrances, to be held by the municipality until required for future road allowances or **development of adjacent lands**”.

At the time that the Evergreen Estates subdivision was approved, it was understood that the development should not preclude the future development of any of the adjacent parcels of land including the subject property. In this case, the reserve was established across the frontage of the subject property along Lake Woods Drive until such time as it is required by the Municipality or development occurs.

Figure 5 below shows the location of two (2) existing 0.3 metre reserves across the frontage of the subject property, on both sides of the access driveway to the subject property.

**Figure 5**



## **2.5 Subject property and Oak Ridges Moraine Conservation Plan comes into effect in 2001**

In 2001 the Province of Ontario adopted and put into force the Oak Ridges Moraine Conservation Act and associated plan. The ORMCP identified existing settlement areas within the Oak Ridges Moraine Conservation Plan Area and then strictly limited the ability of properties located outside those settlement areas to further develop.

On June 19, 2001, there was a report prepared by Town Planning Staff that reviewed the exemption criteria under the Oak Ridges Moraine Conservation Plan. This report was prepared following the May 2001 release of the Oak Ridges Moraine Conservation Act which had the effect on freezing development within the Oak Ridges Moraine area for a period of 6 months. This was intended to allow the province to review the current policies for the protection of lands and features within the Plan area.

The developers for the adjacent Evergreen Estates subdivision attended the meeting in 2001 and advocated for their project to be allowed to proceed, given that it was ongoing for several years and that they were anticipating completion and construction in 2002.

The subject property, which formed part of the original parcels of land involved in the assembly for Evergreen Estates, was not included in this exemption despite having been the subject of site-specific zoning amendments and consent applications for the creation of the adjacent assembly of land.

## **2.6 Town's Comprehensive Zoning By-law 2010-001-ZO**

The Town's Comprehensive Zoning By-law 2010-001-ZO was passed by Town Council on March 2, 2010, and subsequently approved by the Ontario Municipal Board by Order dated January 13, 2011. The comprehensive update brought the Town's zoning by-law into conformity with the Oak Ridges Moraine Conservation Plan and zoned all lands in the Town, in conformity with the prescribed ORMCP designations.

The subject property was zoned Oak Ridges Moraine Linkage (ORM-L) zone under the new Zoning By-law. With the passage of the By-law, the subject property is subject to the permitted land uses and lot creation policies of the ORMCP. Further discussion of the ORMCP policies are discussed in Section 3.7.2 below and the Background Planning Report attached as **Attachment 5** to this report.

See Figure 6 below for the current zoning of the subject property.



Figure 6



### 3. Analysis:

#### 3.1 Request for Council resolution for Minister's Zoning Order Request

The Owner of the subject property, represented by List Planning Ltd. (Planning Consultant) is seeking Council resolution to establish site specific zoning through a Minister's Zoning Order which would ultimately permit the severance of the subject property and facilitate development of the western portion of the property for a single detached dwelling.

A Letter has been submitted by the Planning Consultant requesting the Town for Council Resolution and endorsement on the Ministers Zoning Order request to the Minister of Municipal Affairs and Housing, Honorable Paul Calandra.

The Cover Letter requesting review of the MZO, from the Planning Consultant to the Town is attached as **Attachment 2** to this report. The Owner has also submitted a Draft Resolution for Council to consider which is attached as **Attachment 3** to this report. Staff

have not utilised the resolution as presented by the Owner however provide it to Council should Council consider utilising it.

The Letter requesting Ministers Zoning Order and Draft Order, from the Planning Consultant to the Honorable Paul Calandra, is attached as **Attachment 4** to this report.

A Minister's Zoning Order provides for the Ontario Minister of Municipal Affairs and Housing the authority to directly zone land, pursuant to section 47(1) of the Planning Act. There is no requirement to give a notice or undertake a hearing prior to the Minister's decision. Once issued, the Minister's Zoning Order prevails in case of a conflict with the local zoning bylaw and is deemed a local zoning by-law passed by Council except for the purposes of section 24 of the Planning Act.

**3.1.1 Requested Zoning Amendment through the Ministers Zoning Order**

The Planning Consultant has requested to rezone the subject property to a site-specific exception Oak Ridges Moraine – Natural Linkage, Exception (X) zone [ORM-L(X)].

The request is that the site-specific zoning regulations for the requested zoning amendment, mirror the permitted uses and regulations in effect for the Residential Private Services (RPS) zone in Section 5 of the Town's Zoning By-law 2010.RPS zone is also the prevalent zoning in the area generally surrounding the subject property (Evergreen Estates), as shown on Figure 6 above.

Staff note that the properties surrounding the subject property and other properties along Lake Woods Drive, are generally similar to the lot area and lot frontage requirements under the RPS zone.

Table 1 below includes the zoning regulations which are requested for the subject property.

**Table 1**

Regulation	Permitted/Required
Minimum Lot Area	0.8 hectares
Minimum Lot Frontages	45 metres
Maximum Lot Coverage	15%
Minimum Front Yard Setback	12 metres
Minimum Rear Yard Setback	12 metres
Minimum Interior Side Yard	6 metres
Minimum Exterior Side Yard	12 metres
Maximum Height	12 metres

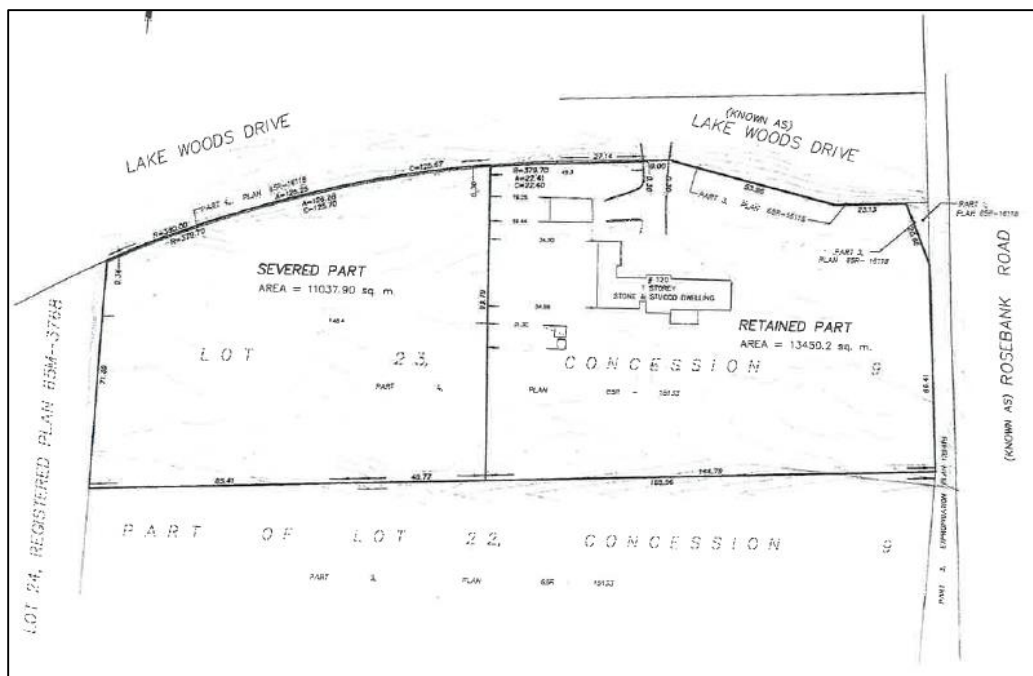
**3.1.2 Proposed future development – Lot creation/Severance**

If a Minister's Zoning Order is issued, the Owner intends to apply for consent application to the Committee of Adjustment, to sever the subject property, roughly in half, as follows:

- **Easterly portion (to be retained)** – existing single detached dwelling with accessory garage
  - Lot Area – approximately 13,450 sq.m. (3.32 acres/1.34 ha)
  - Lot frontage – approximately 134 metres on Lakewoods Drive
  
- **Westerly portion (to be severed/conveyed)** – currently vacant and intended to be developed for a single detached residential dwelling in the future
  - Lot Area - approximately 11,000 sq.m. (2.47 acres/1 ha)
  - Lot frontage – approximately 125 metres on Lakewoods Drive

A draft Reference Plan has been submitted with the submission materials and attached as Attachment 6 to this report and also shown in Figure 7 below.

**Figure 7**



### 3.2 Ministers Zoning Order Framework

The zoning order framework as established by the Ministry of Municipal Affairs and Housing guides how requests for zoning orders under section 47 of the *Planning Act* are submitted and considered. It sets out a transparent process for the intake of new requests for zoning orders made to the Minister of Municipal Affairs and Housing, which includes:

- intake thresholds - requests that are supported by a single-tier or lower-tier municipality (for example, through a municipal council resolution or a letter from a mayor where the municipality has been designated with strong mayor powers)
- submission expectations (required documents to be submitted)

- process for ministry assessments and decision-making (including public consultation)

In staff's opinion, the Owner has addressed the requirements as laid out in the Ministers Zoning framework, as discussed in various sections of the report.

### **3.3 Natural Heritage Evaluation**

A Natural Heritage Evaluation ("NHE") for the subject property, dated February 27, 2024 prepared by Michalski Nielsen Associates Limited has been submitted to the Town and forms **Attachment 7** to this report. Staff or its Peer Review consultants, have not completed a detailed review and evaluation of the NHE and defer the detailed review of the NHE through any future required planning applications, should a Ministers Zoning Order be issued to permit and facilitate future lot creation and residential development.

The NHE identifies a Woodland Community bordering the southern edge of the proposed severed portion and qualifies as Significant Woodland. The dripline of this woodland has been carefully identified in the NHE and is very obvious on site. The policies of the ORMCP typically require a 30 m minimum vegetation protection zone from the edges of Significant Woodland features.

There was no significant wildlife habitat and/or other natural heritage features identified on the subject property.

In summary, the NHE concludes that any future development of a single detached dwelling with associated driveway access of Lake Woods Drive on the proposed severed portion of the lands on the west side, will not negatively impact the adjacent Woodland community on the south side or their ecological functions, and that appropriate setbacks and mitigation measures can be implemented to further ensure that the rooting systems of the trees in the Woodland will be protected and the ecological function of the Woodland is maintained. There are no impacts to landform anticipated as a result of any future development of the lands.

The NHE concludes that the request for the MZO can be supported subject to the recommendations listed in Section 5 of the NHE, which can be implemented through a future consent application for the severance of the subject property, should a MZO be issued to permit lot creation.

### **3.4 Hydrogeological and Servicing Feasibility Assessment**

A Preliminary Hydrogeological and Servicing Feasibility Assessment ("Assessment") for the subject property, dated October 17, 2023, prepared by GM Blue Plan has been submitted to the Town and forms **Attachment 8** to this report. Staff or its Peer Review consultants, have not completed a detailed review and evaluation of the Assessment and defer the detailed review of the Assessment through any future required planning applications, should a Ministers Zoning Order be issued to permit and facilitate future lot creation and residential development.

This Assessment has been conducted to assess the feasibility for the Site to support the proposed severance, which will be serviced by private on-site sewage as well as a private water supply well.

The findings of the Assessment indicates that the hydrogeological conditions generally support the proposed demand necessary for the future onsite residential dwelling with no impacts or interference with present water resources and that sufficient groundwater supply is available from the overburden aquifer system below the Site and that it is reasonable to expect that future development will be able to accommodate a Class IV or equivalent on-site sewage system.

No concerns have been raised in the Assessment with respect to suitability of the site for servicing. The Assessment concludes with a set of recommendations for servicing for future development. If the Minister issues a MZO to permit lot creation and residential development on the subject lands, recommended conditions in the Assessment, can be implemented through future consent application.

### **3.5 Public Information session led by the Owner – July 23, 2024**

The Ministers Zoning Framework, submission expectations include a description of consultation with the public and engagement with Indigenous communities.

The Owner led a Public Information session on July 23, 2024, in person at the subject property. 11 members of public attended the session.

Minutes of the meeting attached as **Attachment 9** to this report. The minutes indicate that members of public who spoke at the open house were generally in favor of and supported the proposal.

It is the Planning Consultants opinion that based on the scope of the project and the contextual location of the subject property, indigenous consultation is not required for the narrow scope of the proposed development.

### **3.6 Additional Applications (Downstream Approval)**

The Owner has requested Council for endorsement of the applicants Minister's Zoning Order to the Minister of Municipal Affairs and Housing. If an MZO were to be issued by the Minister, as discussed above, additional applications will be required by the Town to facilitate the development of the subject property, as discussed above.

#### **3.6.1 Future Consent Application to the Committee of Adjustment**

If the Minister issues the MZO to permit lot creation and the site-specific zoning amendment for the subject property, the Owner would be required to submit an application to the Town's Committee of Adjustment for Consent (severance). The Consent application would be reviewed against the requirements for subdivision as established by Section 51(24) of the *Planning Act* and the severed lot and any proposed

residential building would be required to meet the Residential Private Services (RPS) zone regulations, which is what has been requested by the Owner.

The Owner and their representative also acknowledge that the Committee of Adjustment may impose as condition of Approval of the Consent to enter into a section 51(26) Agreement, as authorized by the *Planning Act*.

### **3.6.2 Lifting of the 0.3 metre Reserve**

As discussed in section 2.4 above, two (2) reserves, 0.3 metres in width, currently exist across the frontage of the subject property along Lake Woods drive.

In the event that the subject property proceeds for lot severance, subject to the issuance of the MZO, the reserves would be required to be lifted, to create frontage for the future severed lot on Lake Woods Drive and to provide a driveway access to the severed portion.

The Owner has submitted a request that the two 0.3 metre (one foot) reserves be lifted by the Town.

Based on preliminary discussions with Engineering and Public Works staff in 2023, with respect to the lifting of the reserve, it does not appear to be of concern at this time. However, should the MZO be granted, staff will further confirm and proceed with a request to Council to lift the reserve and establish these reserves as public highway in the future.

### **3.6.3 Other approvals and Permits**

The Owner and their representative acknowledge that if the MZO is issued to facilitate the future lot creation and residential development on the subject property, additional approvals and permits will be required including but not limited to entrance permit for access to Lake Woods Drive, Building Permit and any required servicing permits.

## **3.7 Applicable Provincial Policies and Regulatory Framework**

### **3.7.1 Provincial Policy Statement 2024 (PPS 2024)**

The New PPS 2024 is in effect as of October 20, 2024, and replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

The PPS 2024 provides updated direction to guide growth within the Province of Ontario. The new PPS 2024 has updated the Vision statement which places emphasis on housing, specifically, the goal of “building of more homes for all Ontarians”. The Vision statement also restates the Province’s goal of building at least 1.5 million homes by 2031. The updated Vision statement aligns to the current challenges and focus to increase housing supply while ensuring a range of housing options to meet the needs of current and future residents in the Town.

The PPS 2024 directs that Provincial Plans, including the Oak Ridges Moraine Conservation Plan and Growth Plan, be read in conjunction with and take precedence over the policies of the Provincial Planning Statement 2024 to the extent of any conflict, except where the relevant legislation provides otherwise. As such, the policies of the Oak Ridges Moraine Conservation Act and Plan remain applicable for the proposed development concept in the Oak Ridges Moraine – Natural Linkage Area designation.

### **3.7.2 Oak Ridges Moraine Conservation Plan (ORMCP)**

The subject property is entirely located within the area affected by the Oak Ridges Moraine Conservation Plan (ORMCP) as enshrined in Ontario Regulation 140/02 and designated as Oak Ridges Moraine – Natural Linkage Area.

As per section 10 (1)2 of the ORMCP, Natural Linkage Areas are '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.

As per section 12(1) of 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.

Under section 12(3) of the ORMCP permitted uses include fish, wildlife, and forest management; conservation projects and flood control; agricultural uses; infrastructure uses; home businesses; home industries; bed and breakfast establishments; on farm diversified uses; low intensity recreational uses; unserviced parks; mineral aggregate operations; wayside pits; agriculture related uses; and accessory uses to the foregoing list.

New residential uses are not recognized as permitted land uses in this designation.

Section 22 and 23 of the ORMCP requires protection of key natural heritage features. A NHE has been completed and has been discussed in section 3.2 of this report above to support the proposed development and concludes that there would be no adverse impact on the subject property and on the existing woodland community on the south sides as well as the ecological function of the woodlot as a result of proposed development.

Section 32 (1) of the ORMCP prohibits creation of new lots in the ORM-Natural Linkage Areas, except under specific circumstances. The proposed development does not meet those circumstances.

As such the Planning Consultant, on behalf of the Owner is seeking a Ministers Zoning Order to permit lot creation and new residential use on the subject property.

### 3.8 Planning Consultant position on the proposed development

The Planning Consultant for the Owner has submitted a detailed Planning Opinion Letter, attached as **Attachment 5** to the report. The report outlines detailed commentary and background on the policies and provides a planning rationale for the proposed development against all Provincial and Town's Official Plan policies and Zoning By-law.

Some of the key arguments as presented by the Planning Consultant include:

- *There are no matters of Provincial Interest that are negatively impacted by the proposed division of land as referenced in Section 2 of the Planning Act or as provided for the ORMCP or Town's Official Plan. Rather, the proposed development is in keeping with the provincial guidelines for rural development as laid out in the PPS.*
- *The proposed development does not conform with the relevant Provincial Plan being in this case the ORMCP but maintains the general intent of the Plan and would have no impact upon the more specific intent of the land use designation in which it is located, in this case the ORM-Linkage designation, to not restrict the movement of plants or animals through the property, the area, or the region. No legal restriction exists to prohibit the structures or facilities that would inhibit the movement of plants and animals (e.g. fences).*
- *The proposed division of land is not premature as the relevant studies and analyses have been undertaken and assessed. The development is in concert with the PPS guideline for rural development and therefore is in the public interest.*
- *The land is suitable for the limited residential use proposed as detailed and supported in this report, the Natural Heritage Evaluation, and the Hydrological and Servicing Feasibility report.*
- *The development builds upon (actually within) the existing rural residential character of the immediate and abutting area - the proposed division of land is clearly in character with the abutting and adjacent plans of subdivision as well as other independent lots in the vicinity.*
- *The proposed development (lot creation and new residential development) represents typical limited and minor infilling. In this regard the development represents and will become part of an existing efficient development pattern (surrounding rural estate residential subdivision and independent lots) that optimizes the use of land, resources and public infrastructure and public facilities (existing municipal built road; existing utilities; existing refuse pick up; existing mail; existing communications; etc.).*
- *The dimension and shape of the lots (severed and retained) are appropriate for the private services constructed or to be constructed thereon, meet MECP size guidelines, and are reflective of other estate residential lots in the vicinity.*
- *The public highway system in the area and fronting the proposed lot exists. is publicly owned and is adequate to support the proposed single detached dwelling development in all measures. No improvements to same will be required to support development.*
- *Utilities and rural services are already provided along Lake Woods Drive and are adequate to support the development.*



It is the opinion of the Planning Consultant that the applications to the Province of Ontario and the Town of Whitchurch-Stouffville represent thorough, good, typical, and normal planning and therefore should be considered favorably for processing and approval.

As such the Planning Consultant on behalf of the Owner requests a Ministers Zoning Order to permit the proposed development, as the proposed development does not conform to provincial policies.

### **3.9 Town Staff's position on the request for Ministers Zoning Order**

The *Planning Act* requires that all Municipal Councils decisions are required to be consistent with the Provincial Policy Statement and conform/not conflict with Provincial Plans including the Oak Ridges Moraine Conservation Plan.

The proposed development comprises of lot creation for the development of a residential dwelling on the severed lot, which is not permitted by the ORMCP policies.

Staff have conducted the review of the Draft Order to the Minister of Municipal Affairs and Housing and all the materials submitted with the request for the MZO both to the Town and the Minister. Staff has also consulted with the Owner and their Planning Consultant.

Staff can confirm that the proposed development does not conform to the PPS 2024 or ORMCP policies. As such the municipality cannot approve the proposed development (lot creation and new residential development on a new lot) through a municipal application process.

The ORMCP delegates responsibility to municipalities to ensure that the ecological integrity of the ORMCP area is preserved and indicates that this be ensured through a Natural Heritage Evaluation to the satisfaction of the approval authority. The Town's Comprehensive Zoning By-law Section 3.18.2 includes the same requirements as per the ORMCP. The NHE has been submitted to the Town and as discussed in section 3.3 above, indicates that there are no significant Natural Heritage features that exist on the property. The existing hedgerow in the middle of the subject property, is intended to be maintained by the Owner and will continue to be part of the existing vegetation corridor and does not appear to be impacted by the proposed development. The existing Woodland community on the adjacent lands, on the south side of the subject property, does not appear to be impacted by the proposed development as indicated in the NHE. The NHE also recommends that buffers and setbacks be established from the woodland community on the south side and the Owner has acknowledged and agrees to inclusion of those recommendations in future approvals by the Town.

Planning staff review each proposed development on an individual basis and considers the impacts on a site-by-site basis within the context of regulatory framework and existing conditions. However, **solely from a higher-level practical planning perspective and in this unique situation, the minor infilling based on the scale of proposed development and in the context of subject neighborhood, surrounding lot pattern and land uses along and in proximity to Lake Woods Drive, appears to be**

**reasonable development.** Staff do not have concerns with the proposed development on the subject property.

In staff's opinion the proposed development appears to meet the objectives of the ORMCP by protecting the ecological and hydrogeological integrity of the lands and meets the general intent of the ORMCP.

The request for the Ministers Zoning Order is supported by staff, for the proposed development of the lands for lot creation and one single residential detached dwelling.

As such Section 47 of the *Planning Act* authorizes the minister to make zoning orders that regulate the use of land in Ontario. It is the Ministers decision to issue the Zoning Order to permit the proposed development.

Should the Minister issue Minister's Zoning Order, Staff will continue to work with the Owner and their consultants to ensure that the general intent of the ORMCP policies is maintained as it relates to conservation of environmental features and natural heritage for the ORM-Linkage designation, by imposing appropriate conditions of approval through the consent application process.

### **3.10 Implications of the Minister's Zoning Order, If Issued**

The Minister's Zoning Order, if issued, will allow the Owner to proceed with the submission of the Consent Application for the creation of a new lot and build a single detached residential dwelling on the lot.

## **4. Options:**

### **Option A (Recommended)**

Council direct staff to advise the Minister's Office that the Town of Whitchurch-Stouffville supports a Minister's Zoning Order for the proposed development for the property at 120 Lake Woods Drive. If this Option is selected, Council is advised that the Minister may not issue the Zoning Order if, in his opinion, the request does not sufficiently address matters of provincial interests.

### **Option B**

Council direct staff to advise the Minister's Office that the Town does not support a possible Minister's Zoning Order for the proposed development for the property at 120 Lake Woods Drive. If this Option is selected, Council is advised that the Minister may still issue the Zoning Order since there may be significant and/or urgent provincial interests that the Minister will need to consider.

## **5. Financial Implications:**

None

## **6. Broader Intergovernmental Impacts and/or Considerations:**

The proposed lot creation within the Oak Ridges Moraine Linkage Area is not permitted under the provincial, regional or local plans. See section 3.7 above in the report.

## **7. Communication:**

- Notice was sent by the applicant and property owner to surrounding properties within 120 metres to advice of a Private Public Information Session held by the property owner in July of 2024.
- A copy of the Council resolution will be required to be forwarded to the Ministry of Municipal Affairs and Housing as well as the applicant for inclusion in the Ministers Zoning Order request as per the ministries protocol.

## **8. Alignment with Strategic Plan:**

1. A Town that Grows  
A Town that grows in support of complete communities
2. Good Governance  
Provide Good Governance

## **9. Attachments:**

Attachment No. 1 – Location Map – 120 Lakewoods Drive

Attachment No. 2 – Cover Letter to the Town, dated July 11, 2024– prepared by Bob List, RPP

Attachment No. 3 – Draft Resolution to Council, prepared by Bob List, RPP

Attachment No. 4 – Letter to Minister Calendar and Draft Minister Zoning Order, prepared by Bob List, RPP

Attachment No. 5 - Planning Opinion Letter, dated July 7, 2024 – prepared by Bob List, RPP

Attachment No. 6 – Draft Reference Plan, prepared by Ertl Hunt Surveyors

Attachment No. 7 – Natural Heritage Evaluation, dated February 27, 2024, prepared by Michalski Nielsen Associates Limited

Attachment No. 8 – Hydrogeological and Servicing Assessment, dated October 17, 2023, prepared by GM BluePlan Engineering

Attachment No. 9 – Minutes of the Public Information session held on July 23, 2024

## **10. Related Reports:**

None

**Author:** Kathryn Jones, Planner II  
Hena Kabir, Manager of Development Planning

**For further information on this report, please contact the Department Head:** Dwayne Tapp, Commissioner of Development Services 905-640-1900 or 1-855-642-8697 ext. 2431 or via email at [dwayne.tapp@townofws.ca](mailto:dwayne.tapp@townofws.ca)