

LIST PLANNING LTD.

103 SOUTHBANK DR., BRACEBRIDGE, ONTARIO P1L 1G3

Ms. Hena Kabir,
Manager of Development Planning/Development Services,
and
Acting Secretary Treasurer,
Committee of Adjustment,
Town of Stouffville,
111 Sanford Drive,
Stouffville, Ontario
L4A 0Z8

July 11, 2024

Dear Ms. Kabir,

RE Application for Conversion of 0.3m Reserve to Road Allowance, and
Application for Consent to Sever, and
Review and Municipal Processing of a Provincial Minister's Zoning Order.

PROPERTY Part of Lot 23, Concession 9,
Geographic Township of Whitchurch,
Now in the Town of Whitchurch-Stouffville,
Region of York

More Specifically Described as being,
All of Part 4, Plan 65R-15133

RELATED Parts 3 and 4, Plan 65R-16118 (0.3m Reserves along Lake Woods Drive)

OWNER Ms. Paola Civello Malandrino

Introduction

This correspondence is further to our ongoing discussions respecting the afore noted property. As you are aware, I am land use planner for Ms. Paola Malandrino owner of the lands subject to the proposed MZO and Consent to Sever applications. The related properties (existing 0.3m reserves along Lake Woods Drive) are owned by the Town of Whitchurch-Stouffville. I have authority to act on behalf of the owner.

Components

Enclosed herewith for your review and consideration of this matter, please find the following;

1. Completed Committee of Adjustment application for Consent to Sever including;
 - a) Partial survey reduction of the Owner's lands, being Plan 65R-15133,
 - b) Survey reduction of the 0.3m Reserves, being Plan 65R-16118,
 - c) Survey reduction of the abutting and adjacent lands, being Plan 65M-3768,
 - d) Civic addressing fabric plan of adjacent area,
 - e) Satellite image of the subject lands,
 - f) Service Ontario Property Index Map
 - g) 'Open' survey sketch of the proposed Severed and Retained parts,
 - h) Survey sketch of the proposed lots illustrating Severed 'hatched' and Retained 'cross hatched',
 - i) Survey sketch illustrating Severed 'hatched' and Retained 'open' identifying setbacks,
 - j) Survey sketch of existing whole property illustrating contours, vegetation scallop, individual trees outside of scalloped areas, existing building improvements, and driveway.
2. Completed form PZR-2023,
3. Copy of Schedule 22 to CZB2010-001-ZO,
4. Letter of Authority,
5. Cheques payable to the Town of Whitchurch-Stouffville in the amounts of \$8,804.00 (MZO processing fee); \$7,676.00 (Consent to Sever fee); \$458.78; and \$127.00,
6. Copy of 'Background Planning Report'; List Planning Ltd.; July 7, 2024 including;
 - a) Copy of Oak Ridges Moraine Conservation Plan Land Use Designation Map
 - b) Copy of Schedule 22 to CZB 2010-001-ZO
 - c) CZB Extracts re ORM-L Zone
 - d) CZB Extracts re RPS Zone
7. Copy of Province of Ontario 'Zoning Order Framework',
8. Copy of Draft Ministerial Zoning Order illustrating the subject lands on Schedules a and B thereto as well as reduced survey plans (3),
9. Copy of the Cover letter to Minister Calandra accompanying the MZO submission,
10. Copy of a draft municipal Resolution required to be considered by the Minister (framework),
11. Copy of a Notice of an 'Information Session' required to solicit public input to the proposal (framework) mailed on July 5, 2024 to all property owners within 500m of the subject lands,
12. Copy of a 'Natural Heritage Evaluation' prepared by Michalski Neilsen Associates Limited; dated February 27, 2024,
13. Copy of a Hydrogeological and Servicing Feasibility Assessment prepared by GM BluePlan; dated October 17, 2023

Also included for your information is a copy of the complete submission to be made to the Minister of Municipal Affairs and Housing respecting the consideration of a MZO which is required to implement the development proposal. I have included copy of this municipal submission to the Minister in order that both parties are aware of the requirements of the other and the desired sequencing of procedures.

Background and Bases

The cover letter to Minister Calandra (included herein) dated July 10, 2024 explains the basic effect of the applications, that being to split the existing property owned by Paola Malandrino roughly in half with the dimensions of the resultant parcels both to be used for single detached dwelling purposes (Section 1). That letter goes on to identify policy and implementation documents affecting the property and recognizes the primary documents restricting the consideration of the proposal, those being the ORMCP and the CZB. The letter then identifies a procedure that would in my opinion have to be followed in order for the matter to be completed including dealing with the 0.3m reserves first, then municipal consideration of a Resolution in support of considering a MZO, then approval of a MZO, and finally consideration of a Consent to Sever by the C of A. The order is important so as not to run afoul of applicable law (Section 2). The rest of that letter is a checklist of items required to be addressed by the new Provincial Framework for consideration of a MZO. I encourage you to read that letter in its entirety to gain a flavour of the matter and my recommendations for procedure.

A copy of a draft Resolution respecting the MZO has been included for your review as well as copy of the proposed MZO. With respect to the draft Resolution, I have worded it carefully so as to remain compliant with the provisions of the Oak Ridges Moraine legislation which limits what a municipality, board, agency, or commission can legally do. I am sure we will speak about this further once you have had time to review this submission. With respect to the draft MZO, I took your counsel and have suggested an ORM-L Zone Exception title for the new zone in the MZO which subsequently implements the provisions of the RPS zone directly.

The Planning Report provides an overview of the property including a legal description of the lands and the 0.3m reserves; the size of the existing parcel; and improvements, base vegetation, and slope (Section 1). The report then describes land use in the immediate area and then references a Natural Heritage Evaluation and very brief summary thereof. Similarly, a Hydrogeological and Servicing Assessment is referenced and summarized addressing MOECP D5 guidelines, water well records, and entranceway site line analysis (Section 2).

Development Proposal

The Planning Report then describes the proposed development resulting in the Severed and Retained parcels with dimensions provided as well as detailing the issue of the 0.3m reserves fronting Lake Woods Drive with a recommendation that same be made part and parcel of the road allowance (which will provide adequate frontage for both parcels).

This section of the report also references other matters requiring address in order to implement the proposal (MZO, Consent to Sever, conversion of 0.3m reserves)(Section 3).

Primary Land Use Planning Documentation

The Planning Report then provides a review of applicable or relevant provisions of the PPS, the Oak Ridges Moraine Conservation Plan, the Official Plan of the Town of Whitchurch-Stouffville, Comprehensive Zoning Bylaw 2010-001-ZO, and certain provisions of the Planning Act being Sections 53 (1) and 51 (24) thereto (Section 4). Summary evaluations of conformity and meeting of tests is provided throughout. Additionally, specific recommendations resulting from the Natural

Heritage Evaluation are provide to be included in a 51 (26) agreement imposed as a Condition of consent to sever.

Processing

The Planning Report then recommends a sequencing procedure for each of the processing components of the project in order to comply with applicable legislation (Section 5).

Conclusion

The Planning Report then provides a summary conclusion supporting the approval of the required components. The more detailed bases for support of the project are found in the text of the Report (Section 6).

As you are aware, I am of the opinion that what is being proposed constitutes thorough, good, typical, and normal land use planning. Unfortunately, the way in which the ORMCP was authourized (being part and parcel of Ont. Reg 140/02) and the lack of *appropriate base normal* land use policies therein prohibit municipalities from dealing effectively and properly with legitimate land use planning matters such as the subject of these applications. What is even more frustrating is that exceptions to the ORMCP policies were apparently provided 'en masse' when the CZB of the municipality was first passed and approved (see RPS zones in the ORM Linkages designation) but similar and lessor applications cannot now be considered without need of a MZO. This situation should on its own be reviewed by the Province with input and support from the municipalities. To require an MZO for an infilling application like this where there is no quantifiable or qualifiable provincial interest is not good planning.

Please give me a call once you have had an opportunity to review the complete submissions, and a sincere thank you to you and your staff with the assistance you have provided. It is welcome and refreshing.

Respectfully submitted,



Robert List