

LIST PLANNING LTD.

103 SOUTHBANK DR., BRACEBRIDGE, ONTARIO P1L 1G3

The Honourable Paul Calandra,
Minister of Municipal Affairs and Housing,
777 Bay Street,
Toronto, Ontario
M7A 2J3

July 10, 2024

Dear Minister,

RE Request for Minister's Zoning Order

Lands owned by Ms. Paola Civello Malandrino

Generally described as being,
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

Section 1 Introduction

The undersigned, Mr. Robert List, is land use planner for Ms. Paola Civello Malandrino, owner of the lands described above. I am authorized to act on behalf of the owner with respect to all land use planning and environmental matters related to the owner's property. A letter of authority is provided in the documentation accompanying this submission.

The project would allow the existing lot consisting of approximately 24,450 sqm of area and having 260 m of frontage onto Lakewoods Drive and having a long established residence located on the easterly side thereof being split in half to create a new vacant Severed Parcel of approximately 11,000 sqm in area and 125 m of frontage and a remnant residential Retained Parcel of approximately 13,450 sqm in area and 134 m of frontage.

Section 2

Basis for MZO Request

Land use on the property subject of this application is primarily governed by the Oak Ridges Moraine Conservation Plan (ORMCP) being a Provincial Plan, and Comprehensive Zoning Bylaw 2010-001-ZO of the Town of Whitchurch-Stouffville, a local municipality. Other official plans which are required to conform to the ORMCP include the Official Plan of the Town of Whitchurch-Stouffville and the York Region Official Plan.

The primary residence of the owner is long established and located on one side (east) of the subject property. It is desired to split the property approximately in half and use the vacant severed parcel to construct a new residential dwelling unit thereon. Neither the ORMCP nor the implementing Comprehensive Zoning Bylaw permit the creation of a new lot by severance nor the use of the property for a new residential dwelling unit. Similarly, the Official Plan of the Town of Whitchurch-Stouffville (OP) which is required to conform to the ORMCP has like prohibitions.

The local municipality is not by law permitted to approve a change of use such as is proposed for residential purposes through an amendment to its zoning bylaw and official plan in contravention of the ORMCP nor can the Committee of Adjustment consider making a decision or giving a Consent to Sever the property (creating a new lot). Given that the ORMCP was not approved as an independent plan by an Order in Council (in a manner like that of the Niagara Escarpment Plan) but rather is part and parcel of Ontario Regulation 140/02 and given that the ORMCP/Ontario Regulation 140/02 does not designate the lands for such use nor permit the creation of any new lots in the Oak Ridges Moraine Linkage designation for residential purposes, a Minister's Zoning Order is required to provide relief to the ORMCP and the Comprehensive Zoning Bylaw of the municipality in order for the proposed development to proceed. Should the requested Ministerial relief be provided, the Committee of Adjustment could then consider providing a decision and giving a Consent to Sever the property.

Section 3

Intake Threshold

There is no matter of provincial priority related to this MZO request. As such and in accordance with the Provincial MZO framework, the request for a MZO will be supported by a Resolution of the Town of Whitchurch-Stouffville. In this regard, extensive consultations with staff and other municipal representatives have taken place with respect to the proposed MZO and the matters related to it (proposed land severance, 0.3m reserve conversion to road allowance). It is apparent that there is municipal support for all components of the project (MZO, land severance, conversion of 0.3m reserves).

A Resolution (copy enclosed) for consideration of Council has been prepared in support of the MZO as required by the provincial 'Zoning Order framework' (bullet 2, MZO framework).

Section 4

Submission Expectations

Bullett 1

A description of the project is provided in the background Planning Report (Section 3, the Proposal) accompanying this letter.

Bullet 2

A map of the property affected by the MZO is contained in the Consent to Severance application accompanying this letter, the Planning Report, and is also affixed to the draft MZO. The legal description of the property is detailed in the header of this letter, repeated in the Planning Report, and shown on the surveys and survey sketches.

Bullett 3

A proposed draft MZO is affixed to this letter.

Bullett 4

Consultation with the public will be conducted through a private sector 'Information Session'. A copy of a draft Notice for such meeting is affixed to this letter for reference and a summary of the meeting proceedings will also be forwarded after the meeting has been conducted. The Town of Whitchurch-Stouffville has provided assistance in preparing the list of property owners located within 500m of the subject lands all of whom will receive notice of the meeting via regular post. The notice has been prepared, contains information reflective of that normally required for a municipal rezoning application including an explanatory note, and will be circulated in a manner reflective of that required for a municipal rezoning.

As previously referenced, a copy of a draft Resolution to be considered by Council of the Town of Whitchurch-Stouffville is affixed to this letter. It is expected that such resolution will be considered by Council in September or October 2024 (September being the next regularly scheduled meeting of Council after the summer Council break). It is requested that the Minister consider the draft MZO after the Council MZO Resolution has been passed, copy of same provided to the Minister, and after the Council endorses the conversion of the 0.3m reserves by further Resolution or similar municipal procedure.

Bullett 5

As previously noted, a Council Resolution respecting the proposed MZO has been prepared (affixed hereto as part of this submission) which will hopefully be considered in a September or October meeting of Council.

Bullett 6

The rationale for why the project requires Ministerial zoning relief was previously detailed in paragraph 3 of Section 3 'Basis for MZO Request' herein.

Bullett 7

After a MZO is made (following the conversion of the 0.3m reserves fronting the property), subsequent approvals will be required from the Committee of Adjustment of the Town of Whitchurch-Stouffville (to create the requested lot). Other downstream secondary permits will include the issuance of an entrance permit for a new driveway, a Building Permit (Whitchurch-Stouffville staff), and a permit for the establishment of a private individual sewage system.

Bullett 8

Downstream approvals required have been previously identified (0.3m reserve conversion to become part of road allowance, and Consent to Sever a lot). Also as previously noted, the 0.3m reserve conversion is required prior to the MZO being approved, and the Consent to Sever 'decision' and 'giving' can only be lawfully completed after the MZO is approved.

The justification for each of the component approvals (MZO, 0.3m reserve conversion, Consent to Sever) is provided in the Planning Report and elsewhere herein.

Bullett 9

Downstream approvals or endorsements include;

1. A Resolution, bylaw, or other implementation mechanism required by the Town of Whitchurch-Stouffville to convert the 0.3m reserves fronting Lakewoods Drive abutting the subject lands to become a formal part of Lakewoods Drive road allowance,
2. A Resolution of the Council of the Town of Whitchurch-Stouffville supporting the processing of the proposed MZO by the Minister,
3. A decision and the giving of a Consent to Sever by the Committee of Adjustment of the Town of Whitchurch-Stouffville splitting the subject lands roughly in half as described in the Consent application,
4. The entering into of a Section 51 (26) agreement imposed as a Condition to the Consent to Sever and registration of same on title of the severed lot.

Eventually, municipal applications for a building permit, a private individual sewage system, and a driveway entrance permit will be required prior to construction of a new dwelling unit on the severed parcel.

Applications or submissions respecting items 1, 2, and 3 above in addition to the submission for the MZO are intended to be submitted concurrently to each of the authorities having jurisdiction so that each such authority is aware of all of the components comprising the project and the sequencing of the required processes and approvals. It is intended that the comprehensive submissions be made in July, 2024 to each authority. It is also intended that during July (after the provision of appropriate notice) that an 'Information Session' be held by the Owner with neighbouring property owners to explain and receive input respecting the project in a manner like that of a municipal rezoning meeting (this Information Session has been scheduled for July 23, 2024 and Notice of same mailed on July 5, 2024).

It is hoped that items 1 and 2 above be considered as soon as is possible by Town Council (September or October 2024) which would;

1. Confirm legal frontage of the subject lands onto Lakewoods Drive, and

2. Provide the Resolution of support for the MZO required by the Minister.

The above would be followed by the Minister formally considering and hopefully approving the MZO (timeframe unknown but hopefully fall 2024). Once the MZO is approved, then the Committee of Adjustment will be positioned to consider and hopefully approve the Consent to Sever (fall 2024).

Bullett 10

The anticipated timing for the project completion (severance given) will be late fall 2024 or winter 2025).

Bullett 11

There do not appear to be any enhanced authorities required for the project (except for the use of an MZO).

Bullett 12

As noted previously, potable water and sewage will be provided by private individual sewage and private individual water works on the severed parcel at the time of issuance of a building permit. The retained parcel already has private individual sewer and water works servicing it.

Bullett 13

Since the project is small in scale, it may not be necessary that the Minister be advised of any sale of the severed parcel in future. However if the Minister still requires such notice, same can be provided.

In a similar vein, the project is minor infilling and consultation with First Nations is not in the opinion of the undersigned required.

Section 5

Other

Matters of Provincial Interest including those referenced in the Oak Ridges Moraine Conservation Plan, the Provincial Policy Statement, and the Planning Act are reviewed in the Planning Report affixed hereto, amongst other matters.

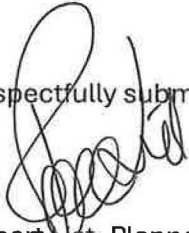
Section 6

Conclusion

The project (a rural severance to create one new estate lot to accommodate one new residential dwelling unit) is minor by scale and in effect. More specifically, the project is located within (not adjacent to or just beyond but within) an existing area of residential development on lots of similar size, shape, and dimension to that proposed in the MZO. There will be no quantifiable negative impact on any parameter identified in the Oak Ridges Moraine Conservation Plan and the general intent and purpose of that Plan will be maintained. Similarly no other matter of Provincial Interest will be negatively impacted. Additionally, the development is recognized as being permitted in and consistent with the PPS. For these reasons and those more fully detailed in the Planning Report and

on the basis that the proposal represents thorough, good, typical, and normal land use planning, it is requested that the MZO request be processed and ultimately approved.

Respectfully submitted,



Robert List, Planner
103 Southbank Drive,
Bracebridge, Ontario
P1L 1G3

bob@listplanning.ca
1 705 645 7096

Cc

Ms Hena Kabir,
Manager of Development Planning/Development Services,
Town of Stouffville,
111 Sandford Drive,
Stouffville, Ontario
L4A 0Z8

1 905 640 1900 x2320
hena.kabir@townofws.ca

MINISTERIAL ZONING ORDER
Ontario Regulation (/24)
Draft to October 29, 2024

Being a Zoning Order for Specified Lands in the
Town of Whitchurch-Stouffville,
In the Regional Municipality of York.

WHEREAS in accordance with the Oak Ridges Moraine Conservation Act, the Minister may;

1. Establish the Ridges Moraine Conservation Plan (Section 23 (1)(a), and
2. Propose an amendment to the Oak Ridges Moraine Conservation Plan (Section 12 (1), and
3. Make amendments to the Plan in accordance with (Section 12 (23 (1)(d), and
4. Make an Order under Section 47 of the Planning Act with respect of land within the Oak Ridges Moraine Planning Area notwithstanding any other provision of the Oak Ridges Moraine Conservation Act (Section 14 (1), and
5. Give in accordance with Section 14 (1) an Order that need not conform to the Oak Ridges Moraine Conservation Plan or with any other relevant official plan (Section 14 (2),

AND WHEREAS Ontario Regulation 141/02 required the Town of Whitchurch-Stouffville to adopt amendments to it's official plan to implement the Oak Ridges Moraine Conservation Plan,

AND WHEREAS the Oak Ridges Moraine Conservation Plan is enshrined in Ontario Regulation 140/02 which such Regulation may only be excepted or altered by the Minister of Municipal Affairs and Housing,

AND WHEREAS no municipal bylaw may be passed that conflicts with the Oak Ridges Moraine Conservation Plan or official plan (Section 7 (2) and no decision can be made by any municipal council, local board, or municipal planning authority amongst other agencies that does not conform with the Oak Ridges Moraine Conservation Plan (Section 7 (1),

AND WHEREAS the Minister has provided a guideline framework for submissions for Ministerial consideration of Orders authorized under Section 47 of the Planning Act,

NOW THEREFORE THE FOLLOWING IS ORDERED;

Definition

1. In this Order, Zoning Bylaw means Comprehensive Zoning Bylaw 2010-001-ZO of the Town of Whitchurch-Stouffville.

Application

2. This Order applies to the lands generally described as being Part of Lot 23, Concession 9, Geographic Township of Whitchurch, now in the Town of Whitchurch-Stouffville,

Regional Municipality of York and more specifically described as being All of Part 4, Plan 16R-15133.

3. The lands are civically addressed as 120 Lakewoods Drive, Whitchurch-Stouffville.
4. The location of the lands is illustrated and outlined in red (dashed) on Schedule A affixed hereto as part of this Order and also more specifically outlined in red (solid) on Schedule B affixed hereto, and filed in the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Operative Provisions

5. Notwithstanding any provision of Ontario Regulation 140/02 to the contrary and notwithstanding any provision of the Comprehensive Zoning Bylaw of the Town of Whitchurch-Stouffville as amended to the contrary, the lands described in Clauses 2, 3, and 4 of this Order;
 - a) Shall be zoned Oak Ridges Moraine Linkage Exception - (ORM - L -), and
 - b) shall be used and regulated as specifically detailed in this Order, and
 - c) may be considered by the authority having jurisdiction for division by Consent to Sever in accordance with the standards established in this Order.

Permitted Uses

- d) The uses permitted in the ORM - L Exception - Zone (ORM - L -) shall include all of the uses identified as 'Permitted Uses, Buildings, and Structures' in Section 5.1 of the Comprehensive Zoning Bylaw of Whitchurch Stouffville, being Bylaw 2010-001-ZO, in the 'Residential Private Services (RPS) Zone'.

Site Regulations

- e) The site regulations in the ORM - L Exception - Zone (ORM - L -) shall be as detailed in Section 5.2 of the Comprehensive Zoning Bylaw of Whitchurch Stouffville , being Bylaw 2010-001-ZO, for the 'Residential Private Services (RPS) Zone'.
- f) All other applicable provisions of the Comprehensive Zoning Bylaw shall apply.

Terms of Use and Other Provisions

- g) Nothing in this Order prevents the use of land, building, or structure for any use prohibited by this Order if the land, building, or structure was lawfully used for such purpose on the day this Order came into effect.
- h) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and the original use is not altered.
- i) Nothing in the Order prevents the strengthening or restoration to a safe condition of any building or structure
- j) The complete text and Schedule A affixed hereto comprise and form this Order.

Deemed Bylaw

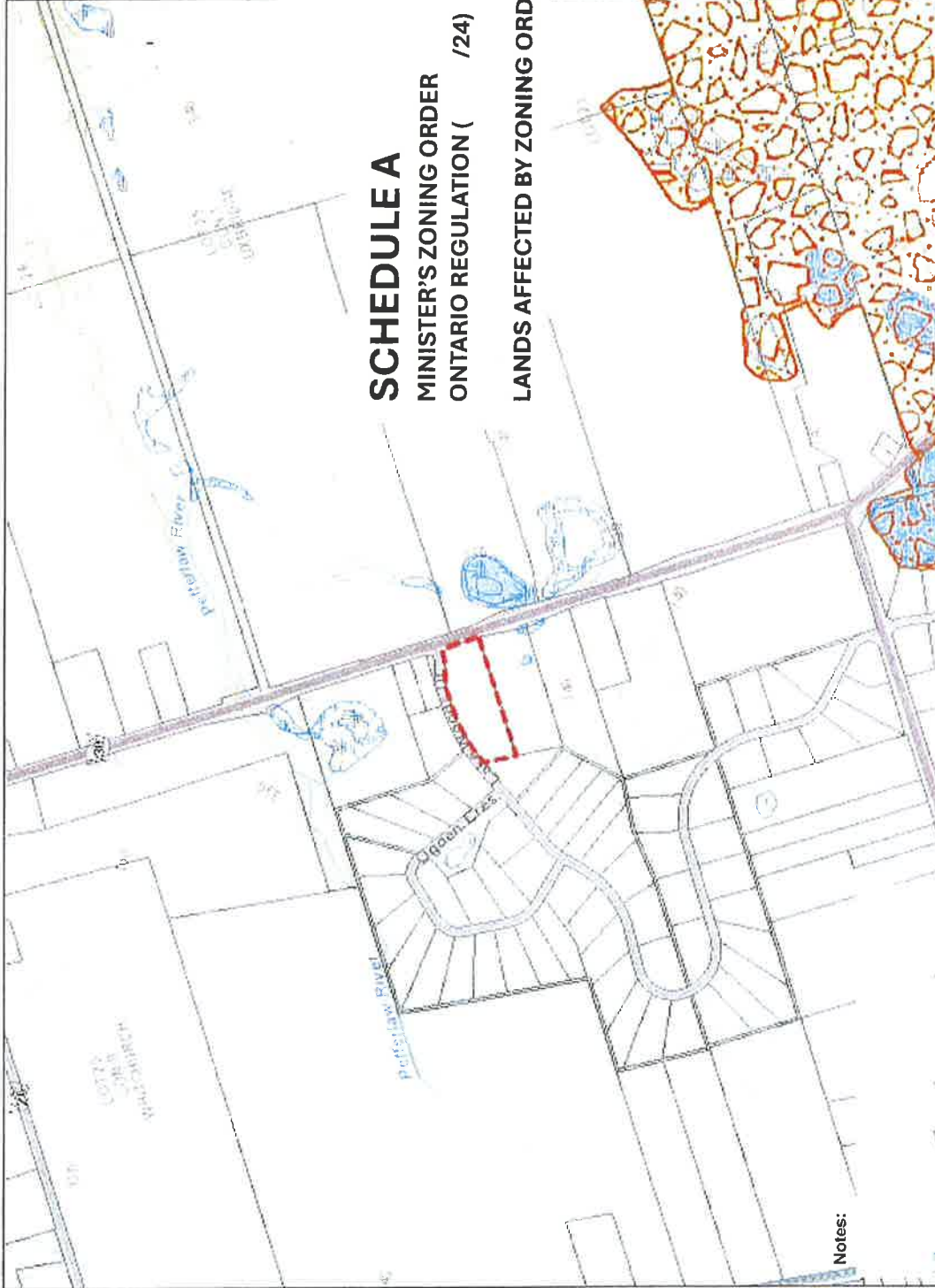
- k) This Order is deemed for all purposes, except for purposes of s Section 24 of the Act, to be and to always have been a bylaw passed by the Council of the Town of Whitchurch-Stouffville.

Commencement

- l) This Regulation comes into force on the day it is filed.

Made by

Hon. Paul Calandra
Minister of Municipal Affairs and Housing
Date made: _____, 2024



Notes:

0.7 0 0.33 0.7 Kilometres Absence of a feature in the map does not mean they do not exist in this area.

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry (OMNRF) shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.
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Legend

- Assessment Parcel
- ANSI
- Earth Science Provincially Significant/sciences de la terre d'importance provinciale
- Earth Science Regionally Significant/sciences de la terre d'importance régionale
- Life Science Provincially Significant/sciences de la vie d'importance provinciale
- Life Science Regionally Significant/sciences de la vie d'importance régionale
- Evaluated Wetland
- Provincially Significant/considérée d'importance provinciale
- Non-Provincially Significant/non considérée d'importance provinciale
- Unevaluated Wetland
- Conservation Reserve
- Provincial Park

SCHEDULE A
MINISTER'S ZONING ORDER (/24)
LANDS AFFECTED BY ZONING ORDER OUTLINED IN RED (DASHED)





**SCHEDULE B
MINISTER'S ZONING ORDER
ONTARIO REGULATION (/24)**

LANDS AFFECTED BY ZONING ORDER OUTLINED IN RED (SOLID)

KEY MAP



LEGEND

- Watercourse 1
- Wetland 1
- Not Evaluated
- Evaluated-Provincial
- Subject Property (2.4 ha)

1. Land Information Ontario (L.I.O.)



North American Datum 1983
 Central Transverse Mercator Projection Zone 17
 Date: 2022
 Project: 150312E-1-1
 Drawn: [Name]
 Date: Jan 21, 2022
 Source: [Name], 2022, provided by York Region, using GIS system. Content
 also derived from the Open Data Licence (Canada)

COUNTY

MMAL

PROJECT
 120 Lake Woods Drive - Environmental Review

TITLE

Site Location

REF. NO. 150312E-1-1

Palmer™

Figure 1

METRIC
 DISTANCES SHOWN ON
 THIS PLAN ARE IN METERS AND
 CAN BE CONVERTED TO FEET
 BY DIVIDING BY 0.3048

PLAN 65R-16/18
 RECEIVED AND DEPOSED 1/10
 DATE 20 SEPT 1992
 ONTARIO LAND SURVEYOR
 YORK REGION

REQUIRE THIS PLAN
 TO BE DEPOSITED UNDER
 THE LAND TITLES ACT

PLAN OF SURVEY
 PART OF LOT 23
 CONCESSION 9
 TOWN OF WHITCHURCH-STOUFFVILLE
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 500
 1991
 R.G. MCKIBBIN O.L.S.



NOTES
 1. The plan is a plan of subdivision under the provisions of the
 Survey Act, R.S.O. 1990, c. S. 5, s. 23(1) and the Land Title Act, R.S.O. 1990,
 c. L. 3, s. 1(1) and (2).
 2. The survey was completed on the 20th day of September 1991.

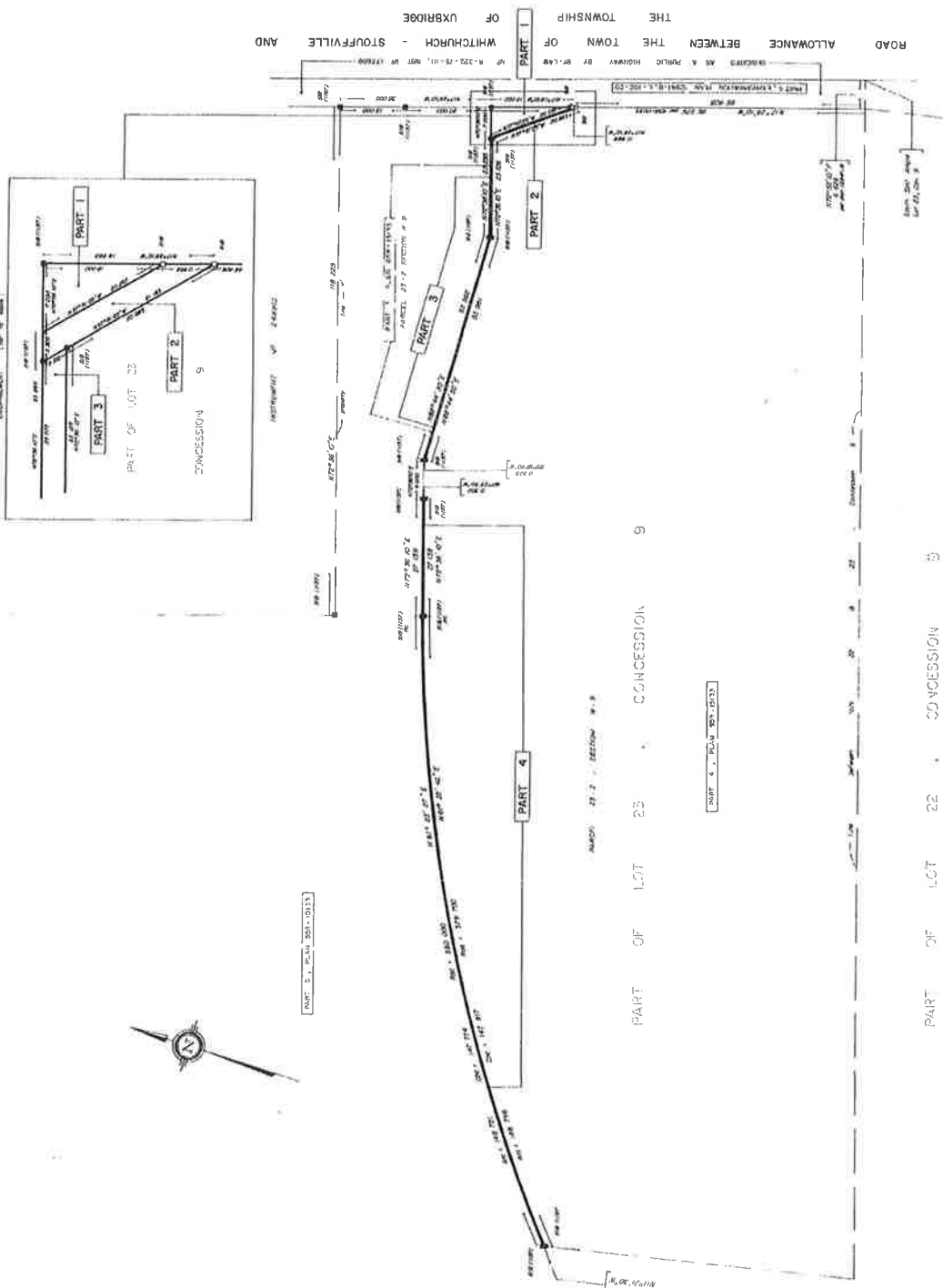
- Survey Measurements:**
- SS1/8 - distance from center of road to center of line
 - SS2/8 - distance from center of road to center of line
 - SS3/8 - distance from center of road to center of line
 - SS4/8 - distance from center of road to center of line
 - SS5/8 - distance from center of road to center of line
 - SS6/8 - distance from center of road to center of line
 - SS7/8 - distance from center of road to center of line
 - SS8/8 - distance from center of road to center of line

"CAUTION"
 The plan is a plan of subdivision under the provisions of the
 Survey Act, R.S.O. 1990, c. S. 5, s. 23(1) and the Land Title Act,
 R.S.O. 1990, c. L. 3, s. 1(1) and (2).

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor under the
 Survey Act, R.S.O. 1990, c. S. 5, s. 23(1) and the Land Title Act, R.S.O. 1990,
 c. L. 3, s. 1(1) and (2), do hereby certify that the above is a true and
 correct copy of the original plan as deposited with me on the 20th day of
 September 1991.

R. G. MCKIBBIN LIMITED
 ONTARIO LAND SURVEYORS
 176 BALLOON DRIVE UNIT 10
 MISSISSAUGA ONTARIO L4V 1W2
 (905) 888-8888



PART OF LOT 23 CONCESSION 9

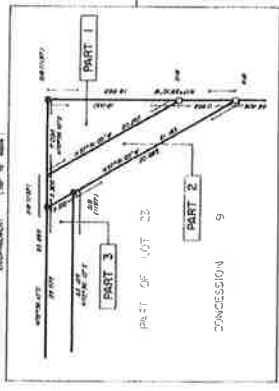
PART OF LOT 23 CONCESSION 9

PART 4 - PLAN 65R-16/18

PART 5 - PLAN 65R-16/18

PART 3 - PLAN 65R-16/18

PART 2 - PLAN 65R-16/18



PLAN 65M - 3768

THIS PLAN HAS BEEN REGISTERED IN THE LAND REGISTRY OFFICE FOR THE DISTRICT OF...
THE REGISTERED PLAN NUMBER IS...
THE REGISTERED PLAN NUMBER IS...
THE REGISTERED PLAN NUMBER IS...

THIS PLAN SHOWS ALL THE...
...AND...
...AND...
...AND...

PLAN OF SUBDIVISION
PART OF LOTS 22 AND 23
CONCESSION 9
TOWN OF WHITCHURCH - STOUFFVILLE
GEOGRAPHIC TOWNSHIP OF WHITCHURCH - COUNTY OF YORK
REGIONAL MUNICIPALITY OF YORK
SCALE 1 : 1500

1998
R.G. MACKIBON O.L.S.



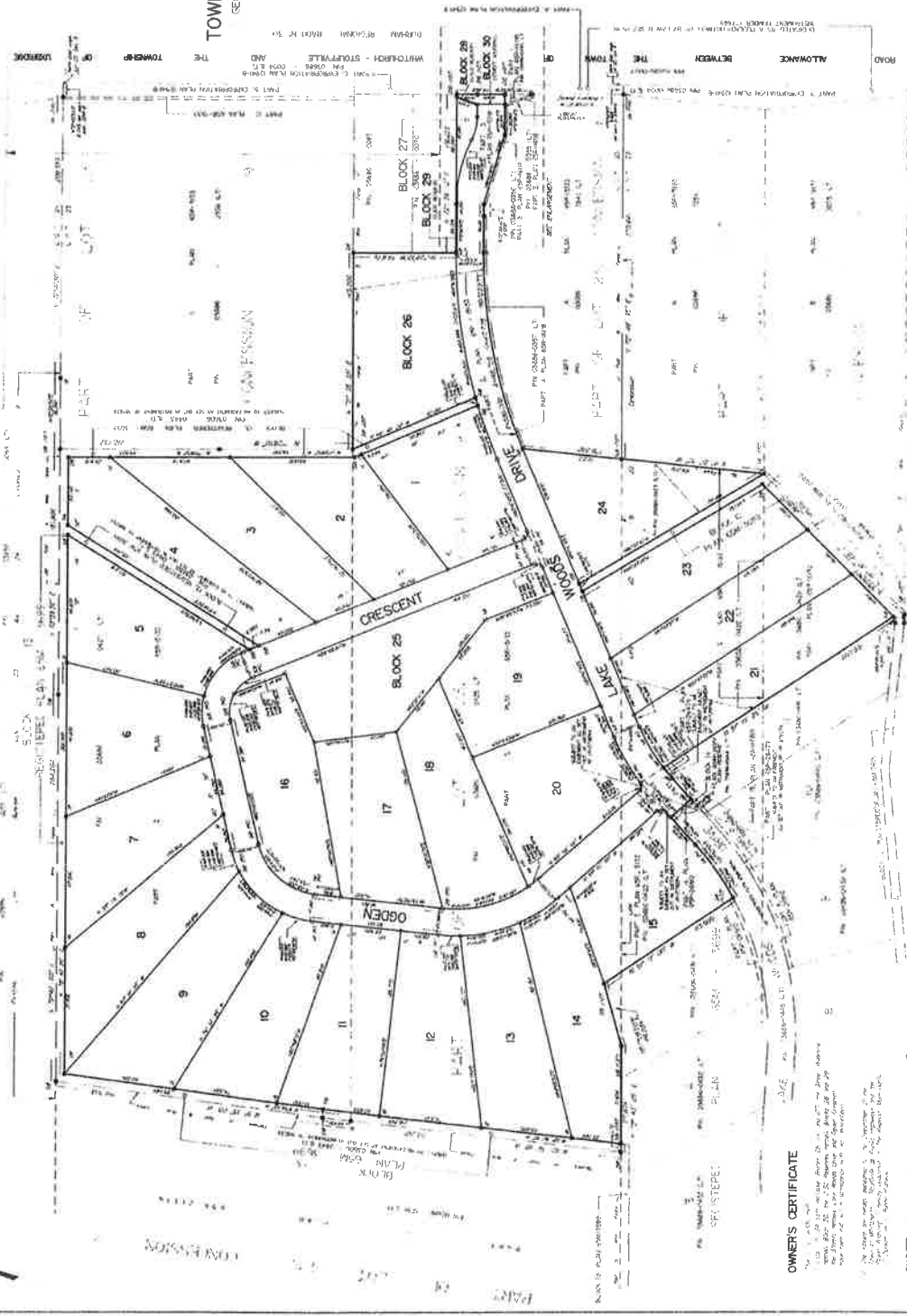
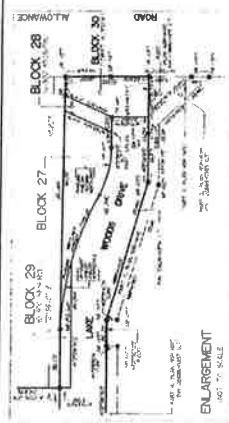
- NOTES
- 1. The land shown on this plan is...- 2. The boundaries shown on this plan are...- 3. The area shown on this plan is...- 4. The area shown on this plan is...- 5. The area shown on this plan is...- 6. The area shown on this plan is...- 7. The area shown on this plan is...- 8. The area shown on this plan is...- 9. The area shown on this plan is...- 10. The area shown on this plan is...

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified Surveyor, do hereby certify that the above is a true and correct copy of the original plan as registered in the Land Registry Office for the District of...
Signed: R.G. Mackibon
Date: July 14, 2004

R. G. MACKIBON LIMITED

1000 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1S 1T5
TEL: (416) 291-1111
FAX: (416) 291-1112
WWW.RGMACKIBON.COM



OWNERS CERTIFICATE
I, the undersigned, being a duly qualified Surveyor, do hereby certify that the above is a true and correct copy of the original plan as registered in the Land Registry Office for the District of...
Signed: R.G. Mackibon
Date: July 14, 2004

OWNER
July 14, 2004
R.G. MACKIBON LIMITED

1000 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1S 1T5
TEL: (416) 291-1111
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