

via ERO submission

May 31, 2019

Mr. Charles O'Hara
Director, Growth Policy, Planning and Analysis
Ministry of Municipal Affairs and Housing
777 Bay Street,
23rd Floor, Suite 2304
Toronto, Ontario
M5G 2E5

Dear Mr. O'Hara:

**Re: ERO Registry No. 019-0018 - Proposed Modifications to O. Reg. 311/06: Transitional Matters – Growth Plans
Township of Scugog Official Plan
Hamlet of Caesarea – Part of Lots 10 and 11, Concession 8, Township of Scugog
Town of Port Perry – Part of Lots 21 and 22, Concession 8, Port Perry, Township of Scugog**

This correspondence has been prepared in support of the request on behalf of our client, Honey Heights Developments Ltd., for amendments to the Transition Regulations (proposed modifications to O. Reg. 311/06) and/or the Growth Plan, 2019 and Greenbelt Plan, 2017 as they relate to our client's site-specific properties located at the north end of the Town of Port Perry and bordering the south limit of the Hamlet of Caesarea in the Township of Scugog.

With respect to Caesarea, we are requesting that the minor rounding out of hamlets as permitted under the Township of Scugog Official Plan be exempt from certain policies of the 2019 Growth Plan, so as to not unduly disrupt ongoing matters that may be impacted by the policy changes in the new Growth Plan 2019, as follows:

- **Provide that, notwithstanding the Greenbelt Plan, the resolution of the deferrals of the hamlet expansions in the following official plan are subject to the Growth Plan for the Golden Horseshoe 2019 with the exception of policy 2.2.8.2 and subsections K) i, ii, and v of policy 2.2.8.3:**
 - **Scugog Official Plan.**

Or in the alternative:

- Provide that the resolution of the deferrals of the hamlet expansions in the following official plan are subject to the Growth Plan for the Golden Horseshoe 2019 with the exception of policy 2.2.8.2 and subsection K) i, ii and v of policy 2.2.8.3:
 - Scugog Official Plan.

and

- that the Province of Ontario provide a transition regulation for the Greenbelt Plan, 2017 to accommodate the minor rounding out of hamlets in appropriate circumstances within the Greenbelt Plan Area where an official plan or official plan amendment for such minor rounding outs has been adopted by an area municipal Council prior to July 1, 2017.

With respect to Port Perry, we request that the resolution of Deferral D5-1 in the Township of Scugog Official Plan be added to a list of exemptions to the transition regulation so as to not unduly disrupt ongoing matters that may be impacted by the policy changes in the new Growth Plan 2019, as follows:

- Provide that, notwithstanding the Greenbelt Plan, the resolution of Deferral D5-1 in the following official plan is subject to the Growth Plan for the Golden Horseshoe 2019 with the exception of policy 2.2.8.2 and subsections k) ii and v of policy 2.2.8.3:
 - Scugog Official Plan.”

Or in the alternative:

- Provide that the resolution of Deferral D5-1 in the following official plan is subject to the Growth Plan for the Golden Horseshoe 2019 with the exception of policy 2.2.8.2 and subsections k) ii and v of policy 2.2.8.3:
 - Scugog Official Plan.”

and

- that the Province of Ontario provide a transition regulation for the Greenbelt Plan, 2017 to accommodate the expansion of Towns/Villages in appropriate circumstances within the Greenbelt Plan Area where an official plan or official plan amendment for such expansion has been adopted by an area municipal Council prior to July 1, 2017.

The Scugog Official Plan was adopted and approved before the Growth Plan 2017 and the Greenbelt Plan 2017 came into effect. These new Plans prohibited the minor rounding out of hamlets in the Greenbelt Area and placed restrictions on the expansion of Towns/Villages. The settlement area expansion for Port Perry and the minor rounding out of the hamlet of Caesarea were adopted in the Scugog Official Plan and deferred by the Region of Durham. At the time, the Growth Plan 2006 allowed for these expansions.

Section 3 (5) of the Planning Act is relevant:

Policy statements and provincial plans

3(5) A decision of the council of a municipality in respect of the exercise of any authority that affects a planning matter,

*(b) shall conform with the provincial plans that **are in effect on that date**, or shall not conflict with them, as the case may be. (Emphasis added)*

When the Scugog Official Plan was adopted by Township Council it conformed with the 2006 Growth Plan. Again, when Durham Region approved the Official Plan it conformed with the 2006 Growth Plan. The Growth Plan did not change until July 1, 2017. Specifically, at the dates of adoption (Scugog) and approval (Durham) the minor rounding out of the specified hamlets and the settlement area expansion of Port Perry conformed with the Growth Plan then in effect as required by Section 3 (5) of the Planning Act. In our view, this is a critically important fact.

These are lands for which our client has expended significant resources in planning and environmental studies, roads and services on the basis that the boundary expansions were supported by the local municipalities until the Provincial policy changes in 2017 halted the process. We are asking that these lands be considered in accordance with the planning regime in place when the lower-tier Official Plan was adopted.

The Province of Ontario is seeking feedback on proposed modifications to the Minister's transition regulation in support of implementation of the Plan.

In our respectful submission, the Township of Scugog Official Plan should be "grandfathered" in the proposed amendments to O. Reg. 311/06 as these matters were indeed "in process" prior to the effective date of the new Growth Plan on July 1, 2017.

For the reasons outlined in this correspondence, we therefore request that the minor rounding out of hamlets and settlement area expansion of Port Perry as deferred by the Region be prescribed in O. Reg 311/06 Transitional Matters-Growth Plans to be exempt from certain policies of the 2019 Growth Plan that prohibit the minor rounding out of hamlet boundaries and put restrictions on the expansion of settlement area boundaries in the Greenbelt area.

Sincerely,
TEMPLEMAN LLP



JENNIFER SAVINI
JGS/



Certified by the Law Society of Ontario as a Specialist in Municipal Law (Local Government/Land Use Planning and Development)