

WESTON CONSULTING

planning + urban design

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M7A 2J3

December 2, 2022
File 6269-1

**RE: Planning Letter – Proposed Redesignation of Land under the Oak Ridges Moraine Conservation Plan (ERO 019-6218)
The Ministry of Municipal Affairs and Housing
672 and 684 Henderson Drive, Town of Aurora**

Weston Consulting is the planning agent for North Lake Estates Inc., the legally registered owner of the property located at 684 Henderson Drive and 1231674 Ontario Inc., the legally registered owner of the property located at 672 Henderson Drive in the Town of Aurora (herein referred to as the 'subject properties'). We understand that the Ministry of Municipal Affairs and Housing (MMAH) is seeking feedback on the proposed removal and redesignation of 15 select areas from the Greenbelt Area (ERO 019-6216, ERO 019-6217 and ERO 019-6218). We are in agreement with this proposal and the ultimate objective of removing the regulatory burden from lands that could be suitable for residential development in the near term. In addition to the lands the province is currently considering, this letter provides comments as it relates to the subject properties and why they warrant consideration from the MMAH for residential development in the near future.

Description of the Subject Properties

The subject properties are located in a residential area in the southwest region of the Town, on the north side of Henderson Drive and east of Bathurst Street. The subject properties directly abut about 25 single family homes on McClenny Drive and a private road to the east. The property at 672 Henderson Drive has an area of 1.15 hectares (2.84 acres) and the property at 684 Henderson Drive has an area of 2.02 hectares (4.99 acres). The subject properties are existing lots of record, are vacant and do not currently maintain vehicular access to Henderson Drive. Key natural heritage and key hydrologic features exist on the subject properties.

The Oak Ridges Moraine Conservation Plan (ORMCP) designates the subject properties as "Settlement Areas." Section 7 of the ORMCP is foundational as it allows for the development of one single detached dwelling on each property on the basis that a policy test and an ecological integrity test which "... *demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Plan Area (Section 7.(b))*" are met. The Town's current, in-force Official Plan policies recognize that this property is an existing lot of record within an ORMCP Settlement Area. The Town's Zoning By-law 6000-17 currently zones the property as "ER Estate Residential" which permits one detached dwelling per lot.

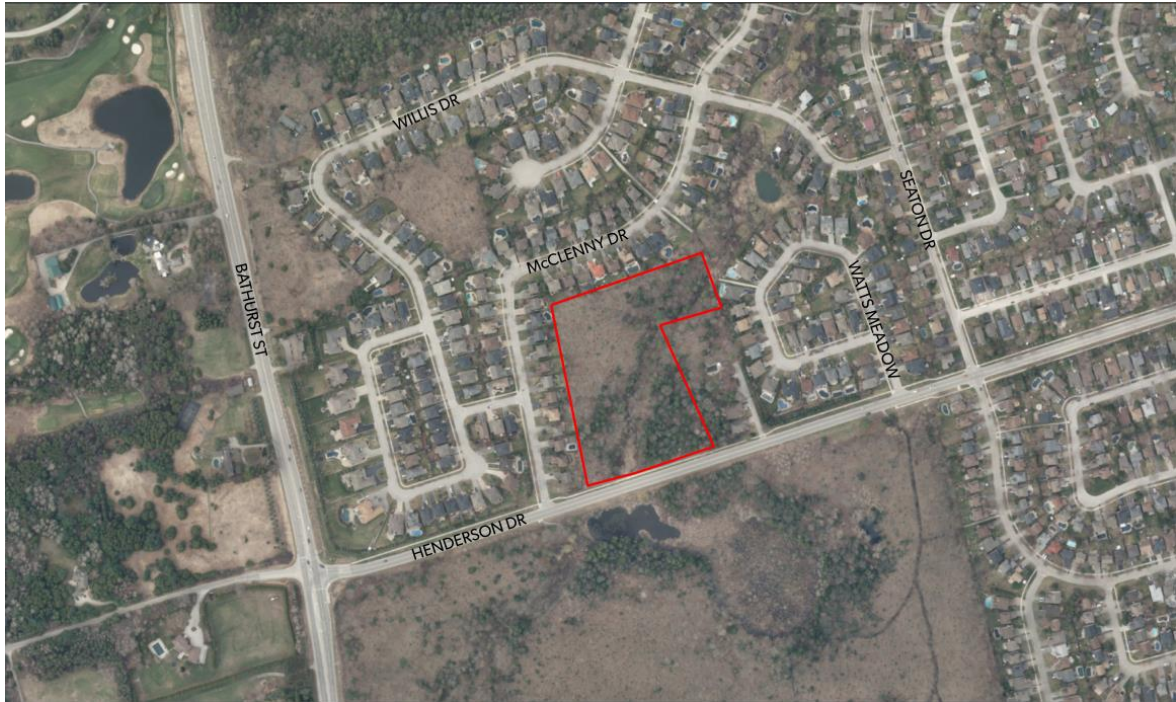


Figure 1: Context Airphoto. The Subject Properties are Delineated in Red.

Background

The subject properties maintain historic zoning rights which would have permitted the use, erection and location of a single detached dwelling on each property on November 15, 2001. This planning opinion is supported by Local Planning Appeal Tribunal (LPAT) decisions related to the subject properties (PL190254 and PL190255).

Weston Consulting acted as the planning agent for the previous landowners of the subject properties. Minor Variance applications were submitted to develop each lot for one single detached dwelling. These applications were required because the Town of Aurora's Zoning By-law maintains provisions which prohibit development in "Settlement Areas" that contain key natural heritage features, significant woodlands and are located on Landform Conservation Category 2 Lands. Relief from these provisions is required despite the subject properties current and historic permissions for one single detached dwelling. These applications received support from various agencies and the Town's peer reviewer but were refused by the Committee of Adjustment. At the LPAT Hearing, the planning opinion was supported but the applications were refused.

Residential Development in the Near Term

We have been monitoring the release of ERO 019-6218 and it is our understanding that changes are proposed to the Oak Ridges Moraine Conservation Plan (*Ontario Regulation 140/02*) that would result in redesignating lands in the Oak Ridges Moraine Conservation Plan area. We understand that the MMAH is seeking feedback on this proposed change to the ORMCP and we support the intent of this proposal. This request for comments provides an opportunity to bring

forward the subject properties as additional lands for consideration to assist the MMAH in their objective of developing suitable lands for residential development in the near future.

The subject properties are already designated “Settlement Areas” so this letter is not requesting a redesignation of the subject properties. It is our request that the MMAH formally acknowledge that these lands are suitable for residential development and determine whether there can be a simplified approval process for sites with natural heritage features, such as the subject properties, to move through the development approvals process. The subject properties are within the settlement area boundary, have the ability to be serviced and maintain characteristics, such as being adjacent to existing residential development, which would enable the lands to be built in the near-term. The provisions in the Town of Aurora’s Zoning By-law add a level of difficulty to developing these lands which are granted development permissions by Provincial policy, in this case, Section 7 of the ORMCP.

We understand that there needs to be a proper balance between recognizing the policy framework as it relates to environmental protection and legal historic development permissions. We note that the Tribunal decisions related to the subject properties acknowledged that some form of development would be appropriate and that the lands should not be left vacant. The following clause was stated in LPAT decisions PL190254 and PL190255:

“[202] These Applications require balancing the private right to develop existing lots of record against the public interest in protecting the environment. The assessment of the Applications should not be approached as an exercise to prevent development on these existing lots of record, but rather to balance such proposed development with the environmental protection policies within the Provincial, Regional and Local planning framework. Ideally, the owners of existing lots of record should not be left with vacant land they cannot use, and for which they have not received any compensation from the Town. However, such sensitive lands, entirely within a key natural heritage feature with other multiple overlapping key natural heritage features, should only be developed in a way that respects the applicable provincial, regional and municipal policies, represents good planning and is in the public interest.”

With the support of the MMAH, we are seeking recognition that these lands are suitable for residential development as permitted by the ORMCP and an avenue to develop these properties while working in concert with the municipality.

Conclusion

The registered land owners are committed to working with the municipality to develop the subject properties for residential development in the near future. We are seeking the support of the MMAH to acknowledge that these lands are suitable for residential development and based on their existing “Settlement Areas” designation, determine whether an easier path forward through the development approval process can be achieved with the municipality.

Thank you for the opportunity to submit these comments. We are open to future discussions regarding this matter. If you have any questions, please contact Jenna Thibault at ext. 309.

Yours truly,

Weston Consulting

Per:



Jenna Thibault, BSc, MPL, MCIP, RPP
Associate

- c. R. Guetter, Weston Consulting
- R. Salna, North Lake Estates Inc.
- R. Salna, 1231674 Ontario Inc.