



**TOWN OF WHITCHURCH-STOUFFVILLE  
COUNCIL PUBLIC HEARING AGENDA  
TUESDAY, SEPTEMBER 16, 2003**

**COUNCIL CHAMBERS  
37 SANDIFORD DRIVE, 4TH FLOOR  
7:00 P.M.**

1. CONFIRMATION OF AGENDA
2. DECLARATIONS
3. ADOPTION OF MINUTES  
- August 19, 2003
4. CONSIDERATION OF REPORTS
5. CONFIRMATORY BY-LAW
6. MOTION TO ADJOURN

**COUNCIL PUBLIC HEARING AGENDA**

**TUESDAY, SEPTEMBER 16, 2003**

<b>NOTES</b>	<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>	<b>RECOMMENDATION</b>
SP MC SS WE PD HB CD _____ _____ _____	1.	<b>OFFICIAL PLAN            AMENDMENT - OAK            RIDGES MORaine            CONSERVATION            PLAN CONFORMITY            EXERCISE            (C10-DV &amp; D08)</b>	1	THAT all public and agency comments received through the public meeting process be received; AND THAT all public and agency comments be referred to Town Staff and the Town's Planning Consultant for further review and consideration; AND THAT Town Staff and the Town's Planning Consultant report back on the results of this review, including a revised version of the Oak Ridges Moraine Conservation Plan Conformity Exercise Official Plan Amendment for consideration at the Council meeting scheduled for October 7, 2003.

## **REPORT #1**

### **OFFICIAL PLAN AMENDMENT - OAK RIDGES MORAINÉ CONSERVATION PLAN CONFORMITY EXERCISE (C10-DV & D08)**

Report Prepared By: Manager of Planning Services and Conformity Exercise  
Consultant Macaulay Shiomi Howson Ltd.

## **RECOMMENDATION**

The Director of Development Services concurs with this recommendation.

The Manager of Planning Services and the Town's Planning Consultant recommend:

THAT all public and agency comments received through the public meeting process be received;

AND THAT all public and agency comments be referred to Town Staff and the Town's Planning Consultant for further review and consideration;

AND THAT Town Staff and the Town's Planning Consultant report back on the results of this review, including a revised version of the Oak Ridges Moraine Conservation Plan Conformity Exercise Official Plan Amendment for consideration at the Council meeting scheduled for October 7, 2003.

## **1.0 REPORT PURPOSE**

The purpose of this report is:

- to summarize the approach taken to the Oak Ridges Moraine Conservation Plan (ORMCP) Conformity Exercise for the Town of Whitchurch-Stouffville Official Plan and the Secondary Plans for the Communities of Gormley, Stouffville and Ballantrae - Musselman Lake;
- to update Council on the status of the Conformity Exercise and further action required with respect to this study; and,
- to solicit comments on the draft Conformity Exercise Official Plan Amendment from interested members of the public and government agencies.

The ORMCP Conformity Exercise Official Plan Amendment is not attached to this Report. Copies of the Amendment have been circulated separately at an earlier date to members of Council and have been made available to members of the public for their review at various Town buildings since August 28, 2003. The availability of the amendment document was advertised in a Notice posted on the Town's WEB site; the Town page in three separate issues of the Stouffville Tribune; and, on Notices posted at various Town buildings.

## **2.0 BACKGROUND**

In May 2001, the Minister of Municipal Affairs and Housing introduced the *Oak Ridges Moraine Protection Act, 2001*. The Act established a six month moratorium on development on the Moraine.

On November 1, 2001, the Minister announced a comprehensive strategy for the Oak Ridges Moraine which included introducing the *Oak Ridges Moraine Conservation Act, 2001*. The Act was passed by the Legislature on December 13, 2001 and received Royal Assent on December 14, 2001.

*The Oak Ridges Moraine Conservation Act, 2001* authorizes the Lieutenant Governor in Council to designate an area of land as the Oak Ridges Moraine Area. Ontario Regulation 01/02 was filed on January 10, 2002. It also permits the Minister, by regulation, to establish the Oak Ridges Moraine Conservation Plan. Ontario Regulation 140/02 which establishes the Plan was filed on April 22, 2002.

The Introduction to the Plan describes the document as:

“an ecologically based plan established by the Ontario government to provide land use and resource management direction for the 190,000 hectares of land and water within the Moraine.”

All decisions of provincial ministers, ministries, agencies and municipalities must conform to the Plan. In addition, municipal plans are required to be brought into conformity with the Plan. However, where an application has commenced before November 17, 2001 a range of transitional provisions apply, and the application is generally not required to comply with all provisions of the Plan. [Emphasis mine]

A major portion of the Town is located in the Moraine. As a consequence, the Conservation Plan has significant implications for the Official Plan and the Secondary

Plans for the Communities of Gormley, Stouffville and Ballantrae - Musselman Lake as any plans for these areas must conform with the Conservation Plan. The Town has until October 22, 2003 to bring its Official Plan and Secondary Plans into conformity with the Conservation Plan to allow the amendments to be approved by the Minister of Municipal Affairs, rather than through the normal process under the Planning Act. Any Amendment forwarded to the Minister prior to the October 22<sup>nd</sup> deadline is not subject to an appeal to the Ontario Municipal Board.

The Town initiated its Conformity Exercise with a background analysis. The "Background & Analysis Report" was reviewed with the public at an open house in April 2003. The purpose of that report was to outline:

- fundamental findings of the background analysis;
- key issues, challenges and opportunities to be addressed by the Town in successfully completing the ORMCP implementation program;
- fundamentals to be considered in the drafting of the Plan amendment;
- provision of perspectives on the implications of the intended policy framework on existing policy;
- comments and recommendations on the Town's position with respect to pending planning applications; and
- comments and observations regarding additional implementation tools.

Based on that analysis, a proposed Official Plan Amendment has been prepared.

### **3.0 OAK RIDGES MORaine PLAN STRUCTURE**

The ORMCP consists of the following sections:

- i) Part I General Provisions;
- ii) Part II Land Use Designations;
- iii) Part III Protecting Ecological and Hydrological Integrity;
- iv) Part IV Specific Land Use Policies; and,
- v) Part V Prescribed Provisions.

The Plan must be read in its entirety to determine its full implications for any specific site.

The land use designations and related policies applicable to the Town are summarized below. It should be noted that existing uses are permitted in all designations subject

to the provisions of Section 6 of the Plan.

i) Natural Core Area

This designation is the most restrictive. Permitted uses are very limited and include:

- a) fish, wildlife and forest management;
- b) conservation projects and flood and erosion control projects;
- c) agricultural uses;
- d) transportation, infrastructure and utilities where the need for the project has been demonstrated and there is no reasonable alternative;
- e) home businesses and home industries;
- f) bed and breakfast establishments;
- g) farm vacation homes;
- h) low intensity recreational uses;
- i) unserviced parks; and,
- j) accessory uses.

ii) Natural Linkage Area

The permitted uses are the same as those for the Natural Core Area designation. In addition, mineral aggregate operations and wayside pits are permitted.

iii) Countryside Area

The permitted uses are the same as those in the Natural Linkage Area. In addition, agriculture-related uses; small scale commercial, industrial and institutional uses; and major recreational uses are permitted subject to a number of conditions. For instance, small scale commercial, industrial and institutional uses are subject to the provisions of Section 40 of the Plan which states that they must be supportive of, complementary to or essential to uses permitted in Countryside Areas and do not require large-scale modification of terrain, vegetation or large scale buildings and structures. Specific uses such as schools and farm implement stores are provided as examples of permitted uses.

iv) Rural Settlement

The Rural Settlement designation forms part of the Countryside Area designation. The permitted uses in Rural Settlements include the uses

permitted in the Countryside Area designation; residential development for minor infilling or for the rounding out of Rural Settlements, and small scale commercial, industrial and institutional uses normally found in Rural Settlements.

v) Settlement Area

This designation permits all uses permitted by the applicable Official Plan.

Part III of the Plan, Protecting Ecological and Hydrological Integrity, is of particular importance. It contains a number of requirements and restrictions for development based on preservation of natural heritage features, water features and landform conservation areas. These provisions apply to all the designations in the Study Area and relate to the following matters:

- i) connectivity;
- ii) minimum area of influence and vegetation protection zones;
- iii) identification of key natural heritage features;
- iv) protection of hydrological features including requirements for watershed plans, and water budgets and conservation plans; identification of hydrologically sensitive features; protection of subwatersheds; establishment of wellhead protection areas and protection of areas of high aquifer vulnerability; and,
- v) identification of landform conservation areas.

Part IV of the Plan provides specific policies related to:

- i) lot creation;
- ii) uses accessory to agricultural uses;
- iii) mineral aggregate operations and wayside pits;
- iv) low intensity recreational uses;
- v) major recreational uses;
- vi) trail systems;
- vii) small scale commercial, industrial and institutional uses;
- viii) transportation, infrastructure and utilities;
- ix) official plan provisions, wellhead protection areas, areas of high aquifer vulnerability;
- x) sewage and water services;
- xi) partial services;
- xii) stormwater management; and,
- xiii) rapid infiltration basins and columns.

Part V, Prescribed Provisions, establishes the sections of the Plan which are subject to the transitional provisions of Section 15 (2) of the *Oak Ridges Moraine Conservation Act, 2001*.

#### **4.0 CONFORMITY EXERCISE APPROACH**

The Moraine Plan is a very complex document and many of its sections reference other sections. As a consequence it is extremely difficult to bring the Town's Official Plan into conformity without either incorporating the ORMCP in its entirety into the Town's Official Plan or referencing the Plan as it pertains to specific designations. The approach recommended for Whitchurch-Stouffville was to reference specific sections of the ORMCP in the Town's Official Plan, and to attach the ORMCP to the Town's Plan as an appendix for ease of reference by the public.

It should also be noted that the ORMCP permits only limited modifications to existing uses which do not conform to the Plan. The Town's amendment proposes to expand on the permissions in the ORMCP, based on discussions with Provincial staff, to permit new accessory uses and expansions of existing buildings without a zoning by-law amendment.

#### **5.0 OFFICIAL PLAN AMENDMENT SUBMISSIONS**

##### **5.1 Public Correspondance**

No written correspondence has been received from members of the public as of the date of submitting this Report for inclusion in the September 16, 2003 Public Meeting Agenda on the "draft" Official Plan Amendment.

Approximately twenty (20) persons who had previously registered with the Town for inclusion in our mailing list were notified of the Public Meeting. In addition, formal advertisement of the Public Meeting was given in the form of posting Notices at various Town buildings, on the Town's WEB site, and on the Town Page of the Stouffville Tribune commencing on August 21<sup>st</sup>, 2003.

Copies of the draft Official Plan Amendment have been advertised as being available for review by the Public at the Library and at the Development Services Department effective August 28, 2003.

##### **5.2 Agency Correspondence**

No written correspondence has been received from agencies as of the date of

submitting this Report for inclusion in the September 16, 2003 Public Meeting Agenda on the “draft” Official Plan Amendment.

## **6.0 OFFICIAL PLAN AMENDMENT STATUS**

In accordance with the Work Program for the Oak Ridges Moraine Conformity Exercise, the Background & Analysis Report has been completed and reviewed. The draft Official Plan Amendment has also been completed and is now under review. The September 16<sup>th</sup> public meeting represents the formal and statutory requirement of providing the opportunity to receive comments consistent with the provisions of the Planning Act. It is anticipated that additional comments will be received following the meeting. It is recommended that any correspondence/comments received at the Public Meeting or arising from the Public Meeting be referred back to Staff and the Consultant for review and consideration. Where appropriate, revisions to the draft Official Plan Amendment will be incorporated into the document to respond to stated concerns and comments. These revisions will be summarized in a report to Council so that a tracking of the adjustments can be accounted for.

Once the comments have been assessed and the necessary adjustments completed, the revised Amendment will be brought back to Council for adoption. This must occur prior to October 22, 2003 to meet the deadline imposed by the Legislation. The Plan will then be submitted to the Province for approval.