



**WESTON  
CONSULTING**

planning + urban design

The Regional Municipality of York  
Town of Newmarket  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

May 18, 2022  
File 6269-1

**Attn: Regional Chair and Members of Regional Council**

**RE: Special Committee of the Whole Meeting of May 19 – Item F.2.1  
Draft Regional Official Plan Consultation Update and Statutory Public Meeting  
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 in the Town of Aurora (herein referred to as the “subject property”). We submitted a letter dated March 31, 2022 (refer to Appendix I) providing comments on the draft Regional Official Plan dated December 1, 2021. This letter is being submitted to respond to Regional Staff’s comments regarding our March 31<sup>st</sup> submission. The applicable staff comments are provided in Revised Attachment 1 (refer to ID 346) and Attachment 2 (refer to ID 2) to Item F.2.1 on the Special Committee of the Whole Meeting Agenda.

The comments provided in our letter of March 31<sup>st</sup> indicate our opinion that the draft Regional Official Plan needs to be revised to ensure policy recognition and authorization to permit the subject property’s historic zoning rights to develop the property for one single detached dwelling. This is explicitly permitted by the provisions of Section 7 of the Oak Ridges Moraine Conservation Plan (ORMCP). Based on our review of Regional Staff’s comments on our March 31<sup>st</sup> submission, we acknowledge that a minor revision is proposed for policy 3.2.5.a of the Regional Official Plan stating that:

*“3.2.5 That notwithstanding policy 3.2.3, within the Regional Greenlands System, some uses may be permitted subject to meeting requirements of the applicable Provincial plans such as:*

*a. legally existing or permitted land uses, that conform with in-force local official plans, zoning by-laws and Ministerial Zoning Orders, at the time this Plan is approved, may be permitted to continue to the extent provided for in local official plans, zoning by-laws and Ministerial Zoning Orders ...”*

The “or permitted” text has been added to this policy. We agree with this modification to policy 3.2.5.a but, in our opinion, further modifications, specifically to the implementation policies in Section 7 of the draft Regional Official Plan, are required to completely capture our request. We propose the following modification to policy 7.4.17 of the draft Region Official Plan:

*7.4.17 That within the Oak Ridges Moraine Conservation Plan Area, uses, buildings and structures legally existing or permitted on November 15, 2001 are permitted in every land use designation, subject to the provisions of the Oak Ridges Moraine Conservation Plan, 2017.*

The intent of this modification to policy 7.4.17 is to ensure that the Regional Official Plan's implementation policies recognize the extent of the permissions given to existing lots of record in the Oak Ridges Moraine Plan Area. The modification proposed for policy 3.2.5.a does not acknowledge this and is not sufficient to ensure that the subject property's historic zoning rights are recognized.

Thank you for the opportunity to provide these comments as it pertains to the subject property and the draft Regional Official Plan. We reserve the right to provide additional comments through this process. Please contact the undersigned (ext. 309) if you have any questions.

Yours truly,

**Weston Consulting**

**Per:**



Jenna Thibault, BSc, MPL, MCIP, RPP  
Associate

- c. P. Freeman, Regional Municipality of York
- S. Malcic, Regional Municipality of York
- R. Salna, North Lake Estates Inc.
- R. Guetter, Weston Consulting

Appendix 1 – Letter Commenting on the Draft York Region Official Plan dated March 31, 2022



## WESTON CONSULTING

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Planning and Economic Development,  
Corporate Services – 4<sup>th</sup> Floor  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

March 31, 2022  
File 6269-1

**Attn: Paul Freeman, Chief Planner**

Dear Sir,

**RE: Regional Municipal Comprehensive Review (MCR) – Comments on the Draft York Region Official Plan  
684 Henderson Drive, Town of Aurora**

Weston Consulting is the planning agent for the North Lake Estates Inc., the legally registered owner of the property located at 684 Henderson Drive in the Town of Aurora (herein referred to as the “subject property”). We have been monitoring the Region’s Municipal Comprehensive Review (MCR) process and have reviewed the draft Regional Official Plan dated December 1, 2021. On behalf of the landowner, this letter is being submitted as part of the Region’s MCR process to provide comments on the draft Regional Official Plan as it relates to the subject property.

### **Description of the Subject Property**

The subject property is located on the north side of Henderson Drive and east of Bathurst Street in the Town of Aurora. The subject property maintains an area of 2.02 hectares (4.99 acres) and is an undeveloped, existing lot of record. The property is surrounded by low density residential uses and Henderson Drive abuts the property to the south. Key natural heritage features and key hydrological features exist on the subject property.

### **Overview of the In-Force Policy Framework**

The Growth Plan identifies the subject property as *Settlement Areas*, as being within the built boundary and not within the Natural Heritage System of the Growth Plan. The entirety of the property is located within the Oak Ridges Moraine Conservation Plan (ORMCP) Area and the ORMCP designates the property as *Settlement Areas*. The in-force Regional Official Plan identifies the lands as being within the *Urban Area* and outside of the *Regional Greenlands System*.

The Town’s 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. The property maintains historic

zoning rights which would have permitted the use, erection and location of a single detached dwelling on the property on November 15, 2001. This conclusion is supported by a Local Planning Appeal Tribunal decision related to the subject property (PL190255).

### **Draft Regional Official Plan**

The Region of York has released a draft Official Plan and is accepting feedback as part of their MCR process. It is our understanding that the draft Official Plan has been updated to ensure conformity with Provincial policies, policy streamlining and to include updates to its associated maps. We understand that comments provided as part of this process will be considered by the Region and inform revisions to the draft Official Plan prior to it proceeding to Regional Council in mid-2022 for adoption.

We have reviewed the draft Official Plan and note that the Regional Structure Map (Map 1) and Regional Greenlands System Map (Map 2) propose a change as it relates to the subject property. These two draft maps identify the subject property as within the *Regional Greenlands System* and no longer within the *Urban Area*, which differs from how the current Regional Official Plan identifies the property.

The draft policy framework for the *Regional Greenlands System* prohibits development and site alteration (Policy 3.2.3) except in accordance with the uses outlined in Policy 3.2.5, none of which would support the development of the subject property for one single detached dwelling in accordance with existing permissions. It is recognized that the draft Official Plan policy framework includes transition policies 7.4.17 and 7.4.18 (noted below) which recognize the policies of the ORMCP, but it is our opinion that these policies do not acknowledge and protect the historic zoning rights of the subject property. These policies state:

*7.4.17 That within the Oak Ridges Moraine Conservation Plan Area, uses, buildings and structures legally existing on November 15, 2001 are permitted in every land use designation, subject to the provisions of the Oak Ridges Moraine Conservation Plan, 2017.*

*7.4.18 That all applications, matters or proceedings as defined under the Oak Ridges Moraine Conservation Act, 2001, commenced on or after November 17, 2001 are required to conform with the Oak Ridges Moraine Conservation Plan, 2017.*

The manner in which Policy 7.4.17 is drafted is specific to legally existing uses on November 15, 2001, not to uses, buildings and structures that would have been permitted by the applicable zoning by-law on November 15, 2001 or by way of ORMCP and local Official Plan policies. Policy 7.4.18 indicates that all applications must conform to the ORMCP, which in the case of the subject property is required regardless as the property is within an ORMCP *Settlement Area* and must conform to the policies of the ORMCP.

Section 7 of the ORMCP is foundational as it relates to the subject property as it allows for the development of one single detached dwelling 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))*” is met. Policy direction acknowledging the permissions Section 7 of the ORMCP provides for existing lots of record is absent from the draft Region Official Plan. It is our opinion that the *Regional Greenlands System* policy framework needs to include policy direction which allows for new development and site alteration permitted by the ORMCP subject to demonstrating that all of the requirements of the ORMCP are met. This would allow for new development or site alteration on the subject property on the basis of conformity with all relevant policies of the ORMCP, which strikes the proper balance in protection of the environment and recognizing legal historic permissions.

The current Regional Official Plan identifies the subject property as within the *Urban Area* and, it is our opinion, that it is more appropriate to continue to identify the subject property as within the *Urban Area*. This conforms with draft Map 1A – Land Use Designations which designates the subject property as within the *Community Areas* land use designation and Map 1B – Urban System Overlay which identifies the property as within the *Built Up Area*. In addition, the in-force provincial policy framework, along with the property’s historic and existing zoning rights, explicitly recognize that the subject property is permitted to be developed for one single detached dwelling. This existing policy framework provides further justification as to the appropriateness of continuing to identify the subject property as within the *Urban Area* as it is a lot which permits residential development, in the form of one single detached dwelling.

### **Conclusion**

The draft Regional Official Plan needs to be revised to ensure policy recognition and authorization to permit the subject property’s historic zoning rights to develop the property for one single detached dwelling subject to the policies of the ORMCP. We recommend that the Region recognize and implement the provisions of Section 7 of the ORMCP explicitly.

As a follow up to this submission, we ask that a meeting be arranged with Regional Staff to further discuss these comments to ensure that the required revisions are captured prior to the Regional Official Plan proceeding to Regional Council for adoption. Weston Consulting requests notice of any future Council Meetings, staff reports, draft Official Plan documents and/or decisions relating to the MCR process and reserves the right to provide further comments. Thank you for the opportunity to provide this submission. Please contact the undersigned (ext. 241 and ext. 309 respectively) should you have any questions.

Yours truly,

**Weston Consulting**

Per

Ryan Guetter, BES, MCIP, RPP  
Executive Vice President

Jenna Thibault, BSc, MPL, MCIP, RPP  
Associate

c. R. Salna, North Lake Estates Inc.

P. Bottomley, Regional Municipality of York  
S. Malcic, Regional Municipality of York.