

SPECIAL COMMITTEE OF THE WHOLE JUNE 25, 2001

OAK RIDGES MORAINÉ PROTECTION ACT – BILL 55

Recommendation

The Deputy City Manager and City Solicitor and the Commissioner of Planning recommend that the following resolution be approved:

WHEREAS the Oak Ridges Moraine Protection Act, 2001 impacts on land within the City of Vaughan;

AND WHEREAS the City of Vaughan Council has deferred several items from further consideration and that they not to be brought forward until such time as the Province confirms that the Oak Ridges Moraine legislation does not or no longer applies to the lands; or clarification as to the matters affected by the Act have been given by the Province which will allow the staff report recommendations to proceed to Committee for consideration;

AND WHEREAS the Ministry of Municipal Affairs and Housing has provided letters dated June 15, 2001 and June 19, 2001 which provide clarification on Section 6 of the Act that the areas shown in white on the maps which form part of the legislation are not subject to the Act and the areas shown in grey are subject to the Act;

AND WHEREAS Planning Consultants Bousfield Dale-Harris Cutler and Smith have prepared mapping on behalf of their clients which shows that the Central Park Lodge and Heatherwood Properties developments are located in the white areas of the maps which form part of the Act;

NOW THEREFORE COUNCIL RESOLVES:

1. That pursuant to the June 15, 2001 and June 19, 2001 letters from the Ministry of Municipal Affairs and Housing and the mapping prepared by Bousfield Dale-Harris Cutler and Smith, the City of Vaughan is satisfied that the lands included within the following developments are not subject to the Oak Ridges Moraine Protection Act:
 - a) Central Park Lodge (Files Z.98.083 and DA.01.012);
 - b) Vitullo Investments Limited (Files Z.99.059 & DA.00.136);
 - c) Shiplake Investments (Files Z.01.022 & DA.00.142); and,
 - d) Heatherwood Properties Inc. (Files 19T-89118 and 19T-00V16);
2. That the following items be brought forward for consideration at the Special Committee of the Whole Meeting June 25, 2001;
 - a) Zoning By-law Amendment and Site Development Application Files Z.99.059 & DA.00.136 Vitullo Investments Limited;
 - b) Triparty Agreement Shiplake Investments (Rutherford) Ltd; and
3. That the By-law to lift the Holding Zone on Maplewood Villages (Central Park Lodge) nursing home site be brought forward to the June 25, 2001 Council Meeting.

Purpose

The purpose of this report is to advise Council of the Ministry of Municipal Affairs and Housing's response on requests for clarification on the lands affected by the Oak Ridges Moraine Protection Act, 2001; and to obtain Council direction to bring forward items which were deferred pending the Ministry's clarification of the Act.

Background - Analysis and Options

On June 4, 2001 Council adopted a resolution requesting that the Ministry of Municipal Affairs and Housing provide clarification as to the lands affected by the Oak Ridges Moraine Protection Act, 2001. The applications under consideration are addressed below:

i) Maplewood Villages Limited (Central Park Lodges) Files Z.98.083 and DA.01.012

At the June 4, 2001 Special Council Meeting, Council RECEIVED the By-law to lift the Holding Symbol (H) from Central Park Lodges Nursing Home and requested that the Ministry of Municipal Affairs and Housing provide clarification to Maplewood Villages (Central Park Lodges) and the City on the application of the Oak Ridges Moraine Protection Act for the lands subject to the By-law.

The Ministry responded to the applicant's consultant on June 19, 2001 (Attachment #1), that, *"the Oak Ridges Moraine Protection Act, 2001 applies only to those lands which are identified in grey on the maps that form part of the legislation (Attachment #2). The areas that are white are not subject to the legislation. Where a concession lot is bisected by the boundary of the Oak Ridges Moraine, only the part shown within the grey area is subject to the Act. Section 6 does not extend the application of the Act to lands outside the grey area."*

The consultant has plotted the Central Park Lodge site on the mapping accompanying the Act, which shows the subject lands located outside of the shaded area subject to the Act (Attachment #3).

ii) Heatherwood Properties Inc., Draft Approved Subdivision Plan 19T-89118

In response to a request from the owner's solicitor for clarification on the interpretation of the Oak Ridges Moraine Protection Act, the Ministry advised on June 15, 2001 (Attachment #4) that, *"the Oak Ridges Moraine Protection Act, 2001 applies only to those lands which are identified in grey on the maps that form part of the legislation. The areas that are white are not subject to the legislation. Where a concession lot is bisected by the boundary of the Oak Ridges Moraine, only the part shown within the grey area is subject to the Act. Section 6 does not extend the application of the Act to lands outside the grey area."*

The owner's planning consultant has plotted the Oak Ridges Moraine boundary on the northern part of the Block 10 Block Plan and northeast corner of Block 17 (Attachment 4). This mapping shows that plans of subdivision 19T-89118 (Heatherwood I) and 19T-00V16 (Heatherwood II) are located outside of the shaded area subject to the Act.

iii) Shiplake Investments (Rutherford) Ltd. Tri-Party Agreement (Deferred Item 8 Committee of the Whole Report No. 46)

The June 11, 2001, Council agenda included an item seeking approval to enter into a tri-party agreement for water and sanitary service connections to services owned and operated by the Town of Richmond Hill, for the proposed Shiplake Investments commercial development. Council adopted the following motion (in part):

“That this matter be deferred to a future Committee of the Whole meeting, not to be brought forward until such time as the Province confirms that the Oak Ridges Moraine legislation does not or no longer applies to the lands; or clarification as to the matters affected by the Act have been given by the Province which will allow the staff report recommendations to proceed to Committee for consideration”....

The Shiplake proposal at the southwest corner of Rutherford Road and Bathurst Street is shown on Attachment #5 as “PHASE 1 N'Hood Commercial 3.74ha”. Based on the mapping in Attachment #5, this property is located outside of the shaded area subject to the Act.

iv) Vitullo Investments Limited Zoning By-law Amendment and Site Development Applications Files: Z.99.059 & DA.00.136 (Deferred Item 17, Report No. 46 of the Committee of the Whole)

The June 11, 2001, Council agenda included an item for zoning amendment and site plan applications to permit the development of a gas bar, convenience store and a 2-storey office building. Council adopted the following motion (in part):

“That this matter be deferred to a future Committee of the Whole meeting, not to be brought forward until such time as the Province confirms that the Oak Ridges Moraine legislation does not or no longer applies to the lands; or clarification as to the matters affected by the Act have been given by the Province which will allow the staff report recommendations to proceed to Committee for consideration”....

Based on the June 14, 2001 and June 19, 2001 letters provided by the Ministry of Municipal Affairs and Housing on the Heatherwood Properties and Central Park Lodge developments, Staff are satisfied that Vitullo property on the southwest corner of Rutherford Road and Westburne Drive, is not subject to the Oak Ridges Moraine Protection Act.

Conclusion

The Ministry of Municipal Affairs and Housing has provided clarification with respect to the areas subject to the Oak Ridges Moraine Protection Act. Should Council be satisfied with the clarification that has been provided, and that the developments noted in the report are not subject to the Oak Ridges Moraine Protection Act, then the Recommendation in this report can be adopted.

Attachments

1. June 19, 2001 letter from Audrey Bennett, Ministry of Municipal Affairs and Housing to Lindsay Dale-Harris, Bousfield Dale-Harris, Cutler & Smith Inc. RE: Oak Ridges Moraine Protection Act, 2001 Central Versa Development Corporation
2. Oak Ridges Moraine Protection Act Map 2 York
3. Central Park Lodge site and Oak Ridges Moraine Protection Act boundary, prepared by Bousfield Dale-Harris, Cutler & Smith
4. June 15, 2001 letter from Audrey Bennett, Ministry of Municipal Affairs and Housing to Rosalyn Houser, Goodmans RE: Oak Ridges Moraine Protection Act, 2001 Heatherwood Properties Inc.
5. North part of Block 10 and Oak Ridges Moraine Protection Act boundary, prepared by Bousfield Dale-Harris, Cutler & Smith

Report prepared by:

Eric Taylor, Senior Planner, Environmental, ext.8214
Bianca M.V. Bielski, Manager, Development Planning, ext 8485

Respectfully submitted,

THERESA A. CARON
Deputy City Manager and City Solicitor

MICHAEL DeANGELIS
Commissioner of Planning

/CM

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ATTACHMENT NO. 1

SENT BY: MIN. MUNICIPAL AFFAIRS; 6-14-01; 4:00PM; PLANS ADMIN. -N. & E. -

Goodmans LLP:# 2/ 2

Ministry of
Municipal Affairs
and Housing
Provincial Planning and
Environmental Services Branch
777 Bay St 14th Flr
Toronto ON M5G 2E5
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June 15, 2001

Roslyn Houser
Goodmans
250 Yonge Street
Suite 2400
Toronto, Ontario
M5B 2M8

Re: *Oak Ridges Moraine Protection Act, 2001*
Heathwood Properties Inc., City of Vaughan

Dear Ms Houser:

Thank you for your letter of June 13, 2001 in which you requested our clarification with respect to the interpretation of the *Oak Ridges Moraine Protection Act, 2001* and its impact on your client's proposed development located in the City of Vaughan.

Please be advised that the *Oak Ridges Moraine Protection Act, 2001* applies only to those lands which are identified in grey on the maps that form part of the legislation. The areas that are white are not subject to the legislation. Where a concession lot is bisected by the boundary of the Oak Ridges Moraine as shown on the maps referred to in section 1 of the Act, only the part shown within the grey area is subject to the Act. Section 6 does not extend the application of the Act to lands outside the grey area. We recommend that you confirm, with the local municipality (i.e. City of Vaughan), the location of your lands on the appropriate maps.

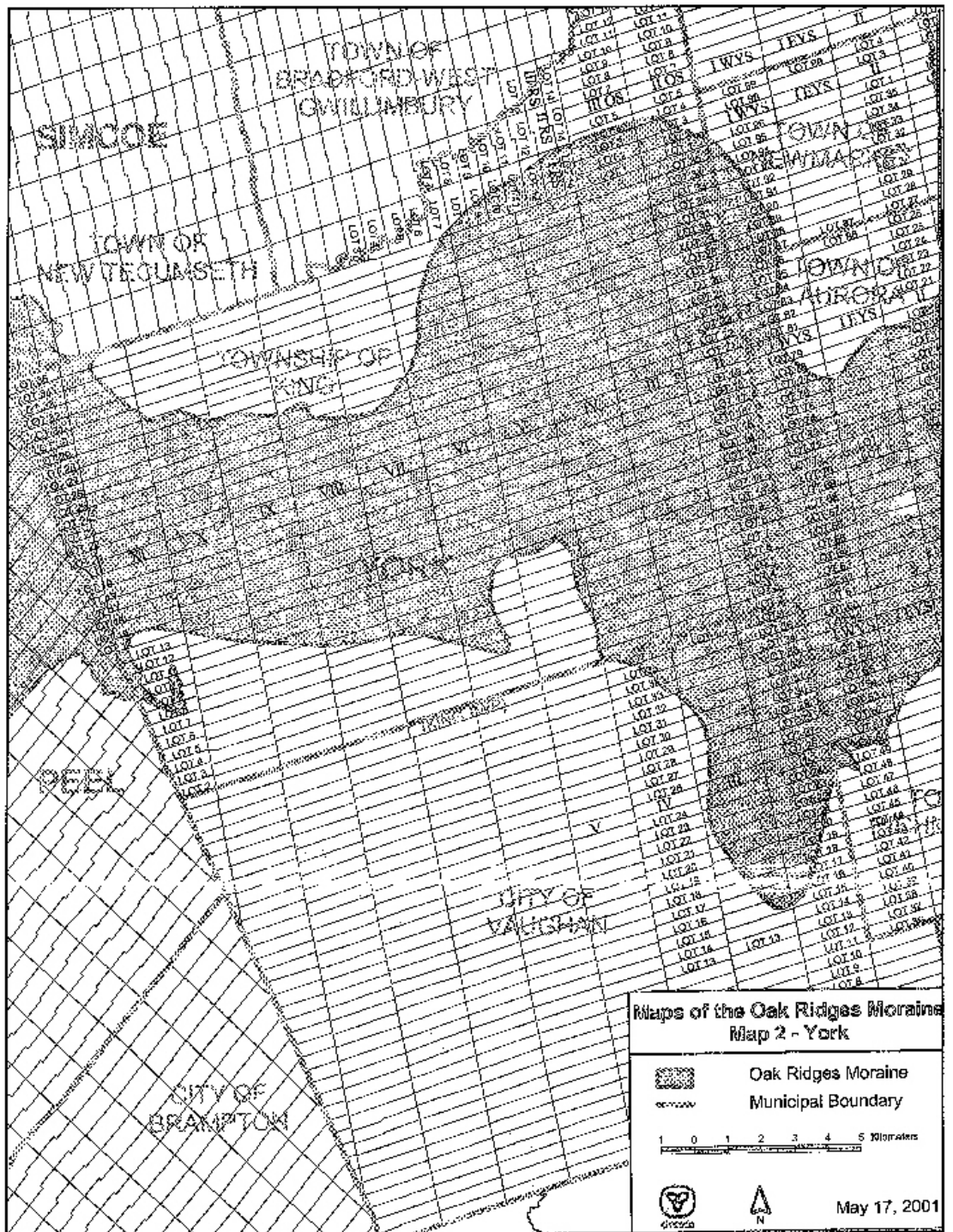
Thank you for your letter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Audrey Bennett".

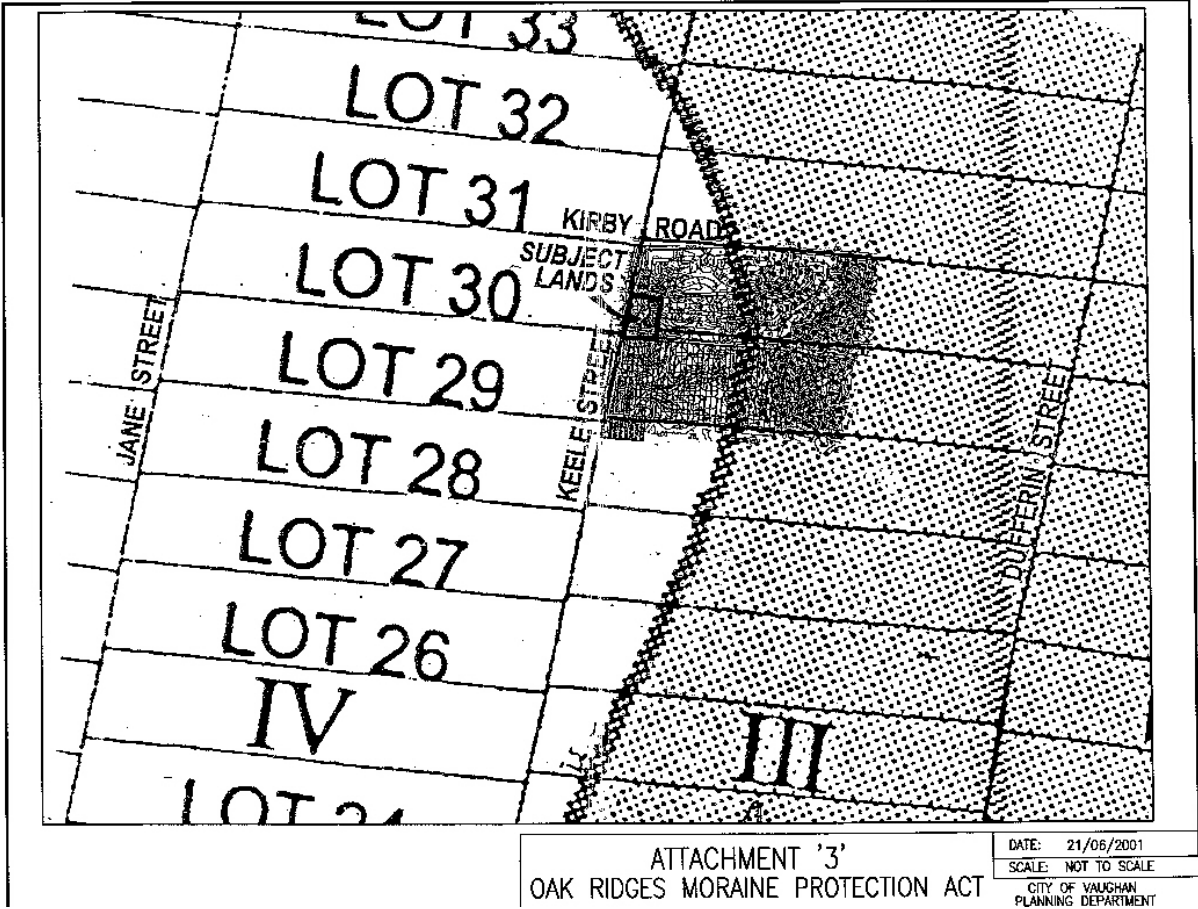
Audrey Bennett
Director (A)
Provincial Planning & Environmental Services Branch

cc: Michael DeAngellis, Commissioner of Planning & Urban Design, City of Vaughan
Bryan Tuckey, Commissioner of Planning & Development Services, York Region



ATTACHMENT '2'
OAK RIDGES MORaine PROTECTION ACT

DATE: 21/06/2001
 SCALE: NOT TO SCALE
 CITY OF VAUGHAN
 PLANNING DEPARTMENT



ATTACHMENT '3'
 OAK RIDGES MORaine PROTECTION ACT

DATE: 21/06/2001
 SCALE: NOT TO SCALE
 CITY OF VAUGHAN
 PLANNING DEPARTMENT

ATTACHMENT NO. 4

Ministry of
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and Housing
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June 19, 2001

BY FACSIMILE

Lindsay Dale-Harris
Bousfield, Dale-Harris, Curlier & Smith Inc.
3 Church Street
Suite 200
Toronto, Ontario
M5E 1M2

Re: *Oak Ridges Moraine Protection Act, 2001*
Central Versa Development Corporation
98 Bed Long Term Care Facility
Part West 1/2 Lot 30, Concession 3
City of Vaughan

Dear Ms Dale-Harris:

Thank you for your letter of June 19, 2001 in which you requested our clarification with respect to the interpretation of the *Oak Ridges Moraine Protection Act, 2001* and its impact on your client's proposed development located in the City of Vaughan.

Please be advised that the *Oak Ridges Moraine Protection Act, 2001* applies only to those lands which are identified in grey on the maps that form part of the legislation. The areas that are white are not subject to the legislation. Where a concession lot is bisected by the boundary of the Oak Ridges Moraine as shown on the maps referred to in section 1 of the Act, only the part shown within the grey area is subject to the Act. Section 6 does not extend the application of the Act to lands outside the grey area. We recommend that you confirm, with the local municipality (ie. City of Vaughan), the location of your lands on the appropriate maps.

Thank you for your letter.

Yours truly,

Audrey Bennett
Director (A)
Provincial Planning & Environmental Services Branch

cc: Michael DeAngells, Commissioner of Planning & Urban Design, City of Vaughan
Bryan Tuckey, Commissioner of Planning & Development Services, York Region
Randy Hodge, Director of Facilitation, Long-Term Care Redevelopment Project

