



Town of East Gwillimbury

ADMINISTRATION REPORT ADMIN2020-07

To: Council

Date: September 22, 2020

Subject: Lake Simcoe Region Conservation Authority (LSRCA) Withdrawal of Appeal of the Town's Comprehensive Zoning By-law

Origin: Administration Services

RECOMMENDATIONS

1. **THAT** Administration Services Report ADMIN2020-07, dated September 22, 2020, entitled "Lake Simcoe Region Conservation Authority (LSRCA) Withdrawal of Appeal of the Town's Comprehensive Zoning By-law" be received;
2. **THAT** the Town Chief Administrative Officer and General Manager of Development Services have agreed to execute a Memo of Understanding (MOU) with the Lake Simcoe Region Conservation Authority (LSRCA), that defines the procedures to circulate planning applications under the Planning Act, and defines the roles and responsibilities of the LSRCA and municipality; and
3. **THAT** Council be notified that Town staff have reached a mutual agreement with the LSRCA (and York Region) to withdraw the appeal for LPAT Case No. PL180594 based on the principles authorized by Council from Report P2019-54 dated November 12, 2019, which required that any mutual agreement ensure:
 - i) Retention of the Town Environmental Protection zoning in place prior to the May 2018 Zoning By-law review.
 - ii) The addition of Schedules from the Province, LSRCA and York Region as additional information in the Zoning By-law to ensure property owners are aware of all applicable land use regulations that exist on their property.
 - iii) The Interpretation and Administration section of the Zoning By-law under Part 1.0 has been updated to more clearly inform residents of the obligations to comply with the other land use controls of external agencies (such as the LSRCA) which has always been required beyond the scope of the zoning permissions and standards of the Town's Zoning By-law;
4. **THAT** Council confirms that the Town's Comprehensive Zoning By-law (2018-043) conforms with the Town's Official Plan, Regional Official Plan, and all relevant Provincial policies and plans;

5. **THAT** the Town Solicitor and respective Solicitor from the LSRCA contact the LPAT immediately to formally withdraw the appeal of LPAT Case No.PL180594;
6. **THAT** this report be publicly posted to ensure full transparency.

PURPOSE

The purpose of this report is to inform Council that a mutual agreement has been reached regarding the LSRCA appeal of the Town's Comprehensive Zoning By-law Number 2018-043 (ZBL). The LSRCA will be withdrawing their appeal and no further LPAT hearing is required.

- The mutual agreement will uphold the private property rights of residents by retaining the Town Environmental Protection zoning in place prior to the May 2018 Zoning By-law review and having no new lands become zoned for environmental protection.
- The agreement avoids having the appeal be decided by the LPAT through a potentially lengthy and costly hearing process, particularly with ongoing delays resulting from the current COVID-19 pandemic.

BACKGROUND

The LSRCA appealed the Town's ZBL on the basis that the approved zoning does not conform to the Town's Official Plan.

Since the start of the appeal extensive work and engagement has been done to demonstrate that the ZBL is in conformity with the Town's Official Plan:

- On December 11, 2018, an LPAT Case Management Conference was held where the Town and LSRCA agreed to engage in mediation and discussions in pursuit of resolving the appeal.
- Closed Session Report P2019-27 in June 2019, an Administration memo in July 2019, and Report P2019-31 in August 2019 were all brought before Council to provide ongoing updates on the appeal process and a proposed resolution. At the July 16, 2019 meeting Council requested that a Community Open House be held to provide further education and additional information with respect to updates to the Town's Zoning By-law.
- On September 11, 2019, a Community Open House was held which had approximately 100 members of the public in attendance and featured presentations from both the Town and LSRCA.
- Report P2019-44 was brought before Council on October 1, 2019, which outlined the comments that were received from the Community Open House (as well as the

Town's responses) and requested that the LSRCA withdraw their appeal. This report affirmed the Town's position that the May 2018 Council approved ZBL and EP layer conforms to the Town's Official Plan.

Collaboration to date with the LSRCA as illustrated in part by the timeline and events outlined above has continued to demonstrate that the Town's ZBL is in conformity with the Official Plan.

Extensive public consultation also occurred over a three-year period as part of the Zoning By-law review process

In March 2015 the Town began a review of the 1997 Comprehensive Zoning By-law Number 97-50, which included extensive public consultation that led to Council approving the new Comprehensive Zoning By-law 2018-043 on May 15, 2018.

As part of the Zoning By-law review process, the Town conducted an open and extensive consultation process that included the presentation of six drafts of the Zoning By-law for review and consideration over a three year period. There were a total of seven public consultation sessions held during this period, in addition to Committee and Council meetings where drafts of the Zoning By-law were considered:

- September 2016 – First draft of the new Zoning By-law presented to Council
- October 2016 – Council Workshop held
- October 2016 – First Open House held
- December 2016 – First Statutory Public Meeting held
- May 2017 – Second draft of the Zoning By-law presented to Council
- June 2017 – Council Workshop held
- June 2017 – Open House held
- September 2017 – Open House held
- November 2017 – Third draft of the Zoning By-law presented to Council
- January 2018 – Public Meeting held
- March 2018 – Fourth draft of the Zoning By-law presented to Council
- April 2018 – Fifth draft of the Zoning By-law presented to Council
- May 2018 – Sixth draft of the Zoning By-law presented to Council and approved

ANALYSIS

The appeal of the Town's ZBL has been active by the LSRCA for over two years

The length that the Town's ZBL has been under appeal has resulted in delays for residents seeking the issuance of Building Permits. The appeal is impacting land values and the mutual agreement helps to support the rights and interests of residents moving forward.

The ZBL as approved by Council in May 2018 conforms to the Official Plan

It is the opinion of external expert planning and legal counsel and Senior Town staff that the May 2018 Council approved ZBL conforms to the Town's Official Plan (2010).

The purpose of the ZBL is to implement the general policies of the Town's Official Plan. The Official Plan contains broad policies and establishes the vision that affects the use of land. The Official Plan is intended to act as a guiding document and allows other planning documents from the Province, Region, LSRCA, and Town ZBL to help implement the details of the built form on a lot. Through the Planning Act application process, any construction or new development will continue to be required to meet the policies and regulations established by the Province, the Region, the Town and the LSRCA.

The addition of Schedules within the ZBL for information purposes, including maps that highlight the regulations in place from the LSRCA, Region and Province with regards to the appropriate use of land, further highlights the conformity of the ZBL with the Town's Official Plan and all other relevant policies and plans.

The Town's position is aligned with residents and the mutual agreement ensures that no new lands become zoned EP

The mutual agreement with the LSRCA ensures that no new lands become zoned EP, upholding the private property rights of residents. Additional schedules will be added to the ZBL for reference purposes only, to make residents aware of all land use regulations that may exist on their property beyond the Town's ZBL such as from the Government of Canada, Province of Ontario, Region of York, or LSRCA. This practice is common across other municipal Zoning By-laws throughout the Province, and serves to acknowledge a duty to consult with other agencies beyond the Town that may have regulations over private property. These other land use regulations from the Government of Canada, Province of Ontario, Region of York and LSRCA have always applied to lands within East Gwillimbury regardless of this appeal process.

A mutual agreement avoids further delays

Achieving a mutual agreement with the LSRCA ultimately avoids an LPAT hearing, allowing the Town to retain control over the decision and outcome of the appeal. Avoiding an LPAT hearing is advantageous in terms of time and cost-saving, particularly within the current climate of the COVID-19 pandemic.

FINANCIAL IMPLICATIONS

Entering into a mutual agreement will save legal costs and staff time by avoiding a lengthy or delayed LPAT hearing process. Further, property owners will be able to proceed with Building Permit applications for the lands that currently remain subject to the appeal.

NEED FOR PUBLIC CONSULTATION

An Open House regarding the Zoning By-law appeal was held on September 11, 2019, where the concerns of residents were heard by Staff and formally responded to. The Town is achieving a mutual agreement with the LSRCA that upholds the interests of residents.

ALIGNMENT TO STRATEGIC PLAN



Responsible Growth & Environmental Protection

To promote the stewardship, preservation, conservation, protection and enhancement of the natural environment in East Gwillimbury



Build Complete Communities

Effectively manage new and existing assets to deliver exceptional services to residents while ensuring a sustainable community



Quality Programs & Services

Continue to build and leverage natural heritage features, allowing residents to connect with the environment



Culture of Municipal Excellence

Ensure strong fiscal responsibility and program delivery

CONCLUSION

Achieving the mutual agreement with the LSRCA ensures the retention of the Town Environmental Protection zoning in place prior to the May 2018 Zoning By-law review, which is appropriate and desirable for the Town and its residents. The Town's ZBL conforms with the Town's Official Plan, the Regional Official Plan, and appropriate Provincial plans and policies and as such no LPAT hearing is required.

APPENDICES

None.

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