

February 28, 2019

via upload to Environmental Registry of Ontario website

Mr. Charles O'Hara
Director, Growth Policy, Planning and Analysis
Ministry of Municipal Affairs and Housing
777 Bay Street,
23rd Floor, Suite 2304
Toronto, Ontario
M5G 2E5

Dear Mr. O'Hara

Re: ERO Registry No. 013-4505
Proposed Amendment to O. Reg. 311/06: Transitional Matters – Growth Plans
Hamlet of Caesarea – Part of Lots 10 and 11, Concession 8, Township of Scugog

CM Planning Inc. is the planning consultant for Honey Heights Developments Ltd., the owners of land located west of Regional Road 57 and north of an eastern extension of Proutt Road, bordering the south limit of the Hamlet of Caesarea, in the Township of Scugog. As shown in Attachment 1, the property is subject to a minor rounding out of the hamlet boundary, deferred by the Region of Durham through the approval of the Township of Scugog's 2009 Municipal Comprehensive Review. **For the reasons detailed below, we request that the Township of Scugog Official Plan, including the hamlet deferrals, be prescribed in O. Reg. 311/06: Transitional Matters – Growth Plans as being continued and disposed of in accordance with the 2006 Growth Plan as it read on June 16, 2006 and exempt from the policies of the Growth Plan 2017, as amended.**

The Township of Scugog Official Plan was adopted (June 22, 2009) and approved (March 31, 2010) prior to the effective date of the Growth Plan 2017 (July 1, 2017). The Official Plan conformed with the provincial plans in effect at the time of adoption and approval, as required by section 3(5) of the Planning Act. The limits of the minor rounding out of six hamlet boundaries within the Township of Scugog were deferred by the Region of Durham, including the Hamlet of Caesarea. The deferral was based on the need for further analysis to support the proposed rounding out and is to be lifted once the analysis is complete.

Through ERO Registry No. 013-4505, the province is seeking feedback regarding specific planning matters currently 'in process that should be addressed through the transition regulation' O. Reg. 311/06, including official plans that have been adopted. The Township of Scugog Official Plan was adopted and approved (with deferrals) prior to the effective date of the Growth Plan 2017. The ERO notice provides the opportunity for such matters to be prescribed in the transition regulation as being approved in conformity with the Growth Plan 2006 and exempt from the policies of the Growth Plan 2017, as amended.

Section 3(6) of O. Reg. 311/06 provides for 'matters' such as official plans that were 'commenced by an upper-tier or single-tier municipality after June 15, 2006 and before May 18, 2017' [emphasis added] to be continued and disposed of in accordance with the 2006 Growth Plan as it read on

June 16, 2006. As per section 2(b) of the Regulation, with respect to official plans, 'commenced' means 'on the day the by-law adopting the plan, amendment or repeal is passed' [emphasis added]. Thus, the existing regulation provides for 'matters' 'adopted' by an upper-tier municipality to be approved in conformity with the 2006 Growth Plan. The Township of Scugog Official Plan was 'adopted' by the lower-tier municipality on June 22, 2009 and 'approved' by the upper-tier municipality on March 31, 2010. Clearly the timing of the adoption and approval of the Official Plan meets the intent of the test of section 3(6) to be 'continued and disposed of in accordance with the 2006 Growth Plan, however the term 'approved' is not included in section 2(b).

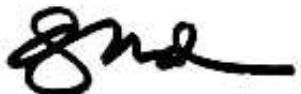
As the existing wording of sections 2(b) of O. Reg. 311/06 is ambiguous in its application to Official Plans 'approved' by an upper-tier municipality, we believe it is important to preserve the intent of the Township of Scugog Official Plan with respect to the minor rounding out of the hamlet boundaries, by having it prescribed in the regulation as approved in conformity with the Growth Plan 2006.

The MMAH News bulletin on the proposed changes to the Growth Plan dated January 15, 2019, states that the Ontario government is proposing changes to the Growth Plan to "[m]ake growth planning easier for rural communities" and that "[m]unicipalities, including rural communities, would be able to adjust settlement area boundaries more easily". Addressing this specific planning matter regarding the Township of Scugog Official Plan through the Growth Plan transition regulation would aid greatly in making growth planning easier for rural communities by recognizing the intent of the Official Plan as it relates to the minor rounding out of hamlet boundaries.

We therefore request that the Township of Scugog Official Plan, including the hamlet deferrals, be prescribed in O. Reg. 311/06: Transitional Matters – Growth Plans as being continued and disposed of in accordance with the 2006 Growth Plan as it read on June 16, 2006 and exempt from the policies of the Growth Plan 2017, as amended.

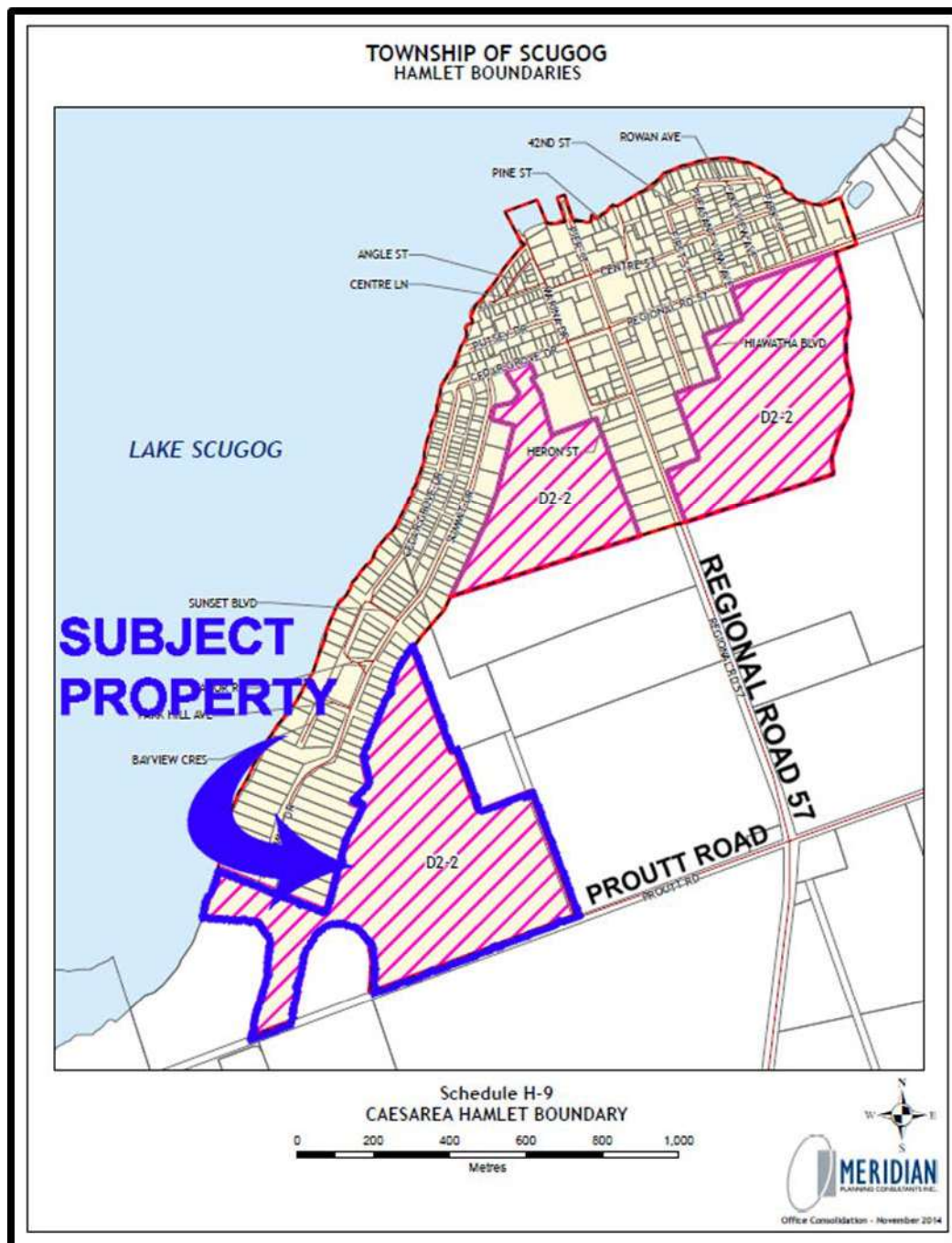
Thank you for the opportunity to provide comments on proposed changes to O. Reg. 311/06: Transitional Matters – Growth Plans and for your consideration of this important matter. We believe the changes requested herein will help to align the Growth Plan transition regulation with the intent of the Proposed Amendment to the Growth Plan.

Yours truly
CM PLANNING INC.



Carolyn Molinari

cc Templeman LLP
Township of Scugog
client



Location of Hamlet of Caesarea Minor Rounding Out

Base map: Township of Scugog Official Plan Schedule H-9 – Caesarea Hamlet Boundary

Source: <https://www.scugog.ca/en/township-office/resources/Documents/Official-Plan-Schedules---Combined--Sept-2017.pdf>