

Rural bylaw update first in almost 50 years

By Mark PavilonsEditor

The long-awaited update to King's Rural Zoning Bylaw has been extensive, but it hasn't come without some challenges. King councillors received a consultant's report on the revamped bylaw for countryside, which is long overdue. It's been 46 years in the making and while the process has been daunting, public engagement has been front and centre during the consultation. Mayor Steve Pellegrini said he was proud of the amount of public engagement that took place through this process. WSP consultant Robert Rappolt noted the bylaw concentrates on hamlets, rural areas and agricultural areas of King and not the three main urban villages. There have been six open houses, two zoning workshops, two technical meetings, council updates and an orientation video. He called it a 'real success story so far,' noting they're looking forward to more public and stakeholder feedback before they put the finishing touches on the report. Submissions will be accepted until Jan. 7, 2022. Some key changes in the bylaw include 'exception zones,' new hamlet residential zones and expansion of non-agricultural uses. A comprehensive review of nearly 500 zone exceptions was completed as part of this Review. Where appropriate, site-specific expectations have been carried forward in the final draft ZBL. The Township's Oak Ridges Moraine Conformity Bylaw that was passed by Township Council in 2005 also needs to be updated to conform with the current Oak Ridges Moraine Conservation Plan (2017). There are new hamlet residential zones, along with employment, commercial and rural zones. There are broadened permissions within the agricultural zone and a new framework for on-farm diversified uses and agricultural related commercial uses. Responding to 'emerging trends,' the bylaw has increased flexibility for commercial patios, bicycle parking, additional residential units in the countryside and more flexibility for online retail uses as home occupations. The bylaw does protect the environment by implementing a Greenbelt zone, including the ORMCP updates and creating an identified conservation authority regulated area. Planning consultant Dan Stone has made submissions in the past and hopes Township staff will review all submissions. His clients are concerned about their exceptions, which he wants included in Part 10 of the bylaw. Consultant Harry Froussios, from Zelinka Priamo Ltd., said he wants Township staff to ensure that limits be placed on non-agricultural uses through the new bylaw. Some are worried that open-ended inclusions of garages, outdoor storage and auxiliary uses may open the door to business not allowed on agricultural lands. He said accessory uses should be limited and maximum square footages should apply to accessory buildings, in the area of 50% of the residential building size. Froussios argued that without specified limits, some uses could include bed and breakfasts and even micro breweries, which is not the intent of the Official Plan policies. The majority of the opposition came from a recommended change that could permit long term care facilities in rural areas of King. 'The vocal opponents pointed to the proposal by the Augustinian Fathers from Marylake for a seniors' complex and long-term care facility. Steve Gilchrist, former Conservative MPP and cabinet minister, who helped with the creation of the Oak Ridges Moraine Conservation Act in 2001, said the discussion of amending the bylaw is premature, at least to the extent of considering any changes which affect lands within the Greenbelt. 'Over the past several months, we have been concerned about the possibility of development taking place, at what is currently the Marylake monastery, contrary to the clear and numerous directions provided by the Oak Ridges Moraine Conservation Plan (ORMCP), the Greenbelt Act and the 2020 Provincial Policy Statement. As the largest land protection charity on the Moraine, the Oak Ridges Moraine Land Trust has more than a philosophical interest in protecting the integrity of the ORMCP, we have a responsibility to the over 60 property owners who have worked with us to implement conservation easements on their properties on the Moraine. 'Gilchrist said his review of the bylaw 'revealed some glaring inconsistencies and, to be blunt, some proposals which are just plain contrary to provincial legislation. 'In particular, the reference, in the proposed amendments, to add 'long-term care home' as an approved use to the Marylake property appears to be based on, what the community believes, are unfounded and untrue claims by a developer, but they are expressly prevented by provincial legislation. 'Gilchrist pointed out that with the passage of the Oak Ridges Moraine Conservation Plan, every municipality was required to ensure that their own bylaws were consistent with that provincial legislation. So, in 2005, King passed its Conformity By-Law to meet that provincial expectation. The proposal at Marylake are 'invalid?' he said under definitions in the Nursing Homes Act, He charged there has never been any proof that any licence, by any relevant regulatory body, has been granted to this property in regards to its use as a nursing home, hospital, rehabilitation facility or long-term care home, or anything else that could be construed as an equivalent use to the one proposed by your proposed bylaw amendment. He pointed to restrictions regarding major development on the Oak Ridges Moraine Conservation Plan Area. 'With respect, this is another way to confer uses,

retroactively, which would not have been permitted under the Conformity By-Law and, quite frankly, as the original author of the Oak Ridges Moraine Legislation, I can tell you that it would clearly deviate from both the spirit and letter of the Act. In theory, the current wording provides for no upper limit on the size of a prospective use within Rural Institutional lands within the Oak Ridges Moraine and Greenbelt. The Township has no ability to add further new uses to land uses with the boundaries covered by the Oak Ridges Moraine Conservation Plan, after the Conformity By-Law was passed and accepted by the Ministry of Municipal Affairs and Housing. The Township has no ability to amend the Conformity By-Law to, retroactively, include any new uses. It should be noted that the Premier, himself, has made it clear that he will permit no lands to be removed from the protection of the Greenbelt. Adding new development potential to Greenbelt lands has exactly that effect and should be seen as running contrary to the stated policies of the province. It is disappointing that the planning staff in your municipality did not reject the Marylake proposal, out of hand. The planning deficiencies, particularly the inability to provide definitive evidence of an 'existing and continuous' use as a long-term care facility, should have made rejecting that proposal a very rapid proposition. We encourage you to reject any proposed amendments to the Rural Bylaw which would affect the Marylake lands, or, in the minimum, postpone any consideration of these changes under the documents requested, by your residents, under the Freedom of Information Act, that were utilized by the developer to influence the actions of your planning staff, have been made public. Mary Muter, on behalf of the Kingscross Ratepayers Association (KRA), said lands in their estate area are downstream of the largest provincial wetland in southern Ontario and a major initial part of those wetlands are beside Mary Lake. Any further development there could exacerbate the winter flooding that is occurring in our neighbourhood following the construction of the new homes just north of Kingscross. KRA has some significant concerns about the idea of long term care on the Moraine outside the King City Settlement area and we were very surprised to see Long Term Care added as an allowable institutional use on lands at Marylake in the proposed new rural zoning. This appears to be an attempt to confirm that Long Term Care is allowed on AFOI lands at Marylake. You have been elected to represent us and you have heard that there is lack of support from the community for the idea of a long-term care facility being established at Marylake Monastery. I am surprised you are not asking for the evidence that sustained LTC was provided prior to November 2001 and that it was carried on consistently, she said. On behalf of KRA, Donnelly Law filed an FOI request last spring for those very relevant documents as referenced by King planning staff. That FOI request was deemed by Township staff to be allowable and required, but the applicant appealed that decision. Then a mediator was appointed and after many months the mediator was not able to convince the applicant to release the relevant documents, so we now wait for the matter to be adjudicated. The bottom line here is that you as council need to see the documents that determine if lawful (licensed) long term care was provided by the AFOI and for how many people. A new multi-storey building squeezed in between Mary Lake and the extensive Provincially Significant Wetlands would threaten those critical Moraine features the very reasons why the ORMCP was put in place. You as council and the planning staff should be consulting with the new owners of the land at Jane and King Road. There is a new opportunity at that location to build a Long Term Care facility there that would be close to the local community and the King City train station. There is also land at the King City arena that should be considered. We would be pleased to assist in those discussions to answer the question where does LTC fit into the King City settlement area and close to public transit? In the meantime, while those important discussions get under way, you must reject this ill-conceived idea of LTC at Marylake since you have no evidence at hand that it meets the ORMCP. Transparency for your decisions is essential for the needed public support and until those FOI requested relevant documents are released you do not have public support. Speaking on behalf of Concerned Citizens of King Township (CCKT), Jennifer Anstey said CCKT has taken an active interest in the various stages of the Rural Zoning Bylaw process. We are pleased to see the unique character of each hamlet considered in fine tuning the different zones and also clear identification of appropriate secondary uses on farms. As an organization dedicated to maintaining the health and integrity of the Oak Ridges Moraine and the broader Greenbelt, CCKT does have concerns with parts of the Draft Zoning Bylaw which we believe challenges the intent of both the Oak Ridges Moraine Conservation Plan (ORMCP) and the Greenbelt Plan and compromises the long term vision and success of both plans. Specifically, CCKT urges council not to include long term care as an exceptional use on lands zoned Oak Ridges Moraine Feature Protection, Oak Ridges Moraine Natural Core and Linkage, or Oak Ridges Moraine Countryside. She said that the notion that an exception should be made to permit a large-scale project such as a modern long term care facility on such environmentally sensitive land completely contradicts the intent and the spirit of the Oak Ridges Moraine Conservation Plan. She reminded council that the Mary Lake property features a remarkably large kettle lake and a Provincially Significant Wetland, a designation reserved for those areas identified as being the most valuable to enhance water quality, control erosion, maintain stream flows, sequester carbon, and much more. CCKT finds it deeply concerning that the Augustinian Fathers of Ontario are not more forthcoming with the records that prove that activities on the property fall under the 'Existing Use' criteria as set out in the Oak Ridges Moraine Conservation Plan. It is incredible that a mediator was not able to convince the Augustinian Fathers to release this information and so the matter must now

be adjudicated. CCKT absolutely recognizes the need for more senior care options in King Township, but they simply note that Marylake is not a suitable property.