

Anthony Usher Planning Consultant
146 Laird Drive, Suite 105, Toronto, Ontario M4G 3V7

(416) 425-5964
auplan@bellnet.ca

July 14, 2017

Board of Directors
c/o Mr. Mike Walters, Chief Administrative Officer
Lake Simcoe Region Conservation Authority
Box 282
Newmarket, Ontario
L3Y 4X1

Dear Directors:

Re: Maple Lake Estates - Section 28 Application

I thank Mr. Walters for his June 23, 2017 letter, and on behalf of my client the North Gwillimbury Forest Alliance (NGFA) write to respond to it and to new information I have received since writing the Board on June 8.

On May 2, 2017, Maple Lake Estates Inc. (MLE) submitted a new Section 28 application, and it was on this basis that Chair Geoffrey Dawe and Mr. Walters advised the Premier that MLE had "activated" the application it first submitted on May 20, 2015. However, it is clear from MLE's correspondence (Melbourne to Baldwin, May 2, 2017) that this is a new application. Staff have further confirmed that this is a new application, identical to and presumably replacing the 2015 one (Rob Baldwin to Jack Gibbons, June 29, 2017).

The Board should be aware that this means that MLE's application will now be subject to the April 24, 2015 Watershed Development Guidelines, which the 2015 application was not. In particular, MLE's application will now no longer benefit from the old subdivisions-in-wetlands Policy 11.4.1.2, which has been removed from the Guidelines. The current Guidelines do not allow any development of any kind in provincially significant wetlands, except for infrastructure, building replacement, and accessory structures.

As regards the questions I asked in my email to staff of May 10, 2017 and repeated in my letter to the Board of June 8, I still have some concerns. I repeat the questions in *italics*, with my additional comments/concerns in roman.

1. *The application was submitted in May 2015. When [you] met with Jack Gibbons and me on June 9/15, we were advised that as of that date, the application was incomplete. Is the application now complete? If yes, what has the applicant provided to make it complete - and since we have only the original application materials disclosed to NGFA in August 2015, could you kindly provide the additional materials? If the application is not complete, what is still missing?*

The 2015 application was disclosed to us in full, and the 2017 application is identical, so:

- there are no additional materials to disclose, at least as of June 29 when Mr. Baldwin wrote Mr. Gibbons, but
- the new application must have still been incomplete.

The Watershed Development Guidelines say that the Authority shall notify an applicant within 21 days, if an application is complete or incomplete. That milestone was reached on May 23. What advice was given to MLE in that regard? If the application was considered incomplete, has MLE provided the further information requested? When that additional information is provided, shouldn't it be disclosed - isn't it unfair to all parties to have part of the application materials public and part not?

2. *Is this a "major" application as defined in your Guidelines?*

Mr. Walters answered that it is.

3. *What is your timetable for staff review? When will staff's report be available to the public?*

Mr. Walters answered that there is no formal timetable, given that additional information may be required of the applicant. I note that the Watershed Development Guidelines say that for a "major" application, once the application is considered complete, there is a 90 day timeline for staff to complete their review and either issue a permit or refer the matter to a Board hearing.

Mr. Walters indicated that if the application goes to a Board hearing, the staff report will be available through your meeting agenda process. He implied that if the permit is issued by staff, the report would be available through a Freedom of Information request following issue of the permit.

4. *What is your timetable for a decision? Can you advise whether this will be decided upon by staff or by the Board?*

Mr. Walters essentially answered the timetable question through his answer to my question 3, and does not appear to be able to advise at this time who will be deciding on the application.

5. *If the matter is decided upon by the Board, what advance notice will be provided that the Board will be considering it?*

Mr. Walters answered that the only advance notice will be through your meeting agenda process.

6. *Is it still the CA's position, as advanced at our June 9/15 meeting, that there will be no public submissions?*

Mr. Walters answered, yes, that remains the CA's position.

I remain dissatisfied with the Authority's policies on disclosure and public involvement as they apply to this important matter. However, I have said all I can say without repeating myself. NGFA's counsel Leo Longo may be making further submissions to you.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP