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May 21, 2015

Land Use Planning Review
Ontario Growth Secretariat
Ministry of Municipal Affairs and Housing
777 Bay Street, suite 425
Toronto, Ontario
M5G 2E5

Dear Madam or Sir:

Re: Coordinated Land Use Planning Review

I am submitting the following comments on the Coordinated Review on behalf of my client, the North Gwillimbury Forest Alliance (NGFA), whose mission is to protect the 1,418 ha North Gwillimbury Forest in the Town of Georgina, one of the 10 largest forests in the Lake Simcoe watershed. This forest lies entirely within the Greenbelt Plan Area. Most of the forest is in the Greenbelt Protected Countryside, largely within the Natural Heritage System. A small part of the forest is in the Sutton Towns and Villages designation, and a larger part is in the Towns and Villages designation for what is known as Maple Lake Estates (MLE) - the reason for this submission.

The MLE property currently designated Towns and Villages is 200 ha in area. It is owned by Maple Lake Estates Inc., an affiliate of the DG Group, formerly Metrus Development Inc. Its planning approvals, dating from the 1980s and 1990s, would enable a 1,073 unit residential development on leased sites, with municipal services piped from Keswick, but the property has remained undeveloped. The property is shown on the attached maps and is more fully described in Appendix A to this letter.

There has been considerable discussion over the last few years about an exchange of development approvals, whereby the owner would surrender the MLE approvals in exchange for equivalent approvals elsewhere. Preferably, "elsewhere" would be in Georgina so as not to alter the Town's ability to meet its Regionally allocated targets under the Greater Golden Horseshoe Growth Plan. The alternate location would also preferably be within the same (Keswick) municipal service area. Two sites have emerged as serious alternatives:

- ▶ 108 ha owned by Maple Lake Estates Inc., which I will refer to as Site B, currently designated Greenbelt Protected Countryside with about two-thirds in the Natural Heritage System. The property is shown on the attached map and is more fully described in Appendix B to this letter.
- ▶ South Keswick, a 392 ha area within the Keswick Towns and Villages designation, the majority of which remains undeveloped land owned by other affiliates of the DG Group as well as other developers. Any necessary planning approvals would be solely a matter for the Town of Georgina, and would not involve any Provincial plan. I mention South Keswick solely to make

clear that an alternative to Site B exists.

Because the owner, and some public agencies including the Town of Georgina, have indicated their preference for Site B, I expect you will receive proposals for the removal of at least part of Site B from Greenbelt Protected Countryside and its redesignation as Towns and Villages.

The NGFA is requesting the following, all of which in my opinion would be good planning and consistent with the spirit and intent of the Greenbelt Plan:

- 1. That the MLE property be redesignated from Towns and Villages to Greenbelt Protected Countryside, and be included in the Natural Heritage System as appropriate.**
- 2. That any proposal to change the designation of part or all of Site B be refused.**
- 3. That as a matter of policy, amendments and 10-year reviews of the Provincial plans not be used to swap development approval locations within the Provincial plan areas.**

These requests respond to several of the questions in the Discussion Document, especially 1a, 2b, and 5c.

The first two requests, which are site-specific, are justified in detail in Appendixes A and B respectively. I will deal here with the third, policy-oriented request.

The proposal to swap the MLE approvals for approvals at Site B, involves swapping a planning evil for a new and somewhat lesser evil, as described in Appendixes A and B. Two hundred ha which should have been in the Greenbelt Protected Countryside, for about 85 ha that is now in the Protected Countryside. Forest and wetland, for farmland. Leapfrog development, for leapfrog development. This might make sense if there were absolutely no options outside the Protected Countryside - but that is not the case.

If the Province opens this Pandora's box, nothing will stop a "what about me?" parade of Protected Countryside landowners with outdated development approvals seeking to swap back into, rather than out of, the Protected Countryside. Isn't that a surefire recipe for the Protected Countryside to be nibbled to death?

The current Greenbelt Plan says,

"The . . . Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape." (Section 1.1, p. 3).

The intent to *permanently* protect is repeated and reinforced in the Vision statement (Section 1.2.1, p. 4), the description of the Agricultural System (Section 3.1.1, p. 12), and the description of the Natural System (Section 3.2.1, p. 15). The Province has demonstrated its commitment to permanence by refusing to consider any amendments to the Plan prior to the 10-year review, other than Amendment 1 which added the Urban River Valleys.

In what way is "convenience swapping" consistent with these commitments?

With the one designation change requested above, NGFA fully supports the Greenbelt and Growth Plans, as well as the Lake Simcoe Protection Plan, inasmuch as they apply to Georgina which is NGFA's area of interest. Certainly, NGFA supports the better achievement of the six goals in the Discussion Paper, and no doubt there are improvements that could be made to the plans under review that would strengthen and clarify them and represent good planning.

More specifically, the NGFA would support northward extension of the Greenbelt to better protect the entire Lake Simcoe watershed. Within Georgina, redefinition and reduction of the "oversized" Pefferlaw Towns and Villages designation, as currently proposed by the Town, as well as correction of the Keswick Towns and Villages designation to include the Keswick Business Park, would also be desirable. But watering down the Greenbelt Plan by removing Site B from the Protected Countryside, and thereby setting a precedent for "convenience swaps", is in NGFA's and my view completely inconsistent with the relevant Provincial plans and the goals set out in the Discussion Document.

I hope these comments will assist the Advisory Panel and Ministry staff in their important task. NGFA and I look forward to the proposed amendments and our further participation in the review process.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP

cc. Harold Lenters

Appendix A - Maple Lake Estates

Subject Lands

The MLE property, 200 ha in area, is outlined in red on the attached map. It is owned by Maple Lake Estates Inc., an affiliate of the DG Group, formerly Metrus Development Inc.

The lands within the Towns and Villages designation outlined in dashed blue northwest of Metro Road North were involved in the original approvals and municipal servicing scheme for MLE. They have since been independently developed as a 36-lot subdivision (Plan 65M-2885, registered 1992) and are not part of this request for redesignation.

The small areas in the Towns and Villages designation southeast of Metro Road North that are not part of the MLE property are not functionally related to the approved development, do not have municipal services, and presumably were only included in the Towns and Villages designation for mapping convenience.

MLE is:

- 58% provincially significant wetland + 2% other wetland
- 91% wetland + areas enclosed by wetland + 30 m buffers
- 89% woodland
- 95% within the Lake Simcoe Region Conservation Authority regulated area.

Planning History

The existing approvals are for a "self-contained recreational residential retirement community". This would consist of 1,073 single-detached residences, manufactured dwellings being the intention, but the dwellings could also be stick-built as an alternative. Dwellings are limited to one storey and population is limited to two persons per dwelling on average. The dwellings would be on leased sites on a single lot. Municipal water and sewer services would be provided from Keswick to the property boundary. All internal services would be private. A golf course and other recreational facilities are required.

The approvals consist of:

- Georgina Official Plan amendment, adopted 1984, and on appeal from Provincial approval, approved by the Ontario Municipal Board 1987. As permitted by the *Planning Act* at that time, the appellants asked Cabinet to overturn the Board's decision, but Cabinet upheld the decision in 1988.
- Zoning bylaw amendment, passed 1987.
- Plan of subdivision 65M-2903, registered 1992. This plan divides the subject lands into two lots; its primary purpose was to be a vehicle for conditions of approval.

Except for the construction of municipal services to the boundary, no development has ever taken place. No *Conservation Authorities Act* permit has ever been obtained, although the owner has stated it plans to apply for one.

The subject lands were recognized as Towns and Villages in York Region's first (1994) Official Plan,

and are similarly recognized in the present Regional Plan.

In the October 2004 draft Greenbelt Plan, MLE was proposed to be designated Protected Countryside, largely in the Natural Heritage System. In reviewing the draft Plan, Georgina staff recommended that it would be "appropriate" to designate MLE (and Plan 65M-2885) as Towns and Villages, apparently because they were registered subdivision plans, and Council adopted this recommendation. I do not know if any other parties made similar submissions to the Province.

On May 13, 2015, Georgina Council resolved that MLE should be redesignated from Towns and Villages to Greenbelt Protected Countryside, and included in the Natural Heritage System.

Why MLE should be redesignated from Towns and Villages to Greenbelt Protected Countryside, and be included in the Natural Heritage System as appropriate

1. The 1980s approvals of development at MLE would never have happened in today's policy environment. (Perusal of the 1987 Ontario Municipal Board decision approving the Official Plan amendment is a sharp reminder of how much has changed since then, not least with respect to environmental and resource protection policy.)
2. The majority of MLE is provincially significant wetland, and over 90% of the site is wetland and/or woodland. If MLE had been designated Protected Countryside rather than Towns and Villages, all or almost all of it would surely have been included in the Natural Heritage System.
3. The policy approval granted 27 years ago (when Cabinet confirmed the Board decision), and the implementing zoning bylaw and subdivision plan, have never been implemented.
4. MLE is the only Towns and Villages designation in the Greenbelt Plan that is not at least partially developed. All other such designations represent the built-up areas, plus designated development areas, of existing communities.
5. The Greenbelt Plan gave the owner of MLE another 10 years to "use it". After 27 years, it is now time for MLE to "lose it". Policy 1.1.2 of the Provincial Policy Statement, plus complementary references elsewhere in the PPS and Growth Plan, indicate that 20 years is the generally accepted long-term planning horizon unless specifically indicated otherwise. An unused approval that exceeds the long-term planning horizon may no longer be relevant, and certainly should not be considered unchangeable.
6. Development of this still-undeveloped property would constitute leapfrog, extremely low-density (11 people and jobs per hectare) urban development, completely contrary to the Growth Plan's vision and principles. In no way would the approved development constitute a "complete community" as defined in the Growth Plan.
7. While the Lake Simcoe Protection Plan automatically recognizes MLE as an existing settlement area, development of the property would be inconsistent with the first objective of that Plan (to "protect, improve or restore the elements that contribute to the ecological health of the Lake Simcoe watershed"). Development would also offend several of the natural heritage targets in Section 6 of that Plan, specifically:

- "Achieve a greater proportion of natural vegetative cover in large high quality patches
- "Achieve a minimum 40 percent high quality natural vegetative cover in the watershed
- "Achieve protection of wetlands
- "Restore natural areas or features
- "Achieve increased ecological health based on the status of indicator species and maintenance of natural biodiversity".

Appendix B - Site B

Subject Lands

Site B consists of two lots, separated only by The Queensway North, outlined in green on the attached map. The property totals 108 ha in area and is owned by Maple Lake Estates Inc., an affiliate of the DG Group, formerly Metrus Development Inc.

About 26% of the property is wetland (almost all provincially significant) and/or woodland.

Planning History

An area of approximately 27 ha at the northeast corner of Site B was designated Estate Residential in the Georgina Official Plan that came into effect in 1982, and is still so designated in the present Plan. The majority of this area is wetland and/or woodland. In 1992, the Official Plan provisions were amended to require that municipal water service be provided via the MLE development.

In 1983, a zoning bylaw amendment was passed to enable the estate residential development, and it remains in effect. A 31-lot plan of subdivision was draft-approved in 1982, but that approval lapsed in 1987.

The estate residential area was not recognized in York Region's first (1994) Official Plan, nor in the present Regional Plan.

In June 2013, Georgina Council was advised that in a meeting the previous month, the owner was "willing to discuss alternative options that would involve moving some or all of its existing development rights [at MLE] to [Site B]".

On May 13, 2015, Georgina Council resolved that that part of Site B "that [does] not contain any significant environmental features" should be redesignated from Greenbelt Protected Countryside to Towns and Villages.

No planning applications have been submitted, nor has the owner made public any proposed development concept for Site B.

Why any proposal to change the designation of any part of Site B should be refused

1. It appears that those advocating redesignation of Site B propose to exclude the wetland and/or woodland areas from redesignation. If the major woodland and wetland block in the northeast corner were retained as Protected Countryside, that would leave a redesignation area of about 85 ha. However, almost two-thirds of Site B (about 70 ha) is included in the Natural Heritage System, including over half (about 47 ha) of the redesignation area. Does not the entire Natural Heritage System constitute a "significant environmental feature"?
2. Policy 3.4.2.5 of the Greenbelt Plan sets out the criteria for "modest settlement area expansions" that may be considered at the 10-year review period. The Plan clearly prohibits new settlement areas, so the Site B proposal can only be considered as a "settlement area

expansion". Criterion (d) is, "Does not extend into the Natural Heritage System". Again, that would appear to prohibit consideration of settlement area expansion in most of Site B.

3. The large majority of Site B is Canada Land Inventory Class 1. All of Site B that is not woodland or wetland is Classes 1 to 3, and is currently in agricultural use.
4. Development of this still-undeveloped property would constitute leapfrog, very low-density (about 26 people and jobs per hectare based on an 85 ha redesignation area) urban development, completely contrary to the Growth Plan's vision and principles. In no way would this constitute a "complete community" as defined in the Growth Plan.
5. The adverse effects of this leapfrog development would be accentuated by its closeness to Keswick's urban boundary - 800 m at the closest. This would place intolerable pressure on the lands between Site B and Keswick, and threaten the agricultural and rural integrity and viability of the entire Protected Countryside north of Keswick and west of Woodbine Avenue.
6. Within the Protected Countryside between Site B and Keswick, on the west side of Varney Road between Deer Park Drive and Boyer's Sideroad, lies a 52 ha property owned by Stag Hollow Country Homes Ltd., another affiliate of the DG Group. Development of Site B could encourage future pressure for urban redesignation of this property, much of which is wetland and/or woodland, and almost all of which is in the Natural Heritage System.
7. The only reason that has ever been suggested for development of Site B, is to swap the MLE approvals for approvals at Site B. This would be inconsistent with the Greenbelt and Lake Simcoe Protection Plans, and would set an extremely undesirable precedent, as described in the main body of the letter.
8. Policy 5.6 of the Greenbelt Plan says, "The [10-year] review can only consider modifications to the urban boundaries within the Greenbelt if the upper or single-tier municipality provides a comprehensive justification or growth management study." Not only has no such justification or study been initiated, but also no planning application has even been submitted or development proposal advanced that would provide the basis for such a study.