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April 8, 2015

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: Watershed Development Guidelines**

It came to my attention yesterday that at the March 27, 2015 regular Board meeting that preceded the special meeting I attended as a spectator, staff recommended that the Watershed Development Guidelines that will be before you on April 24, 2015, not take effect until June 1, 2015.

This recommendation was not included in the staff report that was in your agenda. Nor do the draft Guidelines themselves make any reference to an effective date later than the approval date. The recommendation appeared only in a PowerPoint presentation made at the regular meeting (posted separately on the agenda/minutes page of your website, and I didn't notice it).

I appreciate that sometimes - not always - planning policy documents take effect on a stated date later than the approval date. Normally, any such intention is stated in the draft document itself, so that that aspect of the proposed policy is clearly on the table before the policy is approved. I understand that the Board has sometimes approved policy documents to take effect at a later date, and I do not take issue with that general practice.

However, there is one very specific matter of great concern to my client the North Gwillimbury Forest Alliance and to me, that has engaged the Board throughout the process of developing the Guidelines. That is, of course, the possibility of a Section 28 permit application for development on the Maple Lake Estates property.

From September 27, 2013, when the Board first considered the NGFA's and my submissions regarding the subdivisions-in-wetlands aspect of the Watershed Development Policies, Board members were concerned about the possibility that Maple Lake Estates Inc. (MLE) might apply for a permit while this matter was still under consideration by the Board.

At your January 17, 2014 meeting, when the Board authorized a comprehensive review of the Policies, MLE undertook not to submit an application during the review process. This verbal undertaking was accepted by resolution: MLE would "not submit an application on its site during the comprehensive Watershed Development Policy review and adoption of new policies by the Board of Directors". MLE subsequently confirmed this undertaking in writing, not to apply for a permit "until

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the LSRCA has completed its review of the LSRCA Watershed Development Policy [sic] and until the LSRCA has *implemented* a new policy as directed by the LSRCA's Board of Directors at its meeting of January 17, 2014 [emphasis added]. The MLE undertaking also stipulated an expiry of January 1, 2015.

While the MLE undertaking included an absolute expiry date, it seems clear to me that it was designed to not expire until the Board had approved a new policy and put it into effect - which is the narrowest possible interpretation of "implemented". The Board's January 17, 2014 approval of the review process stipulated that the process would end with a decision at the December 2014 Board meeting. The Board surely accepted MLE's undertaking on the assumption that by January 1, 2015 it would have made its decision and put any policy changes into effect. That the Board would be considering approval of a revised policy on December 12, 2014 was widely communicated through staff progress reports and public notices.

As you know, staff then recommended that the date for the Board to consider approval of what are now known as the Watershed Development Guidelines be delayed until April 24, 2015. This delay was approved by the Board on October 24, 2014, and the April 24, 2015 approval date has since been widely and repeatedly communicated to the Board and the public.

At your October 24, 2014 meeting, Board members were once again concerned about the MLE undertaking, and resolved that "staff seek an extension from Metrus Developments to confirm in writing their agreement to not submit an application on its site during the comprehensive Watershed Development Policy review and adoption of new policies by the Board of Directors". The revised undertaking was provided, consisting of the original undertaking with the expiry date amended to April 30, 2015 and no other change. Again, surely the Board has accepted this undertaking on the basis that by April 30, it will have made its decision and put any policy changes into effect.

Therefore, if the Board intends on April 24, 2015 to approve the Watershed Development Guidelines in substantially the same form as the March 2015 draft, I commend that decision and request that the Board make the new Guidelines effective immediately.

Yours sincerely,

*[original signed by]*

Anthony Usher, MCIP, RPP