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September 8, 2014

Ms. Patricia Nash
Deputy Clerk
Town of Georgina
Keswick, Ontario
L4P 3G1

Dear Ms. Nash:

**Re: Zoning Bylaw Amendments and Draft Plans of Subdivision, South Keswick
Your Files 03.1078, 03.1079, 01.139, and 01.140**

I would like to provide Council and staff with comments on the above applications of Metrus Development Inc. and 739034 Ontario Inc., on behalf of my client the North Gwillimbury Forest Alliance (NGFA). As will be explained, my comments focus on the application by Metrus on behalf of its five affiliated landowners.

The proposed Metrus development is entirely within the South Keswick Development Area identified in the Keswick Secondary Plan. As well, the proposed draft plan conforms with the intent of the 2005 South Keswick Development Area Plan map.

However, I have one major concern about the Metrus applications - that they are premature and therefore, not in the public interest.

As the Town knows from previous correspondence from me as well as its own involvement in the matter:

- ▶ Confidential negotiations are currently taking place regarding a possible development approvals exchange, whereby the existing approvals at Maple Lake Estates would be replaced by equivalent approvals elsewhere in the Town. These negotiations involve Metrus, the Town, the Regional Municipality of York, the Province, Lake Simcoe Region Conservation Authority, and NGFA.
- ▶ As part of the Official Plan review process, I wrote the Town on March 20, 2014, May 29, 2014, and August 22, 2014 regarding candidate locations for these equivalent approvals. As noted in the most recent of these, "The only two plausible candidates at this point are lands owned by Maple Lake Estates Inc. between Deer Park Drive and Boyer's Sideroad, or additional density on lands owned by Metrus Development Inc. affiliates in South Keswick."
- ▶ These letters also make clear, and provide evidence in support of, my opinion that South Keswick would be the better option.

The above correspondence noted that Metrus affiliates currently own about 148.5 gross residential ha of undeveloped lands within the Residential Neighbourhood as shown on the 2005 South Keswick Development Area Plan land use plan map. This does not include subdivision plan 19T-10G02 (also known as Metrus Phase 8), nor the subject lands of the 739034 Ontario Inc. applications. Because the lands subject to the 739034 applications were excluded from the calculations in the above correspondence, and because they are not owned by Metrus affiliates (though I believed they were when I wrote those letters), we have no further comment on the 739034 applications at this time.

(Please note that there is an error in my previous correspondence regarding the 739034 subject lands. For some reason, both MPAC maps and the York Region GIS show those lands as part of a lot owned by a Metrus affiliate, rather than a separate lot, so the map attached to my March 20, 2014 letter is incorrect in showing those lands - "area B" - as Metrus lands. Where I indicated that Metrus affiliates own 148.5 ha of undeveloped land identified for Low Density Residential development, the correct figure is 151.2 ha. Where I indicated that Metrus affiliates are currently permitted to develop 2,153 low-density residential units on their undeveloped Residential Neighbourhood lands, at a density of 14.5 units per gross residential hectare, the correct figure is 2,192.)

The proposed Metrus subdivision occupies 66.5 ha. The subject lands include some areas that do not qualify as gross residential because they would be considered as natural features (blocks 897, 898, and 900), and some non-dwelling areas that are outside the Residential Neighbourhood and instead are within the Glenwoods Urban Centre (blocks 895, 899, and 906), according to the 2005 land use plan. With those areas deducted, the proposed subdivision would take up 55.1 ha (36.4%) of the undeveloped Metrus lands within the Residential Neighbourhood, and provide 931 dwellings, yielding a density of 16.9 units per gross residential hectare within the Residential Neighbourhood. (The applicant's cover letter, MacKinnon to Ross, June 27, 2014, indicates a density of 16.1 units per gross hectare, but it is not clear how the area base of 57.98 ha was derived.)

While Section 9.1.3.8(f)(iv) of the Keswick Secondary Plan says that density may be increased to 16.6 units per gross hectare through the incorporation of townhouses, "low density housing forms shall maintain a maximum density of 14.5 units per gross residential hectare". That means very little increase in overall permitted densities, unless townhouses assume a far higher proportion of total units than Metrus has ever contemplated. In this subdivision, Metrus is proposing that 94.7% of the units be low-density; if the same percentage of the area of gross residential blocks and streets is also attributed to the single-detached dwellings, then the overall permitted density can only increase to 14.8 units/ha (14.5 single-detached units/ha permitted in that part of the subdivision occupied or attributed to them, and 21.9 townhouse units/ha proposed in that part of the subdivision occupied or attributed to them).

I have no planning issue with higher density, but I must disagree with the applicant - in my opinion, an Official Plan amendment (to the South Keswick Secondary Plan) is required to enable the density proposed.

Although the proposed density is higher than what is currently permitted in South Keswick, approval of these applications would still adversely affect the potential to relocate development approvals from Maple Lake Estates. In my May 29, 2014 letter, I provided a relocation example of adding 625 semi-detached dwellings to what is currently permitted on the undeveloped Metrus lands, resulting in density increasing to 18.6 (versus 18.7, as indicated previously due to the above error) units per gross

hectare. With the present applications approved, Metrus would be left with 96.1 ha of undeveloped lands within the Residential Neighbourhood, and at 14.5 units per gross hectare, would currently be permitted 1,393 dwellings on the remainder lands. Adding 625 semi-detached dwellings would require a density of 21.0 units per gross hectare on the remainder lands.

While the proposed development reflects the 2005 South Keswick Development Area land use plan, it does not appear to acknowledge or reflect in any way the possibility of a development approvals exchange that would involve the subject lands, or the planning merits of such an exchange as outlined in my previous correspondence. As the applicant's cover letter says, "the layout of the proposed draft plan of subdivision is nearly identical to that of the Development Area Plan".

Therefore, in my opinion these applications are premature and not in the public interest, for the following reasons.

- ▶ As mentioned above, in my opinion an Official Plan amendment is required to permit the density proposed.
- ▶ Negotiations are currently under way that could involve altering the existing residential development policies for the subject lands. This is acknowledged in sections 4.2 and 4.16 of the Official Plan review Planning Directions Report of June 4, 2014, to the point of suggesting that special Official Plan policies to support a development approvals exchange may be appropriate. The possible outcomes of these discussions should not be foreclosed in any way, least of all by applications made by a party to those discussions.
- ▶ I have provided the Town with considerable documentation supporting the case for additional development approvals on lands owned by Metrus affiliates in South Keswick as the best option for a development approvals exchange. The commitment of 36% of the available lands, at a significantly lower density than that required to accommodate those additional approvals, could well shut the door on that option - and that should not happen at this time.
- ▶ These applications would also be premature with respect to the ongoing Official Plan review process itself. That process is specifically charged with considering the Maple Lake Estates development exchange issue.
- ▶ Finally, unless Metrus simply abandons its interests in Maple Lake Estates, one of the following must happen, sooner or later:
 - Metrus seeks to proceed under its existing development approvals - but it needs a servicing allocation from the Town, and a *Conservation Authorities Act* Section 28 permit from the Conservation Authority. The Authority is currently reviewing its watershed development policies.
 - Metrus seeks new planning approvals for the present site.
 - Agreement is reached on a development approvals exchange, which will then require new planning approvals, and possibly amendment of the Greenbelt Plan.

Needless to say, all of these possibilities involve substantial uncertainty, and it could turn out that none of them are achievable. However, the Town's population forecasts, embodied in the Regional Plan, include Maple Lake Estates (1,900 persons by 2031, according to the Planning Directions report). That population is part of the Town's obligation to accommodate its share of growth in the Greater Golden Horseshoe - appropriate policies for which are central to the ongoing Official Plan review. It remains uncertain whether, where, and how the ultimately-contemplated Maple Lake Estates population of 2,146 persons can ever be realized. Therefore, it would be premature for the Town to further foreclose options for doing so, on a site that is within a recognized settlement area *and* is not subject to significant environmental and natural heritage constraints.

Therefore, I recommend that Council not approve the proposed rezoning and draft plan of subdivision, at least until all the above issues of prematurity have been satisfactorily addressed, and the applications appropriately modified.

In accordance with Sections 34(18) and 51(37) of the *Planning Act*, please provide me with notice of Council's decisions.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP