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September 21, 2015

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

Dear Ms. Nash:

**Re: DG Group Phase 9 Zoning Bylaw Amendment and Draft Plan of Subdivision
Your Files 01.139 and 03.1078**

On behalf of my client the North Gwillimbury Forest Alliance (NGFA), I would like to provide Council and staff with comments on the above applications of the DG Group on behalf of its five affiliated landowners.

As you know, I previously commented on these applications on September 8, 2014 and March 2, 2015, and appeared at both previous public meetings.

I have reviewed the April 2, 2015 revised draft plan, and the staff report as distributed in the agenda that recommends approval of the DG Group applications (I understand revised recommendations may be forthcoming). The proposed changes do not resolve or address my concerns about the applications, as set out in my previous submissions - that they are premature and therefore, not in the public interest.

I will briefly summarize the concerns I have previously expressed, updating them as appropriate and referencing my previous submissions for further detail.

Density

I have previously raised concerns that the proposed density would not conform with the Official Plan. Although as the staff report indicates, I was provided with the latest revised draft plan on May 13, 2015, staff advised that their density analysis would be forthcoming later. I was only provided with that analysis on August 31, one day before the staff report appears to have been written. I responded to staff on September 13 and attach that correspondence.

To summarize that correspondence, although some of the details of the numerical analysis in the staff report are problematic, I agree that if Blocks 827 and 837 have been moved out of the Glenwoods Urban Centre, then the density generally conforms with the Official Plan. The staff report asserts these blocks have been moved out of the Urban Centre, but based on present evidence I cannot agree.

There are three different boundaries for the Glenwoods Urban Centre.

- ▶ Keswick Secondary Plan, schedule F1. This is the boundary shown on Attachment 7 to the staff report. On this basis, the two blocks are outside the Urban Centre, as shown in the attachment. However, section 9.1.8.1 of the Secondary Plan makes clear that designation boundaries are approximate, and section 9.1.3.8 and other sections clearly contemplate that South Keswick's development patterns are to be refined and detailed in a development area plan.
- ▶ South Keswick Development Area Plan, 1999, figure 2. Based on this figure, the two blocks are inside the Urban Centre. This document was prepared by DG Group's agent.
- ▶ South Keswick Development Area Plan (figure only), 2005. Based on this figure, again prepared by DG Group's agent, the two blocks are inside the Urban Centre. Also, comparison of this figure with the draft plan shows that DG Group and its agent rely entirely on this plan to show the street and land use pattern in the undeveloped portion of South Keswick, the Urban Centre included.
- ▶ Regarding the status of the 1999 Plan and the updated 2005 figure, Velvet Ross advised me as follows on February 20, 2014:

"As requested Tony, here's a copy of the last approved version of the entire [1999 Plan], as approved by Council on June 14, 1999 (Staff Report DS-1999-0055; Resolution C-1999-0227). Subsequently however, revisions were made in 2005 to the Land Use Plan itself, in the context of considering further subdivision applications for Ph. 5-7, being north of Joe Dales Drive, which were approved by the OMB. I've attached a copy of that [2005] Plan as well. This never proceeded to Council as an amendment to the [1999] SKDAP, but it is the land use plan we utilize since the approvals of the subdivisions by the OMB."

Therefore, my concern about the density of the proposed development conforming to the Official Plan remains, at least until Council reconciles the Secondary Plan designations with the South Keswick development concepts that landowners, applicants, and staff are all actually using and relying on.

Prematurity

I have previously referred to confidential negotiations 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 involved the then Metrus Development Inc., 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 have written the Town on several occasions regarding candidate locations for these equivalent approvals. As noted in my August 22, 2014 letter, "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 [DG Group] affiliates in South Keswick." My opinion has been and remains that South Keswick would be the better option.

The negotiations were never officially terminated, and NGFA was always willing to continue them.

However, some other parties appear to have effectively withdrawn from that process, by asking the Province to advance the Deer Park-Boyer's option by removing the needed lands from the Greenbelt Plan Protected Countryside.

Although the negotiation process is at best dormant, the review of the Greenbelt Plan initiated by the Province earlier this year is very much alive.

- ▶ Council has asked the Province to remove the Towns and Villages designation from Maple Lake Estates, and redesignate it as Protected Countryside and include it within the Natural Heritage System.
- ▶ Council has asked the Province to remove the Deer Park-Boyer's lands not containing significant environmental features from the Protected Countryside, and redesignate them as Towns and Villages.
- ▶ The DG Group and the Lake Simcoe Region Conservation Authority have made similar requests.
- ▶ NGFA has made a similar request with respect to Maple Lake Estates, but has also requested that the Deer Park-Boyer's lands remain as currently designated.

While staff clearly recommended, and Council agreed, that the permanent protection of the Maple Lake Estates lands should be coupled with the Deer Park-Boyer's swap, the staff report is very clear that protecting the Maple Lake Estates lands represents good planning, a recommendation that should stand on its own merits.

Public consultation on proposed changes to the Provincial plans will not begin until at least winter 2016. A final new Greenbelt Plan is many months away. Only when a final Plan is released, will we know the Province's response to the requests of Council and others.

Any of these three scenarios could happen:

- ▶ The Province leaves the Plan as is. That would kill the Deer Park-Boyer's option. Since the Town clearly opposes development of Maple Lake Estates, it would have little choice but to seriously consider the South Keswick alternative which, of course, would not require any Provincial approval.
- ▶ The Province redesignates Maple Lake Estates as Protected Countryside and leaves Deer Park-Boyer's as is. In that circumstance, both the Town and DG Group would undoubtedly want to consider the South Keswick alternative.
- ▶ The Province redesignates Maple Lake Estates as Protected Countryside and Deer Park-Boyer's as Towns and Villages. That would be only the first step towards the consummation of a development approvals transfer. The Town has made clear that such a major new greenfield development for a future population of over 2,000 will not proceed without the usual full public process that would be required for approval of the necessary Official Plan and zoning bylaw amendments and draft plan of subdivision. And it would remain my view that the planning

merits of both the Deer Park-Boyer's and South Keswick alternatives should be thoroughly evaluated as part of this process. As described in my May 21, 2015 letter to Council, this has simply not happened - "it is not in the public interest that [South Keswick] be dismissed with only the thinnest of justifications and zero consideration of its planning merits".

So, we have two possible outcomes which would necessitate consideration of South Keswick as an alternative site for equivalent development approvals, and a third which in my opinion should still require such consideration. As described in some detail in my September 8, 2014 and March 2, 2015 letters, approval of the Phase 9 applications as currently proposed would adversely affect the potential to relocate development approvals from Maple Lake Estates to South Keswick.

Further ongoing uncertainties include:

- ▶ The current stage of the Official Plan Review includes the future designation of and policies for Maple Lake Estates and the Deer Park-Boyer's lands.
- ▶ Maple Lake Estates Inc. has applied for, but not obtained, a *Conservation Authorities Act* Section 28 permit for development on its approved lands.

* * *

Therefore, it remains my recommendation that Council not approve the proposed rezoning and draft plan of subdivision, at least until the density issue and all the above issues of prematurity have been satisfactorily addressed and the applications appropriately modified.

I hope these comments will assist Council in its consideration of these applications.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP

cc. Maryann Hunt
Anna Geniole