

# Anthony Usher Planning Consultant

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September 15, 2017

Dr. Dianne Saxe  
Environmental Commissioner of Ontario  
1075 Bay Street, suite 605  
Toronto, Ontario  
M5S 2B1

Dear Dr. Saxe:

## **Re: Maple Lake Estates, Georgina**

I write 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.

My client has been advocating since 2011 for the protection from development of a 200 ha block within the Forest, owned by Maple Lake Estates Inc. (MLE), an affiliate of the DG Group. Though much of the MLE property is also occupied by the Paradise Beach-Island Grove provincially significant wetland, the property remains subject to unexercised planning approvals that were given in the 1980s and 1990s for a 1,073 unit residential development on leased sites.

Over the last six years, my client and I have had extensive discussions with the Province, York Region, Town of Georgina, Lake Simcoe Region Conservation Authority (LSRCA), and the landowner in hopes of finding a resolution to this issue. The continuation of an urban residential designation in the recently adopted new Official Plan of Georgina has been appealed by my client, and will be the subject of an Ontario Municipal Board (OMB) hearing next year.

I have just received, through Freedom of Information disclosure, an August 25, 2017 email to you from Mike Walters, LSRCA's chief administrative officer, which seeks to enlist your support for LSRCA's position, which is to remove from the Greenbelt Protected Countryside agricultural lands to which MLE's planning approvals could be transferred. You should know that there is another side to this story.

At the provincial policy level, NGFA's position is well summarized in the enclosed submission of May 21, 2015 that I provided to the Coordinated Land Use Planning Review. We asked that the new Greenbelt Plan redesignate the MLE property from Towns and Villages, as it was designated in recognition of the long-ago planning approvals, to Greenbelt Protected Countryside. We also asked that the new Plan also *not* redesignate to Towns and Villages the alternative site described by Mr. Walters, though that was being advocated by the Town and LSRCA.

While the Region, Town, and LSRCA all say they share NGFA's opposition to development of the original MLE property, they have put forward the DG Group's preferred approach, described in Mr.

Walters's email. However, this proposal would not be good planning in NGFA's and my view. The enclosed 2015 submission explains why we opposed the removal of this alternative site from the Protected Countryside.

As you know, the new Greenbelt Plan came into effect on July 1, 2017. Our request with regard to the MLE property was not accepted - it's still designated Towns and Villages. The Town and LSRCA request with regard to the alternative site, later also supported by York Region, was also not accepted - it's still designated Greenbelt Protected Countryside. Despite continued advocacy of that position by the LSRCA and the municipalities, Municipal Affairs Minister Bill Mauro wrote York Region on January 12, 2017 confirming that the forthcoming Greenbelt Plan would not redesignate the alternative site. Nonetheless, and even after the release of the new Greenbelt Plan, LSRCA has continued to advocate, to Minister Mauro, the Premier, and now you, that the alternative site be redesignated to enable a development approvals swap.

As well, Mr. Walters makes several assertions in his email to you, that I must take issue with.

*"The Maple Lake Estates development is an old approved registered plan of subdivision . . . that was contested by the LSRCA back in the 1980's. The LSRCA lost its bid to protect these lands and stop the development at the Ontario Municipal Board . . ."*

The OMB issued its decision on the enabling official plan amendment on March 3, 1987. The decision indicates that the LSRCA was neither party nor participant. There are a couple of mentions of the LSRCA in the decision, but none suggest any opposition by the Authority.

Not only have I been advising NGFA since 2011, but I advised parties opposing the original official plan amendment over 30 years ago. I have never seen or heard anything indicating LSRCA opposition at that time.

Finally, on June 9, 2015, the Chair of NGFA and I attended a meeting with the Chair of LSRCA, the Mayor of Georgina, and LSRCA staff including Mr. Walters, to discuss a related matter, the owner's application for a development permit under the *Conservation Authorities Act*. At that meeting, LSRCA advised that it had received legal advice that were it to refuse that application, the Authority would not fare well in Court should the applicant pursue the matter to that level. According to my notes, one of the reasons given was that "LSRCA's support of the 1980s approvals would weigh against the Authority." These are only my notes, but clearly, that "support" must at the very least have been non-opposition.

*"Some years ago the original owner sold the property to another development interest who have [sic] kept the planning designations current with the intent to develop the subject property."*

The present owner acquired the property in 1999 and has done nothing that I would understand to constitute "[keeping] the planning designations current". The Georgina Official Plan and comprehensive zoning bylaw designations are as they were approved in the 1980s, with minor tweaking by the Town as new comprehensive documents succeeded old ones. Subsequently, urban designations were included in the York Region Official Plan and Greenbelt Plan as they came into effect, and again were continued with minor tweaking as new documents succeeded old ones. The present owner has never made any application to vary the existing approvals. And as you know,

there is no process or requirement for an applicant to keep an existing planning approval "current", unless it is time-limited such as a consent, but that does not apply in this case.

*"In 2006 the Ministry of Natural Resources . . . identified significant wetlands on the site."*

Actually, that was in 2004.

*"In 2015 the LSRCA was approached by staff from the Town . . . , Region . . . , and the Ministry of Municipal Affairs to determine whether the LSRCA would consider supporting a transfer of planning approval . . ."*

Actually, that was in 2013. But to the best of my knowledge, it did not include the Ministry of Municipal Affairs and Housing as it then was. I don't believe that the Ministry ever took any position on this matter, until the Minister's recent decision on the new Greenbelt Plan.

*"The transfer of planning approval would result in growing the Greenbelt by 134 hectares . . ."*

The transfer of planning approval would not grow the Greenbelt at all. The MLE property and the alternative site are both currently within the Greenbelt. Section 5.6.1 of the Greenbelt Plan is quite clear that "growing the Greenbelt" refers to growing the regulated boundary of the Greenbelt.

As indicated in my enclosed 2015 submission, the development approvals swap would add 200 ha (the MLE property) to Greenbelt Protected Countryside, and subtract about 85 ha (the majority of the alternative site) from Greenbelt Protected Countryside, for a net gain of about 115 ha to the Protected Countryside, albeit with a net loss of prime agricultural lands.

Yours sincerely,

*[original signed by]*

Anthony Usher, RPP

cc. Mike Walters  
Hon. Kathleen Wynne  
Hon. Bill Mauro  
Mayor Margaret Quirk