

**EXPERT WITNESS STATEMENT OF
ANTHONY USHER**

April 9, 2018

**Local Planning Appeal Tribunal Hearing
re New Official Plan (OPA 129), Maple Lake Estates provisions
Town of Georgina
Tribunal Case PL161206**

Prepared for North Gwillimbury Forest Alliance

1 Introduction

- 1.1 I have practised as a land use planner since 1972, first with the Ministry of Natural Resources (MNR) and since 1978 as a consultant working throughout Ontario. Since 1983 I have been the principal of my own firm, Anthony Usher Planning Consultant. My practice has emphasized environmental, resource, recreational, and land use policy planning. I am a full member of the Ontario Professional Planners Institute, and a Registered Professional Planner under the *Ontario Professional Planners Institute Act, 1994*. My curriculum vitae is attached.
- 1.2 I have been qualified as a professional planning witness at about 25 Ontario Municipal Board and two Joint Board hearings, and at the Superior Court of Justice and the Public Service Grievance Board.
- 1.3 I am impartial with respect to and have no interest in the applications, and have executed the Acknowledgement of Expert's Duty as required by the Procedural Order.
- 1.4 I was first contacted about Maple Lake Estates (MLE) in May 2011 by Jack Gibbons, who is a resident of the Roches Point lakeshore community near the subject lands, and who would become Chair of the North Gwillimbury Forest Alliance (NGFA). Mr. Gibbons and other residents had just met with representatives of Maple Lake Estates Inc. who had indicated their interest in reviving MLE. I had some prior familiarity with the subject lands, as will be explained below. As a result of my discussions with Mr. Gibbons and my initial review of the available information, I concluded that I could provide Mr. Gibbons and the other residents, who would subsequently form NGFA, with independent professional planning services in this matter, and I was retained by Mr. Gibbons effective May 31, 2011. NGFA was incorporated on February 16, 2012, and from that date, I was effectively working for NGFA, a relationship that was subsequently formalized through a replacement agreement.
- 1.5 In 1986, I was retained, along with environmental expert Michael Michalski, by

South Lake Simcoe Residents Inc., a community group that no longer exists and whose key people were not the same as those of NGFA. Our client group did not support the then Township of Georgina's adoption of the Official Plan amendment enabling the approval of the original Maple Leaf Estates (the history of which is outlined in the planning witnesses' Agreed Statement of Facts and Remaining Issues in Dispute, March 19, 2018). The group was concerned about water quality impacts on Lake Simcoe, and on its behalf Mr. Michalski and I prepared a submission to the Province ("Lake Simcoe: Development and Water Quality", May 15, 1986). The Province did not heed our recommendations, so the concerned residents asked the Minister of Municipal Affairs to refer the Official Plan amendment to the Ontario Municipal Board, as was then the law. Mr. Michalski appeared as an environmental expert on behalf of South Lake Simcoe Residents Inc., and I appeared as a planning expert on behalf of Georgina resident John B.W. Carmichael who also opposed the development in collaboration with South Lake Simcoe. Following the Board's decision in early 1987, I had no further involvement with the subject lands until 2011.

1.6 In undertaking this work and developing my planning opinions, I have relied on the following.

- ▶ Review of:
 - All available information on the original approvals of Maple Leaf Estates, and subsequent planning-related dealings between its owners and public agencies.
 - The applicable planning documents (see Agreed Statement of Facts).
 - Maps and plans of the subject lands and their environs.
 - Other relevant documents.

- ▶ My involvement in the Official Plan review process with respect to MLE, since the inception of public participation in 2013, including attendance at various public meetings and presentation of oral and written submissions.

- ▶ My involvement on behalf of NGFA in various other planning-related initiatives with respect to MLE, including (see Agreed Statement of Facts for more information):
 - Metrus Development Inc. appeal of York Region Official Plan (2012)
 - request to Town for interim control bylaw in the North Gwillimbury Forest (2012-13)
 - revision of Lake Simcoe Region Conservation Authority (LSRCA) Watershed Development Policies (2013-15)
 - discussions among various parties re a development approvals exchange (2014)
 - review of Greenbelt Plan and Growth Plan for the Greater Golden Horseshoe (2015-17)
 - Maple Lake Estates Inc. application for permit from LSRCA (2015-18).

- ▶ The planning witnesses' Agreed Statement of Facts and Remaining Issues in Dispute, March 19, 2018, which I adopt as part of my evidence, with the exception noted in section 2.2 of this witness statement.
- ▶ Reconnaissance of the environs of the subject lands and the surrounding area, in 1986 and on several occasions since 2011.
- ▶ Consideration of the above in light of the *Planning Act*, the applicable planning documents, the associated policy environment, and good planning principles and practice.

1.7 I may rely on any document referenced in the Agreed Statement, or any other relevant document that is on the public record. I will rely on the following documents (or extracts therefrom) additional to those referenced in the Agreed Statement, all of which are referenced in this witness statement. Most of these are generally available to the parties; those that are not, are asterisked and are being distributed with this witness statement.

- Draft Greenbelt Plan, schedule 4, October 2004
- Environmental Impact Study, Maple Lake Estates, Georgina, ON, Dillon Consulting, April 2015
- Provincially Significant North Keswick Wetland Complex - Summary and maps, Ontario Streams and MNRF, April 2017
- LSRCA maps showing Regulation 179/06, September 2014
- Georgina Council minutes, March 22, 2018
- Georgina Staff Report PB-2015-0001, January 14, 2015
- Georgina Staff Report PB-2015-0025, April 8, 2015
- Georgina website, Maple Lake Estates Background Info page
- Letter Bray to Armstrong (Georgina), January 8, 1997*
- Email Ross to Council (Georgina), June 11, 2004*
- Letter Longo (NGFA) to Council (Georgina), February 19, 2013
- Letter Longo (NGFA) to Council (Georgina), March 25, 2013
- Letter Usher (NGFA) to Dymont and Furniss (Georgina), March 20, 2014
- Letter Usher (NGFA) to Lenters (Georgina), May 29, 2014
- Email Brockman (York Region) to Usher (NGFA), March 16, 2018*.

2 Subject Lands Context

2.1 James Dymont, the Town's planning witness, will be providing non-opinion overview evidence describing the following with regard to the subject lands, consistent with the Agreed Statement:

- land use and planning context,
- current and approved development,
- the applicable planning documents and their key policies,
- a chronology of events since the early 1980s.

2.2 In the remainder of this section, I offer some additional information that is intended to complement the Agreed Statement without taking any issue with it,

with the following exception:

- ▶ Paragraph 16 of the Agreed Statement says that the Lake Simcoe Protection Plan "recognizes MLE as an 'existing settlement area' because it was so designated in the applicable official plans". However, in reviewing the York Region Official Plan after the Agreed Statement was submitted, I noticed that text following Policy 2.2.24 lists the existing settlement areas in the Region that the Region considers to be subject to the Lake Simcoe Plan. Maple Lake Estates is not included.

2.3 The North Gwillimbury Forest (map to be provided as visual evidence) is a continuous woodland extending from the north end of Keswick, and continuing east and south of the Lake Simcoe shoreline, into the middle of Sutton, all within the Town of Georgina. At 1,418 ha in area, it is one of the largest remaining forests in the Lake Simcoe watershed, and much of it is also wetland. The boundaries of the forest were identified by NGFA in 2012 using base mapping provided by LSRCA, and the forest's area was measured by a NGFA contractor using geographic information system technology.

2.4 Of the total area of MLE, it is estimated (by the NGFA contractor referred to above) that approximately:

- ▶ 58% (117.2 ha) lies within the Paradise Beach-Island Grove Provincially Significant Wetland as identified by MNR and shown on Map 4 of the York Region Official Plan.
- ▶ An additional 2% (3.8 ha) lies within other wetlands identified by MNR in 2013, which are not shown on Regional Plan Map 4.
- ▶ 91% (181.6 ha) lies within lands which would normally be undevelopable as a result of the presence of wetlands. This I define as wetlands, vegetation protection zones within 30 m of wetlands, and other lands entirely enclosed by wetlands.
- ▶ 89% (178.7 ha) lies within woodlands as shown on Map 5 of the Regional Plan. All of these woodlands appear to be significant woodlands, as explained in my report "Protecting the North Gwillimbury Forest", December 19, 2012 (part of NGFA submission to Town December 31, 2012).
- ▶ 92% (184.1 ha) lies within either or both of lands that would normally be undevelopable due to wetlands (as defined above), or significant woodlands (as explained above).
- ▶ 95% (189.6 ha) lies within the area regulated by the Lake Simcoe Region Conservation Authority (see maps showing Regulation 179/06, September 2014).

- 2.5 In support of its May 20, 2015 application to LSRCA for a permit under section 28 of the *Conservation Authorities Act*, Maple Lake Estates Inc. submitted an Environmental Impact Study prepared by Dillon Consulting, April 2015. So far as is known, this is the only environmental evaluation, as we would commonly understand such a study, ever undertaken of the subject lands. (As of the time of writing, LSRCA has made reference to a similarly titled study dated 2017 - I am trying to ascertain whether that is the same study or a new one.) I note that:
- ▶ The report indicates that there is 121.99 ha of wetland on the subject lands, which increases the percentage that is wetland to 61%.
 - ▶ Several Ontario species at risk were observed on the property: butternut, monarch (butterfly), barn swallow, Eastern wood-pewee, and wood thrush. The western chorus frog, a federal species at risk, was also present.
 - ▶ The study demonstrates that implementation of the approved development would have substantial impacts on the significant wetlands and woodlands, and not all of those impacts could be mitigated.
- 2.6 In April 2017, the Ministry of Natural Resources and Forestry (MNRF) identified, and released the summary and evaluation of, the North Keswick Wetland Complex, a provincially significant wetland. This wetland lies generally south and west of MLE, between MLE, Lake Simcoe, and Keswick, and mostly within the west end of the North Gwillimbury Forest. The closest portions of it are within 60 to 70 metres of the southern and western boundaries of MLE. Several of the individual wetlands close to MLE lie within the Arnold C. Matthews Nature Reserve, private lands subject to conservation easements granted to LSRCA (map to be provided as visual evidence). The Ministry's summary notes the importance of strengthening wildlife corridors in Georgina, specifically referencing connections eastwards to the Paradise Beach-Island Grove provincially significant wetland and beyond through the North Gwillimbury Forest, ultimately east to the Black River and south to the Oak Ridges Moraine (p. 5).
- 2.7 As the Agreed Statement notes, one of the existing approvals at MLE is subdivision Plan 65M-2903, registered in 1992. This plan consists of two lots (as well as perimeter blocks to be conveyed to the Town and York Region). One lot is a standard rural residential lot on Woodbine Avenue of about 8,000 m². The second is the remaining approximately 200 ha on which the proposed residential community would be located.
- 2.8 As I recall from my involvement in the original development approvals in 1986, the main reason that a plan of subdivision was applied for and approved, was to provide a vehicle for conditions of approval that could then be incorporated into the subdivision agreements that were subsequently concluded with the Town and Region and which, among other things, required the conveyance of the blocks. The subdivision plan did not divide any lands for the purpose of the approved MLE development. It is important to keep this in mind when considering the existence

of the registered subdivision plan as a factor in whether the existing Official Plan designation should continue to be recognized.

3 The Issues

3.1 The issues on the NGFA Issues List are clearly stated, but in some cases the same topic of my evidence will be pertinent to more than one issue. I will (if necessary, arbitrarily) assign each topic to a single issue, while indicating if it is also pertinent to other issues. I will address Issues 3a through 3d first, as this will allow me to begin with the policy context.

3.2 All of the issues except for Issue 3 refer to the "significant lands", defined as the approximately 90% of MLE that consists of significant wetlands and woodlands. That provincially significant wetlands and significant woodlands, as defined for the purposes of PPS Policies 2.1.4(a) and 2.1.5(b) respectively, together occupy about 90% of MLE, has been demonstrated in section 2.4 of this witness statement.

3.3 In the context of the issues list as a whole, I believe the questions posed in Issue 3 are intended to be posed with respect to the "significant lands", and I will respond accordingly.

4 Issue 3a: Would approval of (i) an "Urban Residential Area" designation and associated policies, or (ii) an "Environmental Protection Area" designation and associated policies . . . be consistent with the Provincial Policy Statement 2014; particularly with reference to policies:

- **1.1.2**
- **1.1.3 preamble**
- **2.1.1- 2.1.5 and 2.1.8**
- **4 - especially 4.7?**

General

4.1 Part III of the PPS requires that all relevant policies "are to be applied to each situation" and "should [be considered] . . . to understand how they work together". There are some policies in the PPS, not listed in the NGFA Issues List, that could be considered as supporting the appealed sections of the new Official Plan. But I also note the section on Consider Specific Policy Language in Part III. The natural heritage policies in particular (Policy 2.1.2 excepted) are "shall" policies, in the limitation or prohibition category. As Part III says, "There is some discretion when applying a policy with enabling or supporting language in contrast to a policy with a directive, limitation or prohibition".

Policy 1.1.2

4.2 This policy requires that land for community development be made available to meet projected needs "for a horizon of up to 20 years", except that an alternate time period may be used where one is established by a Provincial plan or planning

exercise. Policy 1.2.3 of the Greater Golden Horseshoe Growth Plan stipulates a time horizon to 2041, 24 years from the Growth Plan's approval and 23 years from now. PPS Policy 1.1.2 also says that longer-term planning is permitted for infrastructure and public service facilities - by implication, it is not encouraged for residential development. In other words, the time horizon for planning for new residential development in Georgina should not exceed 23 years from now.

- 4.3 The Official Plan amendment establishing the principle of development at MLE came into effect 30 years ago, and MLE remains entirely undeveloped. Even if we rely on the less-far-in-the-future 2031 planning horizon in the new Official Plan (approved prior to the issue of the new Growth Plan), that allows for a potential for MLE to retain its Urban Residential designation - and remain undeveloped - for up to 43 years after that designation came into effect.
- 4.4 An unused approval that exceeds the long-term planning horizon may no longer be relevant, and certainly should not be considered unchangeable.
- 4.5 In my opinion, an Urban Residential designation of MLE is not supported by Policy 1.1.2, and would not be consistent with its intent. An Environmental Protection designation (or any other designation appropriate outside a settlement area) would be consistent.

Policy 1.1.3, preamble

- 4.6 The preamble speaks to the vitality of settlement areas, and to a number of objectives that should be pursued in the planning of settlement areas.
- 4.7 The MLE development concept as described in the new Official Plan is neither "vital" nor does it meet several of the objectives. It would not "use land and resources wisely", it would not "promote efficient development patterns", it would not "protect resources", nor would it "promote green spaces".
- 4.8 In my opinion, an Urban Residential designation of MLE would not be consistent with this policy, because the approved development concept fails to meet this policy test. The development concept could certainly be modified - but that would require an Official Plan amendment, which would also be subject to current policies, and that would likely mean the end of the Urban Residential designation. An Environmental Protection designation would mean that the subject lands would no longer be a settlement area, so Policy 1.1.3 would no longer be relevant.

Policies 2.1.1 and 2.1.2

- 4.9 Policy 2.1.1 requires long term protection of natural features and areas (undefined). Policy 2.1.2 strongly encourages maintenance, restoration, and if possible improvement, of natural feature/natural system connectivity, ecological function, and biodiversity.

- 4.10 The approved development would destroy large parts of the significant wetlands and woodlands on MLE, and would likely adversely affect the connectivity, ecological function, and biodiversity of the rest. The development would also likely adversely affect connectivity beyond MLE, taking into account the greater extent of the North Gwillimbury Forest and the existence of the nearby North Keswick significant wetland.
- 4.11 In my opinion, an Urban Residential designation of MLE would not be consistent with Policies 2.1.1 or 2.1.2. An Environmental Protection Area designation would be consistent with these policies.

Policy 2.1.3

- 4.12 Policy 2.1.3 requires the Town to identify a natural heritage system.
- 4.13 The new Official Plan establishes a natural heritage system consistent with Policy 2.1.3, called the Greenlands System, which is shown as an overlay designation on Schedule A2. Schedules B1 and B2 show the wetland, and Schedule B1 the woodland, that together cover about 90% of MLE. This mapping is consistent with Maps 4 and 5 of the York Region Official Plan, as well as the additional areas mapped as wetland by MNR in 2013. These schedules also show the northeast corner of MLE, as well as a very small strip along Varney Road, as within the Greenlands System, consistent with the Regional Greenlands System on Map 2 of the Regional Plan.
- 4.14 Generally, Schedules B1 and B2 show all natural heritage and hydrologic features outside the four secondary plan areas (Keswick, Keswick Business Park, Sutton/Jackson's Point, and Pefferlaw). The wetland and woodland on MLE are the only major such areas outside the secondary plan areas that are not also included in the Environmental Protection Area designation, or for the most part within the Greenlands System overlay, on Schedule A2.
- 4.15 These inconsistencies underline how incompatible MLE's Urban Residential designation is with the natural heritage features on the property. The approach taken to natural heritage protection at MLE is completely inconsistent with the approach taken everywhere else outside the secondary plan areas.
- 4.16 In my opinion, an Urban Residential designation of the "significant lands" portion of MLE would not be consistent with how the Town should have fulfilled its natural heritage system obligations under Policy 2.1.3. An Environmental Protection designation would be consistent with fulfilment of the Town's obligation.

Policies 2.1.4, 2.1.5, and 2.1.8

- 4.17 Policy 2.1.4 prohibits development and site alteration in Georgina's significant wetlands. Policy 2.1.5 prohibits development and site alteration in Georgina's

significant woodlands, except if no negative impacts on features and functions have been demonstrated. Policy 2.1.8 prohibits development and site alteration on lands adjacent to either significant wetlands or significant woodlands, except if no negative impacts have been demonstrated.

- 4.18 Not only would development take place in MLE's wetlands and woodlands, but also, as discussed in section 2.5 of this witness statement, the only environmental evaluation that has been undertaken does demonstrate that development would have negative impacts.
- 4.19 The new Official Plan completely fails to protect the significant wetlands and significant woodlands on MLE, except to the extent that those occurring in the small portion of MLE identified as falling within the Greenlands System are protected to some extent. This is further discussed in sections 7.12 through 7.15 of this witness statement.
- 4.20 In my opinion, an Urban Residential designation of the "significant lands" portion of MLE would not be consistent with Policies 2.1.4, 2.1.5, and 2.1.8, while an Environmental Protection designation would be consistent.

Policy 4.7

- 4.21 Policy 4.7 emphasizes that the official plan is the primary vehicle for implementing the PPS, and requires official plans to "identify provincial interests and set out appropriate land use designations and policies". It adds that planning authorities are required to keep their plans up to date with the PPS, and that the PPS continues to apply after a plan is approved.
- 4.22 The new Official Plan fails to identify the provincial interests in the significant wetland and woodland on MLE. The significant wetland was first identified by MNR in 2004, and that there were significant woodlands on MLE was first identified in the Town official plan some time before that. Schedules B1 and B2 identify both wetlands and woodlands on MLE, as they do across the Town aside from the secondary plan areas. However, while the Plan proposes appropriate land use and designations where such features are identified everywhere else in the Town outside the secondary plan areas, it fails to do so on MLE. In that respect, the Town failed to keep its Official Plan up to date with regard to the significant woodland when it last reviewed the Plan (approved 2002). It failed to do so with regard to both features over the nine years between the identification of the significant wetland and the commencement of the current Official Plan review. And it still failed to do so in the current review process - the features were finally fully mapped, but for the most part not protected.
- 4.23 In my opinion, an Urban Residential designation of the "significant lands" portion of MLE would not be consistent with Policy 4.7, while an Environmental Protection designation would be consistent.

Summary

- 4.24 In summary, in my opinion, and taking into account any policies not cited that might be considered to support an Urban Residential designation, an Urban Residential designation of both the "significant lands" and the remaining portions of MLE would not be consistent with the PPS, whereas an Environmental Protection designation would be consistent.
- 4.25 Of course, there is also a statutory obligation, under the *Planning Act*, section 26(1), requiring the new Official Plan to be brought into full consistency with the PPS (as well as full conformity with Provincial plans) with respect to MLE.
- 4.26 As well, it should also be noted that as described in the Agreed Statement, the intended phases 3 through 5, the R1-23-3 through R1-23-5 zones, are (aside from a mapping error) subject to holding provisions. Different sources provide different figures as to how many units are intended per phase, but section 7.2.2(c) of the new Official Plan says that phases 1 and 2 are not to exceed 500 units. In other words, at least 573 units, or at least 53% of the development, are subject to holding provisions. Any decision by Council to remove these provisions must be consistent with the PPS (and conform with Provincial plans and the York Region Official Plan). This would likely mean the end of the Urban Residential designation for the latter phases of MLE.
- 5 Issue 3b: . . . conform with the 2017 Growth Plan for the Greater Golden Horseshoe; particularly with reference to sections:**
- **2.2.1.2**
 - **5.2.8.2**
 - **5.2.8.4?**

Policy 2.2.1.2

- 5.1 Policy 2.2.1.2 establishes requirements for how growth forecasted to the 2041 time horizon of the Growth Plan is to be allocated.
- 5.2 The time horizon of the Town Official Plan is 2031. I recognize that this is also the time horizon of the Regional Official Plan, and that another cycle of amendment will be required to bring the Town Official Plan into full conformity with the 2017 Growth Plan. My comments take no issue with that.
- 5.3 MLE is part of the Town's forecast growth (Official Plan section 3.1.7, table 1). The table shows MLE growing to almost full buildout by 2031, with this growth accounting for 11% of the Town's total growth between 2016 and 2031.
- 5.4 Policy 2.2.1.2(a) says that the "vast majority" of growth will be directed to settlement areas with specific characteristics. Whether this policy would be met by at least 11% of growth being directed to settlement areas without those characteristics, seems doubtful. MLE does not have a "delineated built boundary"

and as currently approved, cannot "support the achievement of complete communities", so it does not meet the criteria for the type of settlement area specified in the policy.

- 5.5 Policy 2.2.1.2(b) says that growth will be limited in settlement areas with specific characteristics. MLE is, or will be, an "undelineated built-up area" and it is in the Greenbelt Plan area, so it meets the criteria for this type of settlement area. Whether this "limited growth" policy would be met by directing 11% of the Town's growth to MLE, seems doubtful.
- 5.6 Policy 2.2.1.2(c) indicates where within settlement areas growth is to be focused. MLE as currently approved will not have any "delineated built-up area", "strategic growth area", or "public service facilities". It is extremely unlikely to have any transit within its boundaries (York Region Transit does currently operate along Metro Road North). This policy is incapable of fulfilment at MLE.
- 5.7 In my opinion, an Urban Residential designation of MLE would not conform with Policy 2.2.1.2, because the approved development concept fails to meet these policy tests. The development concept could certainly be modified - but that would require an Official Plan amendment, which would also be subject to current policies, and that would likely mean the end of the Urban Residential designation. As well, the Minister of Municipal Affairs would have to establish a built boundary for MLE. An Environmental Protection designation would mean that the subject lands would no longer be a settlement area, so Policy 2.2.1.2 would no longer be relevant.

Policy 5.2.8.2

- 5.8 This policy encourages municipalities to use "available tools to reduce or eliminate any excess lands". "Excess lands" are defined as being "within settlement areas but outside of delineated built-up areas that have been designated in an official plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan."
- 5.9 The population of the Town of Georgina has grown from 22,486 (1986 Census) to 45,418 (2016 Census) without one dwelling being built at MLE.
- 5.10 It is my opinion, expressed in several submissions to the Town, that the MLE portion of the Town's forecasted growth could be readily accommodated in the southern portion of the Keswick urban area, where there are extensive lands owned by other affiliates of the DG Group that are not yet developed but are planned to be developed at low densities that could easily be increased (see my letters of March 20, 2014 and May 29, 2014 to the Town).
- 5.11 It is interesting to note that in the early stages of the Official Plan review, the Town explored the possibility of eliminating what are generally agreed to be excess lands currently designated as being within the Pefferlaw settlement area.

- 5.12 "Available tools" are not defined, but certainly could include changing MLE's designation in the new Official Plan, changing MLE's zoning to conform with such an Official Plan change, or deeming the two-lot MLE subdivision not to be a subdivision - the latter is directly addressed under Policy 5.2.8.4 below.
- 5.13 In my opinion, an Urban Residential designation of MLE would not conform with how the Town should have fulfilled Policy 5.2.8.2. An Environmental Protection designation (or any other designation appropriate outside a settlement area) would conform.

Policy 5.2.8.4

- 5.14 Policy 5.2.8.4 encourages municipalities to use their authority under section 50(4) of the *Planning Act* to deem older subdivisions plans not to be subdivisions, where they do not meet the Growth Plan's "growth management objectives", and to then amend their official plans and zoning bylaws accordingly.
- 5.15 Plan 65M-2903, the MLE plan, was registered in 1992, and so could be subject to section 50(4).
- 5.16 "Growth management objectives" are not defined, nor are there any objectives listed under that heading. There is no list of objectives (or goals) in the Growth Plan, other than the conservation objectives in Policy 4.2.9.1. Nonetheless, the Growth Plan considers itself as having goals and objectives generally (see section 2.1, for example). Therefore, I have to interpret meeting the Plan's growth management objectives to mean, generally conforming with its policies. As already indicated, in my opinion an Urban Residential designation of MLE does not conform with the Plan's policies in some important respects.
- 5.17 In my opinion, an Urban Residential designation of MLE would not conform with how the Town should have fulfilled Policy 5.2.8.4. An Environmental Protection designation (or any other designation appropriate outside a settlement area) would conform.

Summary

- 5.18 In summary, in my opinion, and taking into account that I do not believe there are any policies not cited that might be considered as specifically supporting an Urban Residential designation at MLE, an Urban Residential designation of both the "significant lands" and remaining portions of MLE would not conform with the Growth Plan, whereas an Environmental Protection designation would conform.

6 Issue 3c: . . . conform with the 2017 Greenbelt Plan; particularly with reference to sections:

- **3.4.1**
- **3.4.3.1**
- **5.2.1**

- **Schedules 1 and 4?**

Section 3.4.1

- 6.1 The first paragraph of section 3.4.1 requires that land use patterns within settlement areas support the achievement of complete communities. "Complete communities" are defined the same as in the Greater Golden Horseshoe Growth Plan.
- 6.2 The Greenbelt Plan is not entirely clear as to which portions of it are policies and which are not. The first paragraph of section 3.4.1 is not a specific policy, and would appear to be "non-policy contextual commentary" (see section 1.4.1). Therefore, I conclude that that paragraph is not subject to the exemption in section 3.4.3.1.
- 6.3 For the same reasons with regard to complete communities as in section 5.4 of this witness statement, in my opinion, an Urban Residential designation of MLE would not conform with section 3.4.1, because the approved development concept fails to meet this policy test. The development concept could certainly be modified - but that would require an Official Plan amendment, which would also be subject to current policies, and that would likely mean the end of the Urban Residential designation. An Environmental Protection designation would mean that the subject lands would no longer be a settlement area, so section 3.4.1 would no longer be relevant.

Section 5.2.1

- 6.4 Section 5.2.1 is a transitional policy to guide the treatment of prior approvals, and does not by itself establish a conformity test for land use designations. I will refer to it where appropriate elsewhere in this witness statement.

Schedules 1 and 4

- 6.5 Schedules 1 and 4 identify MLE as a Town/Village (see the Agreed Statement for interpretation of the area so designated).
- 6.6 While an Urban Residential designation would obviously conform with the schedules, it is not so easy to conclude that another designation would not. This requires some examination of how the Greenbelt Plan designation came to be.
- 6.7 It is instructive to look briefly at the Pefferlaw experience. As mentioned earlier, during the earlier stages of the Official Plan review, consideration was given to removing excess lands from the Pefferlaw settlement area. The Town and its consultants then determined that this would most appropriately be addressed as part of the Town's submissions during the recent Provincial plan review.
- 6.8 Town staff report PB-2015-0026, consisting of staff's comments on and

recommendations for the Provincial plans, was considered and endorsed by Council on May 13, 2015. It included a section on the Pefferlaw Town/Village designation. As an earlier staff report (PB-2015-0001, January 14, 2015, page 3) indicates, the oversize boundary of Pefferlaw originated with the 1996 secondary plan for the community, and the "large Towns and Villages designation in the [2005] Greenbelt Plan provides a false representation of the actual size and future growth potential in Pefferlaw". The May 13, 2015 report states that the first Greenbelt Plan simply adopted whatever secondary plan boundaries were then recognized in local official plans as the boundaries for its Towns/Villages, even though, as the report emphasizes, that was a highly inappropriate decision in the case of Pefferlaw. In fact, staff had concluded that the Pefferlaw settlement area should be reduced to 41% of its present size. Staff recommended that "Council support the comments of Section 4.3.1 - Pefferlaw Towns and Villages designation of [the report] for submission to the Province", which comments I have summarized here.

- 6.9 Staff's recommendations on Pefferlaw were forwarded to the Province. The proposed Greenbelt Plan of May 2016 did not reflect the Pefferlaw recommendations. A further staff report (DS-2016-0060) reiterated the Pefferlaw recommendations and this was endorsed by Council on August 24, 2016. The final 2017 Greenbelt Plan left the Pefferlaw boundary unchanged, however. I provide this information only for completeness - the key point is that the 2005 Greenbelt Plan identified Pefferlaw as a Town/Village and delineated its boundary, solely on the basis of an earlier municipal decision without any particular thought as to whether it represented good planning.
- 6.10 As outlined in the Agreed Statement, the Town first adopted the Official Plan designation of MLE as Urban Residential in 1984, and this took effect in 1988. At this time, there was no official plan in York Region and there were no Provincial plans.
- 6.11 The first (1994) Regional Official Plan took effect in 1994, and effective 1995, designated MLE as Towns/Villages. At this late date, I have not been able to find any justification for the delineation of MLE on Map 5 of the 1994 Regional Plan. However, Policy 7.6.3 of the 1994 Plan suggests deference to local municipalities.
- 6.12 In October 2004, the Province released a draft Greenbelt Plan. That draft proposed to designate MLE as non-settlement-area Protected Countryside, and include all the "significant lands" within the Natural Heritage System.
- 6.13 On November 22, 2004, Council considered and endorsed staff report PB-2004-0110, consisting of staff's comments and recommendations on the draft Greenbelt Plan. One of those recommendations was that MLE be designated Towns and Villages. The sole reason given in the staff report was because the subject lands were within a registered plan of subdivision.
- 6.14 The 2005 Greenbelt Plan reflected Council's request. It is also interesting to note

that while the MLE delineation in the Greenbelt Plan is consistent with that on Map 5 of the 1994 Regional Plan, the delineation of the other two Towns and Villages in Georgina, Sutton/Jackson's Point and Pefferlaw, is not. Instead the Greenbelt Plan clearly relied directly on the secondary plan boundaries delineated by the Town.

- 6.15 The 2010 Regional Plan essentially reiterates the MLE designation of the 1994 Regional Plan (and reverts to the Town's secondary plan boundaries for Sutton/Jackson's Point and Pefferlaw).
- 6.16 The 2017 Greenbelt Plan reiterates the MLE designation in the 2005 Greenbelt Plan.
- 6.17 In other words, the evidence suggests that the delineation of MLE in the Greenbelt Plan has never been a top-down exercise, of an all-seeing Province examining the landscape, economy, and society of York Region and determining the optimum places to locate settlement area growth. Rather, it has always been very much a bottom-up exercise. In the case of MLE, everything has flowed upwards to the Regional and Greenbelt Plans, from the original Town Official Plan decision of the 1980s. And in the 2010s, there are good planning reasons to unwind the MLE historical process, much as the Town recently sought to do with Pefferlaw.
- 6.18 Section 5.2.1 of the Greenbelt Plan provides transition policies for official plan and zoning bylaw approvals prior to December 16, 2004, which might appear to apply to MLE. (The 2005 Greenbelt Plan included a similar policy, also section 5.2.1). Although section 5.2.1 is not called a policy nor does it include that word, there is a specific reference to "the policies of section 5.2.1" in section 3.4.5, and the section would not appear to be classifiable as "non-policy contextual commentary".
- 6.19 Section 5.2.1 first speaks to how municipalities "may" recognize prior official plan and zoning approvals, through the conformity exercises described in section 5.3. They are not required to do so. The section then speaks to further amendments to those prior approvals and further applications required to implement those approvals, which are not at issue here.
- 6.20 In any case, if Section 5.2.1 is a policy, then it is subject to the exemption in section 3.4.3.1. In other words, it does not apply to MLE and cannot be interpreted as placing any express or implied obligation on the Town.
- 6.21 Section 5.3 contains the only general references as to how official plan maps should conform with the Greenbelt Plan. It stipulates which boundaries and features should be mapped - Towns and Villages are not included. In other words, there would not seem to be any limit on municipalities extending non-urban official plan designations into lands designated as Towns and Villages in the Greenbelt Plan, or even completely replacing an individual Town or Village with such designations. I also note that this section allows municipalities to adopt policies

more stringent than those of the Greenbelt Plan, agricultural and aggregate matters excepted, "unless doing so would conflict with any of the policies or objectives of the Plan".

- 6.22 To conclude, in my opinion, an Urban Residential designation of MLE would conform with Schedules 1 and 4. However, I believe that an Environmental Protection designation (or an agricultural/rural designation) would also conform. If the Official Plan decision of 30 years ago would not be considered good planning from today's policy perspectives, then based on my evidence as to how the Schedules came to be, it would be good planning to seek to unwind the chain of designations starting with the Town's new Official Plan. As well, the Town is not obliged to conform with the schedules, and I do not believe that an Environmental Protection designation (or an agricultural/rural designation) of MLE would conflict with anything in the Greenbelt Plan.

Summary

- 6.23 In summary, in my opinion, and taking into account that I do not believe there are any policies not cited that might be considered as specifically supporting an Urban Residential designation at MLE, an Urban Residential designation of both the "significant lands" and remaining portions of MLE would not conform with the Greenbelt Plan, whereas an Environmental Protection designation would not conflict with the Plan.

7 Issue 3d: . . . conform with the 2010 York Region Official Plan; particularly with reference to sections:

- **2.1**
- **2.2 - especially 2.2.35-2.2.52**
- **5.1.4**
- **5.6.22-5.6.23**
- **8.4 - especially 8.4.14-8.4.25**
- **Maps 1, 2, 4, and 5?**

General

- 7.1 Section 1.4 of the Regional Plan requires that "all the policies in this Plan must be considered together to determine conformity", that individual policies should not be read in isolation, and that the Plan should be read in its entirety. There are some policies in the Regional Plan, not listed in the NGFA Issues List, that could be considered as supporting the appealed sections of the Official Plan. But while the Regional Plan does not include a section comparable to the section on Consider Specific Policy Language in Part III of the PPS, I believe such an approach is good planning practice. Most of the natural heritage policies cited below are "shall" policies, in the limitation or prohibition category. As Part III of the PPS says, "There is some discretion when applying a policy with enabling or supporting language in contrast to a policy with a directive, limitation or prohibition".

Section 2.1 and Map 2

- 7.2 Map 2 identifies a small portion of MLE as being within the Regional Greenlands System. Section 2.1 sets out the policies for that system. Policy 2.1.4 requires local official plans to map the system and include policies to protect it. Policy 2.1.5 requires that those policies be more detailed in settlement areas. Policy 2.1.9 prohibits development and site alteration within the system, and requires an environmental impact study within 120 m of adjacent lands. Policy 2.1.10 sets out certain exemptions, including "legally existing land uses" that conform with existing planning approvals.
- 7.3 The new Official Plan correctly maps the Regional Greenlands System, as described in section 4.13 of this witness statement, and it provides general policies for the Town's Greenlands System in section 5.1, although the policies are not more detailed with respect to settlement areas.
- 7.4 As section 5.1 of the new Official Plan indicates, most of the Town's Greenlands System is designated Environmental Protection. The Plan contemplates that some of the system will lie outside the Environmental Protection designation, and section 5.1.1 sets out policies for applications in those areas.
- 7.5 Schedule A2 of the new Official Plan shows that there are several cases where the Greenlands System overlies settlement area designations. However, aside from MLE, the other cases are all in less intensive designations (Lakeshore Residential Area or Hamlet).
- 7.6 The prohibitions of Regional Plan Policy 2.1.9, and the strict conditions of section 5.1.1 of the new Town Plan, would be of no effect at MLE, as no further planning approvals are required for development to proceed as currently approved.
- 7.7 MLE is vacant and not used for any purpose, so there are no "legally existing land uses".
- 7.8 In my opinion, an Urban Residential designation of that portion of MLE that is identified as Regional Greenlands System would not conform with Map 2 and the intent of Section 2.1. An Environmental Protection designation (or an agricultural/rural designation) would conform.

Section 2.2 and Maps 4 and 5

- 7.9 Policy 2.2.1 lists the Region's key natural heritage and key hydrologic features, including all wetlands and significant woodlands. Policy 2.2.2 ties these features to maps - wetlands to Map 4, and all woodlands, via Policy 2.2.46, to Map 5. As discussed in section 2.4 of this witness statement, Map 4 identifies 58% of MLE as Provincially Significant and Provincial Plan Area Wetlands, and Map 5 identifies 89% of MLE as Woodlands. As well, all of the woodlands on MLE would appear to be significant woodlands in accordance with Policy 2.2.45.

- 7.10 Policy 2.2.4 generally prohibits development and site alteration in key features unless no negative impacts are demonstrated. Policy 2.2.14 exempts from Policy 2.2.4 any development that is permitted in the Greenbelt Plan. Policies 2.2.35 and 2.2.36 go beyond Policy 2.2.4 to prohibit development and site alteration within all wetlands in the Town, including non-significant wetlands because the Town lies within the Lake Simcoe watershed, and within 30 m vegetation protection zones. Policy 2.2.37 prohibits development and site alteration within 120 m of lands adjacent to wetlands unless no negative impacts are demonstrated (but that exception does not override the vegetation protection zone). Policies 2.2.39 through 2.2.42 appear to extend wetlands protection to wetlands not shown on Map 4. Policies 2.2.44 and 2.2.47 also go beyond Policy 2.2.4, to prohibit development and site alteration within significant woodlands and 30 m vegetation protection zones.
- 7.11 Policy 2.2.9 requires local municipalities to identify and protect the key natural heritage and key hydrologic features.
- 7.12 The new Official Plan correctly maps the Regional Plan's wetlands and woodlands, as described in section 4.13 of this witness statement. It provides general policies for their protection in section 5.3, provided they fall within the Environmental Protection designation, which the MLE wetlands and woodlands do not.
- 7.13 The wetlands and woodlands on MLE are the only major such areas shown on Schedules B1 and B2 of the new Official Plan that are not included in the Environmental Protection Area designation on Schedule A2. MLE is unique not only in that respect, but also because most of its wetlands and woodlands are also excluded from the Greenlands System. Those key features instead fall within an urban designation. As a result, based on the preamble to section 5.1 of the new Plan, the key features on the MLE property do not fall under the natural heritage protection requirements of either sections 5.1.1 (northeast corner and Varney Road strip excepted) or 5.2.
- 7.14 The failure of the new Official Plan to include MLE's woodlands and wetlands in the Environmental Protection designation is inconsistent with section 5.3.1 of the Plan, which appears to indicate that all key features are included in that designation, and certainly does not suggest that any are not. Because the MLE key features are not included in the Environmental Protection designation, they would not appear to be subject to the protection requirements of section 5.3.
- 7.15 Therefore, with the limited exception of the features within the Greenlands System, it appears that the MLE woodlands and wetlands and their adjacent lands are not subject to any of the study requirements, development prohibitions, or no-negative-impact tests that normally apply to key natural heritage and key hydrologic features. This highlights the new Official Plan's failure to square the unsquareable circle in trying to maintain MLE's urban designation while introducing a generally robust set of natural heritage protection policies.

- 7.16 Policy 2.2.14 does not appear to provide any exemption in the case of MLE, because Policies 2.2.14, 2.2.35, and 2.2.44 are all written as "notwithstanding Policy 2.2.4". Therefore, all of these policies must apply where relevant, and if there is any conflict, the stricter Policies 2.2.35 and 2.2.44 must prevail.
- 7.17 In my opinion, an Urban Residential designation of the "significant lands" portion of MLE would not conform with Maps 4 and 5 and section 2.2, while an Environmental Protection designation would conform.

Policy 5.1.4

- 7.18 Section 5.1.4 says that local official plans shall not designate more than a 20-year land supply.
- 7.19 Please refer to the discussion of the similar PPS Policy 1.1.2 in sections 4.2 through 4.5 of this witness statement.
- 7.20 In my opinion, an Urban Residential designation of MLE is not supported by Section 5.1.4, and would not conform with its intent. An Environmental Protection designation (or any other designation appropriate outside a settlement area) would conform.

Map 1

- 7.21 Map 1 and various other maps identify MLE as a Town or Village (see the Agreed Statement for interpretation of the area so designated). The preamble to the Towns and Villages portion of section 5.6 lists the Towns and Villages, including MLE.
- 7.22 With regard to the identification of MLE as a Town or Village, please refer to the discussion of the similar Greenbelt Plan Schedule 4 in sections 6.5 to 6.17 of this witness statement.
- 7.23 In my opinion, an Urban Residential designation of MLE would conform with Map 1 and the other references to Maple Lake Estates as a Town or Village. However, I believe that an Environmental Protection designation (or an agricultural/rural designation) would also conform. If the Official Plan decision of 30 years ago would not be considered good planning from today's policy perspectives, then based on my evidence as to how the Regional Plan maps came to be, it would be good planning to seek to unwind the chain of designations starting with the Town's new Official Plan.

Policies 5.6.19 and 5.6.20

- 7.24 Policy 5.6.19 requires the boundaries of Towns and Villages to be "defined" on local official plan schedules. Policy 5.6.20 allows local municipalities to include rural and agricultural designations within those boundaries.

- 7.25 Map 2 shows the Regional Greenlands System extending within the boundaries of Towns and Villages throughout the Region, including all three of Georgina's Towns and Villages. Although Policy 5.6.20 does not appear to contemplate environmental protection designations within Towns and Villages, as discussed in section 7.2 of this witness statement other policies require local official plans to protect the Greenlands System. Therefore, it is difficult to see how including an environmental protection designation within the boundary of a Town or Village in a local official plan, could conflict with the Regional Plan. Nothing in the Towns and Villages section indicates any limit on the extent of these potential non-urban designations.
- 7.26 In my opinion, an Urban Residential designation of MLE would conform with Policies 5.6.19 and 5.6.20. At the same time, however, an Environmental Protection designation (or an agricultural/rural designation) of part or all of MLE would not conflict with these policies.

Policy 5.6.22

- 7.27 Policies 5.6.19 through 5.6.23 provide specific direction for Towns and Villages. Policy 5.6.22 requires that new development areas within Towns and Villages be subject to secondary plans and sets out several requirements for such plans.
- 7.28 There has never been a secondary plan for MLE, and the new Official Plan does not contemplate that one be prepared. Even if a secondary plan were prepared, two of the requirements in Policy 5.6.22 would be difficult or impossible to attain.
- ▶ "Best efforts" are required to achieve a density of 50 residents plus jobs per hectare in the developable area. This is discussed further below.
 - ▶ "Best efforts" are to be made to incorporate Policies 5.6.4 through 5.6.16, parts of the New Community Areas policies. The MLE concept as described in the new Official Plan could not meet several of these policy tests.
- 7.29 "Developable area" is defined in the Regional Plan. There is not enough information available on the MLE development concept to precisely calculate MLE's developable area. However, it can certainly be approximated.
- ▶ MLE is 200.5 ha in area.
 - ▶ The Dillon Environmental Impact Study never specifies what it considers to be the area of MLE, but it appears to rely on a slightly lower 198.4 ha. Dillon estimates that 37.8 ha has been cleared, which is a considerably higher percentage (19%) than Regional Plan Map 5 suggests. The study indicates that the development footprint would be 75.2 ha (relying on the text not Figure 9), of which 32.1 ha is already cleared.

- ▶ The Dillon study does not take into account that the new Official Plan requires development of a nine-hole golf course (and recreation centre) as part of the first phase of development. A reasonable, not overly generous assumption would be that that would require 20 ha.
- ▶ Therefore, the total development footprint would be about 95 ha. The developable area, however, would be considered to be the entire property, less exclusions. The exclusions in this case would be the Regional Greenlands System and key natural heritage and hydrologic features.
- ▶ The Regional Greenlands System can be assumed to almost entirely overlap lands that are and would remain key features and would be outside the development footprint.
- ▶ It can be assumed that the portions of the key features that are within the development footprint, would no longer be considered to be key features once developed.
- ▶ About 105 ha of MLE would not be developed. As noted earlier, about 90% of the property consists of key features (the "significant lands"). We can also assume that 90% of the undeveloped portion consists of key features. This is actually a conservative assumption that probably underestimates the "developable area" and therefore overestimates density. This is because most of the area that is not key features is on the southern and western perimeters of the property, away from the development footprint - so key features may well account for less than 90% of the undeveloped portion.
- ▶ On this basis, the "developable area" is the 95 ha development footprint plus 10% of the remaining 105 ha, or approximately 106 ha total.
- ▶ As for calculating people plus jobs: York Region relies on a helpful methodology, Achieving Density Targets for New Communities in York Region, 2014. In the case of MLE, we know the target population at buildout, 2,146. The methodology also factors in jobs in residential areas for projected schools (none are planned at MLE) and for work-at-home employment (4% of population).
- ▶ On this basis, total people plus jobs would be $2,146 \times 1.04 = 2,232$.
- ▶ The resulting density is approximately 21 people plus jobs per hectare - far below "best efforts" to meet the density target. This is particularly glaring when the subject community is completely undeveloped, and is potentially a blank slate for the best greenfield development practices without being subject to any constraints from existing development.

7.30 In my opinion, an Urban Residential designation of MLE would not conform with

Policy 5.6.22, because the approved development concept fails to meet this policy test. The development concept could certainly be modified - but that would require an Official Plan amendment, which would also be subject to current policies, and that would likely mean the end of the Urban Residential designation. An Environmental Protection designation would mean that the subject lands would no longer be a settlement area, so Policy 5.6.22 would no longer be relevant.

- 7.31 Nothing in the Towns and Villages policies suggests that existing residential approvals override any Regional Plan policies that would apply to the lands subject to those approvals. Nothing in the Towns and Villages designation recognizes "development rights" on any specific property as a result of prior approvals, any more or less than would be the case if that property were in some other designation.

Policies 8.4.14 to 8.4.22

- 7.32 Policies 8.4.14 to 8.4.22 are transitional policies to guide the treatment of prior approvals, and do not by themselves establish a conformity test for land use designations.
- 7.33 Policy 8.4.15 permits the continuation of "legally existing land uses" to the extent that they conformed with local official plans and zoning bylaws on July 11, 2012. As mentioned in section 7.7 of this witness statement, there are no "legally existing land uses" at MLE, so this policy is not relevant.
- 7.34 Policy 8.4.16 requires that local official plans and zoning bylaws be brought into conformity with the Regional Plan, except as provided for in Policies 8.4.17 through 8.4.20, thereby carrying forward the requirements of section 27(1) of the *Planning Act*. This policy is relevant and reaffirms the statutory obligation under which the new Official Plan should be brought into full conformity with the Regional Plan with respect to MLE.
- 7.35 Policy 8.4.17 exempts from Policy 8.4.16 complete applications that were in process on July 11, 2012. The 2010 Regional Plan took effect 20 years after the last application processes were completed at MLE, so this policy is not relevant. Policy 8.4.18 is also pertinent only to applications in process.
- 7.36 Policies 8.4.19 and 8.4.20 exempt from Policy 8.4.16 several site-specific developments on the basis of minutes of settlement. MLE is not named, so these policies are not relevant.
- 7.37 Policies 8.4.21 and 8.4.22 limit the application of certain Plan policies at certain site-specific developments on the basis of minutes of settlement. MLE is not named, so these policies are not relevant.
- 7.38 To summarize, the only pertinent policy in the Transition section is Policy 8.4.16, which requires that the new Official Plan be brought into conformity with the

Regional Plan. There is nothing in the Transition section that would relieve MLE from this conformity obligation.

Policies 8.4.23 to 8.4.25

- 7.39 Policies 8.4.23 to 8.4.25 are additional transitional policies to guide the treatment of prior approvals within the Greenbelt Plan area, and do not by themselves establish a conformity test for land use designations.
- 7.40 Policy 8.4.23 indicates that existing uses and dwellings are subject to the Existing Uses policies of the Greenbelt Plan. As there are no existing uses or dwellings at MLE, this policy is not relevant.
- 7.41 Policies 8.4.24 and 8.25 are worded almost identically to Greenbelt Plan section 5.2.1. Please see the discussion of section 5.2.1 in sections 6.18 through 6.20 of this witness statement. The one significant difference is that the Regional Plan policy as worded does apply to MLE, so the portion of that discussion that deals with exemption is not relevant. Nonetheless, local municipalities are not required to continue to recognize prior official plan and zoning approvals in the Greenbelt.
- 7.42 To summarize, nothing in the Greenbelt Plan transition section places any obligation on the Town to continue to recognize the prior MLE approvals, and there is nothing in this section that would relieve MLE from this conformity obligation.
- 7.43 With regard to the legal obligations of the Town under the transition sections of the Regional Plan and the *Planning Act*, section 27(1), I also rely on letters of opinion dated February 19, 2013 and March 25, 2013 submitted by NGFA's counsel to the Town.

Summary

- 7.44 In summary, in my opinion, and taking into account any policies not cited that might be considered to support an Urban Residential designation, an Urban Residential designation of both the "significant lands" and the remaining portions of MLE would not conform with the Regional Plan, whereas an Environmental Protection designation would not conflict with the Regional Plan.

- 8 Issue 1: Should the Official Plan permit, or should it prohibit, development on the provincially significant wetlands and significant woodlands that occupy approximately 90% of the MLE property ("Significant Lands")? Which course of action would be more consistent with good planning principles and practice and more in the public interest?**

General

- 8.1 In sections 4 through 7 of this witness statement, I have provided my opinions

that prohibiting development on the "significant lands" portion of MLE would be more consistent with the PPS and better conform with the Provincial and Regional plans, than the alternative would. To the extent that the applicable policies represent good planning principles and practice and are in the public interest, those opinions also address Issue 1. I will proceed to provide my opinions on some broader issues beyond those specific policies.

Consistency with the intent of the new Official Plan

- 8.2 A first test would be whether permitting development at MLE is internally consistent with the rest of the new Official Plan. I have already discussed the inconsistency of an Urban Residential designation with the Plan's identification of and policies for natural heritage, under Issues 3a and 3d.
- 8.3 The new Plan's Urban Residential designation, and the inclusion of MLE in the Population Growth Forecast (section 3.1.7, table 1), are in my opinion:
- ▶ Inconsistent with the Plan's Vision (section 2.1), and Sustainability and Natural Environment Guiding Principles and Objectives (sections 2.2.1 through 2.2.4).
 - ▶ Inconsistent with section 3.1.1.
- 8.4 According to section 3.1.8, table 2, MLE will generate zero employment. This would seem to be inconsistent with the Plan's Growth Management Objective 2.2.8.8, not to mention the vision and guiding principles of the Greater Golden Horseshoe Growth Plan and similar statements in the Regional Plan.

The Town's position

- 8.5 Clearly, the Town adopted the OP provisions pertinent to MLE that are before the Tribunal (and those provisions remain before the Tribunal, unmodified by York Region). However, the Tribunal should also be aware of other positions the Town has taken, in attempting to resolve the MLE conundrum.
- 8.6 On May 13, 2015, Council considered Staff Report PB-2015-0026, staff's comments on and recommendations for a Town submission to the Provincial Coordinated Land Use Planning Review consultation about new Provincial plans. This included a lengthy discussion of MLE in section 4.3.3 of the report.
- 8.7 Staff put forward five options, and recommended Option 5, which was titled "Do Not Support MLE - Request Changes to [Greenbelt Plan] to facilitate Development Rights Transfer". Option 5 would have seen the MLE development approvals transferred from MLE to other lands owned by Maple Lake Estates Inc. on the south side of Deer Park Drive (see Agreed Statement, appendix 1), with the Greenbelt Plan changed to enable urban development on the other lands and to incorporate MLE into the Greenbelt non-settlement-area Protected Countryside and

Natural Heritage System.

8.8 In this report, staff make clear that:

- ▶ It is a matter of provincial interest that MLE not be developed.
- ▶ "[Good] planning would dictate that all of the existing MLE approvals in the Greenbelt Plan, the Region's Official Plan and the Town's Official Plan and Zoning By-law, must be changed to the appropriate protective land use designations, policies and zoning." (p. 22).
- ▶ At the same time, their interpretation of the Greenbelt Plan, and their concern as to actions that Maple Lake Estates Inc. might take if MLE were redesignated without being accompanied by a development approvals transfer, suggested that Option 5 would be the most prudent course.

8.9 Council passed a resolution to "support the comments of Section 4.3.3 - Maple Lake Estates and endorse Option 5 as discussed therein . . . for submission to the Province".

8.10 While staff's comments were made in the context of a proposed development approvals transfer and endorsed that transfer, staff did *not* say that the development approvals transfer would be good planning. Staff only used that term in the context of unqualified termination of the existing approvals. Staff felt that Option 5 was the "preferred option" involving a "trade-off" to terminate the existing approvals "with the least risk involved" (pp. 23-24 of report). (The word "risk" is used five times in support of Option 5.)

8.11 There is nothing in Staff Report PB-2015-0026 to suggest that staff's opinion that extinguishing the existing MLE approvals would be good planning and in the provincial interest, would have been any different if the development approvals exchange had not been on the table. Staff only saw the development approvals exchange as, in their opinion, the most opportune way to attain the ultimate objective.

8.12 Finally, on March 22, 2018, Georgina Council, in passing a resolution opposing LSRCA's proposed granting of a *Conservation Authorities Act* Section 28 permit to Maple Lake Estates (which resolution made no reference to a development approvals exchange), included in the recitals to the resolution:

"WHEREAS 80 percent of the Paradise Beach-Island Grove lands [sic] are a Provincially Significant Wetland (PSW);

"AND WHEREAS the development of a 1,073 unit subdivision on the Paradise Beach-Island Grove PSW would undermine the environmental sustainability of Georgina and the Lake Simcoe community;

"AND WHEREAS the development of a 1,073 unit subdivision

threatens the current and long-term health of Lake Simcoe;"

- 8.13 As it says on the Maple Lake Estates Background Info page of the Town's website, in bold face (and while at the same time recognizing the existing development approvals), "**A key fact in the current Maple Lake Estates debate is that Council and Town staff want to see the Maple Lake Estates lands protected.**"

The water and sewage investments

- 8.14 Investments by the original owner, Bertan Investments Ltd., and Maple Lake Estates Inc., have been frequently cited as justification for various positions.
- 8.15 As indicated in the Agreed Statement, Appendix 1, in the early 1990s, Bertan paid York Region approximately \$2.1 million related to the construction of a water storage tank adjacent to MLE and a water main to MLE. In 2004 and 2006, Maple Lake Estates Inc. paid the Town approximately \$1.4 million related to the construction of a sanitary sewer from MLE.
- 8.16 There is no question that the August 18, 1992 subdivision agreement required these works to be constructed at the owner's expense, and that some of these works would serve no purpose if MLE were never developed.
- 8.17 In response to my inquiry to York Region, I was advised in March 2018 that the water storage tank adjacent to MLE is in full operation and is part of the integrated water system that serves Keswick, Sutton, and the serviced lakeshore area in between (see new Official Plan Schedule A2). The storage components of the system consist of one reservoir and three storage tanks, and the system also includes two water treatment plants and the interconnecting mains. In the words of the Region, "[we use] all or any combination of these components to satisfy current operational needs" (Brockman to Usher, March 16, 2018).
- 8.18 At the time of the 1992 subdivision agreement, it was intended that the water and sewage works would also serve what is now known as the Eastbourne Estates subdivision on the northwest side of Metro Road North, which was also owned by Bertan and was approved concurrently with MLE. Regardless of the lack of development at MLE, it is my understanding that the Eastbourne Estates subdivision, now developed, is served by the integrated water system that serves the lakeshore area as described above, and its companion sewage system. If this is the case, then some of the funds spent by the owners may in fact have been attributable to Eastbourne Estates, not MLE. I have asked the Town for clarification but as of the time of writing, have not received any reply.
- 8.19 Therefore, it would appear to be an oversimplification to say that the entire \$3.5 million spent by the owners on water and sewage works was attributable to MLE, or that that entire amount would have been wasted and would have served no purpose if the Urban Residential designation were removed.

MNR/MNRF's position

- 8.20 Three letters from MNR/MNRF regarding the Paradise Beach-Island Grove wetland have been frequently cited as justification for various positions.
- 8.21 The least contentious is from Aurora District, MNR to the Town, on May 18, 2004. It is in this letter that the Ministry advises that three wetland evaluations have been completed, including for Paradise Beach-Island Grove, and that all three wetlands are provincially significant.
- 8.22 On October 18, 2004, Aurora District wrote Metrus Development Inc. This letter:
- ▶ acknowledges the existing Official Plan designation and policies and the registered plan of subdivision for MLE,
 - ▶ acknowledges that the subdivision plan predates the wetland evaluation, and "recognizes the legal status of the Plan to be implemented as proposed, without due regard to the wetland complex",
 - ▶ notes the counterpart to what is now Section 7.2.22 in the new Official Plan, that any Official Plan amendment will need to consider currently identified significant natural features, which should include the newly identified wetland.
- 8.23 In my opinion, in this letter MNR:
- ▶ Did not address how the natural heritage policies of the PPS should apply to MLE, now that a provincially significant wetland had been identified.
 - ▶ Did not mention the obligation of York Region, under Policy 2.2.16 of the then-in-effect 1994 Regional Plan, to amend the Plan to show the newly-identified provincially significant wetlands (which was never done).
 - ▶ Had no authority to "[recognize] the legal status" of the subdivision plan.
 - ▶ Did not address, nor did it limit, how the undoubted existence of the subdivision plan could be altered by other mechanisms, such as amendment to the 1994 Regional Plan or adoption of a new one, application of section 27 of the *Planning Act* requiring the Town Official Plan and zoning bylaw to be revised to conform with a new Regional Plan, or deeming the subdivision to no longer be a subdivision.
- 8.24 On March 11, 2015, in response to an inquiry from LSRCA, Aurora District wrote LSRCA. This letter:
- ▶ notes that LSRCA's powers to regulate activities in wetlands were expanded in 2006, through its Regulation 179/06 under the *Conservation*

Authorities Act,

- ▶ says that the October 18, 2004 letter has now been superseded, by LSRCA's implementation of Regulation 179/06.

8.25 Therefore, it appears that MNRF has no position at the present time, that can be used to support the merits of any particular designation of MLE.

Policies change over time

8.26 At some point, the planning process must take account of planning policy changes over time as they might affect existing but still undeveloped approvals. One way to consider those changes is to remind ourselves of the policy environment in 1988 when Cabinet upheld the Official Plan designation.

- ▶ There was no integrated PPS and there were no provincial policies for wetlands. The concepts of a provincially significant wetland, or provincially significant natural heritage, did not exist. (The only policy statement that had been issued under section 3 of the *Planning Act* was for mineral aggregate resources.)
- ▶ There were no Provincial plans applicable to Georgina.
- ▶ There was no York Region Official Plan.
- ▶ There was no ability under the *Planning Act* to zone to prohibit development in significant natural heritage (section 34(3.2)).

8.27 It is obvious that the approvals of development at MLE would never have happened in today's policy environment. (Perusal of the 1987 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.)

8.28 The policy approval granted 30 years ago, when Cabinet upheld the Board decision, and the implementing zoning bylaw and subdivision plan, remain paper approvals only, as no development has ever taken place.

8.29 MLE is the only Towns and Villages designation in the Greenbelt Plan that is not at least partially developed. All other Towns and Villages designations represent the built-up areas, plus designated development areas, of existing communities.

8.30 Development of MLE would constitute leapfrog, extremely low-density (21 people and jobs per hectare, as discussed in section 7.29 of this witness statement) urban development, completely contrary to the Greater Golden Horseshoe Growth Plan's vision and principles. In no way would the approved development constitute a "complete community" as defined in the Growth Plan.

- 8.31 While the Lake Simcoe Protection Plan recognizes MLE as an existing settlement area (subject to the reservation in section 2.2 of this witness statement), 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.
- 8.32 Determining that policy changes should prevail over prior development approvals is not without precedent. For example, in 1998 the Ontario Municipal Board decided on the Victoria Point Homes Inc. case in Orillia (PL970556). The subject lands had been designated for residential development in 1981, and the applicant sought a rezoning and condominium description. In the intervening years, the lands had been identified as a provincially significant wetland. The Board found against the applications, first and foremost because "the proposal . . . serves the private interests of the landowner to the exclusion of the public interest". I will leave to NGFA's counsel, further discussion of this and other cases.

Can and should designations be changed?

- 8.33 It has been, and will no doubt continue to be, argued that the existing planning approvals are sacrosanct, and cannot be extinguished except voluntarily by the owner or by expropriation. I will put forward a contrary view.
- 8.34 As indicated in the Agreed Statement, on May 21, 1996, Town Council authorized the execution of an agreement with the then owner Bertan, to revoke the MLE water and sewage allocation. An implementing amendment to the Town's MLE subdivision agreement was registered on October 24, 1996.
- 8.35 The 1996 amendment added a provision that, at any time, the subdivision agreement may be replaced with a new one if the Town so wishes. I have to assume this reflected the Town's own doubts at that time about whether development would ever take place and whether the approvals would indeed be permanent.
- 8.36 On January 8, 1997, Catherine Bray, then counsel to the Town, wrote the Town summarizing these transactions. It appears that the agreement that Council authorized on May 21, 1996, though a precursor to the subdivision agreement amendment, was not the amendment itself, because much of what Ms. Bray describes is not found in the amendment. Attempts to locate the agreement associated with Council's authorization of May 21, 1996 have not been successful.
- 8.37 As part of what appears to be her description of the missing agreement, Ms. Bray wrote that while the existing planning approvals are confirmed "as good planning and appropriate development", the Town is not "precluded from changing the Official Plan or zoning in the future". (This is not reflected in the subdivision agreement amendment.)

- 8.38 Shortly after MNR advised the Town of the existence of the Paradise Beach-Island Grove provincially significant wetland (see Agreed Statement), Town planner Velvet Ross emailed Council on June 11, 2004 about this development and its implications.
- 8.39 Ms. Ross advised that she had discussed the matter with a redacted person (this email was obtained through a Freedom of Information request), and they had agreed the Town had three options:
- do nothing,
 - amend Town Official Plan schedules to extend the appropriate Greenland System (as it was then known) overlays to reflect the newly identified wetland,
 - presumably in addition to the preceding, redesignate MLE from Urban Residential to Environmental Protection, rezone MLE accordingly, and deem the subdivision plan to no longer be a subdivision.
- 8.40 This email was for initial advisory purposes only, and did not constitute staff recommendations. Ms. Ross did advise that "should we chose [sic] to try and take away the development rights presently applicable to the property, we would have a very, very strong battle against us". No doubt this had something to do with why the Town did not go further down that path. Nonetheless, that path was put forward as a planning option.
- 8.41 Ms. Ross also advised that "[at] some point, we will be required to make a decision as to how we intend to proceed with the updated wetland information as it affects all properties, and not just the Metrus property." Fourteen years later, it appears that the Town has still not made an effective decision about MLE - the new Official Plan maps the wetland, without that mapping affecting the property in any way.
- 8.42 The planner preparing or reviewing an Official Plan or zoning bylaw is required, first and foremost, to meet all applicable conformity obligations. However, there may be some individual situations where it is not entirely clear how to proceed consistent with that obligation, or there may be more than one possible approach that meets the conformity test. To that extent, it may be useful as part of a review process to develop guidelines to assist in recommending the most appropriate designation or zoning.
- 8.43 As part of such guidelines, where lands have been designated and/or zoned for development but development has not yet taken place, those approvals should not be removed lightly or without due consideration. However, the conformity obligation must first be met. Therefore, such guidelines should not assume that approvals are inherently unchangeable.
- 8.44 As part of the Official Plan review process, the Town's consultants did prepare a protocol for the review of such designations. This was provided as section 10 of the June 2014 Planning Directions Report. The reasons for doing so were stated

as, "it is necessary to review these site-specific land use designations to determine if the permissions attached to them continue to be appropriate" (p. 19). MLE's Urban Residential designation was one of those reviewed (Staff Report PB-2015-0001, January 14, 2015, p. 3). No change was recommended - but the possibility was considered. (NGFA's counsel and I took issue with specific aspects of the protocol, in letters to the Town of August 21, 2014 and August 22, 2014 respectively.)

- 8.45 Staff did recommend eight properties for redesignation as a result of this review, because they "appeared to contain key natural heritage and/or key hydrological features that could possibly be adversely impacted by development" (Staff Report PB-2015-0025, April 8, 2015, p. 7). One of the areas recommended, and subsequently approved, for redesignation was part of a lot owned by Maple Lake Estates Inc. on the south side of Deer Park Drive (part of the development approval swap lands referred to in section 8.7 of this witness statement). These lands, parts of which consist of provincially significant and other wetlands as well as significant woodlands, were redesignated to a designation equivalent to Estate Residential in 1982. What eventually became the Estate Residential designation remained in effect until it was removed with the approval of the new Official Plan. The lands were rezoned to enable estate residential development in 1983, which zoning remains in effect. A 31 lot plan of subdivision was draft approved in 1982, but as draft approval lapsed in 1987, there is no plan of subdivision registered. While every property has unique circumstances, this particular precedent is certainly relevant.

Summary

- 8.46 In summary, in my opinion, for all of the above reasons, the Official Plan should be modified to prohibit development on MLE's significant wetlands and significant woodlands. This would be consistent with good planning principles and would be in the public interest - and permitting development would not.

9 Issue 2: Would approval of (i) an "Urban Residential Area" designation of and associated policies for the Significant Lands as proposed in the Official Plan, or (ii) an "Environmental Protection Area" designation of and associated policies for the Significant Lands as sought by NGFA, have more appropriate regard to applicable matters of provincial interest such as those listed in section 2 of the *Planning Act*?

- 9.1 Under section 2, the Tribunal's decision shall have regard to matters of provincial interest such as those there listed. In my opinion, the following matters are particularly relevant. Approval of an Urban Residential designation on the "significant lands" would not have appropriate regard for those matters, whereas approval of an Environmental Protection designation would.

"(a) the protection of ecological systems, including natural areas, features and functions;

- "(c) the conservation and management of natural resources and the mineral resource base;
 - "(e) the supply, efficient use and conservation of energy and water;
 - "(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - "(h) the orderly development of safe and healthy communities;
 - "(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - "(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - "(j) the adequate provision of a full range of housing, including affordable housing;
 - "(k) the adequate provision of employment opportunities;
 - "(m) the co-ordination of planning activities of public bodies;
 - "(n) the resolution of planning conflicts involving public and private interests;
 - "(p) the appropriate location of growth and development;
 - "(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
 - "(r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant."
- 9.2 Please see the reasons provided regarding the corresponding PPS and Provincial plan policies, dealt with under Issues 3a, 3b, and 3c.
- 10 Issue 4: If the [Tribunal] were to find in favour of the "Environmental Protection Area" designation of and associated policies for the Significant Lands as sought by NGFA, what would be the appropriate designation(s) of the balance of the MLE property on Schedule A2 of the Official Plan?**
- 10.1 Should the Tribunal find in favour of an Environmental Protection designation on the "significant lands", that would leave about 10% of MLE designated Urban Residential. Those lands, lying almost entirely along Deer Park Drive and Varney

Road, are themselves subject to constraints of different kinds. These remnants would be basically undevelopable as fragments of the original approvals, as they would not include the approved accesses, and would mostly fall within the setbacks from the bordering roads that are prescribed in the approved zoning. Should the owner wish to submit a new development proposal for the 10%, development would still be severely constrained by the wetland vegetation protection zones.

10.2 As well, a small, isolated, remnant Urban Residential development at MLE would certainly not be consistent with the aims of provincial policy, the applicable plans, or the new Official Plan itself.

10.3 In my opinion, the remaining lands should be designated Agricultural Protection, if they are prime agricultural lands, or Rural. I do not have sufficient information on the lands to know whether any or all would qualify for the Agricultural Protection designation. However, if the Town were to prefer to designate the remaining lands as Environmental Protection, to maintain the planning integrity and unity of the MLE lands, that would not be inappropriate.

11 Issue 5: If the [Tribunal] were to find in favour of the "Environmental Protection Area" designation of and associated policies for the Significant Lands as sought by NGFA, what would be the appropriate designation(s) of the entire MLE property on Schedules A1 and D of the Official Plan?

11.1 Schedule A1 shows MLE as a Town or Village. (The designation of MLE on Schedule D reflects its designation on Schedule A2, so in my view it is more appropriately considered under Issues 1, 2, 3, and 4.)

11.2 In my April 18, 2016 letter to the Town recommending changes to the new Official Plan before them for approval, I recommended that MLE be shown as Countryside Area on Schedule A1. However, the *Planning Act* was subsequently amended, and NGFA's counsel and I concluded that the new section 24.5(d) prevented NGFA from appealing that aspect of the Plan.

11.3 Nonetheless, if the Tribunal were to find in favour of an Environmental Protection designation on the "significant lands", it would be anomalous for the Towns and Villages identification to remain on those lands on Schedule A1. As well, for the reasons discussed under Issue 4, an Urban Residential designation on the remaining lands would not be viable, and an Agricultural Protection, Rural, or Environmental Protection designation would be appropriate.

11.4 Therefore, it remains my opinion that MLE should be shown as Countryside Area on Schedule A1.

12 Summary Opinion and Recommendations

12.1 I recommend that the Official Plan be modified as follows:

- ▶ On Schedule A2, redesignate the "significant lands" portion of MLE from Urban Residential to Environmental Protection, and the remainder of MLE from Urban Residential to Agricultural Protection, Rural, or Environmental Protection, as the Town considers appropriate. On Schedule D, remove the Urban Residential designation from MLE to conform with those redesignations.
- ▶ On Schedule A2, include all of the "significant lands" portion of MLE in the Greenlands System, and modify Schedules A1, B1, and B2 to conform with that redesignation.
- ▶ In Section 1.7, remove "and Maple Lake Estates" from the second bullet, and remove footnote 2.
- ▶ In Section 3.1.7, Table 1, remove the row titled "Urban Residential Area (Maple Lake Estates)", and remove footnote 8. In the row titled "Keswick", change the population forecasts as follows (in support of this, see section 5.10 of this witness statement):
 - 2021 - from 32,200 to 32,550
 - 2026 - from 36,500 to 37,050
 - 2031 - from 40,700 to 42,600.
- ▶ Remove all of section 7.2.
- ▶ Remove all of section 9.3.9 titled Maple Lake Estates. (The Tribunal should be aware that there are two sections numbered 9.3.9. If the Tribunal adopts my recommendation, no renumbering will be required. If not, starting with this section, the balance of section 9.3 needs to be renumbered.)
- ▶ Remove Appendix A.

12.2 I also recommend that in the interests of consistency, as discussed under Issue 5, the Official Plan be modified as follows:

- ▶ On Schedule A1, show MLE as Countryside Area instead of Towns and Villages.

12.3 In summary, my professional planning opinion in support of these recommendations is that the appealed provisions of the new Official Plan:

- ▶ Do not have appropriate regard for applicable matters of provincial interest under section 2 of the *Planning Act*.
- ▶ Are not consistent with the Provincial Policy Statement.
- ▶ Do not conform with the Growth Plan for the Greater Golden Horseshoe.

- ▶ Do not conform with the Greenbelt Plan.
- ▶ Do not conform with the York Region Official Plan.
- ▶ Would not be consistent with good planning principles and practice, and on balance, would not be in the public interest.

[original signed and stamped by]

Anthony Usher, RPP
April 9, 2018

Anthony Usher Planning Consultant

63 Deloraine Avenue, Toronto, Ontario M5M 2A8

(416) 425-5964

auplan@bellnet.ca

Education

- ▶ M.B.A. (Natural Resources, Economics), University of Toronto, 1979
- ▶ M.A. (Geography), University of Toronto, 1973
- ▶ B.A. (Geography, History), University of Toronto, 1971

Professional Affiliation and Registration

- ▶ Registered Professional Planner, Ontario
- ▶ President, Ontario Professional Planners Institute, 1992-94

Professional Experience

1983- Principal, Anthony Usher Planning Consultant

- ▶ **Markham Zoning Issues Analysis and Strategic Direction Report**, for City of Markham - team member
- ▶ **Dysart et al Official Plan**, for Municipality of Dysart et al - project director
- ▶ **Dysart et al Zoning Bylaw**, for Municipality of Dysart et al - project director
- ▶ **Simcoe County Official Plan - Greenlands Policies**, for County of Simcoe - project planner
- ▶ **Peterborough County Official Plan Revision**, for County of Peterborough - project environmental and resource planner
- ▶ **Oak Ridges Moraine Conservation Plan**, for Ontario Ministry of Municipal Affairs and Housing - team member and lead writer
- ▶ **Credit Watershed Natural Heritage System Planning Policy Recommendations**, for Credit Valley Conservation Authority - project director
- ▶ **Credit Watershed Natural Heritage Policy Review**, for Credit Valley Conservation Authority - project director
- ▶ **Planning and Regulatory Policies Comparative Review**, for nine Greater Golden Horseshoe Conservation Authorities - project planner
- ▶ **Watershed Planning - From Recommendations to Municipal Policies**, for Conservation Authorities Moraine Coalition, Regional Municipalities of Durham, Peel, and York, and City of Toronto - project planner
- ▶ **Toronto and Region Terrestrial Natural Heritage System Strategy**, for Toronto and Region Conservation Authority - team member and lead writer
- ▶ **Potter Creek Subwatershed Plan**, for Moira River Conservation Authority - project planner
- ▶ **Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies**, for Rideau Valley Conservation Authority - project planner
- ▶ **Bobcaygeon to Buckhorn Water Recreation and Shoreline Development Study**, for Canada Department of the Environment - project planner
- ▶ **Longford Reserve**, for Longford Reserve Limited - continuing planning services

- ▶ **Resource Stewardship Agreements Guide**, for Ontario Ministry of Natural Resources - project director
- ▶ **Partnerships for Community Involvement in Forestry**, for Ontario Ministry of Natural Resources - project director
- ▶ **Pit and Quarry Rehabilitation for Fish and Wildlife**, for Ontario Ministry of Natural Resources - project planner
- ▶ **Crown Land Disposition Policies Review**, for Ontario Ministry of Natural Resources - project director
- ▶ **Musselwhite Mine Environmental Impact Review**, for Shibogama Interim Planning Board - project director
- ▶ **Belleville Ice Management Plan - Phase 1 - Environmental Assessment**, for Moira River Conservation Authority - project planner
- ▶ **Polar Bear Provincial Park and Area Tourism Development Study**, for Ontario Ministries of Tourism and Recreation and Natural Resources - project director
- ▶ **Atikokan District Tourism Development Study**, for Ontario Ministry of Tourism and Recreation - project planner
- ▶ **Komoka Provincial Park Management Plan**, for Ontario Ministry of Natural Resources - project planner
- ▶ **Presqu'ile Provincial Park Management Plan**, for Ontario Ministry of Natural Resources - project director

1978-1983 Hough, Stansbury + Michalski Limited
Senior Planner and Assistant Director

- ▶ **Wingham District Land Use Strategy**, for Ontario Ministry of Natural Resources - project director
- ▶ **Lake of the Woods Fishery - Social and Economic Analysis**, for Ontario Ministry of Natural Resources - project director
- ▶ **Lac la Ronge Provincial Park Master Plan**, for Saskatchewan Department of Northern Saskatchewan - project director

1972-1978 Ontario Ministry of Natural Resources
Park Systems Planner, Park Planning Branch
Planning Analyst, Historical Sites Branch

- ▶ **Ontario Provincial Parks Policy** - team member and lead writer
- ▶ **Ontario Provincial Parks Planning and Management Policies** - project manager
- ▶ **Lake Superior Provincial Park Preliminary Master Plan** - project manager

Publications

- ▶ "Communities and Natural Resource Management: Bridging the Gap", with Stephen Harvey, *Plan Canada*, 1996
- ▶ "Polar Bear Park and Area: Community-Oriented Tourism Development in Ontario's Arctic", in Johnston, M.E., and Haider, W., eds., *Communities, Resources, and Tourism in the North*, Lakehead University, Centre for Northern Studies, 1993