

**THE CORPORATION OF THE TOWN OF GEORGINA
TRAILS AND ACTIVE TRANSPORTATION
ADVISORY COMMITTEE AGENDA**

Tuesday, July 23, 2019

5:30 PM

Council Chambers

ROC walking tour following meeting

1. CALL TO ORDER

“We would like to begin today’s meeting by acknowledging that the Town of Georgina is located over lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples and thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship.”

2. ROLL CALL

3. INTRODUCTION OF ADDENDUM ITEMS

4. APPROVAL OF AGENDA

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

6. ADOPTION OF MINUTES

Pages 1 to 3

- (1) June 4, 2019 meeting minutes for adoption

7. DELEGATIONS/SPEAKERS

8. PRESENTATIONS

9. REPORTS

Pages 4 to 48

- (1) Report OI-2019-0009 Queensway Trail at Keswick Gardens

10. COMMUNICATIONS

11. OTHER BUISNESS

- (1) connection at Bud Leggett (update, if available)

- (2) Zephyr Trail (update, if available)

12. CLOSED SESSION, IF REQUIRED
13. MOTION TO ADJOURN
14. Next Meeting: Tuesday, September 10, 2019

**THE CORPORATION OF THE TOWN OF GEORGINA
TRAILS AND ACTIVE TRANSPORTATION
ADVISORY COMMITTEE AGENDA**

Tuesday, June 4, 2019

5:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 5:31 PM.

"We would like to begin today's meeting by acknowledging that the Town of Georgina is located over lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples and thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship."

2. ROLL CALL

The following Committee members were in attendance:

Councillor Mike Waddington, Chair

Charlene Biggerstaff, Vice Chair

Leanna Karremans

Michael Vos

The following Committee member was absent with regrets

Janet Hall

The following staff members were in attendance:

Ken McAlpine, Manager of Parks Development & Operations

Sarah Brislin, Committee Services Coordinator

3. INTRODUCTION OF ADDENDUM ITEMS - *None*

4. APPROVAL OF AGENDA

Moved by Leanna Karremans, Seconded by Michael Vos

RESOLUTION NO. GTATC-2019-0015

That the Georgina Trails and Active Transportation Advisory Committee June 4, 2019, agenda be approved as presented.

Carried

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF - *None*

6. ADOPTION OF MINUTES

(1) May 14, 2019 meeting minutes for adoption

Moved by Charlene Biggerstaff, Seconded by Leanna Karremans

RESOLUTION NO. GTATC-2019-0016

That the Georgina Trails and Active Transportation Advisory Committee adopt the meeting minutes of May 14, 2019.

Carried

7. DELEGATIONS/SPEAKERS - *None*

8. PRESENTATIONS

(1) Tyler McNaughton, Georgina Snow Riders Club and Mike Keuchler of Ontario Federation of Snowmobile Clubs

Tyler McNaughton and Mike Keuchler provided the Committee with an overview of the Snow Riders Club and their presence in Georgina.

Moved by Leanna Karremans, Seconded by Michael Vos

RESOLUTION NO. GTATC-2019-0017

That the Georgina Trails and Active Transportation Advisory Committee receive the presentation from the Georgina Snow Riders.

Carried.

Moved by Charlene Biggerstaff, Seconded by Leanna Karremans

RESOLUTION NO. GTATC-2019-0018

That the Georgina Trails and Active Transportation Advisory Committee request Ken McAlpine draft a closed session briefing note to formally notify Council of the potential to acquire the Zephyr, Sutton Rail Trail from the province in the future ahead of a business case Ken plans to submit during budget deliberations.

Carried.

Moved by Charlene Biggerstaff, Seconded by Mike Vos

RESOLUTION NO. GTATC-2019-0019

That the Georgina Trails and Active Transportation Advisory Committee add an additional meeting to be held on July 23rd 2019.

Carried.

9. REPORTS - *None*
10. COMMUNICATIONS - *None*
11. OTHER BUISNESS - *None*
12. CLOSED SESSION, IF REQUIRED - *None*
13. MOTION TO ADJOURN

Next Meeting July 23, 2019:

Moved by Charlene Biggerstaff, Seconded by Leanna Karremans

RESOLUTION NO. GTATC-2019-0020

That the Georgina Trails and Active Transportation Advisory Committee June 4, 2019, meeting adjourn at 6:27 PM.

Carried.

Councillor Mike Waddington, Chair

Sarah Brislin,
Committee Services Coordinator

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. OI-2019-0009

**FOR THE CONSIDERATION OF
COUNCIL
July 16, 2019**

SUBJECT: Queensway Trail at Keswick Gardens

1. RECOMMENDATION:

- 1. That Council receive Report No. OI-2019-0009 prepared by the Parks Division, Operations and Infrastructure Department dated July 16, 2019 regarding the proposed trail design at the Queensway and Keswick Gardens Seniors Apartments.**
- 2. That the 2019 Capital Budget be amended to include construction of the Queensway North Trail Project 19-PRK-9* with a budget of \$150,000 funded from the Voluntary Contribution provided by Starlish Home Corp., and that Council authorize the procurement manager to issue a purchase order to Starlish Home Corp. not to exceed \$150,000**
- 3. That staff finalize the necessary documents and maintenance agreement with York Region Housing and Starlish Home Corp. in order to implement the trail works at the Queensway and Keswick Gardens Seniors Apartments.**

2. PURPOSE:

The purpose of Report OI-2019-0009 is to obtain Council approval to finance the design and construction of the Queensway trail at Keswick Gardens Seniors Apartments lands by utilizing the \$150,000 'Voluntary Contribution' provided by Starlish Home Corp.

3. BACKGROUND:

The approved 2014 Trails and Active Transportation Master Plan (TATMP) recommended a trail route from the Queensway East Development Area (QEDA), linking the established residential neighbourhoods with proposed commercial and residential developments. The proposed trail system through the Starlish Home Corp. subdivision, east of the Queensway N. and north of Church Street, forms the central section of the trail, and will form part of the east-west trail that connects westward to Lakeside Park, Lakeside Public School, North Keswick commercial

district, and the Medina Square residential neighbourhood. Attached Attachment 1 illustrates the trail route.

The implementation of a trail along the northern limit of the Keswick Gardens Seniors Residence is supported by York Region Housing, and by the Keswick Gardens Seniors, as it benefits the residents by providing a new, dedicated local trail at their doorstep.

In the mid 1990's the Town of Georgina had a program to collect a 'Voluntary Contribution' from developers during the approval process when transferring allocation from the Industrial category to residential. At the time, the previous owner of Starlish Home Corp. lands, known as Daycornet, agreed to pay a lump sum to the Town in this regard. Upon purchasing the lands from Daycornet, Starlish Home Corp. agreed to honour the 'Voluntary Contribution' agreement, and subsequently provided the Town with a letter of credit in the amount of \$150,000.

The staff report DS-94-08 (attached as Attachment 2) noted that the overall intent of the 'Voluntary Contribution' agreement was to provide alternate community benefits that should relate to any or all of the following:

1. Strengthening of the Town's economic and/or fiscal well-being;
2. Provision of needed community facilities or services;
3. Provision of significant parkland and open space;
4. Improving public infrastructure;
5. Comprehensive and innovative urban design.

The trail provides basis for local community benefits as stated in Council report DS-94-08 (items #2, #3, #4, above). The trail will provide active transportation for existing and future residents of the area, including those living in the Keswick Gardens Seniors Apartments. The trail design is consistent with the trail routing recommendations of the Trails and Active Transportation Master Plan. Attachment 3 illustrates the trail layout behind Keswick Gardens, which would be funded by the \$150,000 contribution. Further, the Trails and Active Transportation Advisory Committee (TATAC) is aware of this initiative and supports the project.

4. ANALYSIS:

This report has been prepared to provide Council with rationale for utilizing the \$150,000 'Voluntary Contribution' held by the Town for the design and implementation of the Queensway Trail at Keswick Gardens Seniors Apartments. Initial cost estimates show the trail work is valued at approximately \$140,000. The planning, design and negotiations for the comprehensive trail began in 2017, when it was determined that the proposed water and wastewater servicing of the Starlish Home Corp. subdivision would require a permanent easement through the Keswick Gardens Seniors Residence, Lakeside Park and under the Queensway N. An

access road route was deemed necessary for maintaining the services, and this road will serve as part of the pedestrian trail. The section of trail not currently funded is within the Keswick Gardens Seniors Apartment property. Meetings have taken place with York Region Housing staff, residents of Keswick Gardens Seniors Apartments, Starlish Home Corp. and Town of Georgina staff towards implementing the trail. All are in support of the trail.

5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following strategic goal(s):

GOAL 2: “Promote a High Quality of Life” – HEALTHY, SAFE, SUSTAINABLE COMMUNITIES – Construction of the trail system satisfies the Strategic Plan Objective of promoting a high quality of life by implementing key recommendations of the Trails and Active Transportation Master Plan.

GOAL 3: “Engage Our Community & Build Partnerships” – COMMUNICATION, ENGAGEMENT, COLLABORATION & PARTNERSHIPS – The planning of the trail satisfies the Strategic Plan Objective of engaging our community and building partnerships based on collaboration with York Region Housing and the seniors living in the Keswick Gardens Seniors Apartments.

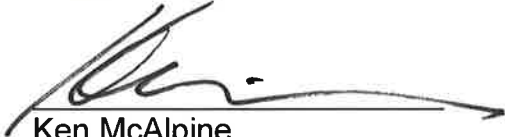
6. FINANCIAL AND BUDGETARY IMPACT:

The \$150,000 held in a letter of credit for community benefits is available for projects like the Queensway North Trail.

7. CONCLUSION:

The Queensway Trail at Keswick Gardens will link the new Starlish Home Corp. residential development with the Keswick Gardens Seniors Apartments lands, the Queensway North neighbourhood (including 2 elementary schools), the Medina Square neighbourhood and Lakeside Park once completed. Future trail links are anticipated within the QEDA at the east limit of the Starlish Home Corp. lands as well the commercial zones at Woodbine Road. This report is requesting Council’s approval to utilize \$150,000 held in the letter of credit.

Prepared by:



Ken McAlpine
Manager of Parks Development
and Operations

Recommended by:



Rob Flindall
Director of Operations and
Infrastructure

Recommended by:



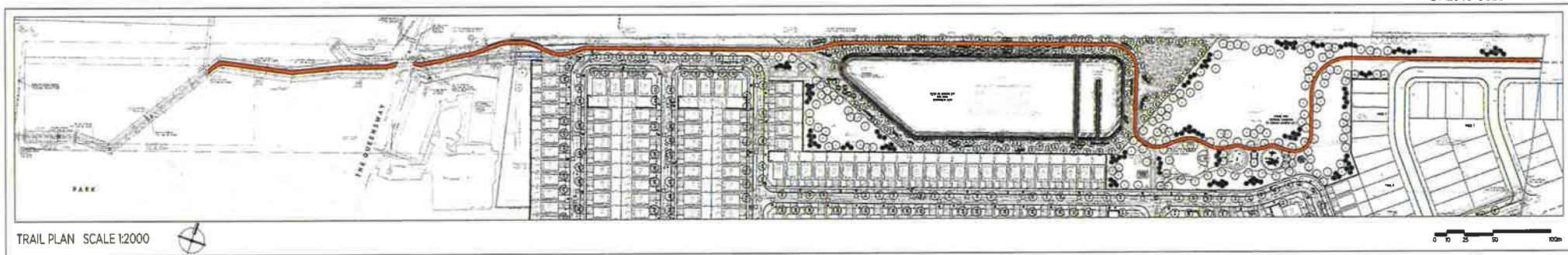
Rob Wheeler, Treasurer and
Director of Corporate Services

Approved by:



David Reddon
Chief Administrative Officer

Attachments: Attachment 1 – Comprehensive Trail Route
Attachment 2 – Report DS-94-08 regarding the 'Voluntary Contribution'
Attachment 3 – Keswick Gardens Trail Section



10031

TOWN OF GEORGINA

**CHIEF ADMINISTRATIVE OFFICER'S REPORT
REPORT NO. CAO-96-15**

**FOR CONSIDERATION OF
COMMITTEE OF THE WHOLE
OF AUGUST 19, 1996**

SUBJECT: CHARGING OF FEES FOR WATER AND SEWAGE ALLOCATION

RECOMMENDATION:

THAT the Mayor and Clerk be authorized to execute a By-Law respecting the Charging of Fees for Water and Sewage Allocation.

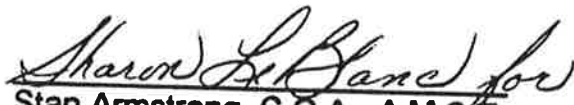
REPORT:

In March 1995, Council approved a policy relating to the distribution of water & sewer allocation for new development. A copy of Report DS-94-08 outlining such policy is attached for reference as Appendix "1".

Since that time, Provincial Legislative changes affecting Municipalities have been enacted that provide further support for the position taken by Council. On the advice of the Municipal Solicitor, a Bylaw has been drafted to consolidate the previous policy with the legislative support. A copy of the Bylaw is attached for review as Appendix "2".

It is requested that Council approve the passing of this Bylaw at a Special Council meeting to be held following the Committee of the Whole on August 19, 1996.

Respectfully submitted,


Stan Armstrong, C.G.A., A.M.C.T.
Acting Chief Administrative Officer

Attachment 2

APPENDIX "I"**to****REPORT NO. CAO-96-15****Report DS-94-08 - Review of Keswick Industrial
Water and Sewer Servicing Allocation**

0133

CORPORATION OF THE TOWN OF GEORGINA
IN THE REGIONAL MUNICIPALITY OF YORK
REPORT NO. DS-94-08
OF THE DIRECTOR OF DEVELOPMENT SERVICES
For the Consideration of the
Chief Administrative Officer

SUBJECT: REVIEW OF KESWICK INDUSTRIAL WATER
AND SEWER SERVICING ALLOCATION
FILE NO. 05.181

1. BACKGROUND:

In December 1993, Council directed staff to retain consultants to assess the possibility of transferring servicing allocation from the Industrial category to the Residential category. In January, 1994 Council received a report on this matter from Kentridge Johnston Limited Planning Consultants, which is attached as Appendix '1'.

In summary, the consultants concluded that based on "the lack of demand for the industrial lands, it is not inappropriate that industrial capacity (up to 1,938 persons equivalent (p.e.)) be available or reallocated to other uses". In this regard, they further recommended that criteria be developed as a basis upon which to determine (a) what portion of the 1,938 p.e., if any, should be reallocated; and (b) what land should receive a reallocation, and any terms or conditions respecting any reallocation.

The purpose of this report is to provide Council with recommendations regarding criteria for considering the reallocation of Industrial category servicing allocation within the Keswick Service Area boundary and a process by which to apply such criteria.

It should be noted that while this report was being prepared, the Region was evaluating the actual capacity of the Keswick Sewage Treatment Plant. In the event that it is determined that extra capacity is found to be available in the Plant, that extra capacity should be allocated in accordance with the recommendations set out in this report.

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2. PROPOSED CRITERIA:

Although the Kentridge Johnston report indicates that sewage allocation may be reallocated, it is important to understand that Council is not obligated to do so. Pursuant to Section 3.3.3.1.1 of the Official Plan, the Town has a goal "to develop the Town's economic potential to the fullest by ensuring the continuing expansion of economic opportunities and diversification of the economic base". In addition, specifying industrial targets, locations and servicing priorities continues to be an objective of the Town under Section 3.3.3.2.2 of the Official Plan. Any reallocation decision, therefore, should be tempered by considerations of the impact on remaining industrial allocation and the desirability of preserving sufficient allocation to accommodate appropriate industry if the opportunity arises. An incremental approach to reallocation would advance this objective.

Since any reallocation will impact on the industrial allocation supply, this should not be done simply for the purposes of completing existing plans of residential subdivision or ordinary residential infill. If Council is going to reallocate industrial sewage capacity and possibly sacrifice some of the potential opportunity of attracting industrial development, a significant alternate benefit should be obtained as a result of the reallocation. Council must be clearly convinced that: (a) industrial capacity should be reallocated because of a current surplus in industrial capacity given demand; (b) the reallocation is consistent with good planning and the Town's Official Plan; and; (c) that a particular reallocation is desirable because it provides an extraordinary benefit to the Town.

Finally I point out that because of the Official Plan policies referred to above, it is my opinion that the reallocation of industrial capacity must be carefully monitored.

In view of the above, the following criteria are recommended for considering reallocation from the Industrial category:

- A. It is clear there is no immediate demand for the Industrial allocation proposed to be reallocated, and;

B. The proposed transfer is for a project that is:

- (a) In conformity with the Town's Official Plan and contains outstanding attributes that would contribute significantly to the Town by providing alternate benefits to industrial development. Such alternate benefits should relate to any or all of the following:
 - i) strengthening of the Town's economic and/or fiscal well being;
 - ii) provision of needed community facilities or services;
 - iii) provision of significant parkland and open space;
 - iv) improving public infrastructure;
 - v) comprehensive and innovative urban design.

3. PROPOSED REVIEW PROCESS:

The following process is recommended for reviewing development proposals seeking servicing allocation to be transferred from the Industrial category:

1. Submission of a formal written request to the Development Services Department along with a draft plan or concept plan with supporting documentation setting out the manner in which the proposed development satisfies the criteria listed in Section 2.B above.
2. The application and supporting documentation shall be distributed to the Chief Administrative Officer, Department Heads and members of a special purpose Committee as appointed by the Mayor for their review.
3. A meeting of the special purpose Committee and pertinent staff is scheduled where the proponent presents the proposal in detail and addresses questions etc.. Following this presentation, the Committee may

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refer the application to staff for a report on the merits of the proposal to be brought back to the Committee for its consideration.

4. In the event the Committee considers a proposal which satisfy's all of the reallocation criteria and there remains an apparent excess in allocation in the Industrial category, the Committee may direct staff to advise the proponent to submit formal planning applications to the Town for processing and consideration by Council.

In consideration of the above, the following recommendations are respectfully submitted:

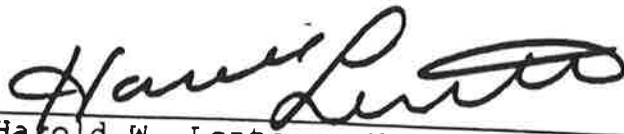
4. RECOMMENDATIONS:

1. THAT COUNCIL ENDORSE REPORT DS-94-08.
2. THAT A SPECIAL PURPOSE COMMITTEE BE APPOINTED TO REVIEW PROPOSALS REQUESTING SERVICING REALLOCATION FROM THE INDUSTRIAL CATEGORY WITHIN THE KESWICK SERVICE AREA AND THAT THE REVIEW OF PROPOSALS SHALL FOLLOW A PROCESS AS GENERALLY OUTLINED IN SECTION 3. OF REPORT DS-94-08.
3. THAT NOTICE BE PLACED IN A LOCAL NEWSPAPER ADVISING THAT COUNCIL HAS ENDORSED REPORT DS-94-08 AND THAT COUNCIL MAY TRANSFER SEWAGE ALLOCATION FROM THE INDUSTRIAL CATEGORY TO THE RESIDENTIAL CATEGORY. SAID NOTICE SHALL ALSO SET OUT THE CRITERIA AND PROCESS BY WHICH THE TOWN WILL CONSIDER APPLICATIONS REQUESTING SERVICING ALLOCATION.
4. THAT THE KESWICK SERVICING GUIDELINE, KESWICK SERVICE AREA BE REVISED TO INCORPORATE PROVISIONS INDICATING COUNCIL MAY CONSIDER THE TRANSFER OF ALLOCATION FROM THE INDUSTRIAL CATEGORY IN ACCORDANCE WITH THE CRITERIA AND PROCESS AS SET OUT IN SECTIONS 2. AND 3. RESPECTIVELY OF REPORT DS-94-08.
5. THAT THE ALLOCATION CRITERIA AND PROCESS CONTAINED IN REPORT DS-94-08 APPLY TO ANY EXTRA SEWAGE CAPACITY FOUND TO BE AVAILABLE IN THE KESWICK SEWAGE TREATMENT PLANT.

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Submitted and
Recommended by:



Harold W. Lenters, M.Sc.
Director of Development Services

Approved by:

S. Armstrong, C.G.A.
Acting Chief Administrative Officer

HWL/nc
attach.

**KESWICK
INDUSTRIAL SEWER ALLOCATION
STUDY
TOWN OF GEORGINA**

Prepared by: Kentridge Johnston Limited
185 Carlton Street
Toronto, Ontario
M5A 2K7

Prepared for: Town of Georgina
Attn: Mr. Harold Lenters
Director of Development Services
Town of Georgina
Civic Centre,
Keswick, Ontario
L4P 3G1

January 1994

93P34

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ATTACHMENT

Appendix '2', Servicing Allocation Guideline - Keswick Service Area,
Official Plan Amendment No. 14, Town of Georgina Official Plan

1.0 INTRODUCTION

1.1 Purpose of Report

The purpose of this report is to determine, if any, the potential redistribution of sewage allocation from undeveloped designated industrial lands in the Keswick area to residentially designated lands which do not have sewer allocation. In order to undertake this task we reviewed the following:

1. the relevant Official Plan policies regarding industrial and servicing policies outlined in the general Official Plan and as amended in the present Keswick Secondary Plan (OPA No. 14);
2. the present Keswick sewer allocation based on information gathered from the municipality. This was analysed in terms of:
 - the extent of allocation committed to residential and other non-industrial lands;
 - the extent of preliminary allocation to individual residential proposals not yet developed;
 - the extent of known residential proposals without any allocation to date; and
 - the extent of allocation used, committed, and available to industrial lands.
3. whether the existing industrial lands are appropriately located from a planning perspective or whether an alternative designation may be more appropriate;
4. the supply and demand for future industrial lands in Keswick;
5. whether it is appropriate from a planning standpoint to reallocate any excess sewer capacity from these industrial lands to residential or other non-industrial uses; and
6. the acreage of non-allocated residential lands that could receive allocation as a result of transferring the industrial allocation.

This report does *not* determine to which lands excess capacity should be specifically reallocated, but rather it determines:

- (i) if and how much exists; and
- (ii) whether reallocation represents appropriate planning.

We propose that a subsequent study identify the lands that are appropriate to receive the allocation and also whether any planning or other conditions should apply.

1.2 Background

Discussions with Mr. Harold Lenters, Director of Development Services, indicated that the long term total sewage capacity is 27,000 population equivalent (p.e.). He also indicated to us that total water capacity is only 24,200 p.e.. Discussions with Mr. Bob McLaughlin, Town Engineer, indicated that for the purposes of this study that the limiting factor should be the sewage capacity figure.

In our research we have noted that there are plans for some commercial development on industrially designated lands. These are known as: 1) Georgiawood, a 115,000 sq.ft. shopping facility; and 2) Pineneedle, a 96,000 sq.ft. shopping centre. It is our understanding that commercial development is not directly measured for servicing under the sewer and water capacity, but rather is incorporated as a component of the residential allocation. Therefore, these two developments are exempt of any restrictions based on sewer capacity.

This report examines the Town of Georgina's statistics on the allocation of sewer capacity prepared in 1986 and in 1993, the Official Plan, the Keswick Secondary Plan, and the Town's Economic Strategy Study. In addition, we have contacted the consultants undertaking the study of the new Keswick Secondary Plan and have incorporated any relevant information provided by them.

Finally, this report examines all known proposed developments that are within the present servicing boundary as established by Official Plan Amendment No.14 to the Town of Georgina Official Plan (Keswick Secondary Plan).

2.0 RELEVANT OFFICIAL PLAN POLICIES

This section of the report reviews the relevant policies of the two principle planning documents that presently apply to the Keswick area. First, the Georgina Planning Area general Official Plan; and second, the Keswick Secondary Plan (OPA 14) which amends certain sections of the general plan.

It should be noted that in addition to these documents there is presently a review underway of the Keswick Secondary Plan which will likely have a significant bearing on the location of the servicing boundary and will reassess the location of the existing industrial lands.

2.1 Official Plan of the Town of Georgina Planning Area

The Official Plan of the Town of Georgina Planning Area was passed by Council on May 28, 1981, and was subsequently approved by the Minister of Municipal Affairs and Housing on March 12, 1982. The following is an outline of significant issues dealt within the plan.

2.1.1 Industrial Policy

Section 5.2.4 of the plan outlines the industrial policies for the planning area. The plan states that land designated Industrial will be predominantly of a light and medium industrial nature, and shall be for warehousing, processing, manufacturing, assembling, storage and similar uses. In addition, certain other compatible uses may be permitted, including commercial uses accessory to an industry and commercial uses primarily servicing the industrial area, and compatible recreational and institutional uses.

The plan indicates that important general principles to be considered in the designation and development of uses in the Industrial areas are:

Prior to approval of land use designations for industry:

- accessibility of the area to all forms of transportation;
- compatibility of industrial uses with other lands; and
- the total area of vacant industrial land which is available in the Town. In this regard, where serviced land is designated in the Plan, no additional lands shall be designated until 80% of the serviced industrial land has been developed.

New industry in the designated area will be encouraged to locate:

- first in the urban areas of Keswick and Sutton on municipal sewer and water services; and
- second in the urban areas of Pefferlaw on private services.

2.1.2 Servicing Policy

Of particular interest is section 6.3.1.2 regarding Keswick Services, which states:

"The water supply and sewage disposal capacity of the Keswick service area is 20,000 persons equivalent. This capacity shall be allocated as follows:

(a)	residential ¹	18,000 persons equivalent
(b)	industrial	<u>2,000</u> persons equivalent
	Total	20,000 persons equivalent"

The initial servicing area for Keswick under the general Official Plan was restricted to the area identified in Schedule "A" - Map 2 (see Figure 1).

2.1.3 Community of Keswick Policy

Section 6.7.1 "Community of Keswick", recognized that Council had authorized a Secondary Plan and storm water management study for the area. Major development beyond that in Figure 1 was restricted until the Secondary Plan was in place.

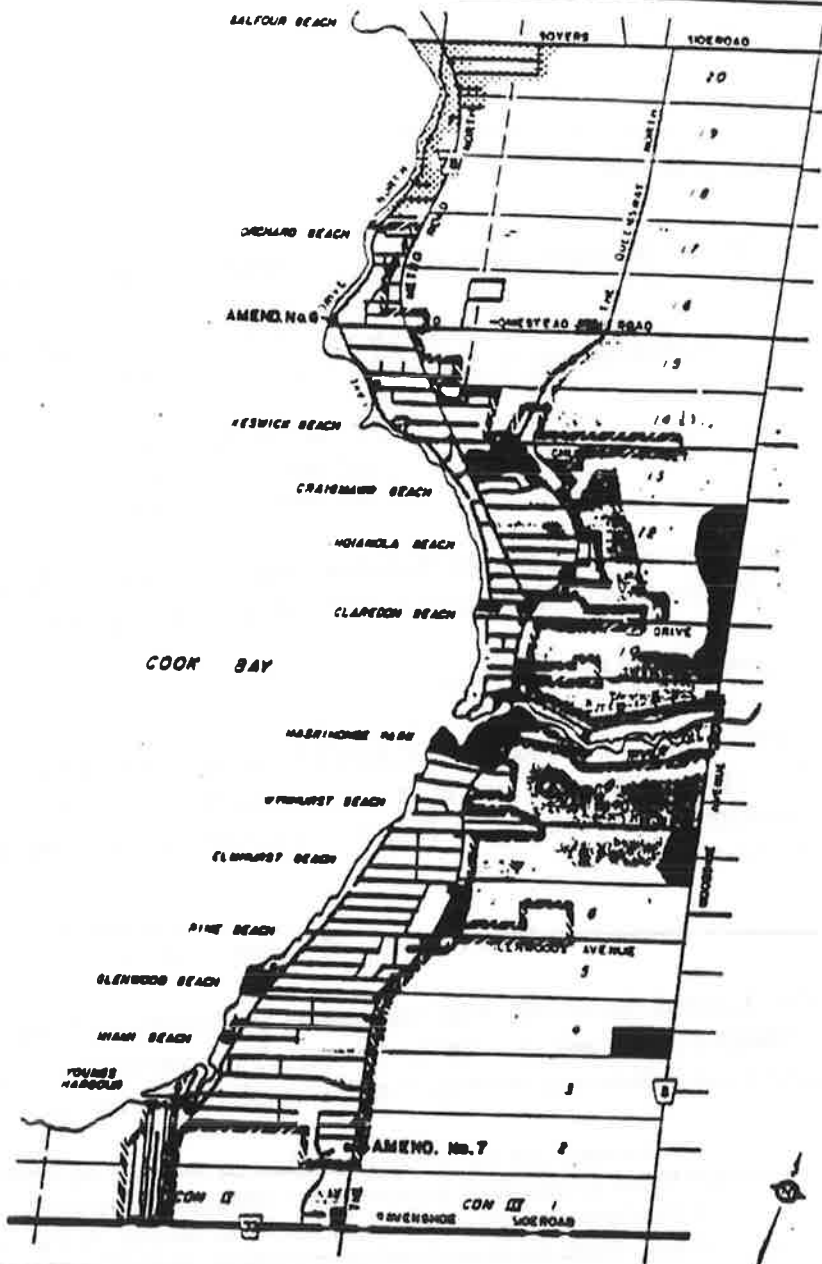
2.2 Keswick Secondary Plan (Official Plan Amendment No. 14)

The Keswick Secondary Plan was passed by Council on November 23, 1984, and subsequently revised in 1986 by Council. The amendment deletes section 6.3.1.2 (Servicing Policy) and replaces it entirely with the following:

"The servicing area for Keswick is shown on Schedule 'A' - Map 2. Council will follow an allocation guideline when allocating municipal services. Where the developer has not shown an initiative to develop, to the satisfaction of Council, within the term of draft plan approval, such allocation may, in whole or in part, be revoked, or extended for a period of time generally not exceeding one year. The lands designated for service capacity, if completely developed, would exceed the capacity of the sewage treatment plants and the on-ground water storage facility. For this reason, development within Keswick Service Area boundary may not exceed an amount that would generate a population equivalent in excess of 18,390 (16,890 residential; 1,500 industrial). Council proposes to allocate municipal services capacity for 1,610 persons from the Keswick system to a development (Maple Leaf Estates) which is the subject of Amendments 10 and 11. At such time as the flows are monitored and excess capacity found, or if the plants are expanded, then additional development will be permitted."

Section 6.7.1 of the general Official Plan was deleted by O.P.A. No. 14. A new Schedule "A" - Map 2 is introduced by O.P.A. No. 14, which redefines the municipal servicing boundary (see Figure 2).

¹ Residential allocations include commercial and institutional flows within the community.



-  Urban Residential
-  Lake Shore Residential
-  Commercial
-  Industrial
-  Rural
-  Initial Servicing Area

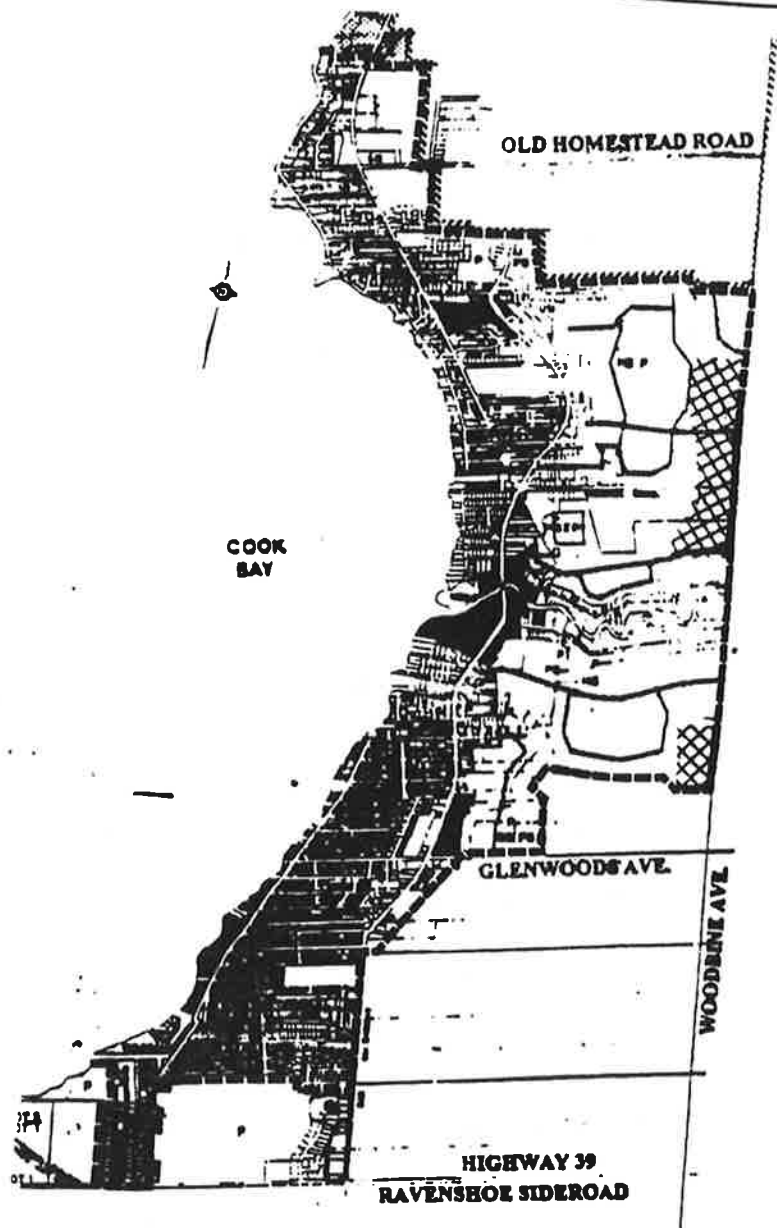
MAP 2, SCHEDULE 'A', LAND USE
PLAN, KESWICK, TOWN OF
GEORGINA OFFICIAL PLAN

KESWICK INDUSTRIAL
SERVICING ALLOCATION STUDY,
TOWN OF GEORGINA

 **KENTRIDGE JOHNSTON LTD.**
PLANNING CONSULTANTS

Drawn J.L.	Checked L.R.K.	NTS
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Project No. 93P34	Date DEC, 1993
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Service Area Boundary



Industrially Designated
Lands Within Servicing
Boundary

**MAP 2, SCHEDULE 'A', KESWICK
SECONDARY PLAN,
OFFICIAL PLAN AMENDMENT 14**

**KESWICK INDUSTRIAL
SERVICING ALLOCATION STUDY,
TOWN OF GEORGINA**



KENTRIDGE JOHNSTON LTD.
PLANNING CONSULTANTS

Drawn

J.L.

Checked

L.R.K.

Scale

N.T.S.

Project No.

Date

File No.

The Keswick Secondary Plan document also has Table 1, Municipal Water Supply and Sanitary Disposal Allocation Guideline. This table, which is an attachment to the plan, outlines the long range and initial allocations of persons equivalent for the Keswick area as follows:

Table 1: Municipal Water Supply and Sanitary Disposal Allocation Guideline

		Long Range Allocation Persons <u>Equivalent</u>	Initial Allocation Persons <u>Equivalent</u>
1.	Existing Developed Land	9,550	9,550
2.	Infilling and Redevelopment within, Minor Extension to the Existing Community	5,637	1,986
3.	Belmont	3,097	2,323
4.	Simcoe Gate Estates	1,854	1,390
5.	First City Developments	1,520	1,140
6.	Lynx	365	365
7.	Maple Leaf Estates	2,284	1,746
8.	Industrial	<u>2,360</u>	<u>1,500</u>
	TOTAL	26,667	20,000

The guideline also establishes how the persons equivalent factors are measured:

Existing Development	3.2 persons per unit (ppu)
Maple Leaf Estates	2.0 ppu for retirement homes 3.8 ppu for 36 estate homes
Industrial	49 persons per hectare (pph) or 20 persons per acre (ppa)

Table 1 is to be considered by the Town of Georgina and the Region of York when assigning municipal water supply and sanitary sewage disposal allocations at the draft subdivision and condominium approval stage. These allocations have been developed on the basis of 10 items outlined in another attachment, *Appendix '2'* (attached to this report). It is our opinion that modifications to the allocation guideline would not require an amendment to the Secondary Plan.

The Keswick Secondary Plan also expands the industrial policies of the general Official Plan with the following:

- "(i) The industrial area north of Morton Sideroad shall be serviced with an internal road system, and access onto Woodbine Avenue will be limited. However, initially, lots fronting on Woodbine Avenue may have direct access until such time as the internal road is constructed, at which time the entrances may be reversed if required by the Region of York.
- (j) Map 2 of Schedule 'A' designates the site of the Keswick Sewage Treatment Plant as industrial. It is intended that the only industrial use of this property shall be for that utility. Uses, other than open space and conservation uses, will not be permitted within 100 m of the sewage treatment plant so as to minimize conflicts between incompatible uses."

3.0 KESWICK SEWER SERVICE ALLOCATION UPDATE

3.1 Overall Sewer Service Allocation for Keswick (February 1993)

Report No. DS-93-05, dated February 25, 1993, outlined the current status of the Keswick water and sewer service allocation. In 1986, the Town received Region of York approval to set the Keswick Sewage Treatment Plant service capacity at 27,000 persons equivalent (p.e.). This is a slight increase from the Keswick Secondary Plan Servicing Guideline figure of 26,667 p.e.. Thus, it has been determined that the distribution between non-industrial and industrial designated lands is as follows:

24,640 p.e.	for non-industrial designated lands within servicing area
<u>2,360 p.e.</u>	for industrial designated lands within servicing area
27,000 p.e.	Total servicing capacity within servicing area

3.2 Committed Residential and other Non-Industrial Allocation

Of the 24,640 p.e. ear marked for non-industrial designated lands within the servicing area, 21,302.3 p.e. is presently used or committed, and cannot be reallocated.

This figure was determined as follows:

9,550.0 p.e.	for existing development as of 1986
615.6 p.e.	for severance and duplex/ semi category
8,572.8 p.e.	for built infill and redevelopment
281.1 p.e.	for Danbrook/ Gunnell/ YRHC (site plan)
2,146.0 p.e.	for Maple Leaf Estates (Registered)
<u>136.8 p.e.</u>	for North Gwillimbury Estates (Registered)
21,302.3 p.e.	TOTAL USED BY OR COMMITTED TO RESIDENTIAL/ NON-INDUSTRIAL

Therefore, 3,337.7 p.e. remains available for non-industrial designated lands today.

3.3 Residential and other Non-Industrial With Preliminary Allocation

As of February 1993, the following developments had been classified as "active development" and were given a preliminary assigned allocation of 3,290.4 p.e.:

PROJECT	DESCRIPTION	Allocation Required (p.e.)	Draft Approval Date
19T-85097	Aston Meadows	535.8	90-05-04
19T-88013	Rob Roy	95.0	91-01-03
19T-89052	Specialty Care	471.2	93-08-01
19T-86068	Balzal	133.0	86-12-04 Council Endorsed
19T-88042	Orchard Beach	76.0	89-12-15
19T-87068	Forsite Homes	239.4	89-12-12
19T-88064	Queens Landing	570.0	89-02-21
19T-88078	Ivan Rye	30.4	89-04-06
19T-89002	Rinor/Toner/Charter	463.6	92-05-22
19CDM-90039	Kescon	490.0	90-10-04 Council Endorsed
OPA No. 55	Grossman/ Bleeman/ Silver (49 units)	186.0	Allocation set aside per resolution SC-88-446

TOTAL

3,290.4

This results in a surplus of unused and unassigned residential and other non-industrial sewer allocation of 47.3 p.e.

3.4 Residential and other Non-Industrial Without Allocation

The following are residential developments that should be considered for potential allocation and which were not included in the February 1993 report.

PROJECT	DESCRIPTION	AREA OF LANDS (Acres)	P.P.U. Factor Assumed	Persons Equivalent
OPA 67	US Homes Limited (38 apartment units)	1.55	2.5 ppu	95.0
19T-85097	Mod-Aire Homes Limited (31 additional residential lots)	*4.95	3.8 ppu	117.8
19T-89002	Rinor/ Tonor/ Charter (79 additional residential lots)	*11.44	3.8 ppu	300.2
19T-91002	Belmont (267 residential units)	*49.01	3.8 ppu	1,014.6
OPA 55	Grossman/ Bleeman/ Silver (34 units)	*2.97	3.8 ppu	129.2
19T-89097	Janoscik (74 residential units)	17.67	3.8 ppu	281.2
TOTALS		87.59		1,938.0

* Area of lots without allocation and road way associated with the lots. Does not include future blocks, existing lots and associated roads with allocation, open space blocks, or other blocks.

If the above development were to receive allocation it would result in a total deficit of residential and non-industrial sewer allocation of 1,890.7 p.e.

3.5 Industrial Allocation

The industrial lands in Keswick have an allocation of 2,360 p.e., which represents approximately 118 acres (20 persons per acre). Other statistics from our research have indicated that there may be as much as 140 acres of industrially designated lands along the west side of Woodbine Avenue between Church Street and Glenwoods Drive. However, approximately 30 acres have been (or are planned to be) developed for non-industrial purposes, specifically Superior Propane, Georgiawood Shopping Centre, and Pineneedle Shopping Centre. The result is that there are approximately 110 acres of undeveloped industrial lands.

Of the 2,360 p.e. allocated to industrial lands, it is our understanding that only 2 acres (or 40 p.e.) are committed to industrial activity. Therefore, up to 2,320 p.e are available for reallocation.

3.6 Summary of Sewer Allocation

The following tables outline the status of the sewer allocation for the Keswick area at this time.

RESIDENTIAL & OTHER NON-INDUSTRIAL		PERSONS EQUIVALENT
LONG RANGE ALLOCATION FOR RESIDENTIAL		24,640.0
Committed and Allocated		
Preliminary Allocation (February 1993 Report)		21,302.3
Without Allocation (Since February 1993)		3,290.4
TOTAL		<u>1,938.0</u> 26,530.70
DIFFERENCE (Long Range minus Total)		-1,890.7
INDUSTRIAL		PERSONS EQUIVALENT
LONG RANGE ALLOCATION FOR INDUSTRIAL		2,360.0
Underdevelopment, Committed and Allocated		
Preliminary Allocation (which may be available for reallocation)		40.0
		600.0
TOTAL AVAILABLE FOR REALLOCATION		2,320.0

4.0 PLANNING EVALUATION

The analysis reviewed in Section 3.0 of this report reveals that there is more industrial sewer capacity available (2,320 p.e.) than is required for residential and non-industrial development proposals without allocation (1,938 p.e.).

This section of the report evaluates the planning rationale as to why reallocation from industrial to residential development may be logical from a planning perspective.

4.1 Location of Existing Industrially Designated Lands

There are approximately 140 acres of industrially designated lands along the west side of Woodbine Avenue between Church Street (to the north) and Glenwoods Drive (to the south) that are within the Keswick servicing area as identified by the Keswick Secondary Plan (refer to Figure 2). Of these lands, approximately 110 acres are currently undeveloped or not planned to be developed.

The lands have prime exposure to the main gateway (Woodbine Avenue) to the Town of Georgina, and Keswick in particular. These lands address the general Official Plan criteria regarding accessibility to all forms of transportation and to some degree compatibility with other lands. The secondary plan notes that with regard to the industrial area north of Morton Sideroad, the long term plan would be to service these lands with an internal road system and to limit access to Woodbine Avenue.

However, given the character of the Town of Georgina as a community for recreational activities and retirement living, the 'public exposure' of industrial operations as a first impression may not be desirable and could give a misleading image of the community. It is our opinion, that lands fronting on Woodbine Avenue should not in the long term be set aside for traditional industrial use, but rather be redesignated for a more appropriate mix of land uses that reflects the characteristics of Keswick and the Town of Georgina in general. In addition, the relationship between the industrially designated lands and the residential areas to the west does not seem appropriate and may result in land use conflict.

As noted earlier, two shopping commercial developments (Georgiawood and Pineneedle) are proposed on the west side of Woodbine Avenue within the industrially designated area. The area may be appropriate for high quality commercial use, residential use, or a mix of the two. These forms of development can provide good quality landscaping and may be an appropriate buffer between the purely residential subdivisions to the west and Woodbine Avenue.

Future industrial development should be located in areas separated from residential development. Since practically no industrial development has occurred within the

designated areas, the Town now has an opportunity to re-examine the most appropriate location for these uses. In any event, it seems questionable to retain a small portion of lands for future industrial use.

4.2 Extent of Future Industrial Land Needs

Keswick and the Town of Georgina are not industrial communities. Further, given today's economy and its restructuring, the demand for industrial activities has been significantly reduced. In our opinion, there is not likely to be a strong demand for traditional industrial lands in the future.

According to the Town of Georgina's Economic Strategy Report, "Building A Stronger Georgina", less than 40% of Georgina's labour force actually work within the Town. Of actual employment in Georgina, only 5.8% in 1988 was in manufacturing, while most was in retail trade (25.1%) and accommodation (15.2%). There is no indication in the Economic Strategy Report that industrial development should be a key factor in the Town's economic strategy, but rather it should support existing and new small businesses, promote four season tourism, and enhance retirement initiatives.

A discussion with Mr. John Kennedy of Marshall Macklin Monaghan, who is presently working on the new Keswick Secondary Plan, indicated that the industrial designation under the present plan may be inappropriate and that the likelihood is that it would be replaced by an 'employment' designation, in order to recognize the wider ranges of land uses in the modern economy.

Until the implementation of the new Keswick Secondary Plan, which will recognize areas for employment activities, there appears to be very little need, if any, to maintain servicing allocation for industrially designated lands along the west side of Woodbine Avenue. Further, other non-residential land uses such as commercial and institutional uses presently are not limited by the sewer capacity and are viewed as a component of the residential capacity. Therefore, reallocation from industrial to residential will in effect reallocate capacity to potential commercial and institutional development.

4.3 Appropriate Level of Reallocation to Non-Industrial Development

Given the list of residential development proposals which presently have no allocation, the amount of industrial capacity available for reallocation, and the lack of demand for industrial lands, it is not inappropriate that the industrial capacity be available or reallocated to other uses. If an industrial allocation of 1,938 p.e. were to be reallocated for residential use, it would still leave about 380 p.e. available for industry. This should prove more than adequate in view of the fact that since the establishment of the industrial allocation in the general Official Plan, none of the industrial lands have been developed.

5.0 CONCLUSION & RECOMMENDATIONS

Our analysis has reviewed the current status of sewer capacity and allocation in Keswick. We have concluded that a demand for residential allocation exists; this exceeds the present availability. Our analysis has also indicated that there has been very little demand for fully serviced industrial development over the past seven years, and that significant demand for industrial use in Keswick is unlikely in the near future.

Our analysis has indicated that if most of the available industrial allocation were reallocated to residential uses, then every residential development proposal presently without allocation could be serviced under the present overall capacity of 27,000 p.e. If 1,938 p.e. of industrial capacity were reallocated to those residential developments that presently do not have allocation, then 382 p.e. would remain for industrial purposes.

It is our understanding that the new Keswick Secondary Plan presently underway will determine how much land should be set aside for employment related land uses, and how much servicing allocation should be earmarked to these uses once the overall capacity has been increased.

Our recommendations are:

1. That up to 1,938 p.e. of industrial sewer capacity may be reallocated from industrial uses to other land uses presently without allocation which are within the servicing boundary of Keswick.
2. That at least 382 p.e. of the industrial sewer capacity remain allocated for industrial uses.
3. That as part of the Keswick Secondary Plan Study, Marshall Macklin Monaghan undertake an examination of alternative land use possibilities of those lands presently designated industrial and not developed (approximately 110 acres), and that Marshall Macklin Monaghan advise as part of the secondary plan what lands should be rezoned to "T"- Transitional, and whether all or part of these lands be placed in a "T" Zone.
4. That separate evaluations be undertaken to determine and apply the criteria for:
 - (a) the determination of what portion of the 1,938 p.e. of industrial sewer capacity should be reallocated, if any, and;
 - (b) the selection of land to receive an allocation, so that Council may determine what conditions regarding phasing and/or planning should apply

APPENDIX '2'

SERVICING ALLOCATION GUIDELINE
KESWICK SERVICE AREA

Table 1 sets forth an allocation guideline to be considered by the Town of Georgina and Regional Municipality of York when assigning Municipal water supply and sanitary sewage disposal allocations at the draft subdivision and condominium approval stage.

These allocations have been developed on the basis that:

- 1) There is service capacity for 20,000 persons.
- 2) Service capacity equivalent to 1500 persons has been assigned to industrial land use based on an equivalent of 20 persons per acre. Therefore, 75 acres are proposed to be serviced.
- 3) Residential allocations have been based on a persons per unit factor of 3.2 p.p.u. for existing residential and 3.8 p.p.u. for new residential. A 13 unit per gross hectare factor was then added as a basis for new residential development.
- 4) The Council of the Town of Georgina has set aside a service allocation of 1610 persons for a proposed project, Maple Leaf Estates, which is located north of Keswick, beyond the service area boundary. This allocation is subject to the same review as set forth in 8) below.
- 5) The primary water and sewage works facilities may, in future, be shown to service a larger population than 20,000 persons once flows have been determined. Flows will be monitored on an ongoing basis, but the Region may not make assignments over the 20,000 persons capacity until 80% of the Municipal system is in operation.
- 6) Service capacity could be made greater by an expansion to the primary works.
- 7) Where allocations are targetted for specific development projects in Table 1, it is understood that the developer will initiate applications for development approval, either prior to, or immediately upon completion of the primary

water and sewage works. Failure to do so may result in an amendment to the allocation guideline as it relates to that specific development. In such cases, the developer will be given an opportunity to state his case to Council. Further, where a developer has secured draft plan approval, and service allocation for a stage of the total development project, it is understood that the developer will proceed to further stages within a reasonable time frame. Council does not require that application for draft plan approval be submitted for the total development project.

- 8) Servicing allocations are to be given at draft plan approval. If the development does not proceed within the term of the draft approval, the developer will be required to satisfy the Council of the Town of Georgina and Regional Council, why the allocation should not be revoked, in whole or in part. Council may extend the allocation for periods of one year in conjunction with extensions of draft plan approval. Upon registration of a plan, service allocation is secured in perpetuity.

- 9) Based on points 5, 6, 7 and 8 and to provide flexibility of staging of development, lands have been designated for residential and industrial land uses within the service area boundary that, if fully developed, would exceed the service capacity based on 1984 criteria by 25%. Given the present restriction on the sewage treatment capacity and Municipal water supply, only 75% of the maximum allocation for each area, set out on Table 1, shall be permitted to develop, until such time as the Ministry of the Environment, Region of York and Town of Georgina have determined, in accordance with Point 5, that capacity is available to service additional lands.

- 10) Rescinded allocations may be re-allocated to other developments at draft plan approval.

APPENDIX "2"

to

REPORT NO. CAO-96-15

**By-Law respecting the Charging of Fees for
Water and Sewage Allocation**

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK
BY-LAW NO. 95- (PBE-1)

A BY-LAW RESPECTING THE
CHARGING OF FEES FOR WATER AND SEWAGE ALLOCATION

WHEREAS:

- A) Pursuant to the *Savings and Restructuring Act*, 1996, Council is authorized to pass by-laws imposing fees or charges on any class of persons:
 - (a) for services or activities provided or done by or on behalf of it; and
 - (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;
- B) The Town provides a benefit to landowners who are developing land by allocating water and sewage allocation amongst landowners;
- C) The Town has a policy respecting allocation of water and sewage capacity to developments that offer significant benefits to the Town;
- D) There are Official Plan policies respecting the granting of water and sewage allocation;
- E) The allocation of water and sewage capacity creates development which imposes costs on the Town other than growth related net capital costs as described in a report prepared by C. Watson and Associates entitled *Town of Georgina, Municipal Fiscal Impact of Development Analysis* dated July 16, 1996;

- G) Fees and charges collected pursuant to this By-Law will not be used to pay for any growth related net capital costs which arise out of the requirements of any by-law of the Town pursuant to the *Development Charges Act*;
- H) The Town is authorized under the *Municipal Act* to pass by-laws requiring owners of classes of buildings to connect to the sewage or water works of the Town.

WATER AND SEWAGE ALLOCATION FEES BY-LAW

1. No person shall construct a Dwelling Unit where a plan of subdivision approval, site plan approval, amendment to an Official Plan, or amendment to a Zoning By-Law is required to permit construction of the Dwelling Unit, unless the Town has granted water and sewage allocation pursuant to this by-law for each Dwelling Unit to be constructed or unless the Dwelling Unit is in an area designated in the Official Plan of the Town as not requiring water and sewage service.
2. No water and sewage allocation shall be granted except in accordance with the applicable provisions of the Official Plan and unless an allocation fee as set out in Schedule "A" for each Dwelling Unit to be constructed has been paid in full or security therefor satisfactory to the Town Treasurer and the Town Solicitor has been provided to the Town.
3. The payment of any fee or security pursuant to section 2 does not entitle the payor to water or sewage allocation granted pursuant to this by-law if such allocation is revoked in accordance with the Official Plan, or pursuant to any agreement with the Town.
4. Where any person so requests, an agreement may be entered into respecting the provision of security and the method of payment of the allocation fee.

5. This By-law comes into force on the day it is passed.

G:\CEB\PREC\ACTIVE\GEORGINA\SEWER\GENBYLAW.j13

SCHEDULE "A"

1. Where an application for sewage allocation has been made and approved by Council prior to August 12, 1996 the fee referred to in Section 2 is the fee agreed to by the applicant.
2. Where an application for sewage allocation has been made prior to August 12, 1996, but no payment has been made prior to August 12, 1996, the fee referred to in Section 2 is:
 - (a) with respect to 50 or more Residential Units, \$1,500 per Residential Unit and:
 - (b) with respect to less than 50 Residential Units, \$1,000 per Residential Unit.
3. Where an application for sewer and water allocation is made after August 12, 1996, the fee referred to in Section 2 is \$1,500 per Residential Unit.

DayCernet "Voluntary Contribution Agreement, rec'd from M. Smith Jan 7/16"

THIS AGREEMENT is entered into as of the day of , 1997

BETWEEN:

THE CORPORATION OF THE TOWN OF GEORGINA

(hereinafter called the "Town")

OF THE FIRST PART

- and -

DAYCERNET KESWICK INC.

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS:

- A. The Developer represents that it is the owner of that certain parcel of land being Part of Lot 14, Concession 3 (NG), Town of Georgina comprising draft plan 19T-95070 (referred to herein as the "Developer's Lands") which involves 100 residential units of water and sewage allocation. The Developer requires an assignment of 100 residential units of water and sewage allocation;
- B. The Developer has submitted a proposal to the Town's solicitor requesting assignment of water and sewer servicing allocation from the Town to service a maximum of one hundred (100) residential units;
- C. The Developer has, in accordance with By-Law 96-089 (TA-6), and pursuant to such proposal, agreed to make certain cash payments and post certain securities in respect thereto, all as hereinafter set forth; and

Attachment 2A

- D. The Developer and the Town have agreed to enter into this Agreement to implement such proposal;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of \$2.00, the receipt and sufficiency of which is hereby acknowledged, and the premises and the payments to be made by the Developer to the Town pursuant to this Agreement, the Town and the Developer agree one with the other as follows:

1. The Developer agrees to pay to the Town the sum of One Hundred and Fifty Thousand (\$150,000) dollars (the "Contribution") as a contribution to the Town which Contribution shall be payable as provided in this Agreement.
2. Subject to the provisions of this Agreement, upon the execution of this Agreement, the Town agrees to make available water and sewer allocation for one hundred (100) residential units (the "Allocation") referable to draft plan of subdivision 19T-95070 (the "Draft Plan").
3. The Developer shall deliver to the Town solicitor, to be held in escrow as herein provided, letters of credit of a Canadian chartered bank in the form attached as Schedule "A" according to the following Schedule:
 - (1) upon execution of this agreement, in the amount of 50% of the Contribution, or cash in lieu thereof;
 - (2) prior to the endorsement by the Town Council of the approval of the Draft Plan, 25% of the Contribution or cash in lieu thereof;
 - (3) prior to the Town Council passing a resolution granting the Allocation, 25% of the Contribution or cash in lieu thereof.

*Terms
of
payment*

If the Developer fails to provide the letters of credit or cash in lieu in accordance with the above schedule, the Town may rescind, revoke or repeal any Allocation Resolution at any time.

4. Upon endorsement of the Draft Plan by the Town Council, the Town will make a preliminary allocation of the Allocation. Upon the Town Council passing a resolution granting the Allocation (the "Allocation Resolution"), the Town is entitled to the Contribution and the Contribution is to be released from escrow to the Town and the Town is entitled to draw against any letter of credit in full. In no event shall the Developer be entitled to a return of any part of the Contribution after the Allocation Resolution is passed. The Town will not consider passing the Allocation Resolution until the Developer satisfies the Town that all necessary development approvals have been obtained in final form. There is no obligation on the Town to pass the Allocation Resolution. In this Agreement final form means any appeals have been decided and all appeal periods have expired.
5. In the event that the Developer has not submitted completed applications for the Draft Plan within 4 months of this Agreement or in the event the Town has not passed the Allocation Resolution within the Allocation Time Period (as defined below), either the Developer or the Town may thereafter, by notice to the other delivered prior to the Allocation Resolution being passed, terminate this Agreement, in which event the letter of credit (or cash, as the case may be) delivered in escrow shall be forthwith returned to the Developer reduced by any unpaid Legal Costs (as defined below).
6. The "Allocation Time Period" means the earlier of:
 - (a) within 1 year of endorsement by the Town of the Draft Plan if the Draft Plan requires draft plan approval by the Regional Municipality of York (the "Region") and such approval has not been given within such year;

- (b) within 3 years of the Draft Plan being approved by the Town or the Region, as the case may be; and
 - (c) within 1 year of any extensions for registration of the Draft Plan agreed upon by the Town or the Region, as the case may be.
- 7. The Developer further acknowledges that the Allocation hereunder is intended to be utilized in the prospective development of the Developer's Lands in accordance with the Draft Plan and any subdivision agreement, and the Developer undertakes to proceed with such development and construction as soon as reasonably practicable in the circumstances. However if there is a breach of the subdivision agreement which expressly entitles the Town to revoke the Allocation, the Allocation shall be deemed revoked and be available to the Town for alternate allocation unless the Town extends the time for compliance. The parties confirm there is no obligation on the Town to extend time for compliance or return the Contribution. The Developer waives and releases any potential claim it may have against the Town as a result of such revocation and alternate allocation.
- 8. The Developer acknowledges that the entering into of this Agreement does not imply any approval of the Draft Plan nor any other prospective plan for the Developer's Lands, which approval(s) will only be forthcoming following due process in accordance with the requirements of the Town and subject at all times to the provisions of the Planning Act, R.S.O. 1990, C. P.13, as amended from time to time (the "Planning Act").
- 9. The Developer acknowledges and agrees that the approval of the Draft Plan will be subject to the requirements of the relevant approval authorities including, without limitation, development charges, parkland dedications, application fees and building permit fees, in addition to the Contribution.

10. The Developer accepts the authority of the Town to enter into this Agreement and to carry out the terms hereof, and the Developer agrees that it shall not, in the context of any action, application or proceeding pertaining to this Agreement and/or the Developer's Lands or performance by the Developer of its obligations hereunder raise any objection or argument, nor take a contrary position based on the authority of the Town to enter into this Agreement.
11. The Developer acknowledges that making the Allocation available during the Allocation Time Period is the extent of the commitment by the Town hereunder.
12. This Agreement shall enure to the benefit of and shall be binding upon the successors and assigns of the parties hereto, provided that until the Contribution has been released from escrow to the Town, neither this Agreement nor the rights accruing hereunder may be assigned by the Developer without the consent of the Town which shall not be unreasonably withheld. It is acknowledged that any prospective assignee shall be required to satisfy the Town, in the Town's discretion, that it is able to fulfil the obligations of the Developer hereunder, including without limitation to construct in accordance with the Draft Plan and any subdivision agreement and shall enter into an agreement with the Town agreeing to be bound by the terms of this Agreement.
13. This Agreement has been entered into subject to the express condition precedent that the provisions of Section 51 of the Planning Act, are complied with.
14. The parties to this Agreement shall execute and deliver all such further assurances as may be required from time to time to give full force and effect to this Agreement. This Agreement may not be modified in any way unless any proposed amendment is recorded in writing which has been duly authorized, executed and delivered by the parties.

15. Any notice to be given referable to this Agreement shall be in writing and delivered to the other party as follows:

- (a) to the Town:

The Corporation of the Town of Georgina
26557 Civic Centre Road
Keswick, Ontario
L4P 3G1

Attention: Chief Administrative Officer

Fax (905) 476-8100

- (b) to the Developer:

Daycornet Keswick Inc.
c/o Allan Bery
4850 Keele Street
North York, Ontario
M3J 2K1

Fax: (416) 736-1851

- (c) with a copy to:

Michael R.E. Smith
Land Development Consultant
20805 Dalton Road, Box 943
Sutton, Ontario
L0E 1R0

Fax (905) 722-9002

Either party may by written notice to the other change its address for service.

16. The Developer agrees to reimburse the Town for the legal costs incurred in the negotiation and settlement of this Agreement and in the negotiation process which

resulted in the implementation of the Developer's proposal (collectively the "Legal Costs"). The Developer agrees that in the event the Contribution is to be returned to it, the Town may first deduct therefrom any unpaid Legal Costs.

17. This agreement constitutes the entire agreement between the parties on the subject matter hereof and cancels and supersedes all prior understandings, agreements, negotiations and discussions whether oral or written between the parties hereto with respect to this subject matter.
18. Each of the provisions contained in this Agreement is distinct and severable and a declaration of invalidity or unenforceability of any provision or part thereof by a court of competent jurisdiction shall not affect the validity or enforceability of any other provision of this Agreement.
19. This agreement shall enure to the benefit and shall be binding upon the successors and assigns of the parties hereto. The Developer acknowledges it has had the opportunity to obtain independent legal advice prior to executing this agreement and has either done so or chosen not to obtain independent legal advice.
20. For the convenience of the parties, this agreement may be executed by the parties in separate counterparts, each of which when so executed and delivered shall be, and be deemed to be, an original, but all such counterparts shall together constitute one and the same instrument (and notwithstanding their date of execution shall be deemed to bear date as of the date of this agreement).
21. Time shall be of the essence of this Agreement.

IN WITNESS WHEREOF the Town and the Developer have executed this Agreement.

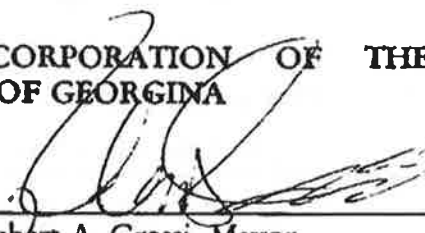
DAYCORNET KESWICK INC.

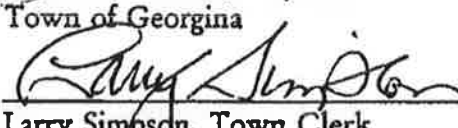
Per: 
Authorized Signing Officer

Per: 
Authorized Signing Officer c/s

I/We have authority to bind the Corporation

THE CORPORATION OF THE
TOWN OF GEORGINA

Per: 
Robert A. Grossi, Mayor
Town of Georgina

Per: 
Larry Simpson, Town Clerk
Town of Georgina

I/We have authority to bind the Corporation

QTY TAKEOFF 19-04-23

LANDSCAPE WORKS FOR TRAIL

ASPHALT PAVING – STANDARD DUTY – 279 SQM

FENCE – BLACK CHAIN LINK ATOP RETAINING WALL – 40 LM

FENCE - BLACK CHAIN LINK - 1200 HT - 144 LM

LIMESTONE SCREENINGS – 65 SQM

RETAINING WALL - 40 LM; APPROX 61 SQ.F.M.

PLANTING: DECIDUOUS SHRUB @ 60CM ~ 23 EA

DECIDUOUS SHRUB @ 50CM - 114 EA

OTHER WORKS

CONCRETE PAVING – STANDARD DUTY – 160 SQM

PLANTING: CONIFEROUS SHRUB @ 60CM - 101 EA

DECIDUOUS SHRUB @ 60CM - 25 EA

DECIDUOUS SHRUB @ 50CM - 114 EA

