

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2017-0034

**FOR THE CONSIDERATION OF
COUNCIL
APRIL 26, 2017**

SUBJECT: APPEALS AGAINST OFFICIAL PLAN AMENDMENT NO. 129

1. RECOMMENDATION:

- 1. That Council receive Report No. DS-2017-00340 prepared by the Director of Development Services, Development Services Department dated April 26, 2017 respecting the Appeals Against Official Plan No. 129.**
- 2. That Jim Dymont of MHBC Planning, Urban Design & Landscape Architecture be retained as the Town's expert planning witness in relation to the appeals against Official Plan Amendment No. 129, and that the associated cost be funded from the "OMB Costs" reserve account.**
- 3. That The Town Solicitor, staff and retained planning consultant be authorized to appear before the Ontario Municipal Board in support of Official Plan Amendment No. 129 as adopted by Town Council and as further modified by the Regional Municipality of York in its Notice of Decision dated November 2, 2016.**
- 4. That the Town Solicitor, in consultation with staff and the Town's planning consultant, be authorized to proceed with settlement discussions with the Salvation Army and to prepare Minutes of Settlement, if appropriate, for Council's consideration of approval**
- 5. That the Town Clerk forward a copy of Report No. DS-2017-0034 and Council's resolution thereon to the Ontario Municipal Board, the Regional Municipality of York, the Lake Simcoe Region Conservation Authority and the Town Solicitor.**

2. PURPOSE:

The purpose of this report is to obtain Council's direction with respect to the appeals against Official Plan Amendment No. 129, being the Town's new Official Plan.

3. BACKGROUND:

On April 27, 2016 Council passed By-law Number 2016-0033 (PL-2) which adopted Amendment No. 129 to the Official Plan of the Town of Georgina (OPA 129). The purpose and effect of OPA 129 is to replace the existing 2002 Official Plan, as amended, with a new Official Plan that will serve to guide and manage land use, growth and development in the Town over the time period to 2031. The Secondary Plans for Keswick, the Keswick Business Park, Sutton/Jackson's Point and Pefferlaw were not changed as a result of OPA 129, but incorporated into the new Official Plan as they currently exist.

The Regional Municipality of York (York Region) is the approval authority for OPA 129, and on November 2, 2016 York Region issued a notice of decision granting the approval of OPA 129, with certain modifications. This decision was appealable to the Ontario Municipal Board (OMB or Board) for a 20 day period. Prior to the last day of appeal (Nov. 22, 2016), the Region received two letters of appeal, one from Aird & Berlis LLP on behalf of the North Gwillimbury Forest Alliance (NGFA), and one from Dentons Canada LLP on behalf of The Governing Council of the Salvation Army of Canada (Salvation Army).

As both appeals were considered to be property specific in nature, York Region determined that the portions of OPA 129 not related to the appeals could be approved. As a result, on December 15, 2016 York Region issued its Certificate of Approval of OPA 129, save and except for the following items which were appealed to the OMB:

- The designations/depictions of Parts of Lots 23-27, Con 3 (NG), known as Maple Lake Estates lands on the following Schedules:
 - A2 – Land Use Plan
 - A2 – Land Use Plan West
 - A2 – Lakeshore Areas West
- Footnote 2 under Subsection 1.7 respecting Maple Lake Estates
- Subsection 3.1.7 – Table 1 – the last row that pertains to the “Urban Residential Area (Maple Lake Estates)” and associated Footnote 8
- Policies under Subsection 6.5.1 – related to 1816 Metro Road North and part of 1830 Metro Road North, known as Salvation Army lands
- Subsection 7.2 – Urban Residential Area
- Policies under Subsections 9.3.9 – titled Maple Lake Estates
- Place of Worship definition
- Appendix A – figure (Maple Lake Estates)

The final determination/decision on the above noted items under appeal now rests with the OMB.

The OMB has scheduled a Prehearing Conference respecting these appeals for May 10, 2017. The purpose of the Prehearing Conference is outlined in Attachment 1. It is necessary that Council provide its direction to staff and the Town Solicitor in terms of the Town's position and involvement in these matters under appeal at the Board. York Region Council has already provided its authorization for Region staff to appear before the OMB in support of the Region's position, and that the Chief Planner, or designate, be authorized to execute Minutes of Settlement, if appropriate. This authority was provided by Regional Council at the time of its approval of OPA 129 (October 13, 2016).

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

Public notice and consultation is not required for this report.

5. ANALYSIS:

SALVATION ARMY APPEAL

The Salvation Army letter of appeal submitted by Denton's Canada LLP is included as Attachment 2. This is a property specific appeal that relates to the portion of the Salvation Army lands designated "Commercial Recreation Area" under OPA 129. These lands are shown on Attachment 3. The appeal letter sets out the following three concerns:

- 1) The proposed Official Plan eliminates the existing "conference centre" permission from the lands designated "Commercial Recreation Area" without discussion or justification. We acknowledge that we have had discussions with Town and Regional Planning staff and hope that this "oversight" can be addressed without the need of a Hearing. Until that change occurs, our client objects to this change in policy (Section 6.5.1);
- 2) It appears that the Georgina Community Church located at 1816 Metro Road North is not recognized as a permitted use within the "Commercial Recreation Area" designation. The Salvation Army objects to the proposed Official Plan not recognizing that use and suggests that a site specific policy may be appropriate in this circumstance (Section 6.5.1); and,

- 3) The proposed Official Plan did not originally provide a definition for Places of Worship. We understand that Regional staff (adopted by Regional Council) have now provided a definition for Places of Worship. We acknowledge this gesture, but believe the definition still requires adjustments and therefore, we need to appeal the definition. This will provide time to discuss alternate language with Regional and Town staff.

With respect to item 1) above, the removal of the conference centre use from the Commercial Recreation Area designation was not an “oversight” as suggested by the appellant, but rather it was done in response to concerns expressed by the Province and Region.

It should be noted that the April 2015 draft OPA 129 that was approved by Council for release to the public and agencies for comment, contained the exact same list of permitted uses for the Commercial Recreation Area designation that was in the 2002 Official Plan, as follows:

- “(a) commercial recreation uses such as conference centres, private parks, marinas, golf courses;
- (b) *existing* recreational vehicle parks and camp grounds;
- (c) commercial recreational uses which comply with or are similar to those permitted by the zoning for the site existing at the date of the adoption of this Plan.”

(underline by the writer)

However, both the Province (Ministry of Municipal Affairs or MMA) and the Region commented that the conference centre use was problematic in terms of Greenbelt Plan conformity. In the case of the Salvation Army lands designated Commercial Recreation Area, for example, in the Greenbelt Plan these lands are subject to the Rural Area policies of Section 3.1.4.1. In this regard, MMA flagged this and indicated that a stand-alone conference centre is a type of commercial use that is to be directed to settlement areas. Following further discussion with the Region on this issue, the conference centre use within the list of permitted uses for the Commercial Recreation Area designation was subsequently removed from the April 2016 OPA 129 that was adopted by Council.

The existing Salvation Army conference centre use is situated east of Salvation Army Road, on lands which are designated “Institutional/Community Area” within the Sutton/Jackson’s Point Secondary Plan. This same area east of Salvation Army Road is zoned Open Space ‘OS-2’, which specifically permits the existing conference centre use.

A portion of the Salvation Army property to the west of Salvation Army Road is also designated Institutional/Community Area within the Sutton/Jackson's Point Secondary Plan, but is zoned Open Space 'OS-1' which permits the existing private summer camp use, but does not permit a conference centre use. The remainder of the Salvation Army property further to the west is the area designated Commercial Recreation Area and is also zoned Open Space 'OS-1'. The above information is depicted on an air photo which is included as Attachment 4, while the 'OS-1' and 'OS-2' zoning provisions are provided in Attachment 5.

On March 27, 2017, the writer met with Robert Blunt who is a Planner from Denton's Canada LLP. The removal of the conference centre use only impacts the most westerly portion of the Salvation Army property under OPA 129. In this regard, however, should Salvation Army desire to someday seek planning approvals to extend the existing conference centre use to the lands on the west side of Salvation Army Road, it would be restricted to the land located within the Sutton/Jackson's Point Secondary Plan, but would not be permitted within the westerly area located within Commercial Recreational Area designation.

As seen in Attachment 4, the existing conference centre and camp uses are physically interconnected. In view of this, should Salvation Army sometime in the future desire to seek planning approvals to extend the conference centre use to the west of Salvation Army Road (i.e. through a zoning amendment to the OS-1 zone), it would seem reasonable that the balance of the property, and especially the cleared area within the Commercial Recreation Area designation, also be considered for such an expansion. The writer has discussed this with the Region who is amenable to working with the Town and the appellants Planner to formulate wording for a special policy provision that may allow for the expansion of the existing conference centre use to the lands designated Commercial Recreation Area, provided the existing natural features within this area are protected.

With respect to item 2) above, the writer has no concern with respect to a site specific special policy provision that recognizes the existing place of worship located on Metro Road. This would address the appellants concern/request, and York Region has indicated its support for this.

Finally, with respect to 3) above, the appellant's Planner had been requested to provide alternative wording or suggested refinements to the Places of Worship definition. On April 11, 2017 the writer met with Mr. Blunt again, along with a York Region Planner. At this meeting, Mr. Blunt provided a definition for Place of Worship for discussion on a without prejudice basis. Upon further discussion, it appears that a portion of the suggested definition may be reasonable for incorporation into the definition under appeal.

In summary, it appears that the items under appeal by the Salvation Army can be settled outside of a hearing. To this end, staff seek Council's authorization for staff and the Town Solicitor to negotiate minutes of settlement, for Council's review and approval.

NGFA APPEAL

The NGFA letter of appeal submitted by Aird + Berlis LLP is included as Attachment 6. This is a property specific appeal that relates to lands known as Maple Lake Estates (MLE). The MLE lands have planning approvals for a retirement community development, with a projected population of 2,146 (1073 units x 2 persons per unit). The subject property is designated "Urban Residential Area" and located on the south side of Metro Road, west of Woodbine Avenue, north of Deer Park Drive and east of Varney Road (refer to Attachment 7).

The Urban Residential Area designation on the MLE lands and the associated policies were carried forward from the 2002 Official Plan, into the Council adopted new Official Plan, save and except for some technical revisions. The most notable revisions in this regard are found in Section 7.2.22 wherein it states that any Official Plan amendment application to revise the special provisions for the proposed Maple Lake Estates retirement community shall consider the policies of the Greenbelt Plan, the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe and the Lake Simcoe Protection Plan, as amended from time to time, and will be required to consider the functions, attributes and linkages of the significant natural features identified on the schedules of this Plan. Further minor updates have been made, which pertain to referencing the current Ministry names that are noted throughout this Section.

The basis for the NGFA appeal is set out on page two of the appeal letter, where it states:

"The proposed "Urban Residential Area" designation is not consistent with the Provincial Policy Statement 2014 (including section 2.1), and fails to conform with the York Region Official Plan policies (including Sections 2.1 and 2.2 and maps 2, 4, and 5). There are no applicable transition policies permitting this inconsistency and non-conformity."

The appeal letter further states *"that several submissions have been made by our client and it's legal counsel and planning consultant in this regard."* In response to these submissions, as part of the process in formulating OPA 129, staff and its planning consultant have provided Council with its assessment and opinion on the MLE lands in previous reports (PB-2015-0025; PB-2015-0073), which is contrary to

the above noted position put forward in the NGFA appeal letter. We are of the opinion that the MLE lands Urban Residential Area designation as it exists in the 2002 Official Plan, and carried forward as proposed in the new Official Plan under OPA 129, is consistent with the Provincial Policy Statement, 2014, conforms to or does not conflict with Provincial Plans, and conforms with the York Region Official Plan, 2010, as amended. A summary of the planning policy basis for this opinion is provided below:

Provincial Conformity

In making land use planning decisions, Council must adhere to provincial planning legislation. In this regard, Sec. 2.3(5) of the Planning Act states:

“A decision of Council of a municipality...that affects a planning matter,

(a) Shall be consistent with policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) Shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.”

In the Provincial Policy Statement 2014 (PPS) as adopted under the Planning Act, within Part III: How to Read the Provincial Policy Statement – Relationship with Provincial Plans, it states:

“Provincial plans, such as the Greenbelt Plan...build upon the policy foundation provided by the Provincial Policy Statement. They provide land use policies to address issues facing geographic areas in Ontario. Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provided otherwise.”

(Underline by writer)

- The policies in Section 2.1 of the PPS that prohibit development within significant wetlands and woodlands, define development as follows:

“Development means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act....”

(Underline by writer)

Since the MLE lands had, and continue to have, all of the necessary planning approvals ("Towns and Villages" designation in the GBP, Growth Plan and York Region Official Plan; "Urban Residential Area" designation and associated policies in the Town's Official Plan; zoning permission in the Town's Zoning By-law; and, a Registered Plan of Subdivision and subdivision agreement with the Town), prior to the adoption of OPA 129, MLE does not meet the definition of "development" in the PPS and, therefore, the policies are not applicable.

- PPS – Section 1.1.3 Settlement Areas, Policy 1.1.3.1 states: *"Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted."*
- MLE lands are designated "Towns and Villages" in the Greenbelt Plan 2005 (GBP) and Places to Grow: Growth Plan for the Greater Golden Horseshoe 2006 (GP), which are Provincial Plans under the Planning Act.
- MLE lands are also excluded from the designated Natural Heritage System (NHS) in the GBP and, thus, the NHS policies do not apply to MLE.
- GBP – Sec. 3.4 SETTLEMENT AREAS, Policy 1 of Sec. 3.4.2 Towns/Villages states: *"Towns/Villages, as identified in municipal official plans and within the approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal official plans and related programs or initiatives and are not subject to the policies of this Plan, save and except for the external connections policies of Section 3.2.5."*

In consideration of the above, the MLE lands existing Urban Residential Area designation and related policies is consistent with the PPS and conforms with provincial plans.

Finally, it is significant to note that nowhere in the Ministry of Municipal Affairs written correspondence from Mark Christie, Community Planning and Development, to York Region dated September 23, 2016, which provides comments on the Council adopted OPA 129, does it state that the MLE Urban Residential Area designation is not consistent with the PPS or does not conform with the York Region Official Plan.

Regional Conformity

Section 27(1) of the Planning Act says: *"The Council of a lower tier municipality shall amend every official plan and every by-law passed under section 34 or a*

predecessor of it, to conform with a plan that comes into effect as the official plan of the upper tier municipality.”

- York Region is an upper tier municipality and the current York Region Official Plan, like the GBP, designates the MLE lands as “Towns and Villages” and the property is excluded from the designated Regional Greenlands System.”
- In 2013, the Town received a letter from the Region, signed by two Planning Directors, which states that the policies in the Region’s Plan and Greenbelt Plan “*recognize the current Georgina OP and zoning approvals and provide for the development of the site in accordance with these approvals*”.

In conclusion, while we want to preserve and protect the woodlands and wetlands, the Town is bound by the existing planning approvals for MLE which are recognized in Provincial and Regional plans. In order for the Town and Region to change their Official Plan’s in relation to MLE, the Province must first amend its planning policy documents.

Town, York Region and LSRCA Supported Proposal To Transfer MLE Development Rights

In March 2013, Council directed staff to consult with the pertinent parties to consider alternative development designs on the MLE lands that would result in greater environmental protection of the woodlands and wetlands. Report No. PB-2013-0062, included as Attachment 8, presented the results of several meetings that subsequently took place, including the initial discussion regarding possibly moving all or some of the MLE development rights to other lands owned by the MLE owners located south of Deer Park Road.

Through the Ministry of Municipal Affairs, the previous provincial government had advised Town Officials that it was in support of helping to facilitate a development rights transfer from the MLE lands to the Deer Park Road lands. York Region and the LSRCA were, and continue to be, in support of this development rights transfer proposal.

In order to facilitate a development rights transfer to the Deer Park Road lands, the Provincial Greenbelt Plan 2005 would need to be amended. The Province advised that it would only consider such an amendment request in the context of the 10-year comprehensive Greenbelt Plan Review. In this regard, as part of the Town’s comments on the 2015 Provincial Co-ordinated Land Use Planning Review, Council formally requested the transfer of the Greenbelt Plan’s “Towns and Villages” designation from the MLE lands to the non-environmental portions of the lands south of Deer Park Road.

At its meeting in October 2016, York Region Council considered and approved OPA 129 with some modifications. At this meeting York Region Council also adopted a resolution requesting the Ministry of Municipal Affairs assistance in helping to protect the environmentally sensitive lands on MLE through an amendment to the Greenbelt Plan as requested by Georgina Council (refer to Attachment 9).

By way of a response letter to York Region, the Honorable Bill Mauro, Minister of Municipal Affairs indicated that *"no changes to the Greenbelt Plan designations related to the Maple Lake Estates are proposed"*. (refer to Attachment 10). As a result, it appears now that the MLE development will remain recognized and permitted under the Province's soon to be released new Greenbelt Plan.

6. RELATIONSHIP TO STRATEGIC PLAN:

OPA 129, being the Town's new Official Plan, will guide and manage land use, growth and development in Georgina to 2031 and envisions: *"a well-balanced and vibrant community that preserves and protects the natural environment and rural character while for a high quality of life, growth and economic development in a sustainable manner"*. In this way the following goals of the Town's Corporate Strategic Plan are supported:

- Goal 1: Grow our Economy
- Goal 2: Promote a High Quality of Life

7. FINANCIAL AND BUDGETARY IMPACT:

The principal author of the new Official Plan is the Town's planning consultant, Jim Dymont of MHBC Planning. Therefore, it is appropriate that Mr., Dymont be retained as the Town's expert planning witness for the upcoming appeal process. A cost estimate for Mr. Dymont's services is included as Attachment 11.

The Town's solicitor (Bruce Ketcheson of Ritchie Ketcheson Hart & Biggart LLP) will also be required to represent the Town at the Board. The cost for these legal services will ultimately depend on the length and scope of the hearing.

8. CONCLUSION:

The recommendations contained in Section 1 are presented to Council for its consideration of adoption.

Prepared by:



Harold W. Lenters, M.Sc.PI, MCIP, RPP.
Director of Development Services

Recommended by:



Winanne Grant, B.A. AMCT, CEMC
Chief Administrative Officer

- Attachment 1 – Purpose of the Prehearing Conference*
- Attachment 2 – Salvation Army letter of appeal*
- Attachment 3 – Salvation Army “Commercial Recreation Area” lands*
- Attachment 4 – Air photo depicting land designations*
- Attachment 5 – OS-1 and OS-2 zoning provisions*
- Attachment 6 – NGFA letter of appeal by Aird + Berlis LLP*
- Attachment 7 – Property location of Maple Lake Estates*
- Attachment 8 – Report No. PB-2013-0062*
- Attachment 9 – York Region Council request to amend the Greenbelt Plan*
- Attachment 10 – Letter to York Region from Honorable Bill Mauro, Minister of Municipal Affairs*
- Attachment 11 – Cost estimate to retain Jim Dymont, MHBC Planning as expert witness*

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elfto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

**Commission des affaires municipales
de l'Ontario**

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elfto.gov.on.ca



PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	North Gwillimbury Forest Alliance
Subject:	Proposed Official Plan Amendment No. 129 (OPA 129)
Municipality:	Town of Georgina
OMB Case No.:	PL161206
OMB File No.:	PL161206
OMB Case Name:	North Gwillimbury Forest Alliance v. Georgina (Town)

NOTICE OF PREHEARING CONFERENCE

The Ontario Municipal Board will conduct a prehearing conference respecting this matter.

If you do not attend the prehearing conference, the Ontario Municipal Board may proceed in your absence and you will not be entitled to any further notice of these proceedings.

TIME AND PLACE OF PREHEARING CONFERENCE

A prehearing conference will be held

at: 10:00 AM

on: Wednesday, May 10, 2017

**at: Town of Georgina Municipal Building
Council Chambers
26557 Civic Centre Road
Keswick, Ontario**

The Board has set aside **one (1) day** for this conference.

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Attachment 1

Page 1 of 3

PURPOSE OF PREHEARING CONFERENCE

The conference will deal with preliminary and procedural matters, including the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Board to determine your status for the hearing, you or your representative should attend the prehearing conference and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and make a statement to the Board. Such persons should also attend the prehearing conference.
- **Identification of issues.**
- **Possibility of settlement of any or all of the issues** – the panel will explore with the parties whether the case before the Board and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Board. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation. Where mediation is directed, a different Member of the Board would conduct the mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for prefiling of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Such further matters as the Board considers appropriate.**

Everyone present should come prepared to consider specific dates for proceedings in this matter.

EVIDENCE

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Board may make a final decision on the evidence it received.

All parties or their representatives should attend the prehearing conference.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 8th day of March, 2017.

Mary Ann Hunwicks
Secretary

November 21, 2016

File No.:

DELIVERED

Clerk, Region of York
York Region Administration Centre
17250 Yonge street
Newmarket Ontario L3Y 6Z1

**Attention: Mr. Denis Kelly,
Regional Clerk**

Dear Mr. Kelly:

**RE: Notice of Appeal to the Ontario Municipal Board pursuant to
Section 17 (36) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended**
- Lands on the north and south side of Metro Road North (west of Jackson's Point)
- The Governing Council of the Salvation Army of Canada
- Official Plan Amendment No. 129 of the Town of Georgina ("OPA 129")

Please be advised that we are the solicitors for The Governing Council of the Salvation Army of Canada ("The Salvation Army") with respect to the above-noted matter. The Salvation Army is the registered owner of the above-noted lands (as depicted on the enclosed Property Identifier Map (the "Map")):

Please accept this letter as our client's notice of appeal of the above-noted Decision of the Region of York pursuant to Section 17(36) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. This appeal is site-specific and is for the property identified as (part of) Area 1 on the Map (as you are aware, our client also owns lands within the Town that are identified as Areas 2, 3 and 4. We are also appealing on behalf of our client, the proposed definition for Place of Worship.

As you may know, The Salvation Army has owned land within the boundaries of the Town since the early 1940s. It has been operating a camp ground, place of worship, trailer park, nature trails and a conference centre, amongst other uses within the Town on lands centred around Metro Road North, Salvation Army Road and the Lake since that time.

The Salvation Army has reviewed the proposed Official Plan as amended by the Region of York and wish to acknowledge the efforts by municipal staff so far with respect to lands on the south of Metro Road North and the creation of the Place of Worship definition and the conference centre definition.. However, our client remains concerned about the following:

- 1) The proposed Official Plan eliminates the existing "conference centre" permission from the lands designated "Commercial Recreation Area" without discussion or justification. We acknowledge that we have had discussions with Town and Regional Planning staff and hope that this

"oversight" can be addressed without the need of a Hearing. Until that change occurs, our client objects to this change in policy (Section 6.5.1);

- 2) It appears that the Georgina Community Church located at 1816 Metro Road North is not recognized as a permitted use within the "Commercial Recreation Area" designation. The Salvation Army objects to the proposed Official Plan not recognizing that use and suggests that a site specific policy may be appropriate in this circumstance (Section 6.5.1); and
- 3) The proposed Official Plan did not originally provide a definition for Places of Worship. We understand that Regional staff (adopted by Regional Council) have now provided a definition for Places of Worship. We acknowledge this gesture, but believe the definition still requires adjustments and therefore, we need to appeal the definition. This will provide time to discuss alternate language with Regional and Town staff.

We appreciate your consideration of The Salvation Army's concerns as outlined in this letter and we commit on behalf of our client to continue to work to resolve the outstanding objections.

Please find enclosed the following materials in support of this appeal:

- a fully completed original Ontario Municipal Board Appellant Form (A1); and
- our firm's cheque in the amount of \$300.00, made payable to the Minister of Finance.

Should you have any questions, please phone me at the above-noted number.

Yours very truly,

Dentons Canada LLP



Robert W. Blunt
Land Use Planner

RWB/an

Enclosures

cc: Jennifer Best, Senior Planner, Region of York
Harold Lenters, Director Planning, Town of Georgina
The Governing Council of The Salvation Army of Canada
Joseph Debono, Dentons Canada LLP



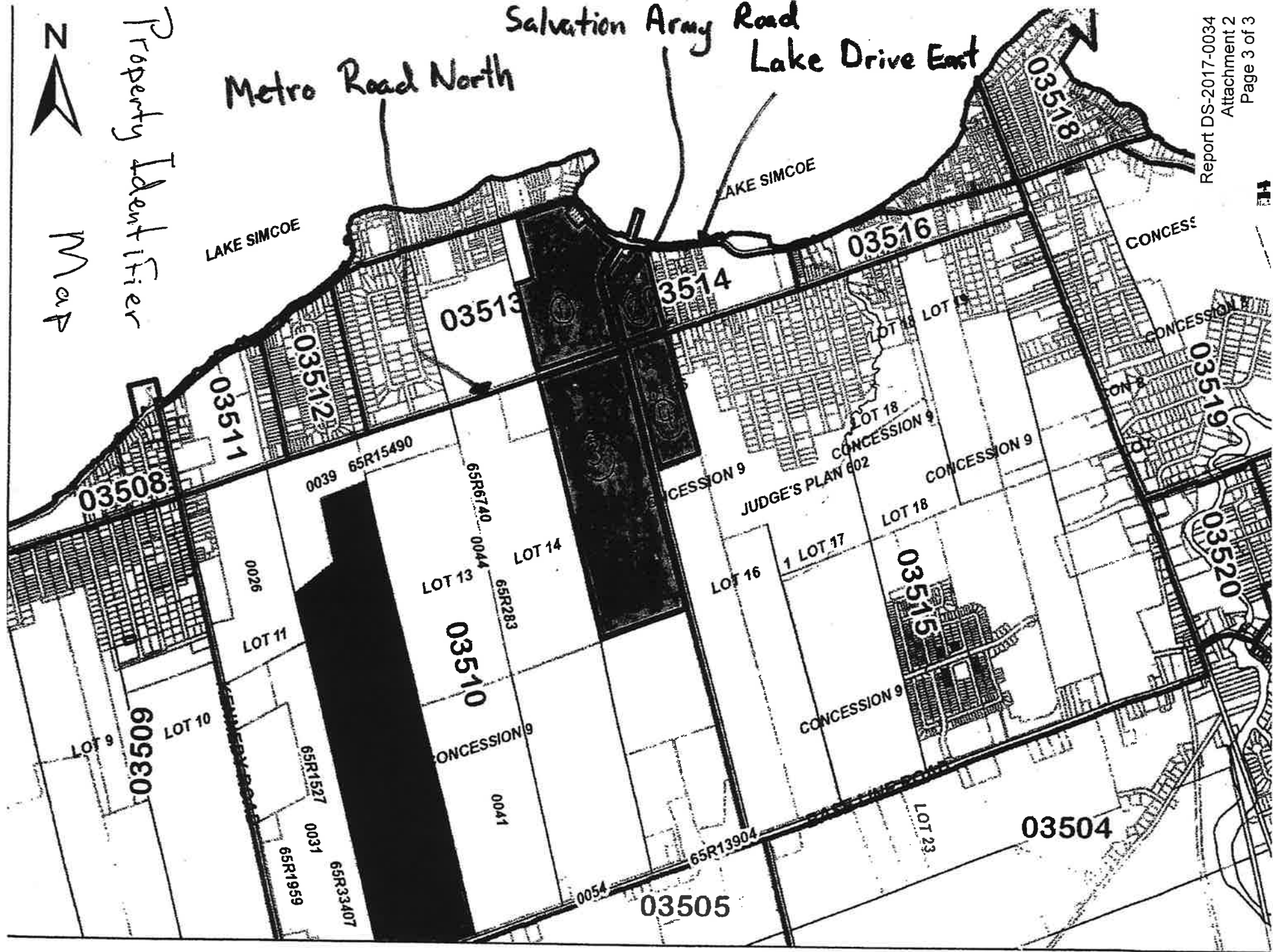
Map

Property Identifier

Metro Road North
Salvation Army Road
Lake Drive East

LAKE SIMCOE

LAKE SIMCOE

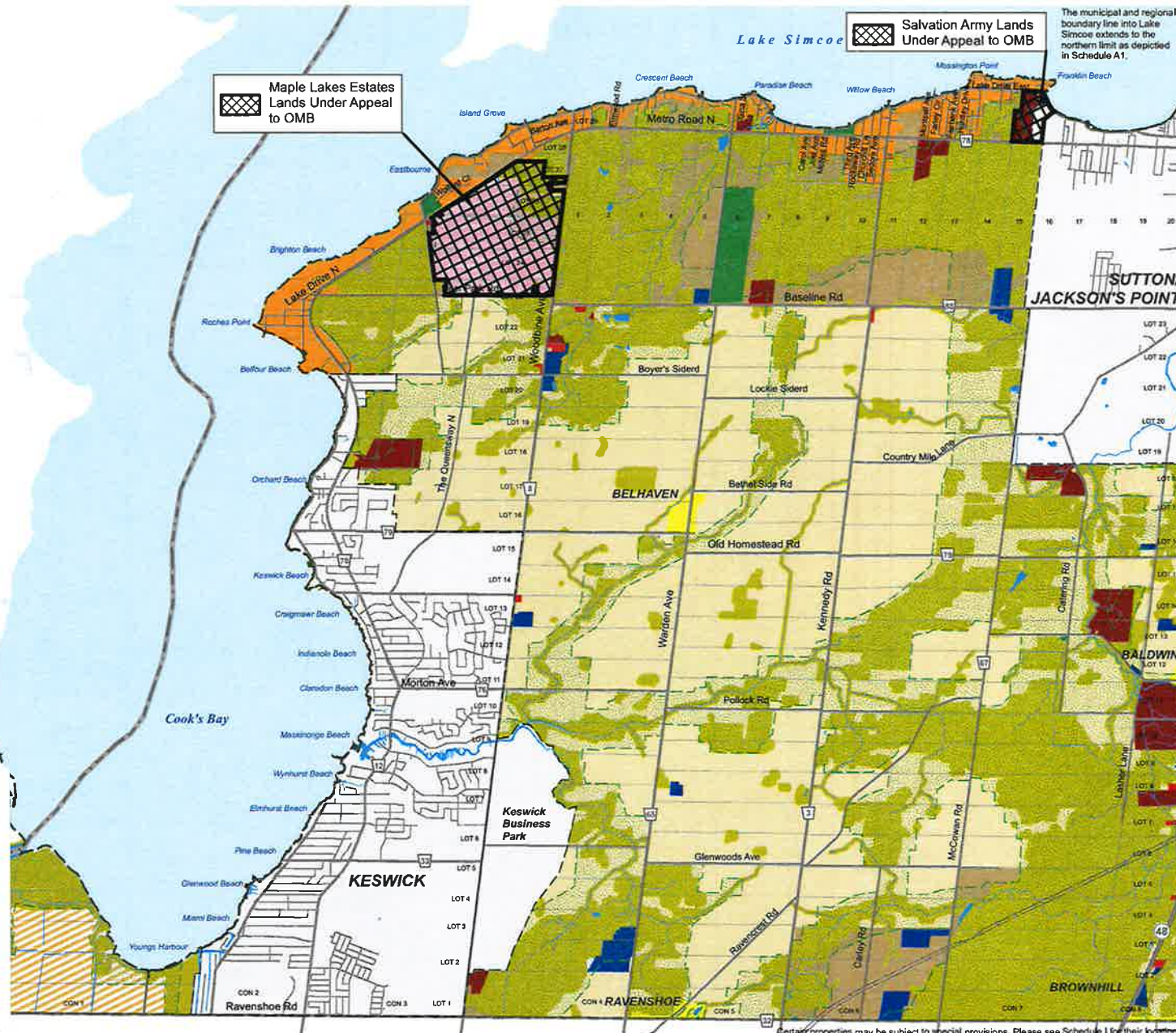


Town of Georgina

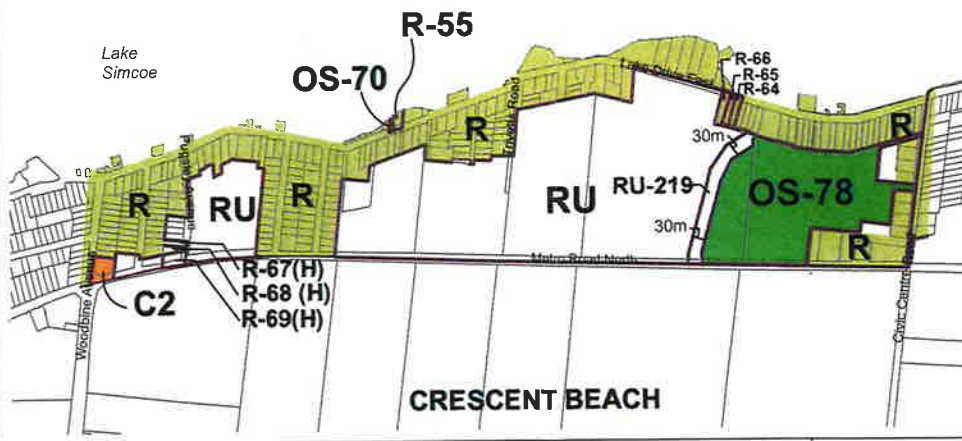
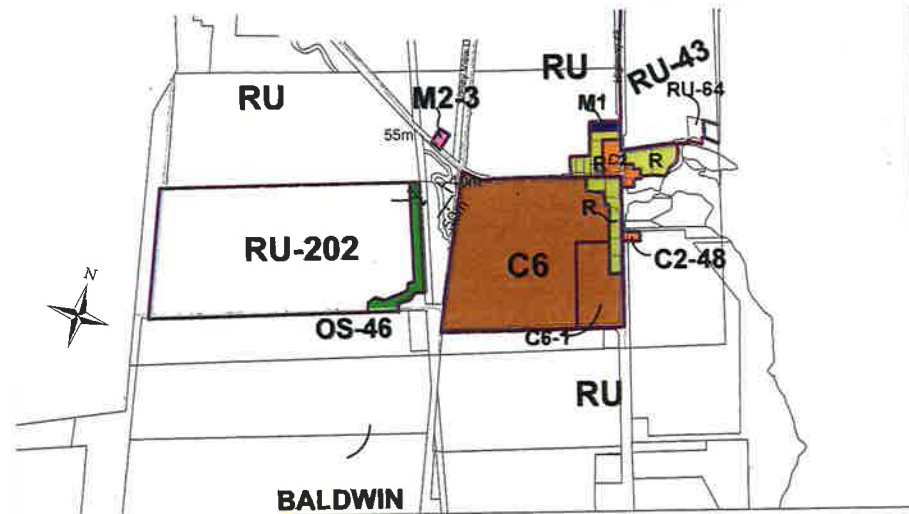
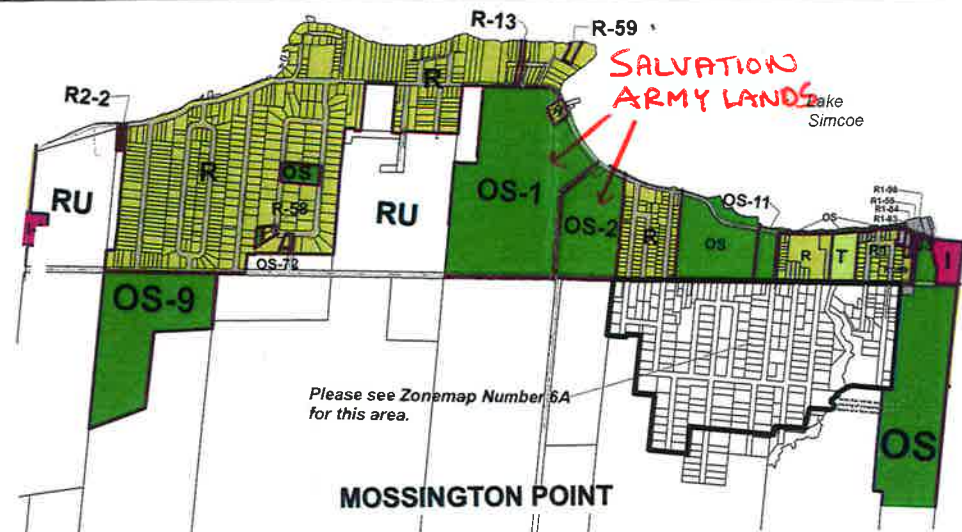
Official Plan

Schedule A2

LAND USE PLAN (WEST)

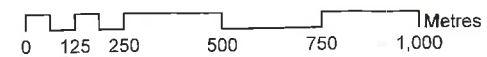






Legend

<ul style="list-style-type: none"> Zoning Boundaries Airfield (A) Transitional (T) Open Space (OS) Institutional (I) General Commercial (C1) Highway Commercial (C2) Local Commercial (C3) 	<ul style="list-style-type: none"> Shopping Centre Commercial (C4) Tourist Commercial (C5) Recreational Commercial (C6) Restricted Industrial (M1) General Industrial (M2) Extractive Industrial (M3) Storage Industrial (M4) Disposal Industrial (M5) 	<ul style="list-style-type: none"> Residential (R) Low Density Urban Residential (R1) Low Density Urban Residential (R2) Medium Density Urban Residential (R3) Estate Residential (ER) Rural (RU)
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TOWN OF GEORGINA
 Schedule 'A'
 To By-law 500
 AS AMENDED
 MAP No. 5 (pg.1)

Disclaimer:
 This information is provided as a public resource of general information by the Town of Georgina. This information is provided for convenience only, and the Town of Georgina disclaims any responsibility for content, accuracy, currency or completeness. This is not a plan of survey.

SECTION 27 - OPEN SPACE (OS) ZONE (cont.)

27.5 SPECIAL PROVISIONS

27.5.1 PART OF LOT 15, CONCESSION 9 (NG); 'OS-1'
(Map 5)

In the area designated 'OS-1' in Schedule 'A' hereto, a private summer camp and an accessory dwelling shall be permitted in addition to those uses shown in Sections 27.1 and 27.2.

The requirements of Section 13.2 shall apply to a private camp except that:

- (a) two beds in a dormitory shall be equated to one guest room in respect to Section 13.2 (b)
- (b) Section 13.2 (j) shall not apply and in its place it shall be required that walls containing windows, where the window leads to a living, dining, sleeping or recreation room, shall be at least 6 metres apart

27.5.2 WEST HALF OF LOT 16, CONCESSION 9 (NG); 'OS-2'
(Map 6) *

In the area designated 'OS-2' in Schedule 'A' hereto, a conference centre limited to overnight accommodation for 160 persons, a private camp, and an accessory dwelling shall be permitted uses in addition to those shown in Sections 27.1 and 27.2.

The requirements of Section 13.2 shall apply to a private camp and a conference centre except that:

- (a) two beds in a dormitory shall be equated to one guest room in respect to Section 13.2 (b)
- (b) Section 13.2 (j) shall not apply and in its place it shall be required that walls containing windows, where the window leads to a living, dining, sleeping or recreation room, shall be at least 6 metres apart.

27.5.3 LOT 1, CONCESSION 4 (NG); 'OS-3'
(Map 1)

In the area shown in heavy outline an

AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo

Direct: 416.865.7778

E-mail: llongo@airdberlis.com

November 17, 2016

Our File No. 112062

VIA EMAIL: karen.whitney@york.ca
AND REGULAR MAIL

Karen Whitney, MCIP, RPP
Director, Community Planning and Development Services
Corporate Services Department
York Region Administrative Centre
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Ms. Whitney:

**Re: Town of Georgina Official Plan No. 129
New Official Plan (2016)**

Re: York Region Notice of Decision

We are counsel to the North Gwillimbury Forest Alliance in this matter.

Our client hereby appeals those portions of OPA No. 129 as set out herein.

This appeal consists of this cover letter and the following:

1. a completed and signed Appellant A1 Form;
2. our firm cheque for \$300.00 to cover the applicable appeal fee; and
3. our firm cheque in the amount of \$490.00 payable to the Region of York to cover its administrative referral fee.

The following portions of OPA No. 129 are appealed:

- the designations/depictions of Parts of Lots 23-27, Con. 3 (NG), known as the Maple Lake Estates ["MLE"] lands, on the following Schedules:
 - A2 – Land Use Plan
 - A2 – Land Use Plan (West)
 - A2 – Lakeshore Areas West


- D – Serviced and Unserviced Lakeshore Residential Areas and Special Servicing Policy Areas
- the following policies:
 - 1.7 – footnote respecting MLE
 - 3.1.7 – Table 1 – the row that pertains to the “Urban Residential Area”
 - 7.2
 - 9.3.9 (note that there are two sections numbered 9.3.9, we are appealing the one titled Maple Lake Estates)
 - Appendix A – Figure 1 (Maple Lake Estates)

Approximately 90% of the MLE lands consists of provincially significant wetlands and woodlands. The proposed “Urban Residential Area” designation is not consistent with the Provincial Policy Statement 2014 (including section 2.1), and fails to conform with the York Region Official Plan policies (including sections 2.1 and 2.2 and maps 2, 4, and 5). There are no applicable transition policies permitting this inconsistency and non-conformity. Several submissions have been made by our client and its legal counsel and planning consultant in this regard.

The proposed “Urban Residential Area” designation ought to be removed from such wetlands/woodlands on the MLE lands and replaced with an “Environmental Protection Area” designation and placed within the “Greenlands System”. Making these modifications would be consistent with the Provincial Policy Statement 2014 and conform with the York Region Official Plan policies.

Should you require any additional information or clarification respecting this appeal, please do not hesitate to contact the undersigned.

Yours truly,
AIRD & BERLIS LLP


Leo F. Longo
LFL/ly
Encls.

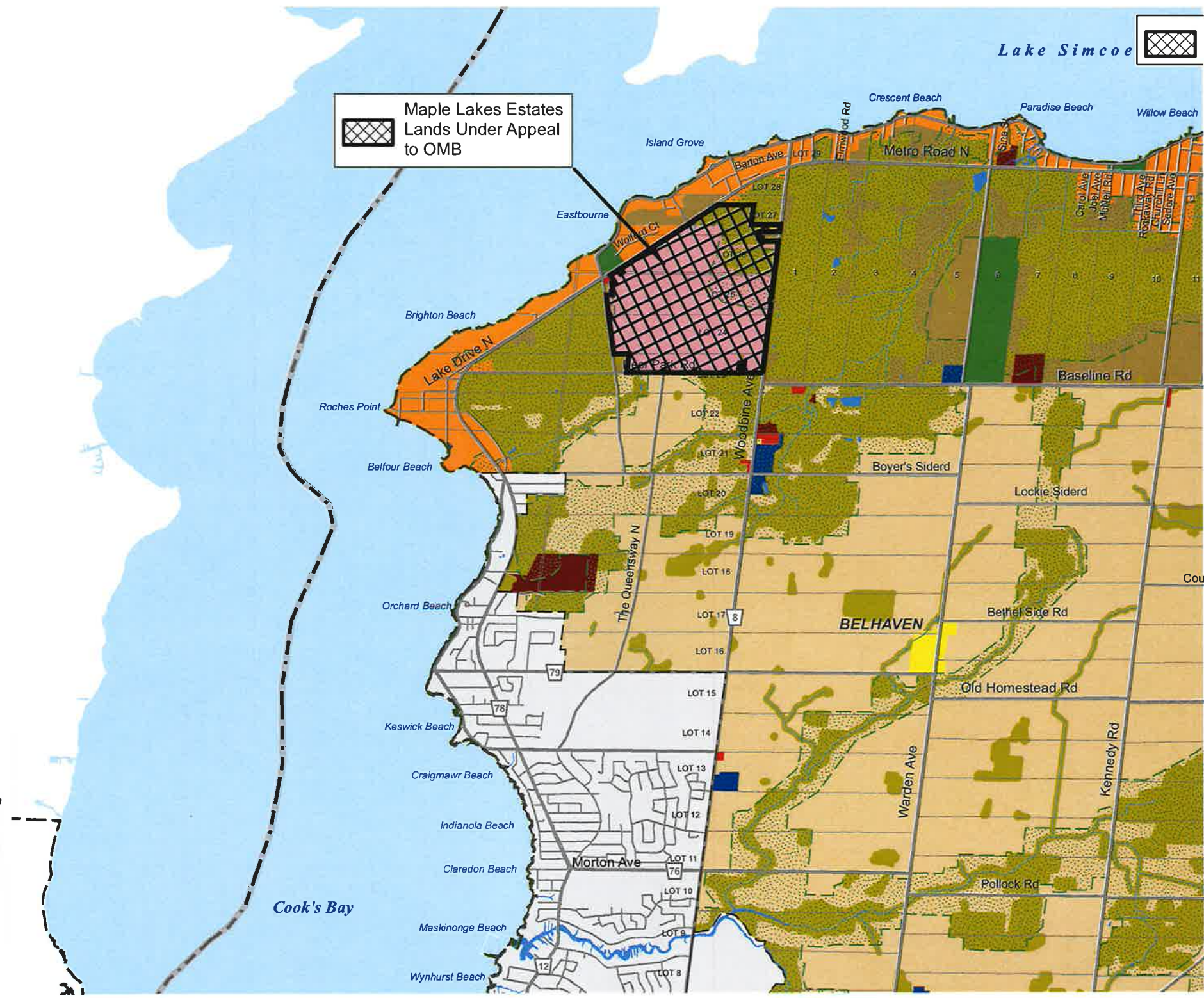
c: Harold Lenters, Director, Development Services Department
Town of Georgina
Client
Anthony Usher

27682814.1

Report DS-2017-0034
Attachment 6
Page 2 of 2



Maple Lakes Estates
Lands Under Appeal
to OMB



THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. PB-2013-0062

**FOR THE CONSIDERATION OF
COUNCIL
JUNE 24, 2013**

SUBJECT: MAPLE LAKE ESTATES ALTERNATIVE DESIGN DISCUSSIONS

1. RECOMMENDATIONS:

- A. THAT COUNCIL RECEIVE REPORT PB-2013-0062 PREPARED BY THE PLANNING AND BUILDING DEPARTMENT DATED JUNE 24, 2013 RESPECTING A MAPLE LAKE ESTATES ALTERNATIVE DESIGN DISCUSSIONS.**
- B. THAT FOLLOWING A FUTURE MEETING BETWEEN OFFICIALS OF THE TOWN, METRUS DEVELOPMENTS INC., AND THE PROVINCE, WHICH IS PROPOSED TO TAKE PLACE SOMETIME IN THE SUMMER, 2013, STAFF REPORT BACK TO COUNCIL WITH A FURTHER UPDATE ON THIS MATTER.**
- C. THAT THE CLERK FORWARD A COPY OF REPORT NO. PB-2013-0062 TO THE TOWN SOLICITOR, THE REGIONAL MUNICIPALITY OF YORK AND THE LAKE SIMCOE REGION CONSERVATION AUTHORITY**

2. INTRODUCTION AND PURPOSE:

On March 25, 2013 Council considered Report No. PB-2013-0032, which dealt with a request to Council by Mr. Jack Gibbons, on behalf of the North Gwillimbury Forest Alliance (NGFA), to pass an Interim Control By-law on certain lands that are zoned to permit a residential retirement project referred to as Maple Lake Estates (MLE). Council also heard and received numerous deputations from individuals commenting on the request by the NGFA to pass an ICB. Following the deputations, the presentation of the staff report and a Council discussion, the following resolution was adopted:

"RESOLUTION NO. C-2013-0140

That Council receive Report No. PB-2013-0032 dated March 25, 2013 prepared by the Planning and Building Department regarding the North Gwillimbury Forest Alliance request to Council to pass an Interim

Control By-law and refer this matter to staff to meet with the interested parties and report back to Council within 60 days."

A copy of the minutes of the March 25th, meeting are attached as Schedule '1'. The location of the Maple Lake Estates lands or "Subject Land" is shown on Schedules '2' and '3'.

The purpose of this report is to provide Council with an update on the results stemming from various meetings that have taken place since the March 25th Council meeting.

3. REPORT:

Although not articulated in the minutes or resolution from the March 25th meeting, it was staff's understanding based on Council's discussion and comments, that the intent of meeting with the interested parties was to consider alternative development design options on the Subject Land that would result in greater environmental protection of the woodlands and wetlands.

As Council is aware, the reason why staff did not report back by the 60 day time frame as stipulated in Resolution No. C-2013-0140, was because a key meeting had not taken place yet, so there was simply little on which to report at that time.

3.1 Meeting with York Region and Lake Simcoe Conservation Authority

On April 3, 2013 Planning staff (Director of Planning and Building and Manager of Planning) met with senior staff from the Lake Simcoe Region Conservation Authority and York Region Planning, to provide them with an update on the outcome from the March 25th Council meeting. The purpose of the meeting was to also obtain the LSRCA's preliminary thoughts and ideas about options for re-designing the MLE developments on the Subject Land.

In summary, based on the comments from the LSRCA, it would appear that the possibility exists to achieve greater environmental protection through re-designing the existing approved development. However, in order to change the approved MLE development in any meaningful way to increase environmental protection, the current Town official plan and zoning provisions would have to be amended. Furthermore, it appears that any change to the existing approved MLE development would also require an amendment to the York Region Official Plan.

3.2 Meeting with Metrus Development Inc., York Region and LSRCA

On May 8, 2013, Town staff and the Town Solicitor met with senior staff of York Region, the LSRCA and representatives of the owners of the MLE lands (Metrus Development Inc.). In the course of discussing a number of potential alternatives, Metrus representatives indicated that the landowners are willing to discuss alternative options that would involve moving some or all of its existing development rights to other lands it owns south of the MLE property with the understanding that the existing development approvals (on the MLE lands) will remain in place pending the full approval of equivalent development rights on those other lands. The general location of the other lands owned by Metrus south of MLE is shown on Schedule '4'.

It was recognized that any further exploration of the option(s) of moving existing development rights must involve the Province because potential alternatives involving other lands owned by Metrus would require the Province to amend the Greenbelt Plan.

3.3 Meetings with the Province

Following the May 8th meeting, staff were apprised that Metrus representatives met with officials from the Minister of Municipal Affairs and Housing's office. In addition, on May 22, 2013 Mayor Grossi met with the Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing, to request that the Minister's office work with the Town and Metrus and Minister Jeffrey indicated her willingness to explore alternative solutions in the interest of achieving greater environmental protection.

It is the writer's understanding that Metrus will be arranging a future meeting with the Province and Town Officials, and this meeting is anticipated to take place sometime this summer.

Furthermore, as Council is aware, the Town Solicitor has received a letter dated June 7, 2013 from Mr. Jack Gibbons on behalf of the NGFA, indicating its willingness to meet to discuss an exchange of development approvals that would protect the North Gwillimbury Forest and permit Metrus to build a high quality residential community in an appropriate location (refer to Schedule '5').

4. CONCLUSION:

As directed by Council at its meeting of March 25, 2013, staff have met with key parties to discuss the possibility of an alternative form of development of the MLE lands, for the purpose of achieving greater environmental protection.

During the course of these discussions, Metrus representatives advised that the MLE owners are willing to consider the transfer of its existing MLE development rights to other lands it owns, which opens the door to other possible options. However, any meaningful exploration of such options has to involve the Province and, in this regard, the Province has indicated its willingness to meet with the Town and the landowner on this matter.

It is important to note that Metrus representatives have stated to staff and to the Town solicitor that the owners willingness to move their existing development rights is based on the understanding that the existing MLE development approvals will remain in place pending the full approval of equivalent development rights on their other lands. They further indicated that the passing of an Interim Control By-law on the MLE lands would be opposed at the Ontario Municipal Board.

In conclusion, staff recommend that Council receive this report for information, and that staff report back to Council with a further update, following a future meeting that is anticipated to be held with the Province sometime this summer.

Prepared by:



Harold W. Lenters, M.Sc.PI, MCIP, RPP
Director of Planning and Building

HWL/pa
19/June/13

Approved by:



Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

~~16. PETITIONS:~~

16.1 Petition received from Erin Kemp regarding North Gwillimbury Forest Interim Control By-law.

Moved by: Regional Councillor Wheeler
Seconded by: Councillor Craig

RESOLUTION NO. C-2013-0139

That the Petition submitted by Mrs. Erin Kemp be received.

And Further, that Council request the Clerk to prepare a report regarding the appropriate format guidelines and requirements for petitions to be submitted to Council.

~~Carried.~~

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.2 Report from the Planning and Building Department:

17.2.1 North Gwillimbury Forest Alliance Request to Council to Pass an Interim Control By-law

Report No. PB-2013-0032

Moved by: Councillor Craig
Seconded by: Councillor Smockum

RESOLUTION NO. C-2013-0140

That Council receive Report No. PB-2013-0032 dated March 25, 2013 prepared by the Planning and Building Department regarding the North Gwillimbury Forest Alliance request to Council to pass an Interim Control By-law and refer this matter to staff to meet with the interested parties and report back to Council within 60 days.

Carried.

The meeting recessed at 9:30 p.m. and reconvened at 9:40 p.m.

~~10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd~~

D. That the by-law attached as Schedule '1' be adopted by Council.

17.3 Reports from the Administrative Services Department:

17.3.1 Remuneration and Expenses/Mayor and Council
And Council Appointees to Local Boards

Report No. DAS-2013-0014

Ms. Rebecca Mathewson, Director of Administrative Services and Treasurer reported a correction to the report. Travel expenses for Regional Councillor Wheeler for 2012 was "0".

RESOLUTION NO. C-2013-0132

That Council receive Report No. DAS-2013-0014 regarding remuneration and expenses of Members of Council and Council appointees to local boards; and

That the schedules detailing the remuneration and expenses of Members of Council and Council appointees to local boards, as required under the Municipal Act, be received for information and adopted.

Carried.

~~10.2 Matters subject to individual conflicts None.~~

11. DEPUTATIONS:

11.1 Patrick Harrington, Aird & Berlis Barristers and Solicitors, and Jack Gibbons, with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Harrington, representing the North Gwillimbury Forest Alliance, was in attendance to address the Members of Council respecting the Interim Control By-law.

11.2 Paul Harpley, South Lake Simcoe Naturalists, with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Harpley, representing the South Lake Simcoe Naturalists, was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

11. DEPUTATIONS cont'd:

11.3 Steve Prosser with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Prosser was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

11.4 Matthew Bowen with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Bowen was not in attendance.

11.5 Galt Ehler with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Ehler was not in attendance.

11.6 Sandra Villiers, with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mrs. Villiers was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

11.7 Erin Kemp to submit a petition with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mrs. Kemp was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

11.8 David Bronskill, representing Maple Lake Estates Inc., with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Bronskill, representing Maple Lake Estates Inc., was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

11.9 Andrew or Hugh Sibbald with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Sibbald, representing the Briars, was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law

11. DEPUTATIONS cont'd:

11.10 Fraser Nelson, Metrus Development Inc., with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Fraser Nelson, representing Metrus Development Inc., was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

11.11 Gord Mahoney, Michael Smith Planning, representing Queen's Court Development Ltd., with respect to the North Gwillimbury Forest Alliance Interim Control By-law.

Mr. Mahoney, representing Queen's Court Development Ltd, was in attendance to address the Members of Council respecting the North Gwillimbury Forest Interim Control By-law.

Moved by: Councillor Smockum
Seconded by: Councillor Davison

RESOLUTION NO. C-2013-0133

That the deputation made by Mr. Patrick Harrington on behalf of the North Gwillimbury Forest Alliance be received.

That the deputation made by Mr. Paul Harpley on behalf of the South Lake Simcoe Naturalists regarding the North Gwillimbury Forest Interim Control By-law be received.

That the deputation made by Mr. Steve Prosser regarding the North Gwillimbury Forest Interim Control By-law be received.

That the deputation made by Mrs. Sandra Villiers regarding the North Gwillimbury Forest Interim Control By-law be received.

That the deputation made by Mrs. Erin Kemp on behalf of the many residents of the Town of Georgina, represented in the petition regarding the North Gwillimbury Forest Interim Control By-law be received.

That the deputation made by Mr. David Bronskill on behalf of Metrus Developments regarding the North Gwillimbury Forest Interim Control By-law be received.

That the deputation made by Mr. Sibbald on behalf of the Briars regarding the North Gwillimbury Forest Interim Control By-law be received.

That the deputation made by Mr. Fraser Nelson on behalf of Metrus Developments regarding the North Gwillimbury Forest Interim Control By-law be received.

11. DEPUTATIONS cont'd:

That the deputation made by Mr. Gord Mahoney of Michael Smith Planning, representing Queen's Court Development Limited regarding the North Gwillimbury Forest Interim Control By-law be received.

Carried.

~~12. PRESENTATIONS:~~

12.2 Nelson Costa, Manager, Traffic Safety, York Region, regarding York Region road projects

Moved by: Councillor Szollosy

Seconded by: Councillor Smockum

RESOLUTION NO. C-2013-0134

That the presentation made by Mr. Nelson Costa, Manager of Traffic Safety, Regional Municipality of York regarding Regional road projects be received.

Carried.

12.1 Michelle James and Susan Manahan, DeafBlind Ontario Services, to introduce their organization to Members of Council.

Moved by: Councillor Szollosy

Seconded by: Councillor Craig

RESOLUTION NO. C-2013-0135

That the presentation made by Ms. Michelle James and Ms. Susan Manahan representing DeafBlind Ontario Services be received.

Carried.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

14. PUBLIC MEETINGS: None.

15. COMMUNICATIONS:

15.2 Matters for Disposition:

15.2.1 The Georgina Agricultural Advisory Committee respecting eradication testing of invasive weeds.

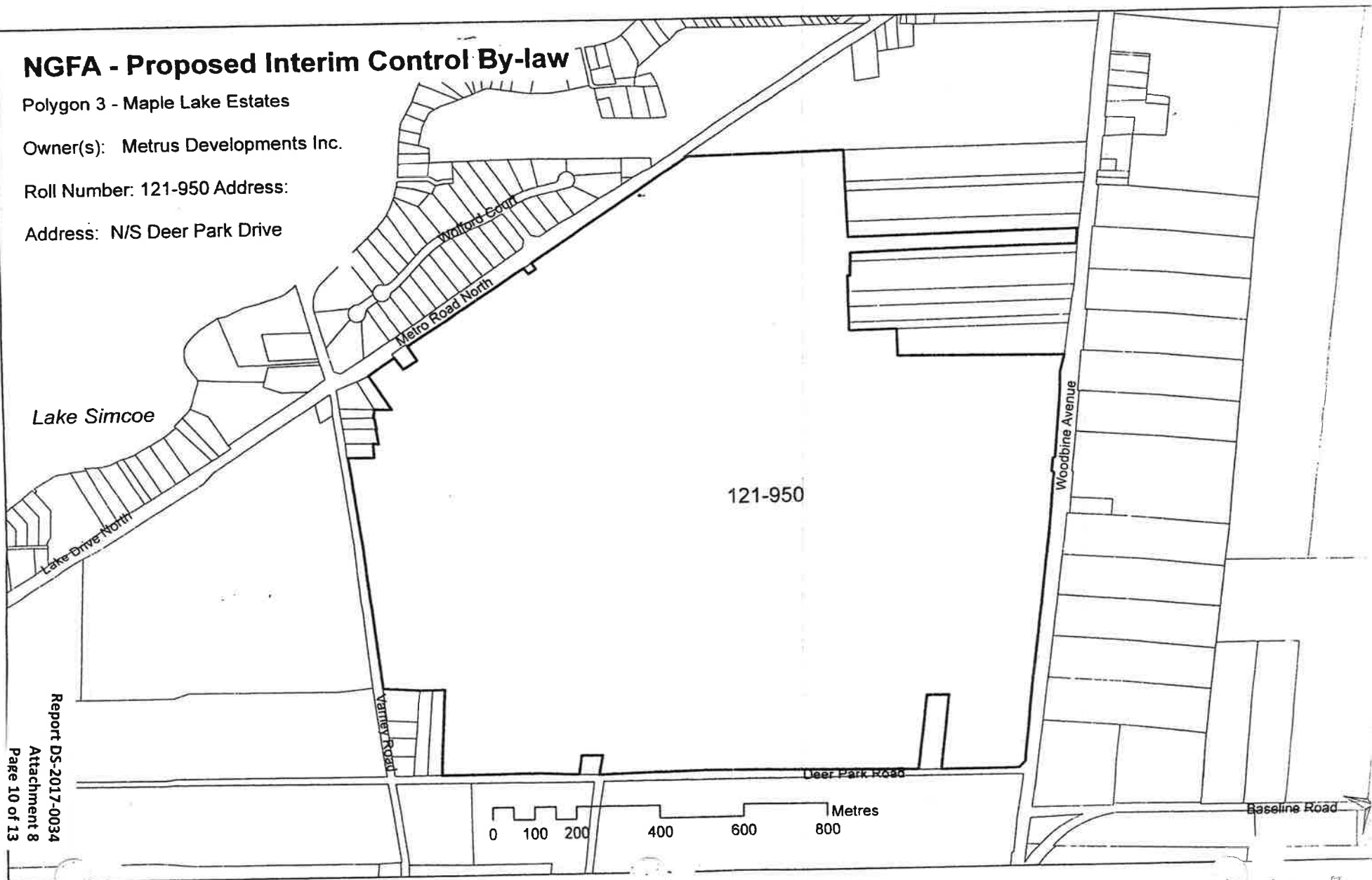
NGFA - Proposed Interim Control By-law

Polygon 3 - Maple Lake Estates

Owner(s): Metrus Developments Inc.

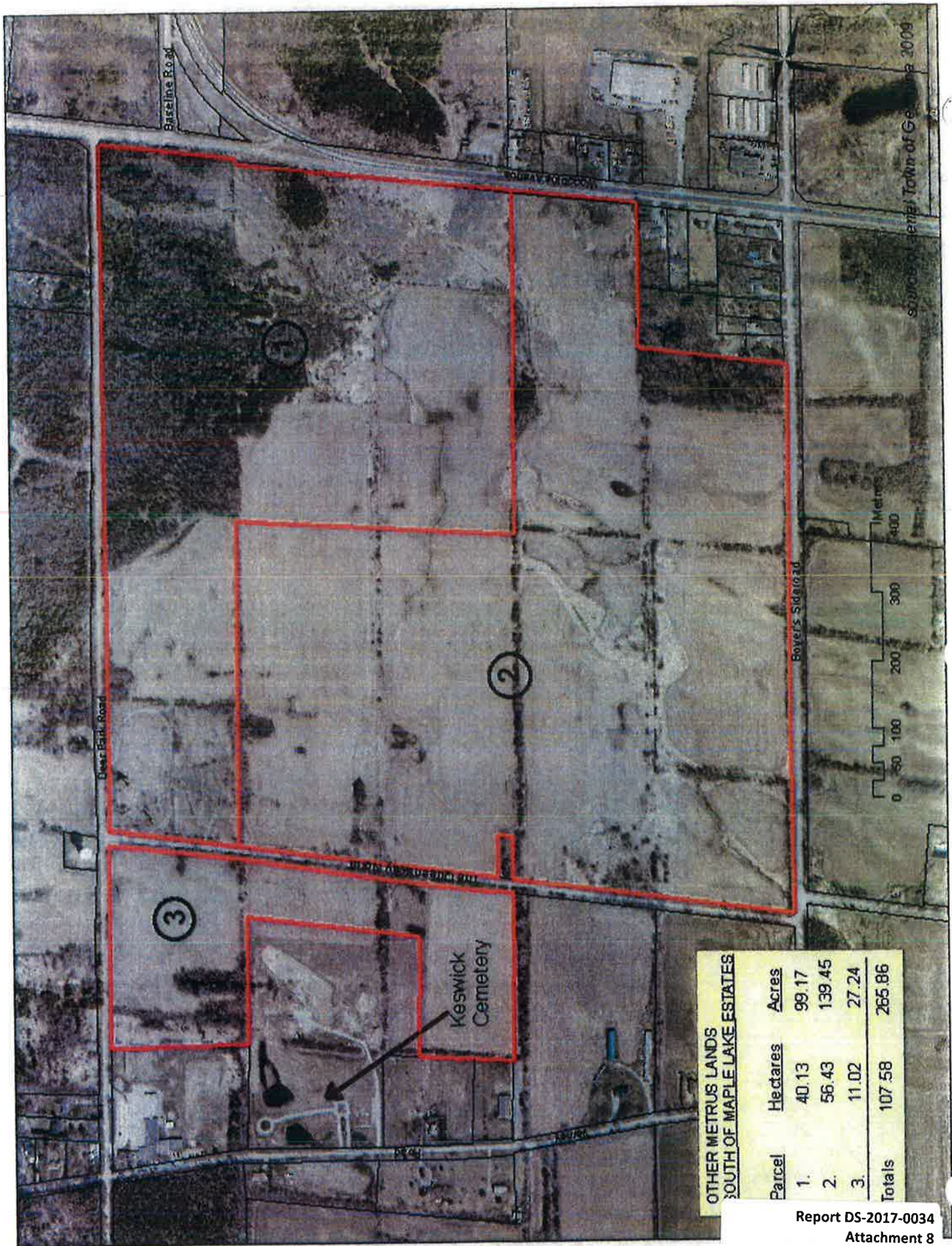
Roll Number: 121-950 Address:

Address: N/S Deer Park Drive





aerial taken 2009



North Gwillimbury Forest Alliance
160 John Street, Suite 300
Toronto M5V 2E5
Jack@SaveNGForest.org

June 7, 2013

By Email

Mr. Michael Bigioni
Town Solicitor
Town of Georgina
26557 Civic Centre Road
Keswick, Ontario
L4P 3G1

Dear Mr. Bigioni:

Re: Maple Lake Estates

Further to my letter of April 5, 2013 and the Town's May 29th information update on Maple Lake Estates, the North Gwillimbury Forest Alliance would be pleased to meet with any or all of the Town, the Region of York, the Lake Simcoe Region Conservation Authority, the Province of Ontario and Metrus Developments Inc. to discuss an exchange of development approvals that would protect the North Gwillimbury Forest and permit Metrus to build a high quality residential community in an appropriate location.

Yours sincerely,


Jack Gibbons
Chair



Wayne Emmerson
Chairman and CEO

The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1
Tel: 905-895-1231

email: wayne.emmerson@york.ca

November 15, 2016

The Honourable Bill Mauro
Minister of Municipal Affairs
Office of the Minister
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Dear Minister:

**RE: York Region Council Recommendation – ~~Maple Lake Estates~~, Georgina
Town of Georgina Official Plan 2016**

TOWN OF GEORGINA	
NOV 21 2016	
DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION	
REFER	NOTED
	Hw

FILE #

At its meeting on October 20, 2016, York Regional Council considered and approved the Town of Georgina Official Plan 2016 with some modifications. Georgina's new Official Plan will guide land use and development in Georgina to 2031 and envisions: "*a well-balanced and vibrant community that preserves and protects the natural environment and rural character while providing for a high quality of life, growth and economic development in a sustainable manner*". The new Official Plan 2016 contains policies consistent with the Provincial policies promoting the goals of protection, maintenance and enhancement of the natural environment.

Within the "Towns and Villages" designation of the Greenbelt Plan, 2005, a past approval with full zoning and a registered subdivision plan has been recognized for the development known as Maple Lake Estates. Permission to develop these lands dates back to a Minister's Order issued in 1983. Portions of these lands have been subsequently identified as significant woodlands and wetlands (provincially significant wetlands) in both the Town of Georgina Official Plan and the York Region Official Plan.

Given the environmental significance of the woodlots and wetlands on the Maple Lake Estate lands, the Province, York Region, Town of Georgina, Lake Simcoe Region Conservation Authority, North Gwillimbury Forest Alliance and owners of the subject lands have been working together to explore how to protect the environmentally sensitive lands, given the existing development permission. Georgina Council endorsed a potential transfer of the Greenbelt Plan's "Towns and Villages" designation from the lands known as Maple Lake Estates to non-environmental portions of the lands south of Deer Park Road (see attached map).

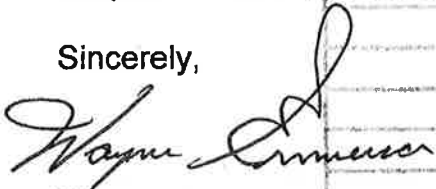
Report DS-2017-0034
Attachment 9
Page 1 of 6

This transfer would result in the protection of environmentally sensitive lands on the current Maple Lake Estates parcel with a net gain of environmentally protected land, as the total developable land area would be reduced.

In support of these discussions, York Region Council adopted a resolution, respectfully requesting your Ministry's assistance in helping to protect the environmentally sensitive lands on Maple Lake Estates through an amendment to the Greenbelt Plan.

We look forward to working with the province to resolve this long outstanding and important matter. If you have any questions or require additional information, please contact Valerie Shuttleworth, Chief Planner, by email valerie.shuttleworth@york.ca or telephone 1-877-464-9675, extension 71525.

Sincerely,



Wayne Emmerson
Regional Chairman and CEO

Copy: Mayor Margaret Quirk, Town of Georgina
Winanne Grant, CAO, Town of Georgina
Harold Lenters, Director, Planning & Building, Town of Georgina
Bruce Macgregor, CAO, Regional Municipality of York
Lina Bigioni, Chief of Staff, Office of the Regional Chair, Regional Municipality of York
Valerie Shuttleworth, Chief Planner, Regional Municipality of York
Karen Whitney, Director, Community Planning, Regional Municipality of York

Attachments: A, B, C

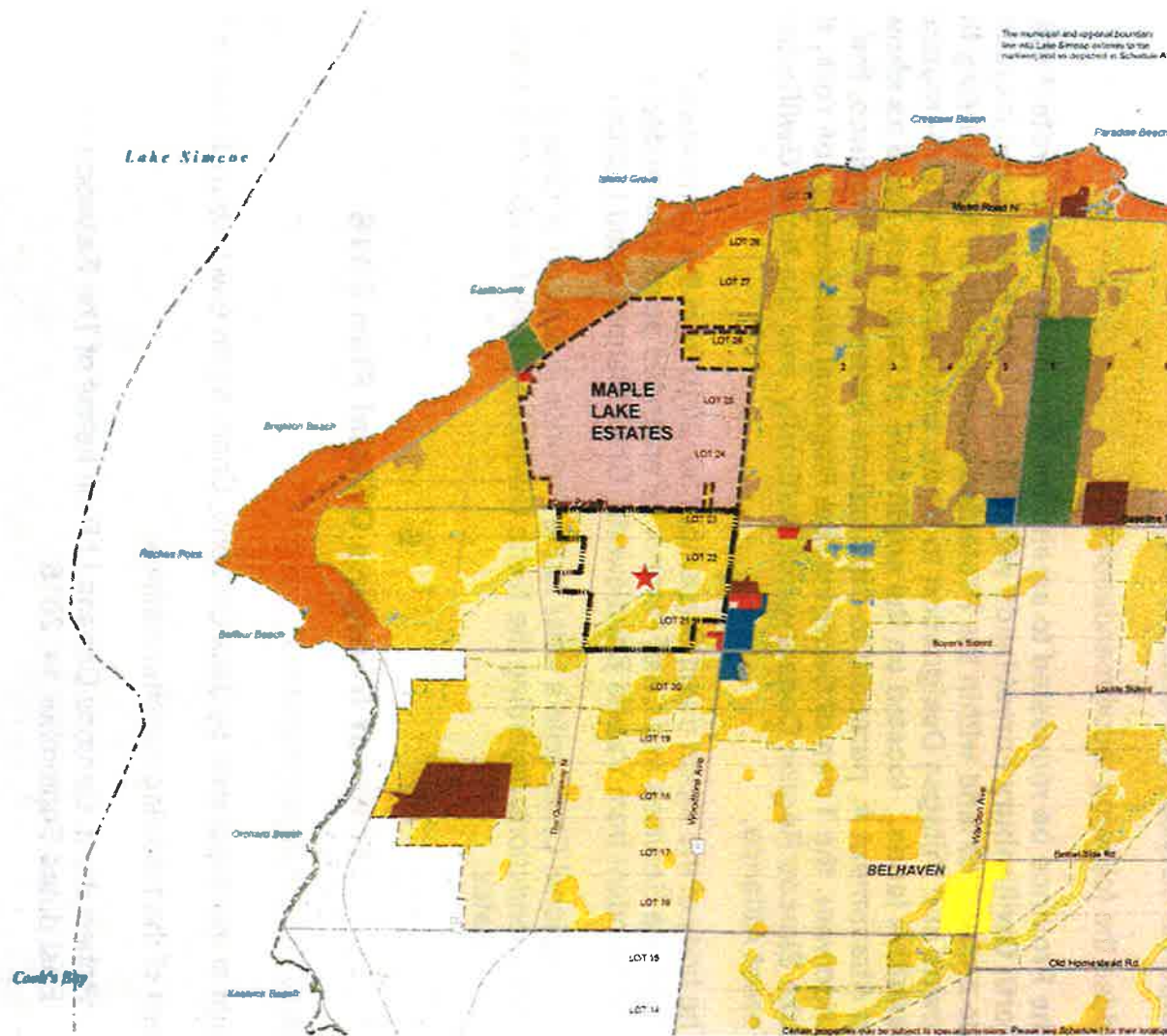
Town of Georgina

Official Plan

Attachment A

LAND USE PLAN (WEST)

The municipal and regional boundaries for the Lake Simcoe extension to the north-west are depicted in Schedule A1.



LAND USE DESIGNATIONS

- Lakeshore Residential Area
- Serviced Lakeshore Residential Area
- Urban Residential Area
- Hamlet Area
- Rural Commercial Area
- Rural Industrial Area
- Commercial Recreation Area
- Parkland Area
- Rural Area
- Agricultural Protection Area
- Specialty Crop Area
- Environmental Protection Area
- Greenlands System

- Area of Discussion for Transfer of Development Rights

BASE MAP INFORMATION

- Provincial Highway
- Road
- Railway
- Municipal Boundary
- Regional Boundary
- Hydro Corridor
- Secondary Plan Area
- Watercourse/Waterbody
- Lake Simcoe



October 2016



Sources: Town of Georgina; Regional Municipality of York; AUGIS Online; Esri; Google Earth; Lake Simcoe Region Conservation Authority; Produced for York Region and MRC Planning under license from Ontario Ministry of Natural Resources; Copyright © Quantity Surveyor 2015

Certain properties may be subject to special assessments. Please see Schedule 1 for their locations.

Clause 5 in Report No. 15 of Committee of the Whole was adopted by the Council of The Regional Municipality of York at its meeting held on October 20, 2016 with the following additions:

Council received the following communication:

1. Valerie Shuttleworth, Chief Planner dated October 18, 2016 recommending amendments to the report dated September 30, 2016 from the Commissioner of Corporate Services and Chief Planner

Council added the following recommendations:

4. **The Province be requested to amend the Greenbelt Plan to protect the North Gwillimbury Forest lands within Maple Lake Estates and increase the amount of land within the Protected Countryside by transferring the Towns and Villages Designation to lands, excluding the environmentally sensitive lands, located on the south side of Deer Park Road as shown on Attachment A, pursuant to discussions between the Province, the landowner, the Town of Georgina, the Regional Municipality of York, the Lake Simcoe Region Conservation Authority, and the North Gwillimbury Forest Alliance.**
5. The body of the report dated September 30, 2016 from the Commissioner of Corporate Services and Chief Planner be amended as recommended in the memorandum from Valerie Shuttleworth, Chief Planner dated October 18, 2016.
6. The Regional Chair write a letter to the Province in support of Council's recommendations regarding the North Gwillimbury forest lands within Maple Lake Estates.

5

Town of Georgina Official Plan 2016

Committee of the Whole recommends:

1. Receipt of the deputation by Jack Gibbons, Chair, North Gwillimbury Forest Alliance.
2. Receipt of the following communications:
 1. Robert Blunt, Dentons Canada LLP on behalf of The Salvation Army Canada East dated September 14, 2016.
 2. Kevin Rich, Ducks Unlimited Canada dated October 3, 2016.
 3. Leo F. Longo, Aird & Berlis LLP on behalf of North Gwillimbury Forest Alliance dated October 11, 2016.

Town of Georgina Official Plan 2016

3. Adoption of the following recommendations contained in the report dated September 30, 2016 from the Commissioner of Corporate Services and Chief Planner:
 1. Council approve the Town of Georgina Official Plan 2016, subject to the modifications described in Attachment 1 to this report.
 2. The Director of Community Planning & Development Services be authorized to issue notice of Council's decision to modify and approve the 2016 Town of Georgina Official Plan.
 3. Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, if required, and the Chief Planner, or designate, be authorized to execute Minutes of Settlement, if appropriate.

Policies recognizing Maple Lake Estates development approvals remain consistent with Provincial policy

Located north of Deer Park Road and west of Woodbine Avenue are lands known as Maple Lake Estates (Attachment 2). Permissions for development of these lands date back to a Provincial Cabinet Minister's Order issued in 1983, which allows for development of a recreational residential retirement community. There is also a registered plan of subdivision on the lands. Within the current policy regime, the Province designated the lands "Towns and Villages" under the Greenbelt Plan, 2005. The Region's Official Plan conforms to the Greenbelt Plan and also has these lands designated as Towns and Villages. The Georgina Official Plan from 2002 and the new OP 2016 designates these lands as Urban Residential Area. The land use designations within the YROP-2010 and new OP 2016 are consistent with the Greenbelt Plan and both allow the approved development to proceed. The Region and the Town recognize that the approved Maple Lake Estates development can proceed in its currently approved form.

It should be noted that much of the lands are also identified as significant woodlands and wetlands in both Official Plans. Given these overlay designations and policies, the appropriateness of development on these lands has been raised as an issue by an environmental group (the North Gwillimbury Forest Alliance).

The Greenbelt Plan, 2005, Towns and Villages designation remains in effect and development of the site consistent with earlier approvals is permitted. The plan of subdivision was approved and registered prior to the Greenbelt Plan effective date in 2004. The Region is not proposing any modifications to the policies in the new OP 2016 with respect to Maple Lake Estates.

As part of the proposed amendments to the Greenbelt Plan introduced in May 2016, the Province did not propose any changes to the Maple Lake Estates "Towns and Villages" designation. Staff will continue to work with DG Group (owners of the subject lands), environmental groups, the Town and the Province to explore options to protect the environmentally sensitive lands.

Source:

Report dated September 30, 2016 from the Commissioner of Corporate Services and Chief Planner, as amended by the memorandum from Valerie Shuttleworth, Chief Planner dated October 18, 2016

**Ministry of
Municipal Affairs**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000
Fax: 416 585-6470

**Ministère des
Affaires municipales**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M5G 2E5
Tél. : 416 585-7000
Téléc. : 416 585-6470



JAN 12 2017

16-71741

Mr. Wayne Emmerson
Chairman and CEO
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Chairman Emmerson:

Thank you for your recent correspondence regarding the York Region Council resolution about the Maple Lake Estates lands.

As you identified in your correspondence, the Maple Lake Estates lands would remain designated Urban Residential Area in the Town of Georgina's new Official Plan as approved, and would be further identified as 'Towns and Villages' as part of the Town's municipal structure. The Georgina Official Plan would also identify provincially significant wetlands, including the Paradise Beach-Island Grove wetland, within the municipality and contains policies for the protection of the wetlands. I understand that an appeal has been filed from the Region's decision to approve the Georgina Official Plan, including the policies related to the Maple Lake Estate Lands.

As you are aware, the government established the Greenbelt Plan in 2005, creating the world's largest permanently protected Greenbelt. The government respects the integrity of the land use planning process and has proposed updates to four provincial plans: the Greenbelt Plan; the Growth Plan; the Niagara Escarpment Plan; and the Oak Ridges Moraine Conservation Plan. The draft plans, along with proposed Greenbelt Area boundary changes, were posted for comment in May 2016, with the comment period ending on October 31, 2016. The ministry has also been reviewing site specific requests to remove land from, or change land use designations within, the Greenbelt.

My ministry completed its review of site specific requests for removal from or designation changes within the Greenbelt and Oak Ridges Moraine Plan Area that have been received since the creation of the Greenbelt Plan. In undertaking this review, the government was guided by a number of overarching considerations, including:

- avoiding boundary changes that would fragment farmland, including prime agricultural lands;
- maintaining a robust Natural Heritage System that can be supported despite urbanization occurring in proximity and downstream to the Greenbelt;
- respecting the functional connections in the Natural Heritage System;
- valuing the overall objectives of the Greenbelt as a landscape
- avoiding a minimalist approach to defining the Natural Heritage System; and
- being responsive to landowner requests to evaluate site-specific situations.

The ministry is now proposing a few minor boundary changes to the Greenbelt Area (see EBR Registry Number: 012-9241 and EBR Registry Number: 012-9247).

The ministry received submissions both in support of and against the request to transfer the Town and Village designation from the Maple Lakes Estates lands to lands to the south owned by the developer. These submissions were carefully reviewed, and no changes to the Greenbelt Plan designations related to the Maple Lake Estates lands are proposed.

Sincerely,



Bill Mauro
Minister



MEMO

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

To:	Harold Lenters, Director of Development Services, Town of Georgina
From:	Jim Dymont
Date:	March 8, 2017
File:	0993D
Subject:	OMB Hearing on Official Plan – Appeal of NGFA

I have prepared the following to provide you with an estimate of costs associated with my preparation for and attendance at an OMB Hearing in support of the draft Official Plan and to respond to the appeal of the NFGA. The normal tasks included in a hearing of this nature include the following:

1. Attend pre-hearing;
2. Prepare issues list;
3. Prepare outline of evidence/ witness statement;
4. Meeting with like witnesses;
5. Review of witness statements;
6. Attend evidence and cross-examination of appellant; and,
7. Give evidence and cross-examination at the hearing.

If all of these steps are necessary to support the Municipality in this matter, I estimate the work taking five days (37.5 hours). My hourly rate is \$250, resulting in a cost of \$9,375. Expenses would be about \$500. Therefore, I would budget a total cost of about \$9,900.

If some of the steps noted above are not required, for example, meeting of like witnesses and reviewing of witness statements, the cost would be considerably reduced, likely in the neighbourhood of \$6,500.

I have booked May 10 for the pre-hearing at the Municipal office. Following that pre-hearing, we will establish a procedural order. I can provide a more firm estimate of costs once we have determined through the procedural order process if all of the steps above are required and if the property owners will also be parties to the hearing and involved.

Should you have any questions regarding this matter, please do not hesitate to contact me.