

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. PB-2013-0032**

**FOR THE CONSIDERATION OF  
COUNCIL  
MARCH 25, 2013**

**SUBJECT: NORTH Gwillimbury Forest Alliance Request to  
Council to Pass an Interim Control By-Law**

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**1. RECOMMENDATIONS:**

- A. THAT COUNCIL RECEIVE REPORT 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.**
- B. THAT AN INTERIM CONTROL BY-LAW NOT BE PASSED ON THE MAPLE LAKE ESTATES LANDS WHICH ARE SHOWN ON SCHEDULES '2' AND '3' IN REPORT NO. PB-2013-0032.**
- C. THAT COUNCIL PROVIDE DIRECTION TO STAFF WITH RESPECT TO REPORTING BACK TO COUNCIL ON THE APPROPRIATENESS OF PASSING AN INTERIM CONTROL BY-LAW ON THE LANDS WITHIN POLYGONS 4, 6, 11, 13, 15B, 21 AND 23 AS REQUESTED BY THE NORTH Gwillimbury Forest Alliance IN CORRESPONDENCE TO COUNCIL DATED DECEMBER 31, 2012.**
- D. THAT THE CLERK FORWARD A COPY OF REPORT PB-2013-0032 AND COUNCIL'S RESOLUTION THEREON TO THE REGIONAL MUNICIPALITY OF YORK AND TO THE LAKE SIMCOE REGION CONSERVATION AUTHORITY.**

**2. INTRODUCTION:**

On January 28, 2013 Mr. Jack Gibbons, Chair of the North Gwillimbury Forest Alliance (NGFA) appeared before Council with respect to a request to pass an Interim Control By-law (ICBL) that would have the effect of placing a restrictive zoning on all or portions of certain properties they define within the "North Gwillimbury Forest". Also speaking to the ICBL request were Mr. William Shore, Mr. Hugh Sibbald and Mr. Gord Mahoney. At this meeting, Council also considered Staff Report No. PB-2013-0010.

As indicated in the minutes of the meeting, which are attached as Schedule '1', Mr. Gibbons requested that Council defer any decision on this matter, so that the NGFA's Solicitor could come to a future meeting and make a presentation to Council.

In response to Mr. Gibbons' request, Council received the public depositions and the staff report, and also directed that staff present an updated report to Council at their February 11, 2013 meeting for further discussion and decision. However, as it turned out, the February 11<sup>th</sup> meeting date was not possible, so the CAO, in consultation with Mr. Gibbons, scheduled the matter for this evening's meeting.

Based on discussion with Staff who attended the January 28<sup>th</sup> meeting, the writer understands that this staff report is to focus on the ICBL request as it pertains to only the Maple Lake Estates Adult Lifestyle Retirement Community lands (hereinafter referred to as Maple Lake Estates or MLE or Subject Lands). As such, the purpose of this report is to present Staff's comments and recommendations with respect to the passing of an ICBL on the MLE lands.

### **3. BACKGROUND:**

Attached as Schedules '2' and '3', respectively, are a map and an air photo showing the location of the MLE lands.

Attached as Schedule '4' is Mr. Anthony Usher's (Planning Consultant for the NGFA) written response to Staff Report PB-2013-0010, dated February 1, 2013.

Attached as Schedule '5' is Mr. Leo Longo's (Solicitor for the NGFA) letter of February 19, 2013 which responds to the aforementioned staff report and the correspondence found therein from the Town Solicitor, Mr. Michael Bigioni.

Attached as Schedule '6' are the Town Solicitor's latest comments, dated March 15, 2013.

#### **4.1 History of Maple Lake Estates:**

Outlined below is a summary of the property history with respect to the past planning and engineering activity and the existing approvals for the MLE lands:

- In the early 1980's, an Official Plan Amendment (OPA 10) was processed regarding a proposed planned retirement community development, referred to at that time as Maple Leaf Estates. The OPA was approved by

the Ontario Municipal Board (OMB) on March 3, 1987, and reaffirmed by the Provincial Cabinet on January 28, 1988 through an Order-in-Council.

- Subject Lands are almost entirely designated “Urban Residential Area” in the Town’s Official Plan and corresponding policies permit a retirement development consisting of a maximum of 1073 dwellings (refer to Schedules ‘7’ and ‘8’).
- Below is a summary of the existing Official Plan land use policies for the MLE lands:
  - *“Only site built or assembled single family detached dwellings are permitted. Assembled single family detached dwellings include manufactured dwelling units (mobile homes) with a minimum of double width – on permanent foundations.”*
  - *“Dwelling units should be of an adequate size to ensure that the development is in character with other “2 bedroom style” residential developments. To ensure that the development is compatible with the existing nearby neighbourhoods, high quality and standards of dwelling units shall be displayed.”*
  - *Development shall be in 5 phases, with phases 1 and 2 not exceeding 500 units.*
  - *Active recreational uses such as recreational complexes shall be provided for exclusive use of retirement community residents and their guests. First 9-holes of golf course and 1 recreation centre will be built as part of Phase 1.*
  - *Commercial uses restricted to small scale convenience stores.*
  - *Internal roads are private, but paved and to a standard that meets Municipal requirements.*
  - *Main road entrance will be off Woodbine Avenue, with a secondary entrance on Deer Park Road, and an emergency access off Metro Road.*
  - *Private garbage collection.*
  - *Municipal Water and Sanitary Sewage Disposal.*
- Also Policy 3.20.2.14 in the Official Plan states:
  - *“Any Official Plan amendment application to revise the above special provisions for the proposed Maple Leaf Estates planned retirement community will be required to consider the functions, attributes and linkages of the significant natural features as identified in the Town of Georgina Natural Features and Greenlands*

*System (1996) and the application will be evaluated in accordance with the provisions of this Official Plan."*

- Draft Plan of Subdivision Approval was issued on June 30, 1988 by York Region for the subdivision file 19T-87055. Conditions of draft plan approval were fulfilled, and the subdivision was cleared for registration.
- Registration of the 2 lot Plan of Subdivision and Subdivision Agreement occurred on August 18, 1992 (Plan 65M-2903, and Agreement No. LT-857638).
- Zoning By-law No. 911-87-431 was passed by Town Council on October 8, 1987 which permits a Recreational Residential Park (*further defined as: A parcel of lands under single ownership which has been divided into dwelling sites to be used for the erection of single family dwellings and other purposes permitted herein, all as parts of a self-contained recreational residential retirement community*).
- The permitted uses and other zoning provisions of site-specific amending By-law 911-87-431 are attached as Schedule '9'.
- Current zoning provisions under Zoning By-law 500 permit Residential uses as follows:
  - *A one storey single family dwelling which may include a manufactured dwelling.*
  - *Pre-registration dwellings, maximum 15.*
  - *Accessory buildings, structures or uses to a single family dwelling and erected on the same site, but not including open storage.*
  - *Prohibited Uses include facilities, uses and structures specifically designed toward the use for children, or communal garages.*
  - *A "Manufactured Dwelling" is defined in accordance with Sec. 2.65 of By-law 500 as: "means a single family dwelling that is designed to be made mobile for purposes of transportation from the place of manufacture to the site, and which is affixed to a permanent foundation and used as a permanent residence."*
  - *Zoning provisions establish site frontage, area, yard setbacks, coverage, building size (100 sq. m minimum, and 11 m x 7 m minimum), and height (5 m maximum).*

- In the early 1990's, the original owner, Bertan Investments Ltd., paid over \$2 million to bring municipal water services to the Subject Lands, as follows:
  - *\$1,154,366.64 was paid to the Region for the construction of the Deer Park Rd. elevated water storage tank.*
  - *\$897,202.54 was paid to the Region for the construction of a trunk water-main between the Keswick Water Treatment Plant and the Subject Lands.*
  - *An additional \$20,857.16 was paid to the Region as final costs related to engineering and design for the tank and water-main.*
  - *Total amount paid by Bertan Investments Ltd. to bring municipal water services to Plan 65M-2903 is \$2,072,426.34.*
  - *Town's Engineering Manager suggests that there were substantial additional costs involving legal, legal survey and engineering services incurred by the owner together with land conveyances and other land related costs.*
- 1996 Agreement between the Town and Bertan Investments Ltd. (original landowner) revoked the servicing allocation for the approved 1,073 unit development. The Town solicitor had reviewed the terms and conditions of the revocation agreement and advised that while the Town is not required to give priority allocation to MLE, it would be required to assign servicing allocation to MLE upon receipt of written notice that they are ready to proceed with the proposed development. Until then, the Town is not required to hold servicing allocation, nor guarantee that servicing allocation will be available when MLE is actually ready to proceed.
- Ministry of Natural Resources (MNR) letter of May 18, 2004 to the Town indicates that a wetland evaluation has been completed for the Paradise Beach – Island Grove Wetland Complex and the associated mapping identifies wetlands on the Subject Lands.
- Subsequent MNR letter of October 18, 2004 to Metrus Development Inc. and copied to Town and LSRCA which is attached as Schedule '10', indicates that in recognition of the Urban Residential Area designation in the Official Plan, and the registered status of plan of subdivision, *"the MNR recognizes that the existing Registered Plan of Subdivision predates the Ministry's recent wetland work and recognizes the legal status of the Plan to be implemented as proposed, without due regard to the wetland complex."* As also indicated in this MNR letter, *"This Ministry would also take this opportunity to highlight Section 3.20.2.14 of the Town's Official*

*Plan. This section indicates that any official plan amendment to revise the provisions specific to the Maple Leaf Estate community would be required to consider the significant natural features identified through Town studies. For such a situation, the Ministry would request the Town of Georgina to also include consideration of the provincially significant Paradise Beach – Island Grove Wetland Complex, by extension.”*

- In the mid-2000's, the current owner, Metrus Developments Inc., paid over \$1.4 million to bring municipal sanitary sewer services to the Subject Lands, as follows:
  - \$1,307,080.48 was paid to the Town in 2004 for the construction of a sanitary sewer to service MLE. This work was part of the Town's Willow Beach and Surrounding Lakeshore Communities Water and Sewer Project.
  - \$119,745.00 in local improvement frontage charges being 2,661 ft. @ \$45/ft. was paid to the Town in 2006.
  - Total amount paid by Metrus Developments Inc. to bring municipal sanitary sewer services to Plan 65M-2903 is \$1,426,825.48.
- The total amount paid by the former and current owners of MLE to construct the municipal water and sewer infrastructure to service the Subject Lands is almost \$3.5 million.
- Subject Lands are designated as "Towns and Villages" in 2005 Provincial Greenbelt Plan. (refer to Schedule '11').
- Subject Lands are designated as "Towns and Villages" on Map 1: Regional Structure; Map 2: Regional Greenlands System, and, Map 3: Environmentally Significant Areas and Areas of Natural and Scientific Interest in the 2010 York Region Official Plan. (refer to Schedules 12, 13, and 14).
- Subject Lands are shown as containing "Provincially Significant and Provincial Plan Area Wetlands" on Map 4: Key Hydrologic Features, in the 2010 York Region Official Plan. (refer to Schedule '15').
- Subject Lands are shown as containing "Woodlands" on Map 5: Woodlands in the 2010 York Region Official Plan. (refer to Schedule '16').

- Subject Lands are shown as “Towns and Villages” on Figure 3: Greenlands Systems, in the 2010 York Region Official Plan. (refer to Schedule ‘17’).

#### 4. ANALYSIS:

##### 5.1 Maple Lake Estates and the Greenbelt Plan:

In 2004, the MNR identified the MLE lands as containing Provincially Significant Wetlands. However, in a MNR letter of October 18, 2004 to Metrus Development Inc., and copied to the Town and the Lake Simcoe Region Conservation Authority (LSRCA), it states that *“the MNR recognizes that the existing Registered Plan of Subdivision predates the Ministry’s recent wetland work and recognizes the legal status of the Plan to be implemented as proposed, without due regard to the Wetland complex”*. (Underline by the writer).

Clearly, there is no doubt as to what the Province’s position is with respect to the wetlands on the MLE lands. Simply put, the wetlands are not to be considered or applied against the implementation of the existing Registered Plan of Subdivision. Furthermore, Staff is not aware of any subsequent correspondence from the MNR retracting or changing their position with respect to the wetlands on the MLE lands.

At around the same time the Province had undertaken the above noted wetland evaluation work, it was in the process of formulating the Provincial Greenbelt Plan pursuant to Section 3 of the Greenbelt Act, 2005. Following an extensive process including significant public consultation, the Greenbelt Plan was approved by the Lieutenant Governor in Council on February 28, 2005, to take effect on December 16, 2004. In Section 1.0: Introduction of the Greenbelt Plan, it states:

*“The Greenbelt is a cornerstone of Ontario’s proposed Greater Golden Horseshoe Growth Plan which is an overarching strategy **that will provide clarity and certainty about urban structure, where and how future growth should be accommodated, and what must be protected for current and future generations.**”* (Bold and underline by the writer).

Section 1.4.2: Structure of the Plan, which is attached as Schedule ‘18’, states that *“lands in the Protected Countryside designation will be within one of the following policy areas: Specialty Crop Areas, Prime Agricultural Areas, Rural Areas, Towns/Villages, Hamlets or Shoreline Areas. In addition, lands may also*

*be subject to the Natural Heritage System and key natural heritage features and key hydrologic features."*

The MLE lands are designated "Towns and Villages" within the Protected Countryside of the Greenbelt Plan. Within Section 3.4 SETTLEMENT AREAS, Policy 1 of Section 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 for the external connections policies of section 3.2.5."*

Pursuant to the above noted policy, the MLE lands "Urban Residential Area" designation and site specific policies of Section 3.20 in the Town's Official Plan are permitted and conform to the Greenbelt Plan. Furthermore, the MLE lands are not affected by the external connections policies and are excluded from the extensive Natural Heritage System overlay designation as set out in Schedule 4: Natural Heritage System.

A map showing the Greenbelt Natural Heritage System and a more detailed excerpt of the System in the north-west portion of Georgina are attached as Schedules '19' and '20' respectively. With the MLE lands being excluded from the Natural Heritage System, the associated Natural Heritage System policies do not apply to MLE lands.

Since the Subject Lands are designated 'Towns and Villages' and excluded from the Natural Heritage System, and considering that the Greenbelt Plan is to provide "*clarity and certainty about urban structure*" and "*what must be protected for current and future generations*", it is staff's opinion that should Council re-designate and re-zone the MLE lands to effectively prohibit the implementation of the existing approved development, such a decision would be in contravention of Section 2.3(5) of the Planning Act which states:

*"A decision of the Council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,*

- (a) Shall be consistent with the 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.”*

It is also important to note that Provincial Plans (such as the Greenbelt Plan) take precedence over policies in the Provincial Policy Statement 2005 to the extent of any conflict.

## **5.2 Maple Lake Estates and the York Region Official Plan**

As Council is aware, the new 2010 York Region Official Plan that was approved by the Province was appealed to the Ontario Municipal Board.

As of the writing of this report, much of the Region's Plan has been approved by the Board and is in force and effect. However, there are still some portions of the Plan that are subject to a Region wide appeal or an area/site specific appeal.

The most up-to-date consolidated version of the new York Region Official Plan is dated January 14, 2013 and will simply be referred to below as the York Region Official Plan or YROP. None of area/site specific appeals, or policies still under a Region-wide appeal, affect the MLE lands.

As noted earlier, the MLE lands are designated “Towns and Villages” and excluded from the “Regional Greenlands System” in the YROP (refer to Schedules ‘12’, ‘13’ and ‘17’).

Under the Region's Plan, the “Towns and Villages” designation is one of two land use categories, the other being the “Urban Area” designation, which are intended to accommodate the majority of the Regional growth over the next 20 years. It is Staff's understanding that the projected population from the approved MLE development was factored into the Region's future growth projections and the land budgeting exercise that was used to help formulate the YROP.

On page 3 of Mr. Usher's February 1, 2013 letter attached as Schedule ‘4’, the first line of the second full paragraph reads as follows:

*“However, Mr. Bigioni's point is not very relevant”.*

The above sentence is made in reference to Mr. Bigioni pointing out that the MLE lands are excluded from the Regional Greenlands System in the YROP. Staff does not agree with Mr. Usher's opinion given the significant role of the Regional Greenlands System designation and its associated policies in the organization and structure of the Region's Plan. We believe the exclusion of the MLE lands

from the Regional Greenlands System is very relevant. If it is not, then it leaves one asking the following question:

Why did the Region include the "Regional Greenlands System" within portions of the Sutton and Pepperlaw "Towns and Villages" designations and within the Keswick Urban Area, and not do the same thing within the MLE "Towns and Villages" designation?

To the same point, it is also relevant that the limits of the Regional Greenlands System depicted within the Sutton and Pepperlaw "Towns and Villages" designations closely corresponds with the limits of the wetlands and woodlands mapping for these two areas, as shown on Map 4 – Key Hydrologic Features and Map 5 – Woodlands.

If it was the Region's intention that the MLE lands should be re-designated and re-zoned under the Town's conformity exercise to prohibit development on the wetlands and woodlands, then surely it would have placed the Regional Greenlands System designation on the MLE lands to correspond with the wetlands and woodlands mapping, as was done in the case of both Sutton and Pepperlaw.

In Staff's view, leaving the MLE lands out of the Regional Greenlands System is significant and relevant in terms of the YROP recognizing the approved MLE development. This recognition is further confirmed by the following statement in the bottom right-hand corner of Figure 3 –Greenlands Systems Within York Region: *"This Figure is provided to illustrate the completion of the Greenlands System within York Region in accordance with the policies of the Regional Official Plan,..."*.

As the Town Solicitor points out, the crux of the issue is that the NGFA position is inappropriately based on the application of the wetlands and woodlands mapping and policies, in isolation of the rest of the mapping and other policies in the Regional Plan. The YROP states that *"all the policies in this Plan must be considered together to determine conformity. Individual policies should not be read or interpreted in isolation. The Plan is intended to be read in its entirety and the relevant policies are to be applied to each situation."*

In light of the difference of opinion regarding the interpretation of the YROP, the Region was requested to provide its position regarding the Maple Lake Estates development and its conformity to the new YROP. The Region's reply letter, signed by the two Regional Planning Directors, is attached as Schedule '21', and the final paragraph therein states:

*"In our opinion, Policy 8.4.24 and 8.4.25 along with pertinent Greenbelt transition provisions, recognize the current Georgina OP and zoning approvals, and provide for the development of the site in accordance with these approvals."*

For Council's information, Policy 8.4.24 and 8.4.25 referred to above are provided in Schedule '22'.

## **5. CONCLUSION:**

In 2004, the Ministry of Natural Resources stated in a letter to Metrus Developments Inc., the Town and the LSRCA, *"that the MNR recognizes that the existing Registered Plan of Subdivision predates the Ministry's recent wetland work and recognizes the legal status of the Plan to be implemented as proposed, without due regard to the wetland complex"*.

In 2005, the Provincial Greenbelt Plan designated the MLE lands as a "Towns and Villages" settlement area and the lands were not included within the Greenbelt Plan's Natural Heritage System. The existing Town Official Plan policies and zoning provisions for the MLE lands conform to the Greenbelt Plan 2005.

In 2010, the York Region Official Plan designated the MLE lands as "Towns and Villages" and the lands were not included within the Plan's Regional Greenlands System. Furthermore, the transitional provisions in Sections 8.4.24 and 8.4.25 of the YROP recognize and allow for the existing Town Official Plan policies and zoning provisions for the MLE lands to be maintained through the Town's Official Plan conformity exercise.

In 2013, the Town received a letter from the Regional Municipality of York, which provides the Region's position regarding the Maple Lake Estates development and its conformity to the Region's new Official Plan. This letter does not state that the MLE lands must be re-designated and re-zoned, or the existing planning approvals changed in any way, in order to achieve conformity with the Regional Official Plan. Rather, the Region indicates that 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 consideration of the above and the comments of the Town Solicitor, it is recommended that an ICBL not be passed affecting the MLE lands.

Finally, Staff respectfully requests Council's direction with regard to reporting back on the appropriateness of passing an ICBL on the other lands previously requested by the NGFA.

Prepared by:



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

HWL/pa  
18/Mar 2013

Approved by:


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

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd:17.3 Report from the Chief Administrative Officer:

## 17.3.1 Engineering Division Services Review – Consultant Selection

Report No. CAO-2013-0003

**RESOLUTION NO. C-2013-0040**

Winanne G.

1. THAT REPORT NO. CAO-2013-0003 DATED JANUARY 28, 2013 RESPECTING THE ENGINEERING DIVISION SERVICES REVIEW – CONSULTANT SELECTION BE RECEIVED;
2. THAT THE CONSULTING FIRM OF MCCAULEY NICHOLS AND ASSOCIATES BE RETAINED TO CONDUCT AN ENGINEERING DIVISION SERVICES REVIEW IN ACCORDANCE WITH THE REQUEST FOR PROPOSAL AND WHICH MAY INCLUDE ANY ADJUSTMENTS /REFINEMENTS THAT ARE DEEMED NECESSARY BY STAFF IN CONSULTATION WITH THE CONSULTANT, WITH AN UPSET STUDY COST OF \$20,000.
3. THAT A BY-LAW BE PASSED TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO AN AGREEMENT WITH THE SELECTED CONSULTANT NOTED IN RECOMMENDATION 2 ABOVE TO CARRY OUT THE ENGINEERING DIVISION SERVICES REVIEW.

Carried.....

10.2 Matters subject to individual conflicts

None.

11. DEPUTATIONS:

- 11.1 Jack Gibbons, Chair, North Gwillimbury Forest Alliance, concerning the need for an Interim Control By-law freezing all development in 8 forest areas in the North Gwillimbury Forest.

Mr. Gibbons requested that the North Gwillimbury Forest Alliance's lawyer be permitted to make a presentation to Council at its February 11<sup>th</sup> Council meeting with regard to the need for the imposition of an interim control by-law, that the Town's solicitor attend that meeting to respond if necessary, and that Council defer any decision on this issue until the February 11<sup>th</sup> date.

**Schedule '1'**

11. DEPUTATIONS cont'd:

- 11.2 William Shore requesting an Interim Control By-law to protect North Gwillimbury Forest.

Mr. Shore explained his concerns with Lime Disease and the fact that breaking up a large forest into smaller sections leads to some species leaving the area and leaving behind the disease that is carried by a tick through mice.

- 11.3 Hugh Sibbald, Director and General Manager of The Briars Resort, opposing the imposition of an interim control by-law with respect to a portion of their property known as Polygon #23.

Mr. Sibbald read his submission printed in the agenda on pages 39 and 40, concerning the impact the imposition of an interim control by-law would have on a portion of The Briars property.

- 11.4 Gord Mahoney of Michael Smith Planning Consultants representing Queen's Court Development Ltd. respecting the potential impact an interim control by-law would have on their property known as Polygon #21.

Mr. Mahoney advised Council that a portion of his client's property known as Sobeys/Tim Horton's on Dalton Road in Sutton would be adversely affected by the imposition of an interim control by-law with regard to his client's proposal to construct a 743 square metre addition to the existing Sobeys building which has been discussed with Town staff at a pre-consultation meeting held on December 5th 2012.

Mayor Grossi moved forward Item No. 17.2.1 at this time.

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-2013-0010

Michael Bigioni, Town Solicitor, explained briefly two deficiencies in Mr. Gibbon's presentation; the necessity of the Town bringing its Official Plan into conformity with the Region's Official Plan and the Regional Official Plan prohibiting development on the Maple Lake Estates site.

11. DEPUTATIONS cont'd:

Moved by Councillor Szollosy

Seconded by Councillor Craig

**RESOLUTION NO. C-2013-0041**

Harold L.

THAT THE DEPUTATIONS MADE BY JACK GIBBONS, WILLIAM SHORE, HUGH SIBBALD AND GORD MAHONEY CONCERNING THE PROPOSED IMPOSITION OF AN INTERIM CONTROL BY-LAW BE RECEIVED, THAT REPORT NO. PB-2013-0010 ENTITLED 'NORTH GWILLIMBURY FOREST ALLIANCE REQUEST TO COUNCIL TO PASS AN INTERIM CONTROL BY-LAW' BE RECEIVED AND THAT STAFF PRESENT AN UPDATED REPORT TO TOWN COUNCIL AT THE FEBRUARY 11<sup>TH</sup> MEETING FOR FURTHER DISCUSSION AND DECISION.

Carried.....

~~12. PRESENTATIONS:~~

None.

Councillor Szollosy left the meeting at this time (7:57 p.m.).

~~13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:~~~~14. PUBLIC MEETINGS:~~~~14.1 Continuation of Planning Applications (interested parties notified)~~

(7:57 p.m.)

~~14.1.1~~

Revised Applications for Approval of Draft Plan of Subdivision, Draft Plan of Condominium, Official Plan Amendment and Zoning By-law Amendment  
ANCIENT COASTAL SEASHORE REDEVELOPMENT CORP.

Lots 1-7 and Part Lots 8 and 9, Plan 82, Lots 4-9 and Lot 11, Plan 83, Lots 5-9, Part Lot 77 and gravel beach, Plan 73, Lot 73, Lots 84, 85 and Part Lot 86, Plan 92

Dalton Road/Nasello Avenue, Jackson's Point

AGENT: Michael Smith Planning Consultants

Report No. PB-2013-0011

Mayor explained the procedure for a public meeting at this time; the applicant/agent summarizes the proposal, a staff member presents the staff report, the public or Council may then ask questions or make comments, the applicant/staff respond to questions raised by the public, Council may ask questions of staff, the applicant

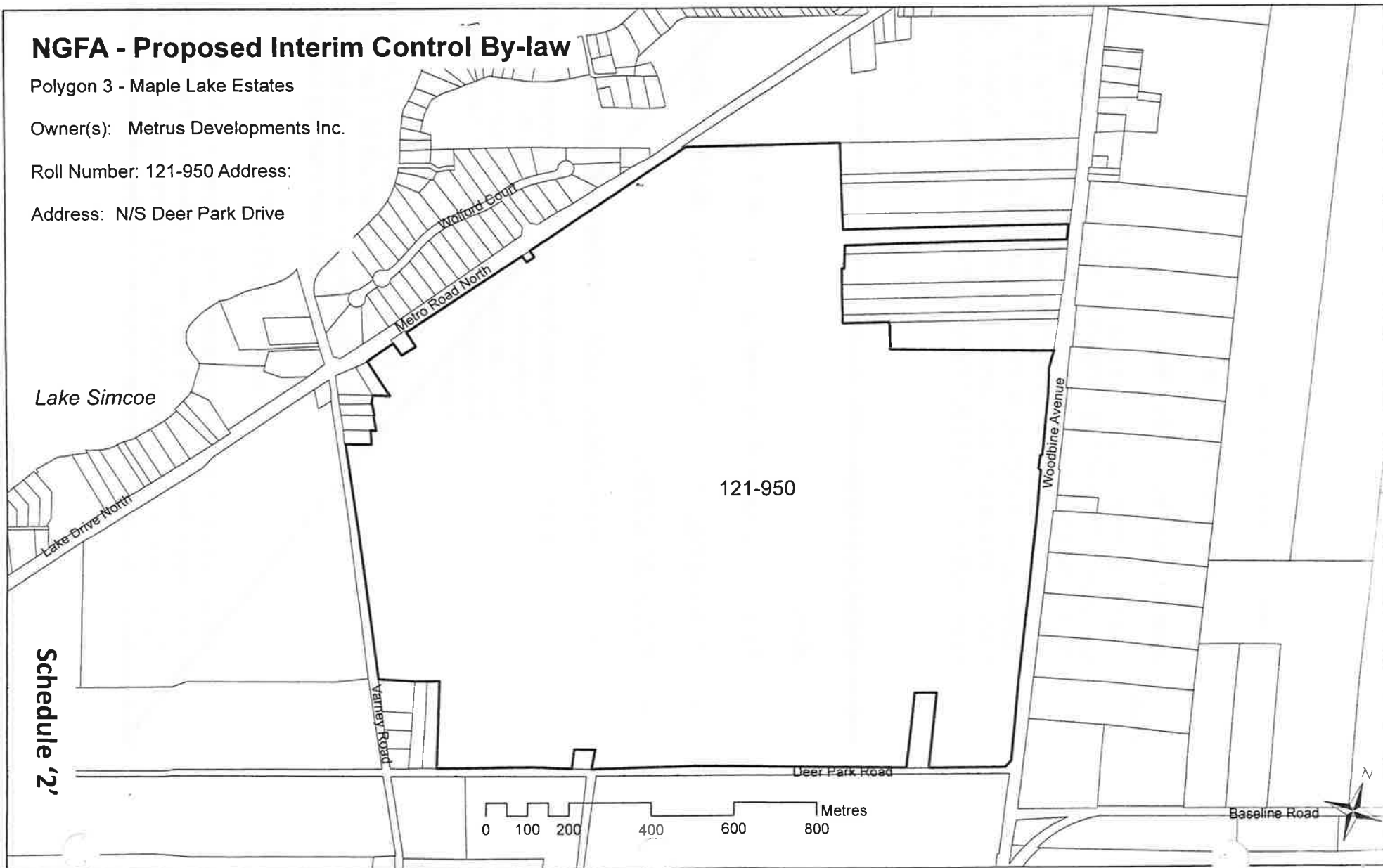
## NGFA - Proposed Interim Control By-law

Polygon 3 - Maple Lake Estates

Owner(s): Metrus Developments Inc.

Roll Number: 121-950 Address:

Address: N/S Deer Park Drive







Lake  
Simcoe

Metro Road North

Deer Park Road

Warney Road

Lake Drive North

Barton Avenue  
Cottage Grove

Woodbine Avenue

Poplar Avenue

Pugsley Avenue

Norval Road

Elmwood Street

Lake Drive East

Baseline Road

Schedule '3'

aerial taken 2009

## Anthony Usher Planning Consultant

146 Laird Drive, Suite 105, Toronto, Ontario M4G 3V7

(416) 425-5964

auplan@bellnet.ca

February 1, 2013

Mr. Jack Gibbons  
North Gwillimbury Forest Alliance  
160 John Street, suite 300  
Toronto, Ontario  
M5V 2E5

Dear Mr. Gibbons:

### **Re: North Gwillimbury Forest - Interim Control Bylaw request**

I have reviewed the Town of Georgina's Report PB-2013-0010, submitted to Council in response to your December 31, 2012 request and my December 19, 2012 supporting report, Protecting the North Gwillimbury Forest. I also watched online Council's January 28, 2013 proceedings. My comments are as follows.

Quotes in *italics* are taken directly from Mr. Lenters's report of January 18 or Mr. Bigioni's letter of the same date.

#### ***Interim Control Bylaws - General Considerations***

*"The case law suggests that the mere fact that a review of the Town's Official Plan is being conducted in order to determine what changes might need to be made to bring it into compliance with the Region's 2010 Official Plan . . . is not in itself enough to justify the passage of an interim control by-law. Rather, a study of a specific planning issue must be initiated, and this, in my view, poses a problem in these circumstances."*  
(Bigioni, p. 2.)

This statement somewhat mischaracterizes my report. The lands subject to an Official Plan review under Section 27 of the *Planning Act* are, necessarily, the entire municipality. I did not recommend that all of Georgina be subject to an interim control bylaw (ICB), nor would such a recommendation have been appropriate. My recommendation was instead much more focused on priority properties, to secure interim protection for natural heritage deemed significant and worthy of protection by York Region and the Province through the 2010 Regional Plan.

NGFA's solicitor, Leo Longo, will also be providing you with his opinion and will address the legal aspects of ICBs.

#### ***Maple Lake Estates***

*"As explained in the Information Update that was posted on the Town's website in August 2012 . . . Maple Lake Estates . . . has obtained all of the . . . Planning Act approvals . . ."*



*needed . . . . The information presented in Schedule '3' is still relevant and applicable today." (Lenters, p. 5.)*

The *Planning Act* approvals previously granted remain in place at this time. However, the story presented in the Town's information update of August 3, 2012 was less than complete. To remedy this, Mr. Longo and I provided a detailed response, on August 10. The staff report neither provided nor acknowledged our response. I'm attaching it to this letter.

*". . . notwithstanding the submissions of the North Gwillimbury Forest Alliance, neither the Town nor the Region agree that the effect of the [Regional Plan] would be to prevent development of the Maple Lake Estates Retirement Community lands, as currently approved." (Bigioni, p. 2.)*

*"It therefore seems extremely unlikely that a planning study would result in the conclusion that either the current designation in the Town's Official Plan or the existing zoning provisions applicable to these lands should be changed to prohibit their development." (Bigioni, p. 2.)*

Mr. Bigioni repeats a view that various representatives of the Town and Region have expressed at various times over the last few months, but that none of those representatives has ever substantiated.

Mr. Longo's and my August 10, 2012 response provided, in some detail, our understanding of why what Mr. Bigioni asserts, is not so. Neither the Town nor the Region has ever responded to that document.

On August 22, 2012, I wrote Town and Region staff proposing a discussion among planners that would seek to address this apparent difference of opinion. My proposal was declined.

Mr. Bigioni, in his remarks to Council, said that this difference of opinion is the core issue as regards Maple Lake Estates and the ICB request. On this we agree.

It remains my understanding that the obligation to conform to the Regional Plan applies equally throughout the North Gwillimbury Forest, and that no individual property is excluded from that obligation. My reasons are given in our August 10, 2012 response, and were reiterated in my recent report; I remain ready to discuss them further with staff at any time.

Mr. Longo will also be providing you with his opinion on these statements.

*"Instead, the [Regional Plan] recognizes, through the 'Towns and Villages' designation, the existing development rights historically accruing to this parcel as a result of the existing registered plan of subdivision and the subdivision agreement entered into in 1993." (Bigioni, p. 2.)*

The Regional Plan's designation of Maple Lake Estates as Towns and Villages recognizes that the property is a "settlement area" (using the Provincial Policy Statement term), along with the Sutton/Jackson's Point and Pefferlaw secondary plan areas. (The Town's other settlement area, Keswick, is designated Urban Area in the Regional Plan.)

The Towns and Villages designation does not, to my knowledge, recognize "development rights" on any specific property as a result of prior approvals, any more or less than would be the case if that property were in some other designation.

Two minor points:

- the existing plan of subdivision does nothing to the Maple Lake Estates property other than to sever one rural residential lot on Woodbine Avenue,
- the existing subdivision agreement was entered into in 1990, and amended in 1993 and 1996.

Also, the subdivision agreement provides that, at any time, it may be replaced with a new one if the Town so wishes.

*"Furthermore, the lands are excluded from the Regional Greenlands System, as evidenced by Maps 1 and 2 of the [Regional Plan]." (Bigioni, p. 2.)*

That is true for most of Maple Lake Estates, although a small area at the northeast corner is included.

However, Mr. Bigioni's point is not very relevant. As documented in my report, Maple Lake Estates is *not* excluded from the wetlands and woodlands mapping in Maps 4 and 5 respectively of the Regional Plan, nor from the associated policies in Section 2 of the Plan. Most of the property is wetland or significant woodland, and is therefore prohibited from development by the Regional Plan's policies, leading me to propose subjecting it to an ICB, using a consistent set of criteria that I applied throughout the North Gwillimbury Forest. I was surprised that Mr. Bigioni mentions that Maple Lake Estates is mostly not subject to the Regional Greenlands policies, but doesn't mention that the property is mostly subject to the equally or more restrictive wetlands and significant woodlands policies.

#### ***Other Properties - Staff Concerns***

I recommended that seven other polygons be included in the ICB. Staff raised three concerns, all of which I believe can be satisfactorily addressed.

*"First, any lands subject to an ICB must be subject to a municipal study that is directly related to the affected lands. . . . However, the Study Area for the [Official Plan Review and Update Study] does not include the lands contained within the new Sutton/Jackson's Point Secondary Plan Area. . . . This is a fundamental problem with the NGFA request that would have to be addressed, should it otherwise be considered appropriate to pass the ICB . . . ." (Lenters, pp. 3-4).*

On October 22, 2012, Council authorized staff to "commence a review of the Town of Georgina Official Plan in accordance with Section 26 and Section 27 of the Ontario Planning Act". This review necessarily applies to the entire Town. Therefore, I understood Council's resolution as applying to all the lands subject to the proposed ICB, and as meeting the test in Section 38(1) of the *Planning Act* that Council has "directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof".

Certainly, the October 5, 2012 staff report that Council considered, made clear that the first phase

of the Official Plan review should deal with the area of the Town that's outside the Keswick, Sutton/Jackson's Point, and Pepperlaw secondary plan areas, and the staff report details this first phase only. As Mr. Lenters notes, three of the polygons I recommended be subject to the ICB are inside the Sutton/Jackson's Point secondary plan area.

I agree with staff that any ICB must be defensible. If Council is willing to pass the ICB, then staff's concern on this point could be easily addressed by a Council resolution that amends or clarifies the October 22, 2012 resolution.

*"The elimination of parcels 'on the outer edge of the NGF' on the basis of imprecise mapping, may not stand up well under scrutiny." (Lenters, p. 4.)*

I did my best to apply a fair and thorough screening process, using the information available to me. My report clearly indicated the information I relied on, and that I conducted a desktop exercise using that information and without site-specific study. The Town has much better information and technology (including its own geographical information system) than I do.

Mr. Lenters suggests my elimination of one polygon may not have been consistent with my inclusion of others. That was certainly not my intention, but it may be evident with the superior information available to the Town. I would be pleased to sit down with staff at any time and review these details in the interest of ensuring a defensible bylaw.

*"Contrary to [a quote from Usher's report], there is good reason to consider treating small vacant lots that are designated and zoned either residential or rural differently, and to not include these lots in an ICB." (Lenters, pp. 4-5.)*

First, the paragraph quoted from my report was a more general comment about both Official Plan and zoning conformity to the Regional Plan. When it came down to the ICB, I did not propose including any lot currently zoned Rural.

Second, Mr. Lenters implies (preceding the above quote) that certain lots should not be included in an ICB because they are within a registered plan of subdivision. How the lot was created should not, in my view, have any bearing on the obligation to conform with the Regional Plan.

Nonetheless, any ICB must conform to Section 4.5.2 of the Greenbelt Plan, quoted by Mr. Lenters. It appears that this constraint would apply to the five undeveloped residentially-zoned lots within two of the polygons recommended for the ICB, 6 and 13.

This does not necessarily mean that these lots should not be included in the ICB. The Greenbelt Plan maintains the right to a single detached dwelling, but it does not prevail over the obligation to conform with the Regional Plan with respect to the rest of the lot. My report already recommends that the ICB exempt from prohibition certain minimal-impact uses. This could be extended to exempt on these five lots the development of a dwelling and the normal accessory uses, subject to site plan control to ensure minimum impact on the rest of the property (the Official Plan states that the dwelling itself cannot be subject to site plan control).

***Other Properties - Deputant Concerns***

In addition to hearing the concerns of the Council deputants representing Briars Estates Limited (polygon 23) and Queen's Court Developments Limited (polygon 21), I spoke with Queen's Court's agent, Gord Mahoney, on January 29.

It is the Regional Plan that identifies wetland on the Queen's Court property. It is the Regional Plan that identifies woodland on both properties, and whose policies appear to result in these woodlands being considered significant woodlands. All that I have recommended is interim protection while the Region's policies are being implemented at the local level. I cannot recommend that that objective be compromised.

However, I now know that Queen's Court is undertaking a planning process that conforms with best-practice standards, that may lead to a planning application. Briars Estates's submission suggests they may wish to proceed down the same path in future.

Therefore, I recommend a further exemption from the ICB, along the lines of:

"Any use outside a wetland or significant woodland identified by the York Region Official Plan, where the application for that use is supported by a site-specific refinement of the wetland and/or woodland boundary, and, if applicable, a site-specific determination that the woodland is not significant woodland, as contemplated by Policy 2.2.1.3 of the Regional Plan, to the satisfaction of the Town and other appropriate agencies. For greater certainty, the site-specific refined wetland and woodland boundaries and significant woodland determination would prevail over any other interpretation of the Regional Plan."

The "other appropriate agencies" would be the Ministry of Natural Resources, for a provincially significant wetland; the Lake Simcoe Region Conservation Authority, for all wetlands; and York Region, for woodlands/significant woodlands.

I believe this exemption should satisfy the concerns of the deputants.

\* \* \*

Do let me know if you require any further information. I would be pleased to discuss this with you, or Town staff, at any time.

Yours sincerely,

*[original signed by]*

Anthony Usher, MCIP, RPP

# AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo

Direct: 416.865.7778

E-mail: llongo@airdberlis.com

February 19, 2013

File No. 112062

## BY EMAIL AND REGULAR MAIL

Mayor Robert Grossi  
and Members of Council  
Town of Georgina  
26557 Civic Centre Road  
Keswick, ON L4P 3G1

Attention: Patricia Nash, Acting Town Clerk

Dear Mayor Grossi and Council Members:

**Re: North Gwillimbury Forest Alliance  
ICBL Request  
Town Staff Report No. PB-2013-0010**

---

I have been retained by the North Gwillimbury Forest Alliance ["NGFA"] to act on its behalf in the above-captioned matter.

Thank you for deferring your consideration of the above-captioned staff report in order to allow me to provide a response to it, and in particular, the January 18, 2013 letter found therein from the Town's Solicitor, Mr. Biglioni, to the Town's Director of Planning and Building.

The Staff Report concluded "...for the reasons provided by the Town Solicitor in his correspondence, it is recommended that Council not pass an ICB affecting Polygon 3 (Maple Lake Estates...)".

This opinion letter will directly address the legality and appropriateness of the NGFA-requested Interim Control By-Law ["ICBL"] being passed and applying to Polygon 3, the lands known as Maple Lake Estates ["MLE"].

### Director of Planning and Building's Comments

The Staff Report cautions that the use of an ICBL must be justified and defensible and then quotes an extract from a noted legal text that states:

"The review of the official plan every five years does not constitute such justification."

**Schedule '5'**

In response, I would first ask Council to note that the NGFA's ICBL request is not based initially upon or as a result of the municipality undertaking its five year review [which is undertaken by the Town pursuant to section 26 of the *Planning Act*].

The NGFA's request is that an ICBL is justified under the current circumstances due to the combination of other statutory provisions, new planning policy and judicial reasoning.

Of primary significance is the fact that relevant provisions of the new York Region Official Plan are now in full force and effect [as of July 11, 2012].

The new Official Plan's environmental policies [especially policies 2.2.35 – 2.2.52] and Maps 4 and 5 unequivocally protect significant wetlands and woodlands.

Subsection 27(1) of the *Planning Act* provides:

**"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."**  
[emphasis added]

If the Town does not do so by June 11, 2013, the Region has the right to make such amendments; see subsection 27(2) of the *Planning Act*.

Hence the rationale and justification for the ICBL is initially founded upon:

1. the new York Region OP's enhanced environmental policies and Maps 4 & 5;
2. the statutory requirement that the Town must amend its OP and Zoning By-Law in conformity with the new Regional OP; and
3. the statutory power of the Region to intervene and amend the Town's OP and Zoning By-Law.

That the Town is engaged in a five year review is not the fundamental basis for NGFA's request.

We note that on October 22, 2012 Town Council resolved and authorized staff to **"commence a review of the Town of Georgina Official Plan in accordance with Section 26 and Section 27 of the Ontario Planning Act"** [emphasis added]. Our client's ICBL request builds upon that resolution and focusses on the Polygon Areas mentioned in Mr. Usher's report attached to Mr. Gibbons's December 31, 2012 letter to Council.



The NGFA ICBL request is also founded on court decisions which have concluded that a new, in effect, upper tier official plan, in and by itself, cannot operate so as to alter or affect existing zoning that permits uses not allowed by the new OP; see the Court of Appeal decision in *Said v. Maurice Duval Excavation Inc.* (2006), 53 O.M.B.R. 257 (Ont. C.A.).

Until the new OP is implemented, current zoning permissions prevail notwithstanding they are contrary to and do not conform with such OP. This is not in the public interest and is a situation that an ICBL can effectively address and prevent while the aforesaid review is being undertaken.

### **Town Solicitor's Comments**

The Town Solicitor's letter commented upon one matter; the advisability of passing an ICBL affecting the MLE lands.

After some general introductory comments respecting the nature of and procedures related to ICBLs, the Town Solicitor opines that:

1. the requirements of Section 38 of the *Planning Act* must be carefully followed;
2. the Town must be able to substantiate the planning rationale behind the ICBL;
3. the Town's review of its OP "to bring it into compliance with" the new Regional OP is not, in itself, enough to justify the passing of an ICBL; and
4. the effect of the new Regional OP does not prevent the development of the MLE lands "as currently approved".

On the first two points, I have no disagreement with Mr. Bigioni, save and except that, for the reasons set out in this letter, I believe that an ICBL applying to the MLE lands fully satisfies both points raised.

I disagree with his third point for four reasons.

First, he either ignores or fails to appreciate that approximately 90% of the MLE lands are now designated wetland and/or significant woodlands in the new Regional OP which prohibits any development thereon.

Second, his opinion does not address the statutory distinction between a section 26 five year review and the necessity for the Town's OP to conform with the new Regional OP pursuant to section 27.

Third, he cites no judicial authority for his opinion.

Finally, judicial authority actually supports the opposite view and the position of our client.

In the Divisional Court decision of *Joia Investments Inc. v. Collingwood Town*, [2003] O.J. No. 5497, the unanimous court upheld an Ontario Municipal Board decision [(2002), 44 O.M.B.R. 473, 39 M.P.L.R. (3d) 78] which dismissed an appeal challenging the Town's enactment of an ICBL. The Court endorsed the findings of the OMB in approving of the use of an ICBL and stated the following:

"12 In considering the issue, the Board asked itself the following question at p. 3 of its decision:

Is it appropriate, on an interim basis, to interfere with property rights under an older zoning by-law and official plan when a newer upper tier plan has been approved and implements newer provincial policy?

In this case, the Board answers yes.

13 The Board found at p. 4 of its decision that the Town was actively endeavouring to bring its own planning documents into conformity with the official plan of the County of Simcoe, and therefore sought to "consider the suitability of the zoning and ensure that proposed projects are compatible with long-range planning objectives of the Town and County."

14 The Appellant [Joia] argues that however laudable that objective may be, it could not be accomplished with an interim control by-law without the commissioning of new studies or reviewing existing studies where, as here, the Town simply intended to bolster its already-arrived at conclusion.

15 **Having heard the evidence, the Board concluded at p. 4 that it was in the "public interest to exercise the greatest of caution where an identified provincially significant wetland may be at risk of inappropriate development"** and at p. 5 that it was "reasonable for the Municipality to carefully consider the appropriateness of land use boundaries impacted by provincially significant wetland areas covering the EP and RU areas."

16 We are satisfied that in the exercise of its discretion in this case, the Board did not err in upholding the interim control by-law. The Appellant submitted that the purpose of requiring a study or review of land use policies before enactment of an interim control by-law was to prevent abuse, namely the depriving of an owner of established land use rights.

17 We are satisfied that on the facts of this case, the Board was correct in concluding that the potential did not arise in this case. The Board concluded at p. 6 of its decision:

On all of the evidence presented, the Board finds that the Town has conducted itself in a responsible way in the circumstance. They are in the midst of an intensive, open public planning process endeavouring to bring their land use policies into conforming with the [County Official Plan] offering a different vision especially related to environmentally sensitive lands. The Board finds this to be an important time of planning transition within the community. Avoiding reckless or hasty development decision during this crucial period is paramount." [emphasis added]

The fact situation in the *Joia* case is strikingly similar to the present situation faced by Georgina in needing to implement the new Regional OP environmental policies. Initiating a study to determine how the Town's OP and Zoning By-Law can be amended to conform to these new Regional OP environmental policies would constitute a legitimate and appropriate "study of a specific planning issue".

Mr. Bigioni's final point is based upon a flawed interpretation of the new Regional OP policies and an *a priori* assumption that it is "extremely unlikely that a planning study would result in the conclusion that either the current designation in the Town's Official Plan or the existing zoning provisions applicable to these [MLE] lands should be changed to prohibit their development".

I disagree with his fourth and final point for three reasons.

First, this determines the outcome of the study before it has even been undertaken!

Second, the new Regional OP does not exempt nor transition the MLE lands from the application of its new environmental policies to such lands. OP Policy 8.4.16 provides:

That all official plans and zoning by-laws and amendments thereto shall be brought into conformity with this Plan, except as provided for in policies 8.4.17 through 8.4.20 of this Plan.

The MLE lands are not mentioned in policies 8.4.17 – 8.4.20; therefore the official plan policies and zoning permissions for these lands are subject to and must be brought into conformity with the new OP's environmental policies.

Third, what Mr. Bigioni does not raise or consider in reaching his conclusion quoted above is that the current MLE OP designation and Zoning By-law were approved 25 years ago. The planning policy framework back then was so different than it is today.



Since that time, amongst other matters, the following significant planning policy instruments have been created which specifically address the protection and preservation of significant environmental features:

1) the *Planning Act* has been revised several times, including the addition of the following provisions:

34. (1) Zoning by-laws may be passed by the councils of local municipalities:

**Natural features and areas**

3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,

- i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
- ii. that is a significant corridor or shoreline of a lake, river or stream, or
- iii. that is a significant natural corridor, feature or area.

2) a Wetlands Policy Statement under section 3 of the *Planning Act* came into effect in 1992, followed by the Comprehensive Set of Policy Statements in 1995 and three versions of the Provincial Policy Statement [1996, 1997 and 2005];

3) the Region's initial OP was approved in 1994; and

4) the pertinent provisions of the new Regional OP came into effect July 11, 2012.

Surely the time is now to study whether any or all of these developments, especially the last-mentioned one, might warrant a change in the designation and zoning of the MLE lands that were initiated three decades ago and have remained unexamined and unaltered since then.

It is my understanding that this matter will be considered by Council at its meeting of March 25<sup>th</sup>. I hope that my schedule will permit me to be in attendance that evening to discuss this opinion with Council and answer any questions that you might have.



February 19, 2013

Page 7

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo

LFL/ek

- c. Michael Bigioni, Town Solicitor (by email)
- Harold Lenters, Town Director of Planning (by email)
- North Gwillimbury Forest Alliance - Jack Gibbons
- Anthony Usher, Anthony Usher Planning Consultant

14108783.1





# TOWN OF GEORGINA

26557 Civic Centre Rd., Keswick, Ontario L4P 3G1

March 15, 2013

Harold W. Lenters, MSc. Pl., MCIP, RPP  
Director of Planning and Building  
Town of Georgina  
26557 Civic Centre Road  
Keswick, ON L4P 3G1

Dear Harold:

**Re: North Gwillimbury Forest Alliance Request for Interim Control By-law**

The purpose of this letter is to update Council and Staff with respect to my thoughts on the above-mentioned matter, particularly in the light of further correspondence which has been received from Mr. Leo F. Longo of Aird & Berlis LLP and Mr. Anthony Usher, Planning Consultant, since the matter last came before Council on January 28, 2013.

Essentially, the conclusion I reached in my previous letter has not changed; I remain of the view that it would be inappropriate for the Town to pass an interim control by-law affecting the Maple Lake Estates lands (the "MLE lands") in the present circumstances, as the North Gwillimbury Forest Alliance (the "NGFA") is urging Council to do.

The central issue in this matter remains the effect of the 2010 York Regional Official Plan (the "YROP"), and specifically whether it would require that the MLE lands be rezoned to prevent their development in accordance with the existing approvals already in place. If it does, then Messrs. Longo and Usher would be correct, and the Town would have to amend its own Official Plan to follow suit (in default of which the Region could itself do so). In those circumstances, it might make sense to pass an interim control by-law like the one requested by the NGFA. If the YROP does not require that development of the MLE lands be prohibited, however, then it would be a misuse of the authority conferred upon the Town by Section 38 of the *Planning Act* to pass an interim control by-law to prohibit the development of those lands.

Herein lies the essential difference of opinion between the NGFA and Town Staff: In the NGFA's view, the presence of wetlands and woodlands on the MLE lands, as shown on Maps 4 and 5 of the YROP, together with the wetlands and woodlands policies in the

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**F:**

**Schedule '6'**



YROP, tell the entire story. The NGFA's argument is that these provisions mandate the rezoning of the MLE lands to prohibit their development, and that the Town has no choice but to amend its Official Plan and Zoning By-law accordingly, so that the passage of an interim control by-law while those amendments are being processed is an appropriate measure for Council to take. In the view of Town Staff, however, with which I agree, the story is very different; while Staff (and I) are aware of the mapping and provisions relied upon by the NGFA, we are also aware of several other relevant factors that must be borne in mind if a more complete analysis is to be undertaken. These include the following:

1. Greenbelt Plan – The development of the MLE lands as currently approved is in conformity with the Greenbelt Plan:
  - (i) The MLE lands are designated Towns and Villages, and form part of the Settlement Areas in the Urban Structure of the Plan.
  - (ii) The MLE lands are excluded from the Natural Heritage System provided for in the Plan.
  - (iii) The existing land use designation and zoning are permitted, and are not subject to the policies of the Plan.
2. YROP – The development of the MLE lands as currently approved is provided for in the YROP:
  - (i) The MLE lands are designated Towns and Villages in the YROP, a designation which permits their development in accordance with the existing approvals.
  - (ii) The MLE lands are excluded from the Regional Greenlands System provided for in the YROP.
  - (iii) The transitional provisions in Sections 8.4.24 and 8.4.25 of the YROP (which are derived directly from the transitional provisions in the Greenbelt Plan) recognize the existing approvals. Those sections provide that it is the policy of Regional Council,
 

8.4.24 That in the Greenbelt Plan Area, where a local municipal official plan was amended prior to December 16, 2004 to specifically designate land uses, the approval may continue to be recognized through the municipal Greenbelt conformity exercise and further applications required under the *Planning Act* or *Condominium Act* to implement the official

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plan approval are not required to conform to the Greenbelt Plan and are permitted in this Plan.

8.4.25 That where a local municipal zoning by-law was amended prior to December 16, 2004 to specifically permit land use(s), the approval may continue to be recognized through the municipal Greenbelt conformity exercise and any further applications required under the *Planning Act* or *Condominium Act, 1998* to implement the land use permitted by the zoning by-law are not required to conform to the Greenbelt Plan.

Applications to further amend the site-specific official plan or zoning by-law permissions referred to above for uses similar to or more in conformity with the provisions of the Greenbelt Plan are also permitted. All such applications should, where possible, seek to achieve or improve conformity with the Greenbelt Plan.

The above-cited YROP provisions are consistent with, and indeed have been developed from, the Greenbelt Plan provisions dealing with the same subject matter. Ontario's planning system, including the planning regime for the treatment of natural features, is a "top down" system in which the Province sets the policy to be implemented by municipalities, and the municipalities express that same policy in their Official Plans, as the Region has done in this case. This approach is confirmed by the Region in its letter to the Town of February 14, 2013, and to suggest that this regulatory system is "trumped" by the mapping and policies relied upon by the NGFA runs counter to the Region's view of the intention of its own document, as stated in the same letter.

Sections 1.4 and 8.4.2 of the YROP require that all policies in the YROP "must be considered together to determine conformity," and that "individual policies ... not be read or interpreted in isolation", but this, in my view, is exactly what the NGFA has done. This explains why, based solely on the wetlands and woodlands mapping, the NGFA has reached the conclusion that the YROP would require the Town to prohibit development of the MLE lands as currently approved. The more complete analysis conducted by Town Staff, however, has resulted in the opposite conclusion, a conclusion that, significantly, is supported in the clearest possible terms by the institutional author of the YROP, namely the Region itself, in its letter of February 14, 2013.

In his letter of February 19, 2013, Mr. Longo cites the Divisional Court decision in *Joia Investments Inc. v. Collingwood Town* [2003] O.J. No. 5497 as one in which the municipality's passage of an interim control by-law was approved by the Ontario Municipal Board and the Divisional Court in a fact situation that Mr. Longo suggests is very similar to the one with which we are concerned. I would suggest, however, that

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there is one very important distinction between the facts in *Joia Investments Inc.* and the present circumstances, and that is that in *Joia*, it was accepted that the County of Simcoe had adopted an Official Plan that would have prevented the subject lands from being developed for use as a golf course, a use permitted by the Town of Collingwood's then-current zoning by-law; the Board and the Court therefore agreed that the municipality was acting appropriately in passing an interim control by-law to prohibit the golf course development while it attempted to bring its land use policies into line with the County's Official Plan. In the present matter, however, neither Town nor Regional Staff agree that the effect of the YROP is to nullify the existing development approvals; to the contrary, the better view is that those approvals continue to be recognized by the YROP, so that changes to the Town's Official Plan and Zoning By-law are not required. If this position is accepted, as I would argue it should be, it would be difficult to characterize the passage of an interim control by-law as a legitimate exercise of the Town's authority to enact such by-laws.

Whether a municipality is embarking upon the five-year review of its Official Plan that is provided for in Section 26 of the *Planning Act*, or is carrying out the upper-tier Official Plan conformity exercise provided for in Section 27, Section 38 of the *Act* requires that a review or study in respect of land use planning policies be undertaken in connection with the passage of an interim control by-law. I would suggest that in the case of the conformity initiative in which the Town is now involved, where it appears that the upper-tier municipality's Official Plan will not negate the development rights that have already been granted in respect of the MLE lands, it is difficult to see how the necessary review or study could justify the prohibition of such development. In these circumstances, then, I repeat my view that to attempt to prevent the development of the MLE lands through the passage of an interim control by-law would not be an appropriate use of the Town's Section 38 powers, and I would not advise the Town to pass such a by-law.

I trust that this is satisfactory, but if you wish to discuss this matter further, please do not hesitate to contact me.

Yours very truly,



Michael Bigioni  
Town Solicitor  
Ph.: 905-640-1910 ext. 2277  
Fax: 905-640-7957

MB/jc

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# Town of Georgina Official Plan Schedule A Land Use Plan

Subject Lands

Lake Simcoe

Sutton Secondary Plan

Pefferlaw Secondary Plan

Keswick Secondary Plan

Markham Business Park Secondary Plan

Cook Bay

## Legend

- Regional and Municipal Boundary
- Municipal Boundary
- Shoreline
- Provincial Highway
- Municipal Road
- Hydro Corridor
- Railway
- Proposed Highway 404 Alignment
- Proposed Additional Highway 404 Interchange
- Provincially Approved Highway 404 Interchange
- Secondary Plan Area
- Hemlock Area
- Keswick Business Park Study Area
- Referral / Deferal Area
- Environmental Protection Area 1
- Environmental Protection Area 2
- Environmental Protection Area 3
- Parkland Area
- Estate Residential Area
- Agricultural Protection Area
- Commercial Recreation Area
- Rural Commercial Area
- Rural Industrial Area
- Serviced Lakeshore Residential Area
- Lakeshore Recreation Area
- Rural Area
- Urban Residential Area
- Waste Disposal Site (closed)

Third Set of Planning Documents  
Approved by Council on December 1, 2010  
Updated: 10/1/2010



Schedule '7'

~~Secondary Plan in Section 9.3 and Schedules E1, E2, E3 and E4 of this Plan. Furthermore, the Pefferlaw Secondary Plan incorporated certain policies from the previous Official Plan and these policies have been retained and inserted within the text of Section 9.3.~~

### 3.20 URBAN RESIDENTIAL AREA

#### 3.20.1 Purpose

- 3.20.1.1 The purpose of the Urban Residential designation on Schedule A - Land Use Plan is to recognize the planned retirement community known as Maple Leaf Estates, located on Part of Lots 23, 24, 25, 26 and 27, Concession 3 (NG).

#### 3.20.2 Policies

- 3.20.2.1 The subject area is intended to be a self-contained recreational residential retirement community, servicing the special community needs of specific population groups in the area and providing an alternate form of year-round community living in Georgina. Such a development shall exhibit a high standard of construction and services, and without limiting the generality of the foregoing, the development shall provide on-site recreational facilities such as a golf course, parks, walkways, open space areas and recreational complexes containing facilities such as shuffleboard, meeting rooms and games rooms for the use of the residents on the site. But, the development will not have highly developed commercial service, industrial and institutional facilities. It is the intent of the Municipality, as set forth in the Official Plan, as amended by the Keswick Secondary Plan, to prohibit further serviced Urban Residential development between the defined community area boundaries of Keswick and this development. Furthermore, unserved residential development in the area between this development and the community of Keswick should be prohibited from locating on Aggregate Resource Priority Areas or Agriculture Protection Areas.
- 3.20.2.2 Any development on the site shall be subject to the following special provisions:
- (a) Only site built or assembled single family detached dwellings, including manufactured dwelling units (mobile homes) - for which a building permit under the Ontario Building Code Act would be required - with a minimum of double width, transported to the site, placed on foundations and left on site as permanent dwelling units, shall be permitted.

- (b) Development shall be by one plan of subdivision of two lots wherein one lot will contain the entire retirement community and the other lot shall contain a single family detached dwelling. A draft reference plan for the one lot containing the entire retirement community shall be submitted with the application for plan of subdivision and, as a condition of subdivision approval, the reference plan will be deposited in the Land Titles Office. All home sites, roads, the golf course, easements, etc. will be described as parts on the deposited plan of reference.
- (c) Development on the sites, as shown on the reference plan deposited in the Land Titles Office, shall be in five phases, as set forth in the subdivision agreement. Phases 1 and 2 will not exceed 500 units.
- (d) Passive recreational facilities such as parks, walkways, golf courses and open space areas that are complementary to and compatible with the residential area shall be provided.
- (e) Active recreational uses such as recreational complexes containing facilities such as shuffleboard, meeting rooms, games rooms, a swimming pool and a golf club house (pro shop/office), and any maintenance or private utility yards and facilities shall also be provided for the exclusive use of the retirement community residents and their guests. The first nine holes of the golf course and one recreation centre will be built as part of Phase 1.
- (f) Notwithstanding subsections (d) and (e) above, and (g) below, there will be no active recreational facilities or commercial facilities such as communal marinas and dock areas, and hotels on lands that are adjacent to the Lake Simcoe shoreline and owned by the developer. All commercial facilities shall be contained within the two permitted recreational complexes to the south of Metro Road. Only recreational activities of a passive nature shall be permitted in the park and lakeshore lands in the development which are subject to Amendment No. 11 to the Official Plan of the Town of Georgina Planning Area 1982.
- (g) Commercial uses shall be restricted to small scale convenience stores necessary to serve the day-to-day needs of the residents of the development. These uses may include a tuck shop, instamatic bank teller outlet, barber shop/beauty parlour and a small cafeteria or restaurant within the aforesaid recreational complexes. These

commercial uses are not intended for use by non-residents of the development and the recreational complexes will therefore not have direct access to an external municipal road.

- (h) Each site will be serviced with municipal water supply and sanitary sewage disposal. Initially, servicing capacity will be allocated for 737 sites based on 2 persons per unit at the time of draft plan approval. Council, however, reserves the right to review this allocation at the end of the third phase of the development, up to the servicing allocation for the 737 sites, and may grant extensions of allocation for the subsequent phases (Phases 4 and 5 which consist of 336 units), in conjunction with the phasing scheme to be outlined in the Plan of Subdivision and Subdivision Agreement. When considering an extension of allocation, Council will have regard to the progress of the subject development and that of serviced development in Keswick and the availability of additional capacity for the other 336 units.
- (i) The ownership of the water and sewage systems will be determined at the time of draft plan approval. Notwithstanding the ownership of the systems, the developer shall be responsible for the maintenance of the internal systems servicing the development. The Town of Georgina shall be responsible for the operation of the sewage pumping station or stations servicing the site.
- (j) The development shall be assimilated into, rather than conflict with, the surrounding landscape by the proper placement of residential sites, site design, building design, location and landscaping. Dwelling units should be of an adequate size to ensure that the development is in character with other "2 bedroom style" residential developments. To ensure that the development is compatible with the existing nearby neighbourhoods, high quality and standards of dwelling units shall be displayed.
- (k) All internal roads shall be paved and of a standard that meets Municipal requirements in the event that the Municipality may have to take responsibility for the development at a future date. Internal roads on the site shall not be dedicated as municipal roads. Entrances to the site shall be designed to ensure an ease of access and safety and to ensure that traffic congestion on surrounding municipal access roads does not occur. In particular, the volume of traffic along Metro Road should not be increased to a significant degree. The main entrance to the site will be off Woodbine Avenue, with a secondary entrance on Deer Park Road, and an emergency access off Metro



Road. The Plan of Subdivision agreement shall contain a provision to limit the entrances to the site to these noted locations. All sites in the development should front on an internal road in the development which eventually outlets onto an assumed public road. Transportation and traffic capacity studies have been completed indicating that, subject to specific road improvements, the existing road network is sufficient to carry the anticipated increased volume in traffic from the development. However, to alleviate local ratepayer concerns, Council will require continued monitoring of the traffic impact of the subject development to ensure that the improved road network continues to be adequate.

- (l) Internal garbage collection on the site shall be private.
- (m) The community shall be marketed and develop as a retirement community without children living in the community on a permanent basis.
- (n) The developer shall provide a 0.3 metre reserve around part of the perimeter of the property to the Town as a condition of approval. The Municipality will, upon completion of the installation of services in the fifth phase of the development, convey part interest in title of the said reserve to the Roches Point Property Owners' Association and Eastbourne Community Association as tenants in common.
- (o) It shall be the policy of Council to establish an area around the perimeter of the entire property of the retirement community which will serve to buffer those uses from adjacent areas. The area to serve this buffer function will be established in the zoning by-law. This matter and other matters outlined in the Planning Act, dealing with non-residential buildings, shall be implemented through Site Plan Control.

3.20.2.3 The development will be regulated by one plan of subdivision comprising two lots and one zoning by-law utilizing the holding ('h') provisions of Section 35 of the Planning Act, as amended.

The developer will be required to enter into a subdivision agreement including, among other matters, the zoning of the property, financial considerations of the Municipality, storm water control and the construction (if required) and maintenance of the municipal sanitary sewage system and municipal water supply system on site and the proposed phasing of development for the site.

Although all outstanding planning issues respecting this development have been resolved so that this Official Plan amendment may be approved, Council recognizes the desirability to continue to evaluate the impact of this development on:

- 1) the environment, particularly the water quality of Lake Simcoe;
- 2) traffic on surrounding roads;
- 3) the financial resources of the Municipality, particularly with respect to the cost of social services.

Therefore, Council will enact a zoning by-law under s.34 of the Planning Act, as amended, consistent with the provisions of this Official Plan affecting the entirety of the lands. With the exception of those lands generally shown as Phase 1 and Phase 2 on Figure 1 (attached to O.P.A. 10), the by-law will also utilize the holding provisions of Section 35 of the Planning Act, as amended. The zoning by-law enacted pursuant to Section 34 of the Planning Act, as amended, shall define and incorporate a holding symbol which shall be the letter 'h' and which shall precede the use and density designations contained in any such by-law. This zoning by-law shall specify the use to which lands, buildings and structures may be put at such time in the future as the holding symbol is removed from any such by-law on an incremental basis in accordance with the provisions of this Official Plan amendment.

At such time as the development is approved, Council will begin to monitor the impact of the development on the environment, traffic, finance and social services of the Municipality. In assessing the impact of traffic, Council will have regard, for comparative purposes, to the Transportation Assessment, as updated and completed by Marshall, Macklin, Monaghan. With regard to the future impact of the development on finance and social services, Council recognizes that it is difficult and complex to qualify such matters and will therefore use its best judgment in assessing the impact. The Municipality will also monitor the age profile of the population within the development and consult with social agencies regarding the provision of social services to residents of the development.

Council shall not remove the holding zone provision from Phases 3, 4 and 5 unless it is satisfied that the development of Phases 1 and 2 and the subsequent phase(s) have not, or will not, based on the results of the monitoring programme, decrease the quality of the environment to unacceptable levels, based on Provincial criteria, or place undue financial hardships on the Municipality or increase the level of traffic on Deer Park and

Varney Roads to unacceptable levels as determined by the Municipality. Council will only remove the holding zone for Phase 3 after the results of the monitoring are completed for the first phase and such results are satisfactory to the Municipality, in consultation with the Ministries of the Environment and Natural Resources, the Lake Simcoe Region Conservation Authority, the Region and any other appropriate agency. Further, the holding zone shall not be removed from Phase 3 until at least 50% of the homes in Phases 1 and 2 have been completed and occupied for one year. Final approval for the removal of the holding zone on Phase 4 will be dependent on satisfactory results of the monitoring completed during Phase 2 of the development and will not occur until at least 50% of the houses in Phases 1, 2 and 3 have been completed and occupied and a minimum of one year has expired from the date of the removal of the 'h' from Phase 3. Final approval for the removal of the holding zone on Phase 5 will be dependent upon the satisfactory results of the monitoring completed during Phase 3 of the development and will not occur until at least 50% of the houses in Phases 1, 2, 3 and 4 have been completed and occupied and a minimum of one year has expired from the date of the removal of the 'h' zone on Phase 4.

Further, the holding zone shall not be removed and building permits shall not be issued for either of Phases 4 and 5 of the development if monitoring by the Town indicates that the servicing allocation for the prior three phases of the development has been reached prior to the maximum number of units being in place for these prior phases.

Prior to amending the by-law to remove the 'h' and allow Phases 3, 4 and/or 5, Council will hold public meetings and hear public submissions with respect to the above and any other relevant matters.

- 3.20.2.4 It is an objective of this Plan to protect Lake Simcoe as an important environmental and economic resource for the Town of Georgina. Therefore, as a condition of approval of the plan of subdivision, a storm water management programme shall be developed to the satisfaction of the Town, the Region, the Lake Simcoe Region Conservation Authority and the Ministries of the Environment and Natural Resources and approved under the Ontario Water Resources Act. In assessing the storm water management programme, which shall include the provision for the monitoring of water quality up until one year following 80% of the construction of homes in the most recently approved phase, it is understood that the Ministry of the Environment will have regard to its "Blue Book" entitled Water Management Goals, Policies, Objectives and Implementation Procedures of the Ministry of the Environment, Nov. 1978; Revised May 1984 (as may be amended from time to time) or any additional objectives or criteria it deems appropriate.



It is further understood that reasonable application of the "Blue Book" requires that the Ministry use its discretion in interpreting the document.

The storm water management programme will incorporate the conclusions reached in the existing Storm Water Management Study completed by Cumming Cockburn that states that the runoff from the development will not decrease the quality of water in the local near shore conditions of Lake Simcoe to unacceptable levels for swimming and other recreational activities as determined by the Ministries of the Environment and Natural Resources and the Lake Simcoe Region Conservation Authority. To measure the water quality of Lake Simcoe for consideration in the final design of the storm water management facility and for monitoring purposes, a baseline environmental data field programme shall be undertaken for the respective environmental agencies at the expense of the developer. The methodology for these baseline studies shall be satisfactory to the respective environmental agencies and may be modified by such agencies where they deem appropriate. Where such modifications are made, it will not be necessary to amend these policies herein. Further baseline studies may be required by the respective environmental agencies, if necessary to complete their assessment of the storm water management programme. The following baseline studies shall be undertaken:

1) **CURRENTS STUDY:**

A Drogue Study which shall identify the currents experienced in the immediate area of the lakefront. This study shall be undertaken by a professional consultant having physical limnological expertise. The study shall be carried out monthly during the annual ice free cycle of the year. The purpose of the study shall be to identify the varying water movement conditions exhibited by the lake in the area of this project.

2) **SURVEY OF EXISTING WATER QUALITY CONDITIONS:**

This study shall be undertaken with a view to determine the water quality parameters and their relationship to the Ministerial criteria and standards relevant to the aquatic and human environment in the area. Such a study shall be undertaken by an environmental consultant or consultants with recognized expertise in aquatic ecology and environmental planning. This study shall include, but shall not necessarily be limited to, a water quality analysis for the following parameters:

- (a) BOD;
- (b) suspended solids;
- (c) total phosphorus;
- (d) turbidity;
- (e) total Kjeldahl nitrogen;
- (f) coliform bacteria (total and faecal).

A study area shall be established which shall include a minimum of 300 metres of shoreline and a 200 metre perpendicular distance therefrom. The area involved shall be subject to minor reduction or expansion as a result of the Drogue Study.

Sampling stations shall occur in the nearshore and offshore areas of the study area in a 4 station diamond pattern. The configuration could be modified on the basis of the results of the Drogue Study. A composite sampling of the full water column shall be taken at frequencies by the Developer or the Developer's Consultant, to the satisfaction of the Ministry of the Environment.

The results of the baseline studies shall be made available to interested agencies and the public as soon as they have been completed. The requirements of the studies as set out in this amendment are minimum requirements and are not intended to preclude higher standards or criteria as may be considered appropriate.

3) **PHYSICAL CHARACTERISTICS:**

A Physical Characteristics Study shall be undertaken by a consultant having lake bottom geological and mapping expertise.

The existing conditions of the bottom substrate within the study area (an area approximately 200 metres out from the shoreline and 300 metres along the shoreline) will be identified and mapped by two methods. The first is a mapping technique designed by the Lake Simcoe Fisheries Assessment Unit which is as outlined by Fulford et al (1979) and Thorn et al (1978).

The second consists of transect investigations within the study area. Each will be discussed separately.

Contour mapping will be undertaken, including echo sounding to a 5 metre depth and covering the entire study area.

The substrate sampling will involve randomly placing a 1/4 sq m grid within the study area and study the substrate material in-situ with the aid of SCUBA. The following observations will be made:

- 1) Distance from shore
- 2) Water Depth
- 3) Deposition
- 4) Interstitial spaces
- 5) General description
- 6) Rubble strata
- 7) Plants, invertebrates, vertebrates

Approximately 20 to 30 grid observations will be made within the study area. The data collected by this method will then be compared to Fulford et al (1979), Thorn et al (1978) and Semple (1968).

Transect observations will be carried out to increase the total area actually observed and recorded by SCUBA and to locate any isolate shoals or potential fish habitat within the study area. A total of 12 transects will be laid out at 25 metre intervals perpendicular to the shoreline out to the 5 metre depth (approximately 200 m). Observations will be made every 20 metres along the transect. Information will be collected on:

- 1) Water depth
- 2) Deposition
- 3) General description
- 4) Interstitial species
- 5) Rubble, strata
- 6) Plants, invertebrates, vertebrates

Observations will be made on both sides of the transect as far as underwater visibility allows. Also, changes in substrate composition will be noted and measured along each transect.

The substrate sampling will provide exact information on the extent, depth, slope, rubble, size, type, nature of extent (continuous, patchy), the presence of algae and macrophytes and the extent of sedimentation. The portion of the study will be carried out in October or November, 1984 to observe and record conditions when coldwater species will most likely be utilizing the area.

The purpose of this physical characteristics study shall be to

determine the suitability of the lake bottom in this area for fish spawning habitat and an identification of fish abundance in the area, with a view to ultimately determining a location for the storm water outfall which will not adversely impact areas determined important to the Lake Simcoe fishery. The outfall shall however be a minimum length of 50 metres out from the shoreline.

3.20.2.5 To ensure that the public is given an opportunity to have input in the process of approval for the storm water management programme, particularly in terms of the monitoring programme, Council will, by resolution, request the Director charged with the responsibilities under the Ontario Water Resources Act to hold a public meeting prior to the issuance of a Certificate of Approval if such approval is required under the Act. At that time, such matters as parameters to be sampled, the frequency of sampling and the location of sampling stations will be determined.

3.20.2.6 In addition to the water quality objectives for this development, other objectives relate to traffic, finance and social services. It is an objective of this development to discourage the flow of traffic toward the existing Lakeshore community of Roches Point. In this regard, Council will take steps to control motorists from using Varney and Deer Park Roads west of The Queensway by such measures as signage, i.e., "Local Traffic Only", "No Heavy Trucks". Further, there shall be no levy, contribution or external work provided for in the subdivision agreement for improvements to Deer Park Road west of Varney Road.

It is also an objective to ensure that the development does not become a financial burden on the taxpayers of the Municipality, primarily through the provision of social services.

3.20.2.7 The subdivision agreement, among other things, shall outline the Developer's responsibilities for maintaining certain securities in the development such as the monitoring program, and effective storm water, sewage and water treatment facilities. In particular, the subdivision agreement shall contain security guaranteeing the introduction maintenance, alteration or substitution, including on-site treatment and extension of the lake outfall facility (if there is an unacceptable engineering problem with the system) of the storm water management of activities on site by the developer. Finally, if at any time the monitoring results for water quality indicate that, in the opinion of the Ministry of the Environment, the quality of water, as a result of runoff from the development into Lake Simcoe, does reach unacceptable levels, based on Provincial criteria, then remedial action will be taken immediately.

- 3.20.2.8 Further, the subdivision agreement shall contain a clause to the effect that where existing development is permitted to connect to the service extensions to the site from Keswick provided by the developer, that there shall be a pro rata fee charged for such connection and the Municipality shall ensure that the developer of this site receives that fee.
- 3.20.2.9 To minimize the impact which construction may have on the immediate area, the subdivision agreement shall also contain the following provisions:
- (a) Excavation materials will be handled in a manner which would prevent any direct contamination of Lake Simcoe or contamination of run-off from the site into Lake Simcoe;
  - (b) The storm water pond shall be maintained free from debris and inordinate sedimentation;
  - (c) With reference to on-site construction, construction equipment shall use the following designated roads for the purpose of accessing the site:
    - Woodbine Avenue
    - Deer Park Road east of the inter-section with The Queensway
- 3.20.2.10 The subject land shall be zoned Residential and Open Space (for the golf course and large common areas) in an implementing zoning by-law.
- The implementing zoning by-law shall provide that the minimum floor area per dwelling unit shall be 100 sq m and that garages must be located on the same site as the companion dwelling. There shall be no communal garages.
- 3.20.2.11 The maximum number of dwelling units permitted on the site shall be 1,073. This assumes a population of 2,200 on approximately 160 hectares.
- 3.20.2.12 The storm water management programme and monitoring reports required herein shall be made available by the Municipality to interested ratepayer groups within a reasonable time prior to the acceptance and approval by the Town, the Region, the Lake Simcoe Region Conservation Authority and the Ministries of the Environment and Natural Resources. For the purpose of sampling, access to the sewage pumping station overflow and storm sewer outfall systems will be given by the Town or other owner, within reason, to any professional qualified to take such samples at no risk or expense to the Town or other owner and in accordance with all relevant Provincial legislation. Complete information regarding the contents of these agreements and monitoring studies will be made available for viewing by the public, upon request, at the local Municipal offices in advance of any public meeting and prior to Council entering into such agreements.

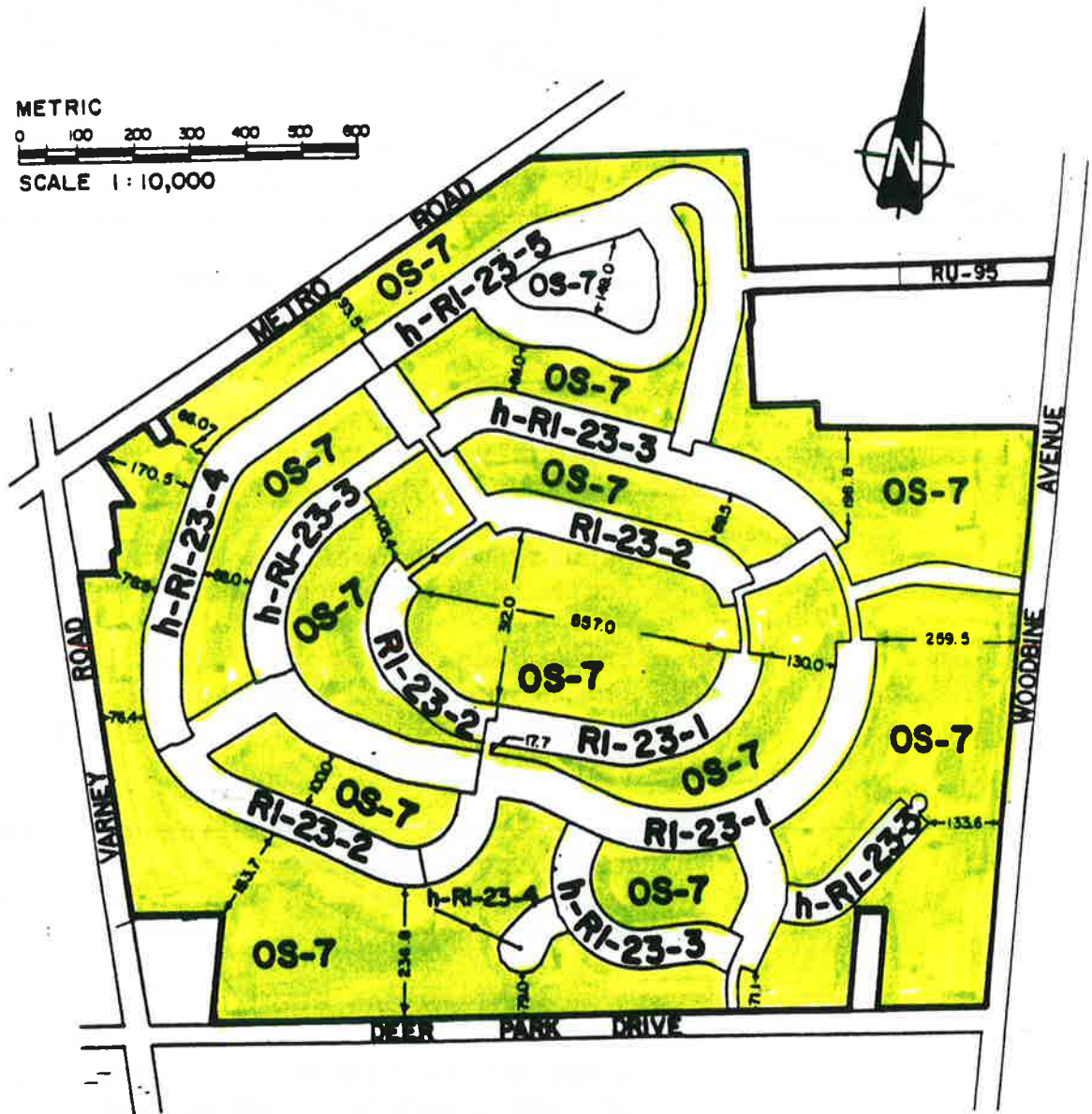
- 3.20.2.13 The subdivision agreement shall provide that in the event the owner fails to maintain the services at a level satisfactory to the Town, the Region or the Ministry of the Environment, or the developer decides at a future point to further subdivide the lands by a plan of subdivision, that the Municipality shall assume ownership and maintenance of the system if not already owned and/or maintained by the Municipality. Council, or the Ministry of the Environment, may require, that in the event the owner decides to proceed with a plan of condominium, that the Municipality shall assume ownership and maintenance of the system if not already owned and/or maintained by the Municipality. Council will ensure that the necessary easements form part of the subdivision agreement.
- 3.20.2.14 Any Official Plan amendment application to revise the above special provisions for the proposed Maple Leaf Estates planned retirement community will be required to consider the functions, attributes and linkages of the significant natural features as identified in the Town of Georgina Natural Features and Greenlands System Study (1996) and the application will be evaluated in accordance with the provisions of this Official Plan.

PART OF LOTS 23, 24, 25, 26 AND 27  
CONCESSION 3(NG)  
TOWN OF GEORGINA  
THE REGIONAL MUNICIPALITY OF YORK

FORMERLY TOWNSHIP OF NORTH GWILLIMBURY  
COUNTY OF YORK

TO BY-LAW NO. 911-87-431  
PASSED THIS 8th DAY OF  
OCTOBER 1987  
*Larry Simpson*  
Larry Simpson  
Town Clerk  
*John S. Rogers*  
Mayor John S. Rogers

METRIC  
0 100 200 300 400 500 600  
SCALE 1:10,000



Schedule '9'

SCHEDULE 'A' TO BY - LAW No. 911-87-431

SECTION 7 - LOW DENSITY URBAN RESIDENTIAL (R1) ZONE (cont.)

~~7.5.18 LOT 6, PLAN 160, 'R1-22'~~  
(Map 6)

~~In that area designated 'R1-22' on Schedule 'A' hereto the erection of a boathouse with a dwelling unit located above said boathouse shall be permitted.~~

~~Further, the boathouse and dwelling unit shall be connected to full municipal sewage disposal and water supply systems.~~

7.5.19 PART OF LOTS 23, 24, 25, 26 AND 27, 'R1-23'  
CONCESSION 3 (NG); (Maps 1 & 4)

Land designated 'R1-23-1', 'R1-23-2', 'h-R1-23-3', 'h-R1-23-4' and 'h-R1-23-5' and shown in heavy outline on schedule 'A' hereto, may not be used for any purpose except the following:

- Manufactured Dwelling Park, as further set forth in this subsection.

Notwithstanding the above, those lands designated with the holding (h) symbol shall not be used for any purpose, except the following uses, until the 'h' symbol is removed:

- agricultural, conservation or forestry use, excluding a mushroom farm, livestock operation other than a stable, and an adventure game.
- private park

PERMITTED RESIDENTIAL USES

- a one storey single family dwelling which may include a manufactured dwelling.
- pre-registration dwellings, maximum 15.

PERMITTED NON-RESIDENTIAL USES

- accessory buildings, structures or uses to a



SECTION 7 - LOW DENSITY URBAN RESIDENTIAL (R1) ZONE (cont.)

single family dwelling and erected on the same site, but not including open storage.

PROHIBITED USES

- facilities, uses and structures specifically designed toward the use for children, or communal garages.

ZONE REQUIREMENTS

GENERAL

- (a) No single family dwelling shall be erected in a manufactured dwelling park except on a site on a private paved road built to the standards of the Ministry of Transportation and Communications, or as approved by the Regional Municipality of York where a lesser standard is required, and having a minimum road allowance width of 20 metres for main roads and 15 metres for minor roads as set forth in the subdivision agreement. The provisions of Section 5.13 (a) of this by-law shall not apply to the land designated as a Manufactured Dwelling Park.
- (b) No single family dwelling shall be constructed or used except on a site served by a municipal water supply and sewage disposal system, provided under an agreement between the owner of the manufactured dwelling park, the Regional Municipality of York and the Town of Georgina. The design for such systems shall be approved by the Ministry of the Environment.
- (c) No parcel of land within the manufactured dwelling park shall be used for the uses permitted herein unless it is shown as a part on a Deposited Plan, which is in accordance with an approved two lot plan of subdivision and an approved subdivision agreement.

SECTION 7 - LOW DENSITY URBAN RESIDENTIAL (R1) ZONE (cont.)

For the purposes of this section, the following elements of a site will have a similar relation to the site as the elements of a lot have to a lot.

RESIDENTIAL USES

SITE FRONTAGE (MINIMUM) 15 metres

SITE AREA (MINIMUM) 350 sq metres

FRONT YARD AND EXTERIOR  
SIDE YARD (MINIMUM) 1.5 metres

REAR YARD (MINIMUM) 3 metres

INTERIOR SIDE YARD (MINIMUM) 1.5 metres

BUILDING SIZE

(a) floor area (minimum) 100 sq metres

(b) length (minimum) 11 metres

(c) width (minimum) 7 metres

SITE COVERAGE (MAXIMUM) 60%

HEIGHT (MAXIMUM) 5 metres

NUMBER OF SINGLE FAMILY  
DWELLINGS PER SITE 1 only

ACCESSORY BUILDINGS, STRUCTURES, USES, PARKING,  
PLANNED WIDTH OF STREET ALLOWANCE AND ALL OTHER  
GENERAL PROVISIONS

In accordance with the provisions of Section 5 hereof, with the exception that accessory structures may be erected to within 0.3 metres of a site line. However, no two accessory buildings on opposite sites may be erected within 1.5 metres of each other.

Notwithstanding Section 5.28 (b), (g) and (h), the required parking spaces per unit may be provided on the site or within the part occupied by the access

SECTION 7 - LOW DENSITY URBAN RESIDENTIAL (R1) ZONE (cont.)

street.

~~7.5.20~~ ~~PART LOT 12, CONCESSION 3 (NG);~~ ~~'R1-26'~~  
~~(Map 3)~~

Notwithstanding Section 5.1 (d), in that area designated 'R1-26' a garage shall be permitted to extend into the front yard.

7.5.21 LOT 2, BLOCK 58, PLAN 69; 'R1-27'  
(Map 7)

In that area designated 'R1-27' in Schedule 'A' hereto, a business or professional office shall be permitted in addition to those uses shown in Section 7.2. Further, parking shall be restricted to the rear yard.

7.5.22 PART LOT 15, CONCESSION 2 (NG) 'R1-34'  
REGISTERED PLAN NUMBER 65M-2866; (Map 3)

Notwithstanding Section 6.1 (i), in that area designated 'R1-34' on Map 3 of Schedule 'A' hereto, the lot coverage maximum will be 35% with the exception of Lots 4, 41, 42, 88 to 94 inclusive, and 97 on Registered Plan 65M-2866 which said lots will remain at 30% lot coverage.

Further, notwithstanding Section 6.1 (c), a front yard (minimum) of 8 metres shall apply to Lots 1, 2 and 3 on Registered Plan 65M-2866.

7.5.23 LOT 9, PART LOT 10, BLOCK 69, PLAN 69; 'R1-36'  
(Map 7)

In the area designated 'R1-36' in Schedule 'A' hereto, a business or professional office shall be a permitted use within the existing building in addition to those shown in Section 7.2.

In addition, notwithstanding Section 7.1, a dwelling unit in the second storey or rear of a ~~business or professional office building shall be~~

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

~~27.2, in that area designated 'OS-6' in Schedule 'A' hereto, snowmobile, hay ride, horseback ride and ski trails, toboggan runs, golf ball driving range, petting zoo and outdoor ice skating facilities shall be permitted.~~

27.5.7                      PART OF LOTS 23, 24, 25, 26 AND 27,                      'OS-7'  
CONCESSION 3 (NG);                      (Map 1)

Notwithstanding Sections 27.1 and 27.2, only the following uses shall be permitted:

- administrative centre
- agricultural/aquacultural or forestry uses, excluding livestock, mushroom farms and an adventure game
- golf course
- home sales centre
- instamatic bank outlet
- laundromat
- recreation centres
- restaurant
- retail store, convenience not exceeding 250 sq metres
- riding trails
- service shop, personal
- tuck shop
- accessory buildings, structures and uses to any permitted use

Further, notwithstanding Sections 27.1 and 27.2, the following uses shall be prohibited:

- facilities, uses and structures specifically designed and oriented for children

ZONE REQUIREMENTS

For the purposes of this by-law, the following elements of a site will have a similar relation to the site as the elements of a lot have to a lot.

SETBACKS

Home Sales Centre and Maintenance Yard:

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

- from public street 11 metres
- from access street 3 metres
- from residential sites 6 metres
- from adjacent residential lots 50 metres

Administrative Centre, Convenience Retail Store, Instamatic Bank Outlet, Laundromat, Personal Service Shop, Recreation Centres, Restaurant, Tuck Shop:

- from public street 200 metres
- from access street 3 metres
- from residential sites 8 metres

Entry Gatehouse:

- from public street 8 metres
- from site boundaries 1 metre

HEIGHT (MAXIMUM) 11 metres

PARKING

Notwithstanding Section 5.28 (h), parking may be provided anywhere on a site.

~~27.5.8 PART OF LOT 26, CONCESSION 3 (NG); 'OS-8' (Map 4)~~

Notwithstanding Section 27.1 and 27.2, on those lands shown in heavy outline and designated 'OS-8' in Schedule 'A' hereto, only the following uses shall be permitted:

- a private park having a maximum area of 1.2 hectares
- accessory buildings, structures and uses to any permitted use

27.5.9 PART LOTS 12 AND 13, CONCESSION 9 (NG); 'OS-9' (Map 1)

Notwithstanding Section 27.2, in the area shown in heavy outline and designated 'OS-9' in Schedule 'A' hereto, a golf ball driving range and a maximum of four (4) recreational baseball batting cages shall

50 Bloomington Road West  
Aurora ON L4N 3G8

October 18, 2004

Mr. Fraser Nelson  
Metrus Developments Inc.  
1700 Langstaff Road Suite 2003  
Concord ON L4K 3S3

TOWN OF GEORGINA	
NOV 03 2004	
PLANNING & BUILDING DEPARTMENT PLANNING DIVISION	
REFER	NOTED
FILE #	

Dear Mr. Nelson:

Re: Maple Leaf Estates – 65M-2903  
Part of Lots 23, 24, 25, 26 and 27, Concession 3 (NG).  
Paradise Beach – Island Grove Wetland Complex  
Town of Georgina, Region of York

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Paradise Beach-Island Grove Wetland Complex was updated in 2003 using the Ontario Wetland Evaluation System, 3rd Edition. Based on additional information and field work, this feature was determined to be provincially significant.

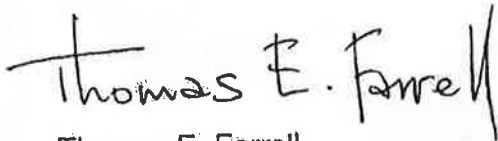
It is the understanding of the Ministry of Natural Resources (MNR) that the area is designated as Urban Residential in the Town of Georgina Official Plan and that these lands are the future site for a planned retirement community, known as Maple Leaf Estates. The Official Plan contains specific policies that provide detailed direction for the development of this retirement community. Further, it has been brought to the attention of the Ministry that the proposed retirement community has in place, a Registered Plan of Subdivision for the area bounded by Deer Park Drive, Woodbine Avenue, Metro Road and Varney Road.

Therefore, please be advised that the MNR recognizes that the existing Registered Plan of Subdivision predates the Ministry's recent wetland work and recognizes the legal status of the Plan to be implemented as proposed, without due regard to the wetland complex.

This Ministry would also take this opportunity to highlight Section 3.20.2.14 of the Town's Official Plan. This section indicates that any official plan amendment to revise the provisions specific to the Maple Leaf Estates community would be required to consider the significant natural features identified through Town studies. For such a situation, the Ministry would request the Town of Georgina to also include consideration of the provincially significant Paradise Beach-Island Grove Wetland Complex, by extension.

I trust the foregoing clarifies the Ministry's position on this matter. Should you have any questions, I can be contacted at (905) 713-7367.

Sincerely,

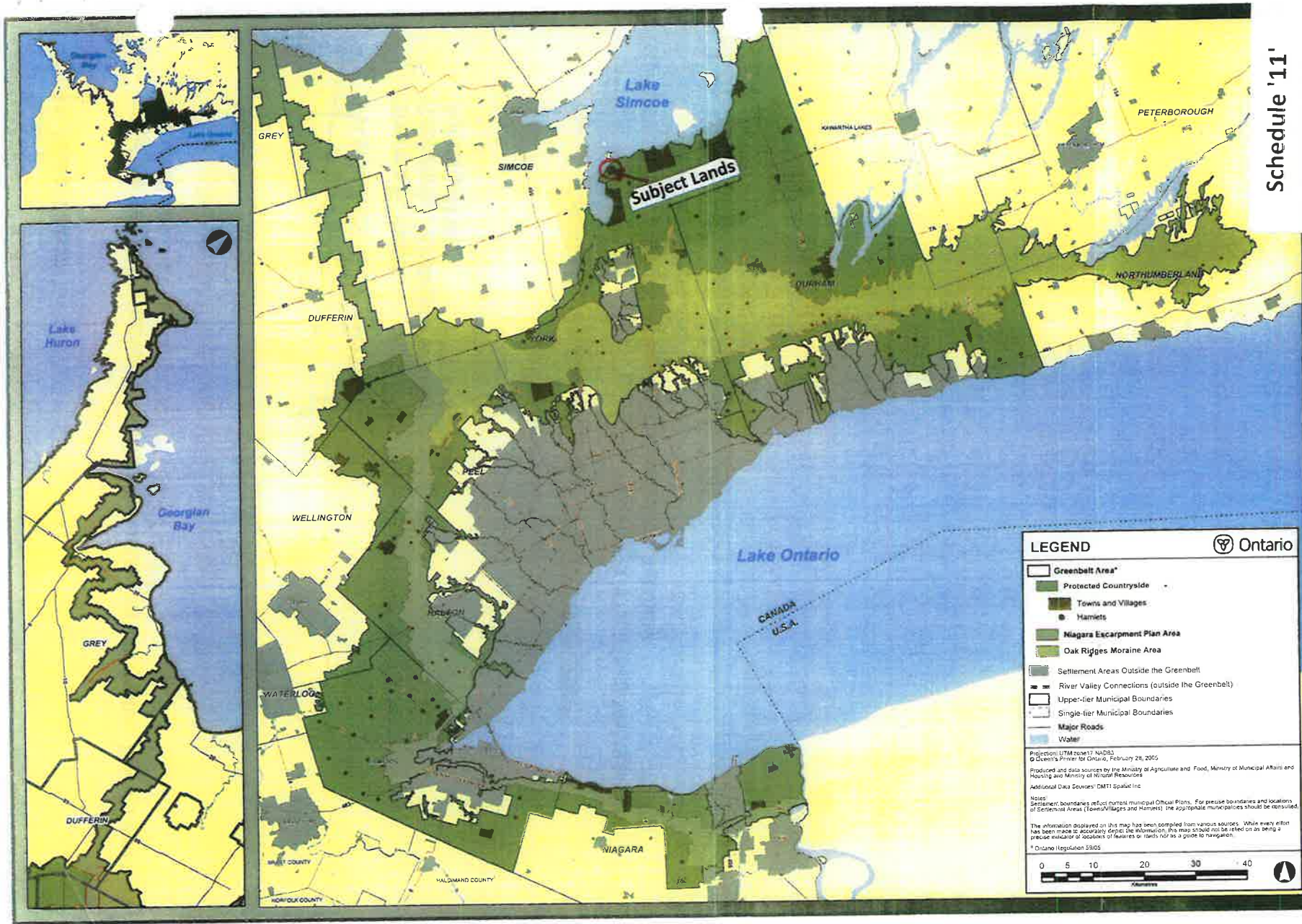
A handwritten signature in black ink that reads "Thomas E. Farrell". The signature is written in a cursive style with a large, stylized 'T' and 'F'.

Thomas E. Farrell  
Coordinator, Strategic Planning  
Aurora District

Cc: ~~Velvet~~ Ross – Senior Planner – Town of Georgina

Kevin Kennedy - Manager, Planning & Watershed Management  
Lake Simcoe Region Conservation Authority





Schedule '11'

greenbelt

PLAN 2005

Schedule 1:  
Greenbelt Plan Area



Map is subject to  
area/site specific appeal.  
See Appendices 2A & 2B.

# MAP 1

## REGIONAL STRUCTURE

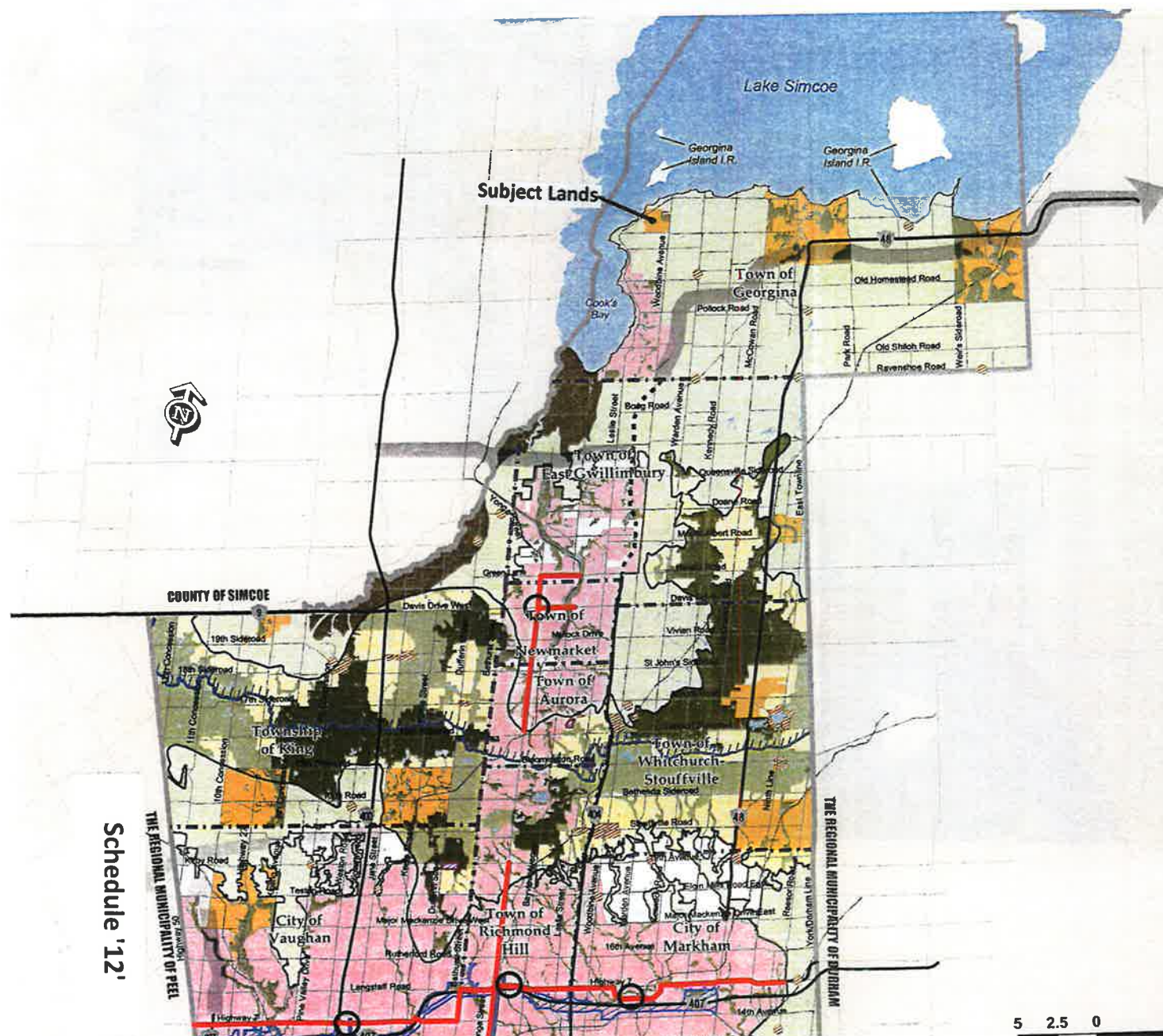
- Regional Centre
- Regional Corridor
- Subway Extension
- Urban Area
- Towns and Villages
- Regional Greenlands System (Schematic, See Map 2 for details)
- Oak Ridges Moraine Conservation Plan
- Oak Ridges Moraine Boundary
- Natural Core Area Designation
- Natural Linkage Area Designation
- Countryside Area Designation / Hamlet
- Greenbelt Plan
- Greenbelt Plan Area Boundary
- Greenbelt Protected Countryside / Hamlet
- Holland Marsh Specialty Crop Area
- Area Subject to the Lake Simcoe Protection Plan
- Parkway Belt West Plan
- Ministers Decision on ORMCP Designation Deferred
- Provincial Highways
- Existing
- Controlled Access Highway
- Under Construction
- Planned Corridors - Transportation
- Proposed - EA Approved
- Conceptual - Alignment Not Defined
- Municipal Boundary
- Regional Boundary

Note: For detailed land use designations outside of the Urban Area, Towns & Villages and Natural Core and Natural Linkage Areas of the Oak Ridges Moraine Conservation Plan see Map 8 - Agricultural and Rural Land Use and policy 5.1.12

**York Region** **yorkmaps**

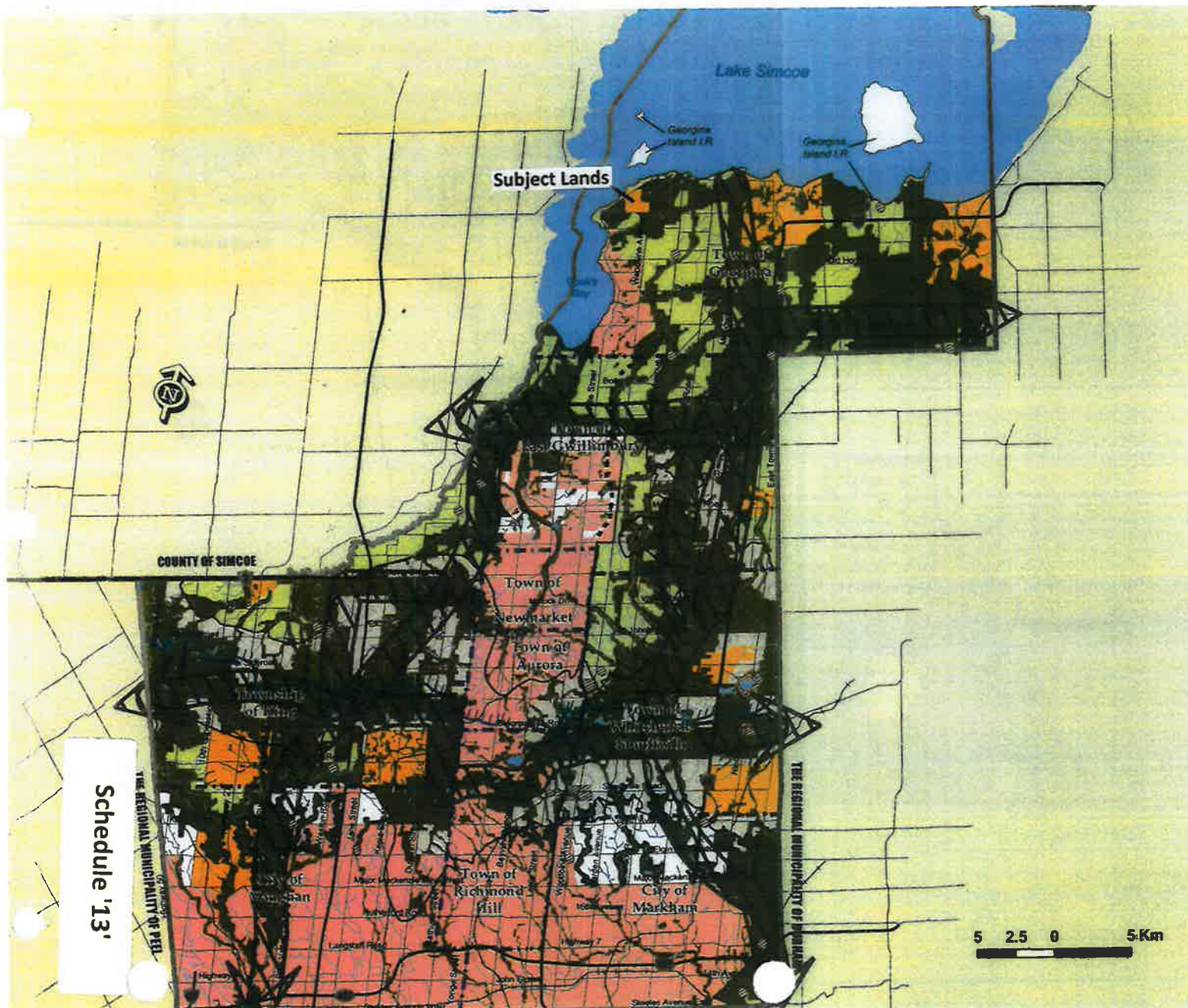
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Schedule '12'















Map is subject to  
area/site specific appeal.  
See Appendices 2A & 2B.

## MAP 2

### REGIONAL GREENLANDS SYSTEM

-  Regional Greenlands System
-  Greenlands System Vision
-  Urban Area
-  Towns and Villages
-  Hamlet
- Oak Ridges Moraine Conservation Plan**
  -  Oak Ridges Moraine Boundary
  -  Oak Ridges Moraine Plan Area
- Greenbelt Plan**
  -  Greenbelt Plan Area Boundary
  -  Greenbelt Protected Countryside / Hamlet
- Area Subject to the Lake Simcoe Protection Plan**
  -  Area Subject to the Lake Simcoe Protection Plan
- Provincial Highways**
  -  Existing
  -  Under Construction
- Controlled Access Highway**
  -  Controlled Access Highway
-  Municipal Boundary
-  Regional Boundary

\*The Greenlands System Vision identified on Map 2 of this Plan is intended to conceptually identify, with broad arrows, the general location of corridors within and beyond the Region that will perform major linkage functions on a Regional scale and will be further assessed as part of ongoing planning initiatives



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Schedule '13'



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area/site specific appeal.  
See Appendices 2A & 2B.

## MAP 3

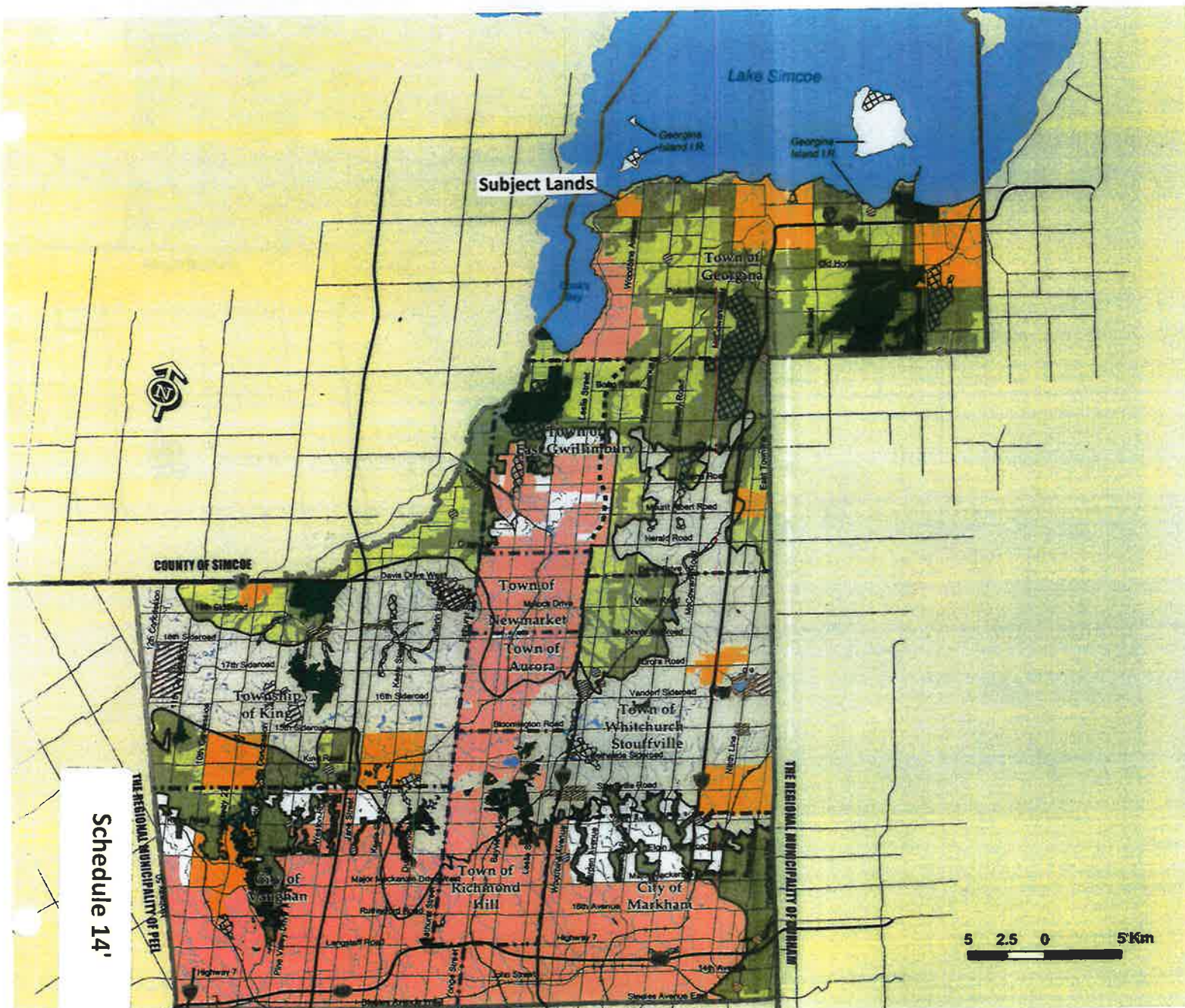
### ENVIRONMENTALLY SIGNIFICANT AREAS AND AREAS OF NATURAL AND SCIENTIFIC INTEREST

-  Environmentally Significant Area
-  Earth Science Areas of Natural and Scientific Interest  
-Provincial and Regional\* Approved
-  Life Science Areas of Natural and Scientific Interest  
-Provincial and Regional Approved
-  Oak Ridges Moraine Conservation Plan
-  Oak Ridges Moraine Boundary
-  Oak Ridges Moraine Plan Area
-  Greenbelt Plan
-  Greenbelt Plan Area Boundary
-  Greenbelt Protected Countryside / Hamlet
-  Natural Heritage System
-  Urban Area
-  Towns and Villages
-  Hamlet
-  Provincial Highways
-  Existing
-  Controlled Access Highway
-  Under Construction
-  Municipal Boundary
-  Regional Boundary

\*Excludes Regionally Significant Earth Science ANSIs that are not on the Oak Ridges Moraine

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Schedule 14



Map is subject to  
area/site specific appeal.  
See Appendices 2A & 2B.

# MAP 4

## KEY HYDROLOGIC FEATURES


 Provincially Significant and  
Provincial Plan Area Wetlands

 Other Evaluated Wetlands

 Kettle Lake

 Permanent or  
Intermittent Stream\*

Oak Ridges Moraine Conservation Plan

 Oak Ridges Moraine Boundary

 Oak Ridges Moraine Plan Area

Greenbelt Plan

 Greenbelt Plan Area Boundary

 Greenbelt Protected  
Countryside / Hamlet


 Natural Heritage System

 Urban Area

 Towns and Villages

 Hamlet

Provincial Highways

 Existing

Controlled Access Highway

 Under Construction

 Municipal Boundary

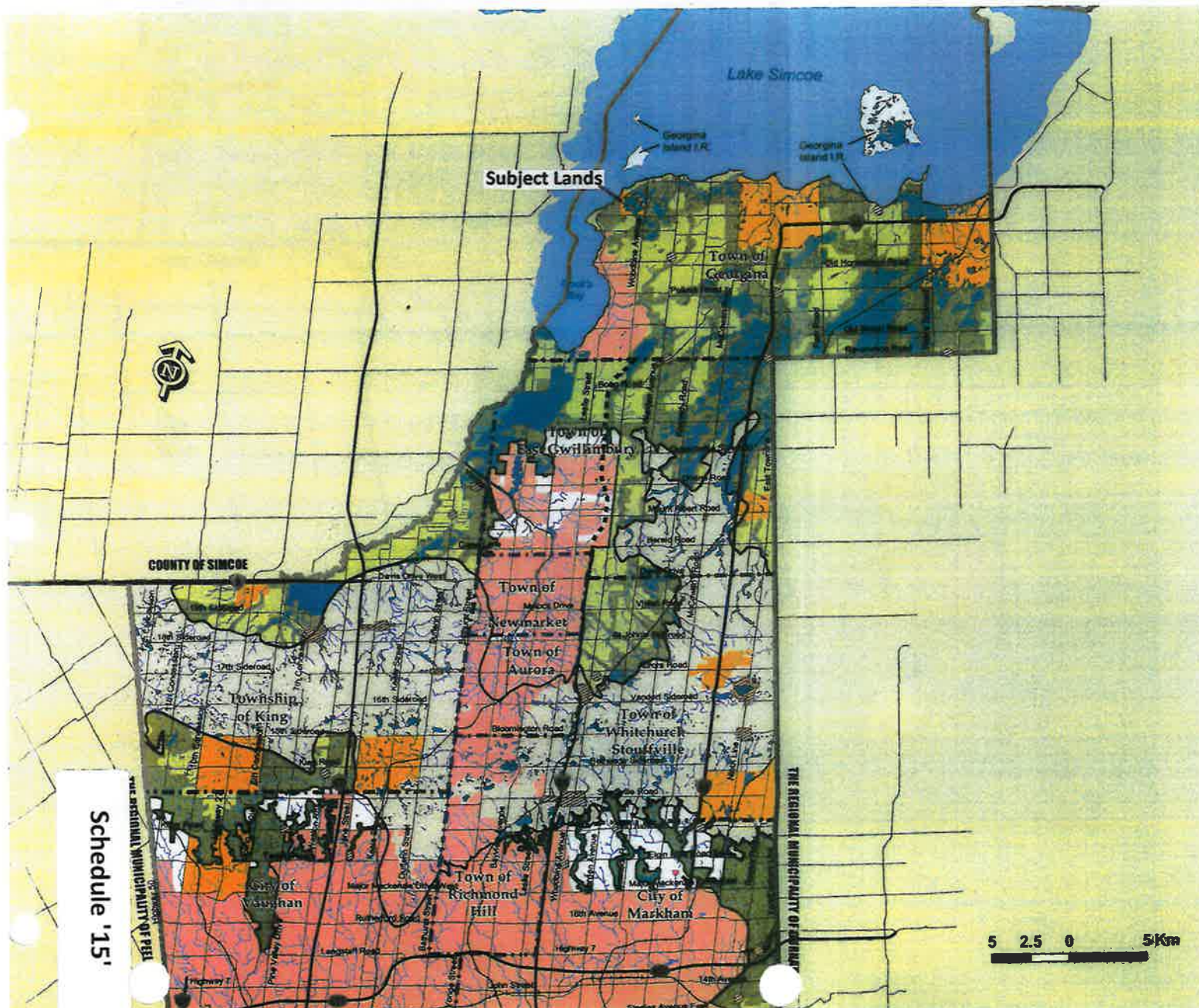
 Regional Boundary

\* to be confirmed through application  
of the policies of this plan

 **York Region**  **yorkmaps**

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unicipalities of Durham  
City of Toronto  
2003-2010, includes Greenbelt

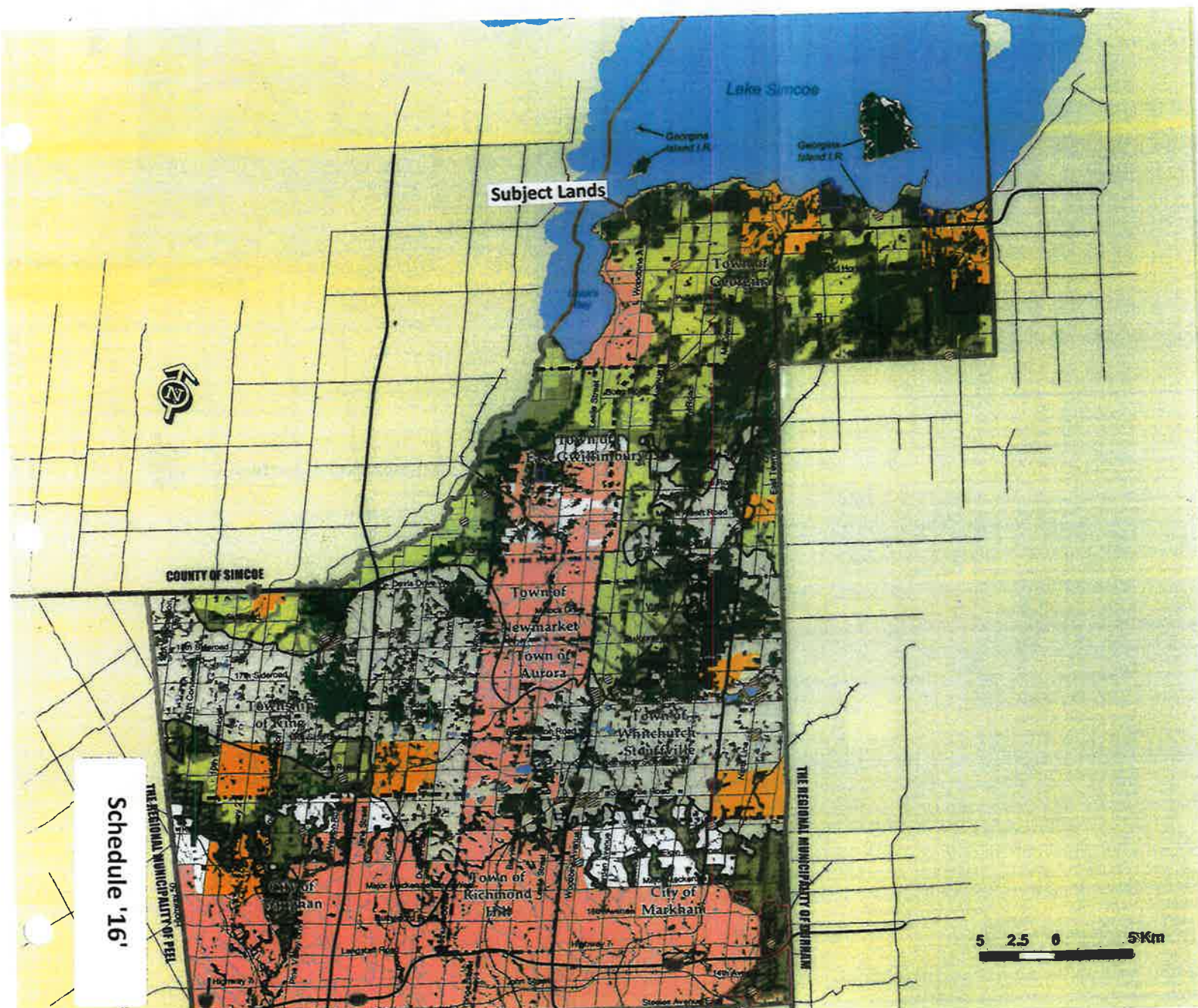


Schedule '15'



Map is subject to  
area/site specific appeal.  
See Appendices 2A & 2B.

# MAP 5 WOODLANDS



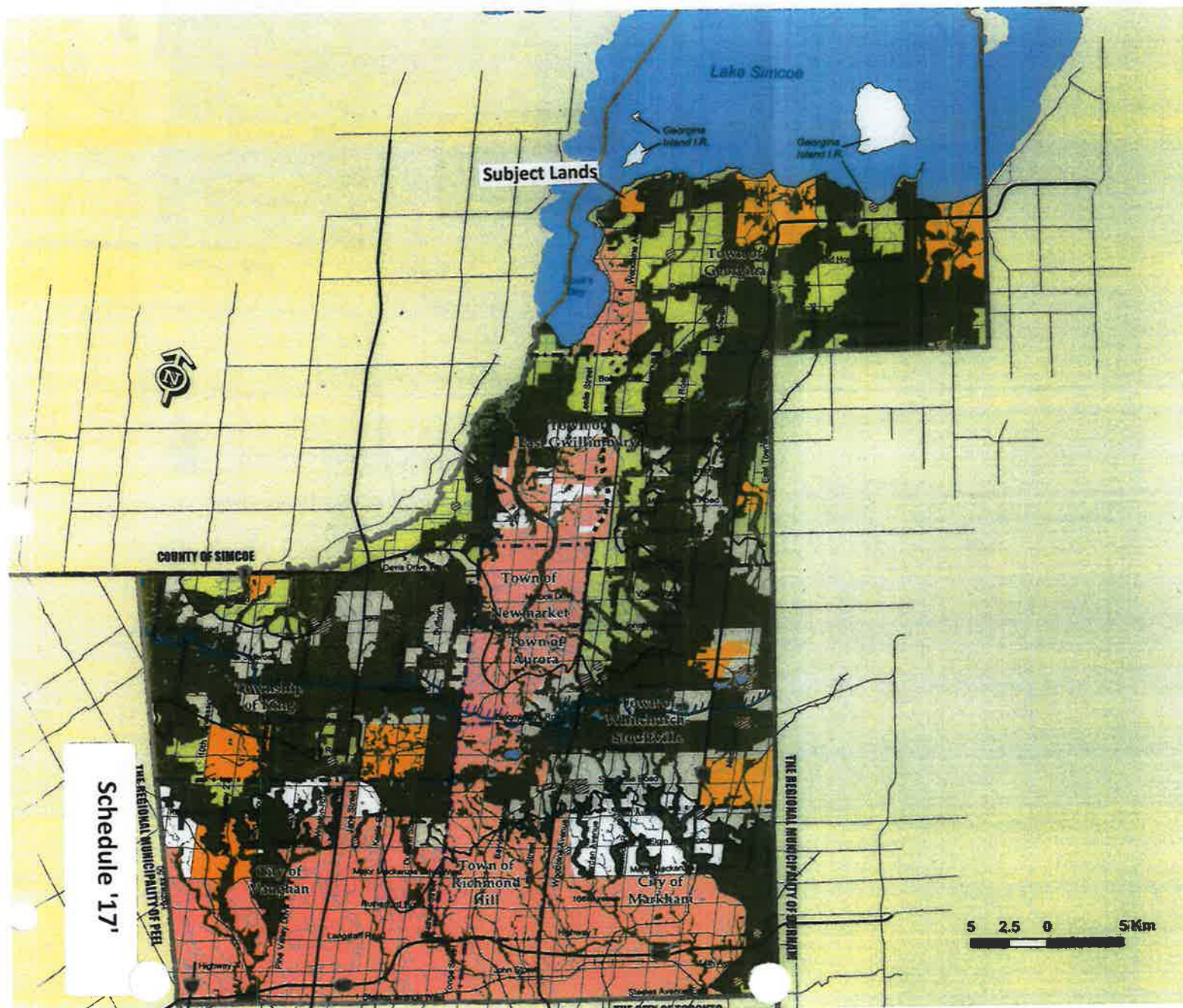
- Woodlands
- Conservation Area / Regional Forest
- Provincial Park/ Nature Reserve
- Rouge Park
- Oak Ridges Moraine Conservation Plan
- Oak Ridges Moraine Boundary
- Oak Ridges Moraine Plan Area
- Greenbelt Plan
- Greenbelt Plan Area Boundary
- Greenbelt Protected Countryside / Hamlet
- Natural Heritage System
- Urban Area
- Towns and Villages
- Hamlet
- Provincial Highways
- Existing
- Controlled Access Highway
- Under Construction
- Municipal Boundary
- Regional Boundary

**York Region** **yorkmap**

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Schedule '16'





Map is subject to  
area/site specific appeal.  
See Appendices 2A & 2B.

## Figure 3 GREENLANDS SYSTEMS WITHIN YORK REGION

- Regional Greenlands System
- Local Municipal Greenland Systems (approved subsequent to approval of this Plan)
- Urban Area
- Towns and Villages
- Hamlet
- Oak Ridges Moraine Conservation Plan
- Oak Ridges Moraine Boundary
- Oak Ridges Moraine Plan Area
- Greenbelt Plan
- Greenbelt Plan Area Boundary
- Greenbelt Protected Countryside / Hamlet
- Area Subject to the Lake Simcoe Protection Plan
- Provincial Highways
- Existing
- Under Construction
- Municipal Boundary
- Regional Boundary

This Figure is provided to illustrate the completion of the Greenlands Systems within York Region in accordance with the policies of the Regional Official Plan, and will be updated from time to time to reflect approved local greenland systems. Local Municipal greenland systems are subject to the policies within the Municipal Official Plans.

**York Region** **yorkmap**

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City of Toronto  
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and Oak Ridges Mo.  
Municipalities of Durham  
City of Toronto  
2003-2010, includes Greenbelt  
boundaries and Water Features

### 1.4.2 Structure of the Plan

The Greenbelt Plan consists of:

**Section 1.0 – Introduction:** Describes the context for the Greenbelt Plan in southern Ontario and introduces the Plan's Vision and Goals. The legislative authority for the Plan and how it is to be used and applied within the land use planning system are also set out in this section.

---

**Section 2.0 – Greenbelt Plan:** Describes the lands governed by the Greenbelt Plan, which include the NEP Area, the Oak Ridges Moraine Area, the Parkway Belt West Plan Area and lands designated Protected Countryside in this Plan. It describes how lands in the three existing provincial plans are affected by this Plan, and that lands designated as Protected Countryside within the Greenbelt Area are subject to the entire Greenbelt Plan.

---

**Section 3.0 – Geographic Specific Policies in the Protected Countryside:** Sets out the three key policy areas in the Protected Countryside designation that are spatially based: the Agricultural System, the Natural System and *Settlement Areas*.

The Agricultural System is comprised of *specialty crop areas*, *prime agricultural areas* and *rural areas*. While the Greenbelt Plan identifies the boundaries of the specialty crop areas, it relies on municipal official plans to delineate *prime agricultural areas* and *rural areas*.

The Natural System is comprised of the Natural Heritage System, Water Resource System and *key natural heritage features* and *key hydrologic features*. The Natural Heritage System is not a designation in and of itself with a list of permitted uses. Rather, it functions as an overlay on top of the *prime agricultural* and/or *rural area* designations contained in municipal official plans. As such, permitted uses are those set out within the *prime agricultural area* and *rural area* designations of municipal official plans, subject to constraints of the Natural System.

*Settlement Areas* are comprised of Towns/Villages and Hamlets. Although this Plan shows boundaries for Towns/Villages, Hamlets are only shown as symbols. In both cases, this Plan defers to municipal official plans for the detailed delineation of settlement boundaries. Further, this Plan does not apply to lands within the boundaries of Towns/Villages and Hamlets, as they existed on the day this Plan came into effect. Municipal official plans will continue to govern land use within these settlements. However, where expansions to settlements permitted by this Plan are proposed, the policies of this Plan apply to such expansions.

Lands in the Protected Countryside will be within one of the following policy areas: *Specialty Crop Areas*, *Prime Agricultural Areas*, *Rural Areas*, Towns/Villages, Hamlets or Shoreline Areas. In addition, lands may also be subject to the policies of the Natural Heritage System and *key natural heritage features* and *key hydrologic features*.

Also described in this section are policies regarding parkland, open space and trails in the Greenbelt.

**Section 4.0 – General Policies in the Protected Countryside:** Describes the general policies that apply across the Protected Countryside. These policies are based on certain uses (non-agricultural uses, recreation and tourism uses, *infrastructure*, natural resource uses, cultural heritage resources and *existing uses*). This section also contains policies on lot creation.

---

**Section 5.0 – Implementation:** Provides a description of:

- The status and effect of the Plan;
- How the Plan is to be implemented;
- The relationship of the Plan to the land use planning system;
- How boundaries are to be interpreted;
- The process for reviewing and amending the Plan;
- Monitoring and performance measures; and
- The Greenbelt Council.

### **1.4.3 How to Read this Plan**

The following is a brief description of how this Plan, read in its entirety, affects a specific area, land use or *development/infrastructure/resource* proposal.

1. Refer to Schedule 1 to determine if the lands are located within the NEP Area or the Oak Ridges Moraine Area. If the property is located in either of these areas, the policies of the NEP or the ORMCP continue to apply as set out in section 2.0. If the lands are located in the Protected Countryside designation, then the entirety of the Greenbelt Plan's relevant policies apply. Determine if the lands are located within the Parkway Belt West Plan. If so, the policies of the Parkway Belt West Plan continue to apply as set out in section 2.0.
- 

2. If lands are within the Protected Countryside, determine which of the Geographic Specific Policies apply as described in section 3.0. This is accomplished by a series of steps.

Refer to Schedules 1, 2 and 3 of this Plan to determine if the lands are located within a *specialty crop area* or a Town/Village or Hamlet. If lands are located in a specialty crop area, refer to the policies of this Plan. If lands are located in a Town/Village or Hamlet, refer to municipal official plans (unless it is a proposed expansion of a settlement, in which case refer to the policies of this Plan). Also, refer to the General Policies of this Plan as described below.

If the lands are not in a *specialty crop area* or Town/Village or Hamlet, determine in which municipality the lands are located and refer to the municipal official plans that are in effect to determine if the lands are designated prime agricultural or rural (or a similar designation to rural). Once this determination is made, refer to the Agricultural System policies of this Plan (section 3.1) to determine if there are any additional restrictions or requirements relating to *prime agricultural areas* or *rural areas*.



Refer to Schedule 4 of this Plan to determine if the lands are located within the Natural Heritage System. If so, refer to the Natural System policies of section 3.2, which is an overlay on top of the *prime agricultural* and/or *rural area* designations of municipal official plans.

Refer to municipal official plans, data or information on natural features from provincial, municipal and agency (e.g. conservation authority) sources, and conduct a preliminary assessment of the property to determine if there are any *key natural heritage features* or *key hydrologic features* on the lands. If so, refer to the natural features policies of section 3.2.4 of this Plan.

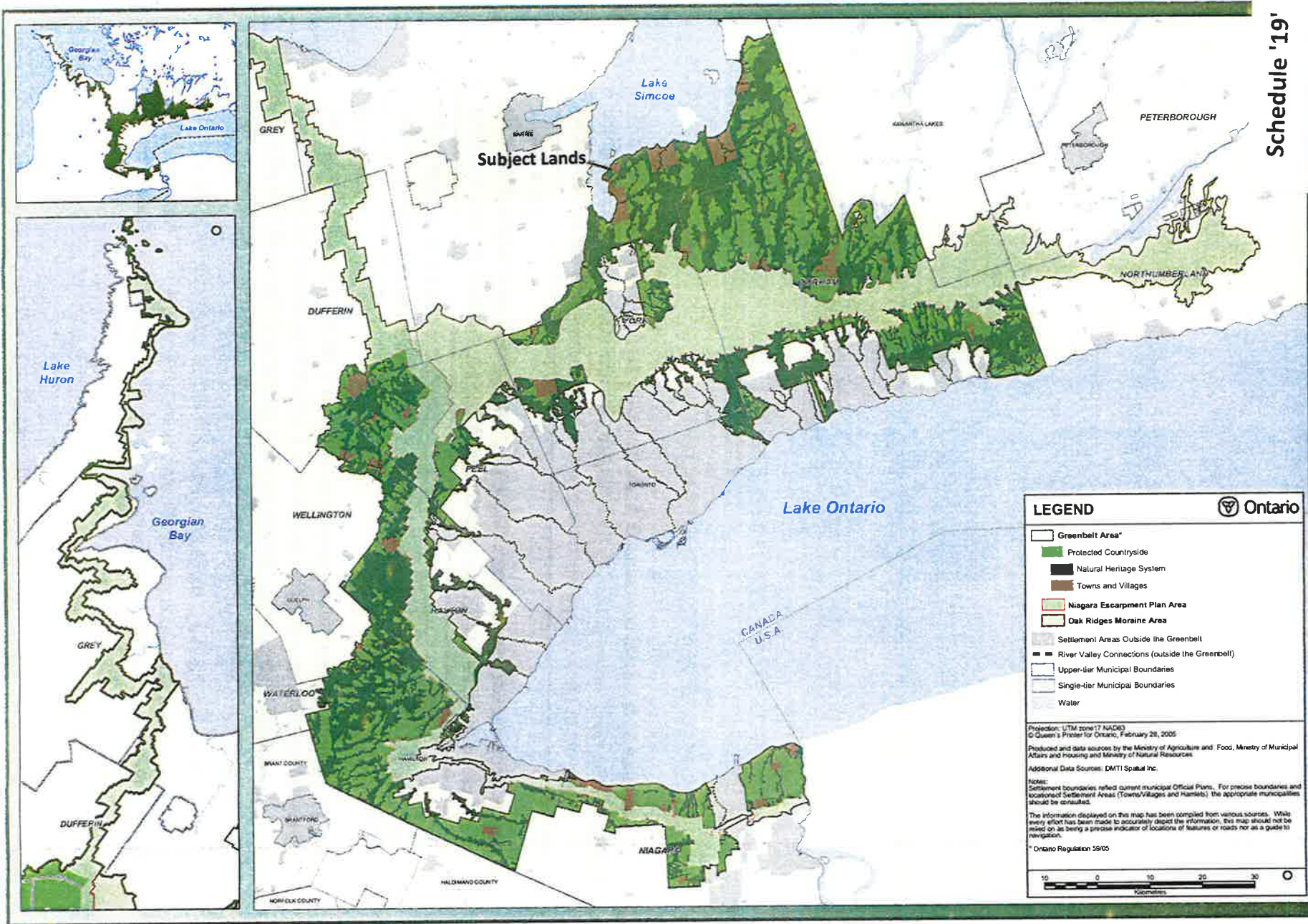
- 
3. Determine which general policies in section 4.0 may apply to the lands based on the type of use or whether lot creation is proposed.

---

  4. Determine how the policies of the Plan apply to matters that may be subject to transition under the provisions of the *Greenbelt Act, 2005*, in conjunction with the Implementation policies in section 5.0.

---

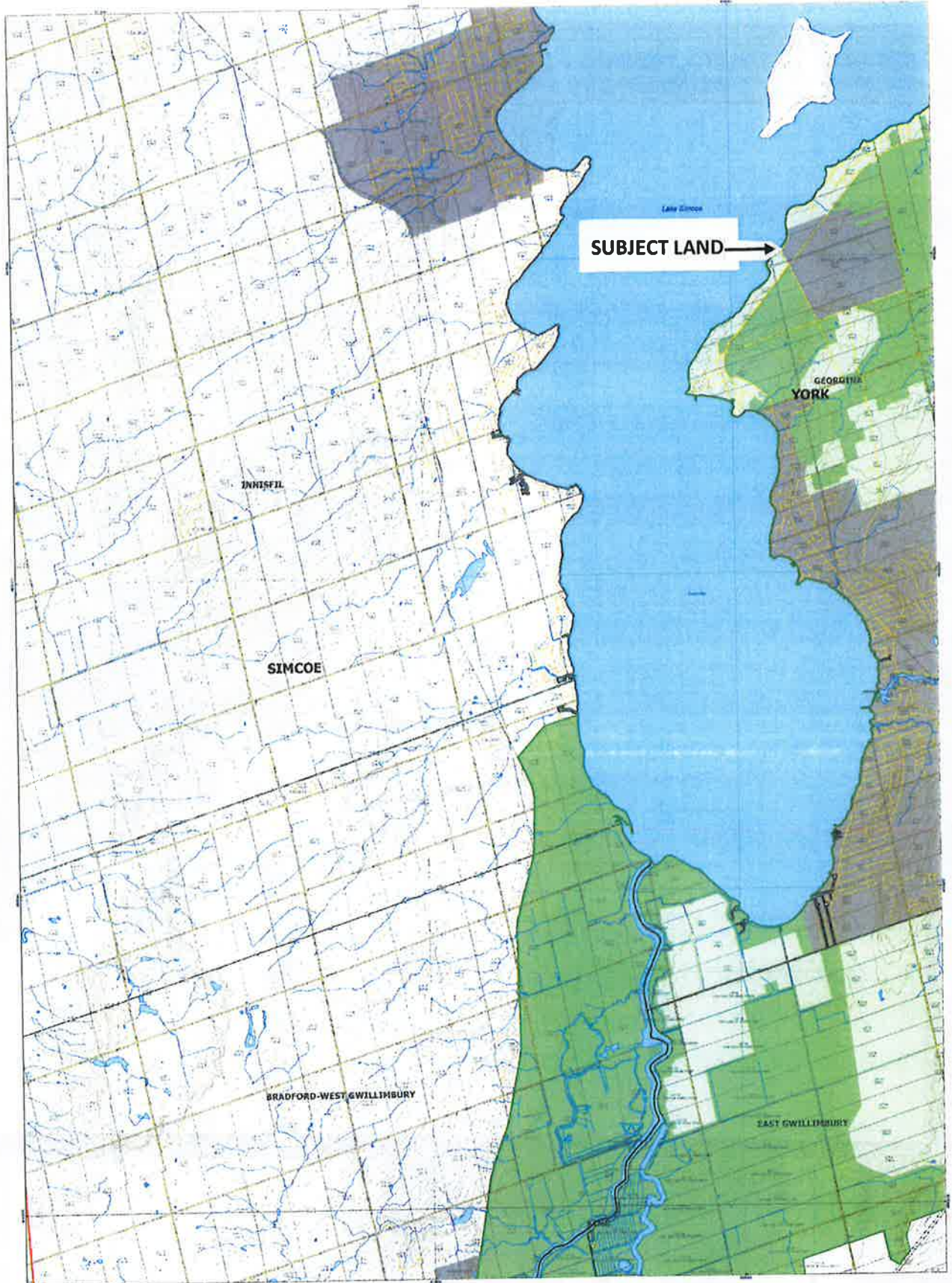
  5. Determine how the other Implementation policies in section 5.0 may apply to the lands including how this Plan works with other applicable legislation, regulations, policy and planning documents and/or whether there are any boundary interpretation policies to be considered.



Schedule '19'

**Schedule 4:**  
**greenbelt**  
 PLAN 2005  
 Natural Heritage System





- Settled Areas**
- Settlement Area
  - Hamlet
- Transportation**
- Major Road
  - Minor Road
  - Railway
- Municipal Boundaries**
- Upper Tier
  - Lower/Single Tier
- Other Features**
- Transmission Line
  - Contour (5 metre interval)

- Greenbelt Plan Area**
- Protected Countryside
  - Natural Heritage System
  - Oak Ridges Moraine Area
  - Natural Core Area
  - Natural Linkage Area
  - Niagara Escarpment Plan Area
  - Escarpment Protected
  - Escarpment Natural
- External Connections**
- Urban River Connections

## Natural Systems in the Greenbelt

Sheet: 20 of 47  
1:20 000



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February 28, 2005

Prepared by: Ontario's Ministry of Natural Resources  
Produced by: Ontario's Ministry of Natural Resources

Scale: 1:20 000  
Data Source: Ministry of Natural Resources

Note: Settlement boundaries reflect  
settlement areas (Urban/Urban)

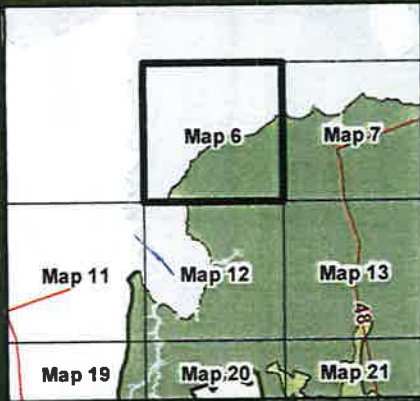
This information is based on  
data made available by the  
Ministry of Natural Resources

For further information related to the Natural Heritage System, please contact the Ministry of Natural Resources and Forestry.  
For further information related to the Natural Heritage System, please contact the Ministry of Natural Resources and Forestry.

**Schedule '20'**



# Greenbelt Plan Map division and enlargement



## LEGEND

Ontario

- Greenbelt Area\*
- Protected Countryside
- Towns and Villages
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area
- Settlement Areas Outside the Greenbelt
- Natural Heritage System
- River Valley Connections
- Upper-tier Municipal Boundaries
- Single-tier Municipal Boundaries
- Lots and Concessions
- Major/Minor Roads
- Geographic Township
- Water

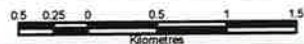
Projection: UTM zone 17 NAD83  
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Produced and data sources by the Ministry of Agriculture and Food, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources  
Additional Data Sources: DMTI Spatial Inc.

Notes:  
Settlement boundaries reflect current municipal Official Plans. For precise boundaries and locations of Settlement Areas (Townships and Hamlets), the appropriate municipalities should be consulted.

The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

\* Ontario Regulation 59/05



Greenbelt



February 14, 2013

Mr. Harold Lenters  
Director of Planning  
Town of Georgina  
26557 Civic Centre Road, RR 2  
Keswick, Ontario, L4P 3G1

Dear Mr. Lenters

Subject: Maple Lake Estates I 19T -87055 and Plan 65M-2903  
Conformity with the York Region Official Plan 2010

TOWN OF GEORGINA	
FEB 14 2013	
PLANNING & BUILDING DEPARTMENT PLANNING DIVISION	
REFER	NOTED
CAO	
Town Solicitor	HWL
VR	
FILE #	

✓ via  
Email

The Town has asked for a letter outlining the Region's position regarding the Maple Lake Estates I development and its conformity to the new Region of York Official Plan - 2010 (ROP 2010).

As you are aware, Maple Lake Estates I has long standing development approvals. Subdivision draft approval was issued by the OMB (confirmed by Cabinet) in 1988, zoned in 1987 and the plan of subdivision registered in 1992. The lands have been designated as Towns and Villages on both Map 5 of the 1994 ROP and on Map 1 of the new ROP-2010. This designation is in accordance with the Greenbelt Plan.

The ROP 2010 contains transition policies 8.4.24 and 8.4.25 dealing with Greenbelt transition which are in accordance with the Greenbelt Plan policy 5.2.1. These policies recognize the existing approvals through the municipal Greenbelt conformity exercise. Policy 8.4.25 permits the same recognition as it applies to zoning by-laws.

In our opinion, Policy 8.4.24 and 8.4.25 along with the pertinent Greenbelt transition provisions, recognize the current Georgina OP and zoning approvals, and provide for the development of the site in accordance with these approvals.

Sincerely

Valerie Shuttleworth, M.C.I.P., R.P.P.  
Director, Long Range Planning  
Office of the Chief Administrative Officer  
Telephone 905-830-4444 ext. 1526  
Email valerie.shuttleworth@york.ca

Heather Konefat, M.C.I.P., R.P.P.  
Director, Community Planning  
Transportation and Community Planning Branch  
Telephone 905-830-4444 ext. 1502  
Email heather.konefat@york.ca



8.4.24. That in the Greenbelt Plan Area, where a local municipal official plan was amended prior to December 16, 2004 to specifically designate land uses, the approval may continue to be recognized through the municipal Greenbelt conformity exercise and further applications required under the Planning Act or Condominium Act to implement the official plan approval are not required to conform to the Greenbelt Plan and are permitted in this Plan.

25. That where a local municipal zoning by-law was amended prior to December 16, 2004 to specifically permit land use(s), the approval may continue to be recognized through the municipal Greenbelt conformity exercise and any further applications required under the Planning Act or Condominium Act, 1998 to implement the land use permitted by the zoning by-law are not required to conform to the Greenbelt Plan.

Applications to further amend the site-specific official plan or zoning by-law permissions referred to above for uses similar to or more in conformity with the provisions of the Greenbelt Plan are also permitted. All such applications should, where possible, seek to achieve or improve conformity with the Greenbelt Plan.

### **Oak Ridges Moraine Conservation Plan**

26. That within the Oak Ridges Moraine Conservation Plan, uses, buildings and structures legally existing on November 15, 2001 are permitted in every land use designation, subject to the provisions of the Oak Ridges Moraine Conservation Moraine Plan.

27. That within the Oak Ridges Moraine Conservation Plan, transition provisions for applications are established within the Oak Ridges Moraine Conservation Act, 2001, as amended and the Oak Ridges Moraine Conservation Plan, 2002.

28. That notwithstanding policies 6.2.9, 6.2.10 and 6.2.11, where a planning application is submitted after November 17, 2001 as a direct result of a condition attached to a provisional consent, a draft plan of subdivision or a draft plan of condominium, the application shall be completed under the same system in effect as the original approval in accordance with the Further Approvals provisions of the Oak Ridges Moraine Conservation Act, 2001, as amended. In addition, any development permission established by such a further approval may be recognized in the local municipal official plan and zoning by-law.

#### **LEGEND**

Region-wide appeal

Area/site-specific appeal

Approved, Board Order pending

In force & effect