

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. PB-2015-0026

FOR THE CONSIDERATION OF  
COUNCIL  
MAY 13, 2015

**SUBJECT: 2015 PROVINCIAL CO-ORDINATED LAND USE PLANNING  
REVIEW  
File No. 05.245**

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**1. RECOMMENDATIONS:**

1. **THAT Council receive Report PB-2015-0026 prepared by the Director of Planning and Building, dated May 13, 2015 respecting the 2015 Provincial Co-ordinated Land Use Planning Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan.**
2. **THAT Council support the comments on the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan contained in Sections 4.1 and 4.2 of Report No. PB-2015-0026, for submission to the Province.**
3. **THAT Council support the comments of Section 4.3.1 – Pefferlaw Towns and Villages designation of Report PB-2015-0026, for submission to the Province.**
4. **THAT Council support the comments of Section 4.3.2 – Highway 404 Extension to the Keswick Business Park Secondary Plan Area of Report No. PB-2015-0026, for submission to the Province.**
5. **THAT Council support the comments of Section 4.3.3 – Maple Lake Estates and endorse Option 5 as discussed therein of Report No. PB-2015-0026, for submission to the Province.**
6. **THAT the Clerk forward a Copy of Report PB-2015-0026, and Council's resolution thereon to the Ministry of Municipal Affairs & Housing, the Regional Municipality of York and the Lake Simcoe Region Conservation Authority.**

**2. PURPOSE:**

The purpose of this report is to provide staff's comments on the two Plans of the 2015 Provincial Co-ordinated Land Use Planning review that apply to Georgina,

being the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, for Council's adoption and submission to the Province.

### **3. BACKGROUND:**

On February 27, 2015, the Government of Ontario (Province) launched a co-ordinated review of the Growth Plan for the Greater Golden Horseshoe (GPGGH), the Niagara Escarpment Plan (NEP), the Oak Ridges Moraine Conservation Plan (ORMCP) and the Greenbelt Plan (GBP), as required under their respective legislation.

The Province has indicated that the co-ordinated review has two rounds of consultation. The first round seeks input in identifying how the four Plans can better meet their objectives and, the second round will focus on obtaining feedback on potential amendments to the Plans. The deadline to submit comments in the first round of the co-ordinated review is May 27, 2015.

To support the co-ordinated review, the Province has appointed a panel of six advisors, chaired by David Crombie, to develop recommendations on how to amend and improve the Plans. They are to deliver a report to the Ministers of Municipal Affairs and Housing, and Natural Resources and Forestry, by September 1, 2015.

Included as Attachment '1' is the Province's discussion document, "*Our Region, Our Community, Our Home*", for Council's information. It describes the Plans and their objectives, highlights important policy issues and sets out questions that the Province intends to address during the co-ordinated review.

Due to the size of the four Plans, these documents are not included within this report. However, these Plans are easily accessed on the Ministry of Municipal Affairs and Housing website through the following link: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10759>. Furthermore, as the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan do not apply to Georgina, this report focuses only on the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

As additional background, on April 2, 2014 Council received Report No. PB-2014-0018, which apprised Council of Planning Staff's involvement in York Region's preliminary consultation in late 2013 on the (then pending) review of the ORMCP and the GBP. At that time, the Region received preliminary comments from the local municipalities, which helped inform a Region staff report to Regional Council in April 2014, "*Preliminary Input – Upcoming Reviews of the Greenbelt Plan and Oak Ridges Moraine Conservation Plan*".

One of the key recommendations to the Province coming out of the Region's preliminary consultation was that the major environmentally focused Provincial Plans (GBP, ORMCP, NEP and the Lake Simcoe Protection Plan (LSPP)), should be reviewed concurrently with the GPGGH. It is good to see that the Province decided to act upon this recommendation for the most part, by undertaking the review of three of the four major environmental Plans in conjunction with the Growth Plan.

The April 2, 2014 Town report also advised of staff's desire to hold a public information meeting. At that time, staff were not able to provide any details on such a meeting, as the GBP Review had not yet been initiated by the Province. However, as it has turned out, with the relatively short time period to provide comments in Round 1 of the consultation, along with the staffing situation within the Planning Division, we were unable to conduct a public information meeting in advance of the deadline for comment within the first stage of review.

Notwithstanding, it is important to note that public feedback received in relation to the Town's Official Plan Review has been helpful in forming some of the comments in this report. Furthermore, and most importantly, the public and all stakeholders have the opportunity to provide direct feedback to the Province, including providing comments at any one of a number of Public "Town Hall" consultation meetings that the Province has been holding across the Greater Golden Horseshoe.

The closest Town Hall meeting to Georgina was held in Aurora on April 13<sup>th</sup>. One of the Town's Planners, Tolek Makarewicz, attended this meeting. Not surprisingly, he reported back that the meeting was well attended and that the comments ranged between people who were generally in support of the GBP and ORMCP, but wanted changes to provide more direction on certain issues (ie. water quality, agricultural protection), to others who expressed strong concerns indicating that they felt these Plans negatively impacted the use of their properties.

Before focusing on the GPGGH and GBP, it is useful to review the context and role of these Plans within Ontario's land use planning framework.

### **3.1 Provincial Land Use Planning Framework and Transition Provisions**

Within Ontario, the Province sets out the ground rules and directions for land use planning through the Planning Act and the Provincial Policy Statement (PPS 2014). Additional Plans, such as the four plans under review at this time, are created as needed to provide more detailed and geographically specific policies. These Plans, along with municipal Official Plans, are intended to work together to protect provincial and municipal land use interests. Figure 2 in the provincial

discussion document included as Attachment 1, is a flow chart that provides an overview of Ontario's land use planning framework.

An important aspect of the provincial planning system which is not addressed in the *"Our Region, Our Community, Our Home"* discussion document, and which is often overlooked and not well understood by the general public, is that the enabling legislation for these Plans, such as Bill 135 in the case of the GBP, usually contain some form of transition provisions. These transition provisions set out precisely which applications, matters or proceedings requiring a decision by Council under the Planning Act, must either conform with the Plan, or are exempted from conforming with the Plan. Furthermore, the Plans themselves typically contain transition policies that serve to recognize existing uses, and allow for the consideration of further planning approvals in certain situations, without having to conform with the Plan. Such policies in the Greenbelt Plan are found in Section 5.2.1 – Decisions on Applications Related to Previous Site Specific Approvals.

It is through such legislated transition provisions, that certain proposed developments are allowed to proceed even though they would not conform with some or all of the policies of the Plan.

For obvious reasons, transition provisions are often a major source of frustration to the public and other interest groups, and transitioned development projects can cause much difficulty for municipalities. However, whether one agrees with them or not, it is a part of the Planning system where provincial policies are continuously changing. Certainly, one can appreciate and understand the Province's challenge in trying to balance the public and private environmental, social and economic interests, when changing the "rules", so to speak, on applications that had already commenced or were previously approved under a different set of rules.

#### **4. ANALYSIS:**

The GBP serves to protect a large area of agricultural lands within the Greater Golden Horseshoe. Notwithstanding the aforementioned transition provisions, the GBP has also been effective in requiring the identification and protection of lands containing natural heritage and hydrological features, and generally precludes major development outside of settlement areas.

The GPGGH provides the framework for implementing the Province's vision for building strong, prosperous and complete communities. Serving alongside the GBP, the GPGGH provides growth management policy direction to the upper and lower tier municipalities.

As a general opening comment, the Province should be commended for the GPGGH and the GBP and the successes these Plans have achieved in their +10 years of implementation. Staff strongly supports these two Plans, as they have had, and continue to have, an overall beneficial impact in the Town's planning for a strong, prosperous, green and sustainable Georgina, as reflected in the recently released Town of Georgina Draft Official Plan, April 2015.

Staff's comments in terms of revisions to improve the Plans, and to highlight the policies that are of particular importance to Georgina, is presented below. Following this more general review, three key Georgina specific issues are presented in terms of proposed amendments to the GPGGH and/or the GBP for Council's consideration.

#### **4.1 Growth Plan for the Greater Golden Horseshoe, 2006**

Generally speaking, staff find the GPGGH to be a well written document and, for the most part, the policies are not overly difficult to understand or comprehend.

Below are staff's specific comments on various policies within the GPGGH, with reference in order of the 5 sections contained within the Plan.

##### **Section 1 – Introduction**

##### **1.2 Vision for 2041 and 1.2.2 Guiding Principles**

- These two subsections should be updated to include reference to the importance of having a strong rural economy. A significant addition within the new PPS, 2014, are policy sections addressing the Rural Area and Rural Lands and the vital role they play in Ontario. The GPGGH should be updated to reflect this new policy area which is now included in the PPS, 2014.

##### **Section 2 – Where and How to Grow**

##### **2.2.2 Managing Growth**

- This section sets out eleven provisions or requirements in terms of how population and employment growth is to be accommodated within the Greater Golden Horseshoe (GGH). Staff are generally supportive of these policies, and subsection g) in particular is of importance to Georgina. It states that:

“Population and employment growth will be accommodated by planning and investing for a balance of jobs and housing in communities across the GGH to reduce the need for long distance

commuting and to increase the modal share for transit, walking and cycling”.

Certainly a key priority and challenge for Georgina is the creation of more jobs within the municipality. Continued provincial and regional investment, in partnership with the municipality, will be needed to help make Georgina a more balanced community. This matter is discussed later in this report with respect to a couple of key strategic infrastructure investments that would help in terms of attracting future development, and employment generating uses to the Keswick Business Park Secondary Plan Area in particular.

### 2.2.3 General Intensification

- Staff strongly support the continuation of Policy 2.2.3.1 respecting the residential intensification policies and targets having to be achieved at the upper tier level (ie. York Region). This approach supports the following guiding principle of the Plan:

“Provide for the different approaches to managing growth that recognize the diversity of communities in the GGH.”

This approach was most appropriate in terms of working with the Region in arriving at the appropriate residential intensification policies and targets for the new Sutton/Jackson's Point Secondary Plan, approved by the Ontario Municipality Board in 2013. A review and update of the Keswick Secondary Plan is intended to commence at the end of 2015, at which time a determination of the appropriate intensification policies and targets for the Keswick community will also be required. As was the case for the Sutton/Jackson's Point Secondary Plan, it is appropriate that the Town also be able to work with the Region to implement the intensification policies and targets that are appropriate for the Keswick community.

### 2.2.7 Designated Greenfield Areas

- Staff strongly support the continuation of the application of density targets over *designated greenfield areas*, as noted in policy 2.2.7.3. As noted within the noted policy, density targets are measured over the entire designated greenfield area of each upper tier municipality. (ie. York Region). This provides the flexibility to provide for the appropriate levels of density within the designated greenfield areas of the differing types and sizes of urban and rural settlement areas in York Region.

- The calculation of the minimum *designated greenfield density area* target of not less than 50 residents and jobs combined per hectare, is problematic. In order to come up with the number of residents per hectare that is generated by a development proposal, a persons per unit factor (ppu) has to be assigned to the various types of dwellings proposed. For example, a residential development consisting of 10 single detached dwellings would generate a total of 27 residents using a 2.7 ppu factor. However, the same development would generate 34 residents using a 3.4 ppu factor. In this regard, there is uncertainty in terms of the appropriate or accurate persons per unit (ppu) factors that should be used for various types of residential dwelling units. It would be helpful if the Plan provided additional guidance or direction in terms of the methodology that should be used for determining the appropriate ppu's. Alternatively, some consideration should be given to include the option of having a designated greenfield area density target be measured on the basis of the number, type and size of residential units, as opposed to utilizing the estimated number of residents permitted as the basis for the calculation of density.

#### 2.2.8 Settlement Area Boundary Expansions

- Staff strongly support the existing set of policies or “tests” that must be satisfied in order to allow for a settlement area boundary expansion. By only allowing the consideration of a settlement area boundary expansion through a municipal comprehensive review, this important growth management matter remains in the control of the municipality.

#### 2.2.9 Rural Areas

- This section should be updated/ strengthened in a manner that is consistent with the PPS, 2014.

### Section 3 – Infrastructure to Support Growth

#### 3.2.4 Moving Goods

- To help stimulate and promote economic growth and job creation in Georgina, and within other more northern municipalities of the Greater Toronto Area, the Plan needs to incorporate an east-west highway connection corridor between Highway 400 and Highway 404, as a priority (commonly referred to as the “Bradford By-Pass”).
- Similarly, the Plan needs to allow for the possible interim extension of Highway 404 north of Ravenshoe Rd. to Glenwoods Ave., to service the Keswick Business Park Secondary Plan area.

- These matters are discussed in greater detail later in this report.

### 3.2.6 Community Infrastructure

- Policies 3.2.6.5 and 3.2.6.6 deal with establishing minimum affordable housing targets and require upper tier municipalities to develop a housing strategy in consultation with lower tier municipalities, the Ministry of Municipal Affairs and Housing and appropriate stakeholders. As Council is aware, the provision of affordable housing is a long standing complex matter.

Clearly, land use planning policies at the Regional and local level are not enough in themselves to address the housing affordability issue, because there are a complex set of factors involved, many of which are out of a municipality's direct control. For example, the provision of most of the housing in Ontario is produced by the private sector under a free market system. Under this system, a municipality cannot directly control the pricing of the product. In Georgina, the writer has spoken to a number of developers who say that under current market conditions and based on the costs of construction, the building of medium density apartment buildings is not economically viable in the current market situation. Certainly, the Federal and Provincial governments need to take a greater leadership role in establishing new and creative ways, along with greater financial support of incentive programs to deliver affordable housing by both the public and private sectors, particularly in the areas that need it the most.

## Section 4 – Protecting What is Valuable

### 4.2.2 Prime Agricultural Areas

- This policy section should be enhanced and updated based on the PPS, 2014.
- It may also be the appropriate time for the Province to give consideration to the development of a comprehensive “Farmlands Plan” which deals with the economic viability aspect of supporting the agricultural industry in concert with the protection of the prime agricultural land base.
- The Province should also review the current Land Evaluation and Area Review for Agriculture (LEAR) methodology, that is used at the regional level to assess and determine what lands are to be designated agricultural lands. This methodology was used in relation to the York Region Official Plan, and it has resulted in the designation of many properties in Georgina as “Agricultural Area”, where such properties clearly should not have been



designated as such (ie. York Region Waste Transfer Station site, the former Thane Smelter site, and the Town's closed landfill site, all on Warden Ave.).

## Section 5 – Implementation and Interpretation

### 5.4.3 Monitoring and Performance Measures

- This section states that a set of indicators will be developed to measure the implementation of the Plan. It also states the Minister of Infrastructure will monitor the implementation of the Plan, including reviewing performance indicators concurrent with a review of this Plan. Staff are not aware whether any performance indicators were developed or not. If these have been developed and monitored it would have been helpful to include a specific section on the performance indicators in the Province's discussion document. The new Growth Plan should actually identify the performance indicators.
- All defined words should be checked to ensure that the definitions are consistent with those in the PPS, 2014 and all other Plans.

## **4.2 Greenbelt Plan, 2005**

Generally speaking, staff find the GBP to be somewhat more difficult to use in comparison to the Growth Plan. Some of the policies are not clearly written, making them difficult to understand and interpret. Furthermore, it is not easy to use the GBP in conjunction with the LSPP, as certain policies of the LSPP apply within the GBP area, while many others do not. It can be particular difficult for the average landowner to figure out which policies of each Plan apply or not to his/her property. We have heard the same type of comment from Planners in municipalities that are subject to both the GBP and the ORMCP. There would be less confusion if the three major environmentally based Plans (GBP, LSPP and ORMCP) were combined into one comprehensive document in order to simplify interpretation and implementation.

Below are staff's specific comments on the various policies within the GBP, with reference in order of the sections contained within the Plan.

## Section 1 – Introduction

### 1.2 Vision and Goals

#### 1.2.2 Goals

- There are currently a number of goals listed under the following five major headings: Agriculture Protection; Environmental Protection; Culture,

Recreation and Tourism; Settlement Areas, and; Infrastructure and Natural Resources. It is recommended that an additional separate heading such as "Strong Rural Economy, be included in the Plan along with goals that reflect the new Rural Area and Rural Lands policies in the PPS, 2014.

### Section 3 – Geographic Specific Policies in the Protected Countryside

#### 3.1 Agricultural System

##### 3.1.4 Rural Area Policies (for lands within the Agricultural System of the Protected Countryside)

- Policy 3.1.4.5 indicates that *new multiple units or the creation of multiple lots for residential dwellings*, by subdivision/condominium approvals or severance approvals, are not permitted in rural areas. This policy is attempting to reduce the amount of lots created in the Rural Areas. However, this policy appears to provide an opportunity for an applicant to create multiple lots for residential dwellings through applying for each severance individually. This policy should be reviewed to determine if this "loop hole" has resulted in local municipal consent policies or appeals to the OMB, which are trying to circumvent the intent of minimizing lot creation in Rural Areas.

#### 3.2 Natural System (within the Protected Countryside)

##### 3.2.1 Description

- Pursuant to the Plan, the Protected Countryside contains a Natural System, which is made up of a Natural Heritage System and a Water Resource System. The delineation of the Natural Heritage System (NHS) boundary needs to be reviewed and refined as the lines in many locations do not logically follow the natural heritage features (in many circumstances they appear to cut across active farms). However, it is recognized that making numerous changes to the limit of the NHS would likely cause more problems than good, as many municipalities have already implemented the NHS through their individual Official Plan conformity exercises. However, it would still make sense to take out the obvious, large areas of agricultural land from the NHS, which could then be reflected in local Official Plans through subsequent review and update.

##### 3.2.2 Natural Heritage System Policies

- Section 3.2.2.2, as well as Section 3.2.4.6, being the Key Natural Heritage Features and Key Hydrologic Features Policies, and Section 4.5.4, being the Existing Use policies, refer to buildings and structures related to agricultural uses, although no reference is made to expansions of

agricultural uses (i.e. expansion of the land base utilized for agricultural operations). There appear to be no policies respecting the expansion of agricultural uses into the Natural Heritage System and Water Resource System of the “Protected Countryside”. Clarification would be helpful with respect to if and where expansions of “agricultural uses” are permitted.

### 3.2.4 Key Natural Heritage Features and Key Hydrologic Features Policies

- Section 3.2.4.5 requires the identification of a vegetation protection zone of sufficient width when a property is within 120 metres of a key natural heritage feature within the Natural Heritage system or a key hydrologic feature anywhere within the Protected Countryside. Similarly, the policy framework establishes a minimum vegetation protection zone of 30 metres for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes, and significant woodlands as outlined in policy 3.2.4.4. Clarification needs to be provided on who determines the appropriate width of the vegetation protection zone and who defines the boundaries of these features. It is also not clear whether either of these is subject to applicant/public scrutiny/objection/appeal.

### 3.2.5 External Connections

- There is a conflict with respect to how River Valley Connections are identified in Schedules 1 and 4 and indicated in the policies. Schedule 1 of the Greenbelt Plan displays “River Valley Connections (outside the Greenbelt)” on the legend as a dotted green line. In the Town of Georgina, a dotted green line is present for the Maskinonge River, Black River and Pefferlaw River, which are all included within the Greenbelt Plan (and within the Towns/Villages designation). In addition, Section 3.2.5 External Connections, states these external connections are generally depicted by a dotted green line on Schedule 1 and 4, but are not within the regulated boundary of the Greenbelt Plan. However, they are displayed in the Town of Georgina, which is in the regulated boundary of the Greenbelt Plan. In addition, the legend in Schedule 1 and 4 displays “River Valley Connections” and Section 3.2.5 uses the title “External Connections”. The terminology should be consistent. This policy needs to be reviewed and rewritten, so that the mapping and text say and do the same thing.

## 3.4 Settlement Areas (within the Protected Countryside)

### 3.4.2 Towns and Villages Policies

- Policy 3.4.2.5 is significant in that it prohibits the expansion of the Towns/Villages designation until this 10-year GBP review, when only modest settlement area expansions may be possible, provided the

proposed growth meets a number of tests or criteria. One concern with this policy is that it is unclear what constitutes “modest settlement area expansions”, and additional guidance on the meaning of this provision would be helpful in terms of implementation.

- The four Towns/Villages designations in the GBP applicable to the Town of Georgina correspond with the boundaries of the Keswick Secondary Plan Area, the Keswick Business Park Secondary Plan Area, the Sutton/Jackson’s Point Secondary Plan Area and the Pepperlaw Secondary Plan Area. One of the criteria that must be satisfied in terms of allowing a Towns/Villages extension or expansion is that the proposed growth “appropriately implements the requirements of any other provincial and municipal policies, plans, strategies or regulations, including requirements for assessment of need, locational and similar considerations.” In this regard, the PPS, 2014 and GBGGH only permit settlement area expansions where there are no further options/locations (ie. designated greenfield lands or intensification opportunities) to accommodate necessary growth. In terms of Georgina’s four Towns/Villages designated areas, there is still enough undeveloped designated land and intensification opportunities to accommodate the Town’s projected growth to 2031. As a result, there is no need to consider or request any Towns/Villages settlement area expansions as part of this GBP review. In fact, as discussed in more detail later in this report, it is appropriate to consider the contraction of the Pepperlaw Towns/Villages designation within the GBP.

#### 3.4.3 Hamlet Policies

- Section 3.4.3.2 speaks to “minor rounding out”. Additional guidance or direction on the meaning of this provision would be helpful in its implementation.

#### 3.4.4 Additional Policies for Settlement Area Expansion

- This is the set of transition policies that enabled the Town to continue with the creation of the Keswick Business Park Secondary Plan. It would appear that these specific policies would no longer be necessary or required in the Plan if in fact they were instituted with specific regard to the Keswick Business Park Secondary Plan and similar situations where a municipality had initiated a settlement area expansion study well in advance of the formation of the GBP. One would think that these settlement area expansion studies/processes would have long been completed by now.

## Section 4 – General Policies for the Protected Countryside

### 4.1.1 General Non-Agricultural Use Policies

- In order to comply with the GBP, the Town undertook a General Zoning By-law Amendment to remove several permitted uses in the Town's Rural Zone (i.e. cemetery, church, veterinary clinic, parking lot for school buses and commercial vehicles, police station, bus or truck terminal). A review of the GBP permitted uses within the Prime Agricultural Areas should be undertaken to be more encompassing in order to help achieve the vision of providing for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses. For example, it would seem reasonable that a veterinary clinic could be permitted in a Prime Agricultural Area as an "agricultural-related use". It is not apparent how allowing such a use (that is not specific to a particular farm operation and could serve surrounding farm/land owners who require care for their livestock and pets) would be problematic in a Prime Agricultural Area.
- In addition, bed and breakfast residences, which generally operate from within a single family detached dwelling, are currently not permitted in Prime Agricultural Areas in the Protected Countryside. Bed and breakfasts residences should be included as a permitted use in Prime Agricultural Areas, as they can be considered an agri-tourism use by providing limited accommodation that promotes enjoyment, education or activities related to the farm. This type of use should be permitted due to agri-tourism increasing public awareness of agriculture and its ability to provide opportunities to improve incomes and the economic viability of small farms and rural communities.
- The recognition of smaller-scale commercial/industrial uses in the countryside is significant, particularly in the Town of Georgina where there are several of these existing businesses. Many of the rural industrial/commercial uses would not be appropriate to locate in the settlement areas due to the large tracts of land required to operate these types of businesses. However, in a municipality such as the Town of Georgina, where there is a large Agriculturally designated land base and limited Rural Area designated lands, it results in limited opportunities to locate uses such as woodcutting businesses, kennels, greenhouses and storage facilities. Policies should be incorporated that would allow the consideration of these types of uses outside of the Towns/Villages designation. In keeping with the PPS, 2014, the Greenbelt Plan should be revised to give more flexibility in terms of its non-agriculture land use

policies and permitted uses, as it currently adopts a one size fits all approach.

#### 4.1.2 Recreational Use Policies

- More direction should be provided on where major recreational facilities may to be located. The rationale for allowing major recreational facilities in the Natural Heritage System is unclear as it appears to contradict the intent of protecting the Natural Heritage System.

#### 4.1.3 Shoreline Area Policies

- Direction or clarity should be provided on whether Shoreline Area policies are intended to also apply to the Shoreline Areas within the Settlement Areas. In the Town of Georgina, the settlement areas of Keswick, Sutton/Jackson's Point, Pefferlaw and Virginia are all designated Towns/Villages and also front onto the Lake Simcoe Shoreline.
- Section 4.1.3.2 states that "minor rounding out" is permitted in the Shoreline Areas, however Section 4.1.3.1 states that Shoreline Areas are those areas where concentrations of existing or approved shoreline development are currently zoned and/or designated in municipal Official Plans, as of the date this Plan came into effect. It is unclear how "rounding out" is permitted in the Shoreline Areas given the definition in Section 4.1.3 (1). In addition, if rounding out does occur, can land use conversions, redevelopments and/or resort development (as identified in 4.1.3.2(d)) be permitted in the rounded out area?
- Clarity is required on whether resort development is only permitted in the Shoreline Areas. Rural Area policies (Section 3.1.4) allow for "recreational, tourism, institutional and resource-based commercial/industrial" uses. Clarification should be provided on whether resort development is only permitted in the Shoreline Areas and similarly, whether these same uses are permitted in Shoreline Areas.
- A definition for "resort" should also be provided.
- Section 4.1.3.2(d)(i) requires a 30 metre vegetation protection zone and Section 4.1.3.3 allows for flexibility to this setback. However, lands along the shoreline that are not defined as Shoreline Areas (according to the definition provided in 4.1.3.1), are not offered the same flexibility, and would be required to comply with the 30 metre vegetation protection zone as outlined in Section 3.2.4.4 and in Section 3.2.4.7. The same flexible policy for the Shoreline Areas should also apply to lands along the Lake

that have historical development but are currently not zoned/designated in a way that meets the definition of a “Shoreline Area” (ie. the shoreline area between Sibbald Pt. Park and the Hamlet of Virginia).

## Section 5 – Implementation

### 5.6 Plan Review

- Once the proposed modifications to the GBP are released, municipalities, stakeholders and the public must be provided with a sufficient amount of time to review and provide comments.
- Workshops for the round 2 consultation should be held by the Ministry similar to workshops held during the first round of consultation. Workshops should also occur in various locations in order to accommodate residents who reside in rural communities.

### 5.8 Monitoring/Performance Measures

- In the Draft Performance Monitoring Framework Discussion Paper, it was indicated that monitoring results will be reported to the public and used by the Province to inform the 10 year review of the Greenbelt Plan. This information was not made available with the first round of consultation, but should be part of the release of the round 2 consultation, with the proposed amendments to the GBP in order to assist in the formation of further comments to be submitted.

## **4.3 KEY GEORGINA ISSUES:**

### **4.3.1 Pefferlaw Towns and Villages Designation**

The Pefferlaw Secondary Plan Area boundary is identified in both the Town's Official Plan and the Pefferlaw Secondary Plan as a large rectangular-shaped area of 2,518 hectares. During the preparation of the Greenbelt Plan in 2003, the Province decided that the delineation of the “Towns and Villages” Settlement Area designation in the Greenbelt Plan would be based on approved Secondary Plan boundaries in existing municipal official plans, and as such, this same area was incorporated into the Greenbelt Plan as a “Towns and Villages” designation (refer to Attachment '2').

Regarding the “Towns and Villages” designation, the Greenbelt Plan states:

“Towns/Villages have the largest concentrations of population, employment and development within the Protected Countryside and tend to be the central settlement area(s) for their respective municipality. Although most have full municipal water and sewer services, some only have a municipal water service

and/or a combination of private and municipal water services. Towns/Villages are the focus of development and related economic and social activity.” (Section 3.4.1)

Contrary to the above policy description of what a Town/Village is, Pefferlaw does not “have the largest concentrations of population, employment and development within the Protected Countryside”, nor is it “the central settlement area(s) for their respective municipality”. The Keswick and Sutton/Jackson’s Point Settlement Areas are the two largest growth areas in the Town and do meet the above-mentioned characteristics of Towns/Villages.

According to York Region’s growth projections, the Town’s total population in 2031 is forecasted to be 70,300 people, which is an increase of 17,500 people between 2016 and 2031. However Pefferlaw is only expected to see a small proportion of that increase, with a growth of approximately 100 residents over the same time period (from 2,900 residents in 2016 to 3,000 residents by 2031). By contrast, the Town’s two largest Settlement Areas, Keswick and Sutton/Jackson’s Point, are forecasted to see population increases of 11,600 and 3,700 residents respectively over this same time period.

As directed in the Official Plan, the Keswick and Sutton/Jackson’s Point Settlement Areas will accommodate the majority of future growth, whereas the Pefferlaw Settlement Area is planned to accommodate only limited growth.

There are also numerous natural heritage and hydrologic features that are located with the existing Pefferlaw Secondary Plan boundary that, pursuant to various Provincial, Regional and Town policies, could not be developed.

In addition to the various natural heritage features and hydrologic features within the Pefferlaw Secondary Plan land area, there are also 1,461 ha of land identified as Class 1, 2 and 3 lands, which are defined as Prime Agricultural Lands by the Provincial Policy Statement (PPS, 2014). The PPS requires that expansions to settlement areas avoid prime agricultural areas. However, since almost all of the vacant lands designated “Residential” in the Secondary Plan in 1996 still remain undeveloped, there is no foreseeable need for more lands to be designated to accommodate Pefferlaw’s growth forecast to 2031. Therefore, it is reasonable to consider the removal of the prime agriculture lands from the Towns and Villages boundary.

As it appears in the Greenbelt Plan’s schedules, the Pefferlaw Settlement Area is of similar land area as the Keswick and Jackson’s Point/Sutton Settlement Areas. When shown in a higher order planning document such as the Greenbelt Plan, a false impression is created about the growth potential of Pefferlaw which leads to



confusion. As outlined, the growth potential for Pepperlaw is minimal (approximately 100 residents between 2013 and 2031) and therefore, a smaller Settlement Area designation would more accurately reflect the future growth forecasted for this Settlement Area.

The Province has expressed a desire to “grow the Greenbelt” in order to add additional land to the 1.8 million acres of environmentally sensitive and agricultural land that currently form the Greenbelt. The Province has outlined a process and released criteria that must be met when considering possible Greenbelt expansions. Although this process and criteria are focused on lands located outside of the Greenbelt Plan area that may qualify for further protection, there is planning merit in applying this process and criteria to Settlement Area contractions. The contraction of the existing 2,518 hectare Pepperlaw Settlement Area boundary to a more logical limit would transfer the balance of the Settlement Area to the Greenbelt lands, thereby growing the Greenbelt.

As part of the Official Plan Review, the Town’s Planning consultant, MHBC Planning, prepared a report entitled “Review of Pepperlaw Hamlet Boundary”, which provides a detailed examination of the above planning rationale for contracting the Pepperlaw Settlement Area boundary. This analysis includes a recommended new boundary that is “form-fit” to the existing built-up areas and natural features. MHBC’s recommended boundary delineates a 976 hectare area. Town staff have completed an additional mapping review which includes an examination of the underlying land use designations and are recommending a boundary that delineates a 1,022 hectare area; an approximate 59% reduction from the current 2,518 hectare boundary. This final recommended boundary of the area to remain within the “Towns/Villages” designation for Pepperlaw within the Greenbelt Plan is shown on Attachments ‘3’ and ‘4’.

In summary, the relatively small level of growth forecasted for Pepperlaw does not warrant having of 2,518 hectares of “Towns and Villages” designation in the Greenbelt Plan. The contraction of this Settlement Area boundary would more accurately reflect growth forecasts, more effectively implement the Town’s Official Plan growth management policies, better protect natural heritage/hydrologic features and Prime Agricultural Lands, address an optics issue regarding the physical size of the Pepperlaw Settlement Area and assist the Province in their desire to grow the Greenbelt.

#### **4.32 Hwy 404 Extension to Keswick Business Park Secondary Plan Area**

A policy objective in the Town’s Draft Official Plan, April 2015, is to develop complete communities that provide a variety of opportunities for housing and employment. Complete communities provide residents with the opportunities to live, work and play in one community. A key component of a complete

community is the provision of employment lands which provide employment opportunities for local jobs to residents.

The Keswick Business Park Secondary Plan Area is identified as the main employment area in the Town. At complete build-out, this area is forecasted to provide approximately 8,000 jobs. Due to the significant traffic demands that these types of uses generate, as well as their reliance on the efficient movement of goods and people, many of these types of large-scale employment uses are required to be serviced by direct highway access.

From a Provincial policy standpoint, the PPS, 2014 requires the protection of corridors and rights-of-way for infrastructure, including transportation, to meet current and projected needs (Section 1.6.8.1). The PPS, 2014 also recognizes the requirement for employment areas to be well serviced by appropriate infrastructure, including transportation corridors (Section 1.3.2.1) and reciprocally, the province protects Employment Areas in proximity to primary transportation corridors (Section 1.3.2.3).

Carrying this Provincial policy forward, the Town's Draft Official Plan, April 2015 identifies this area as a "Key 404 Extension" and contains associated policies that encourage early implementation of the Highway 404 extension to Glenwoods Avenue, which will be the main highway interchange servicing the Keswick Business Park.

Similar to the above Provincial and Town policies, staff recommend that a policy be added to the updated GPGGH that prioritizes development of Highway 404 to Glenwoods Avenue. Such a policy would allow government agencies and developers the ability to discuss interim solutions such as constructing a temporary regional road in this location until a full highway is built. Such a policy would recognize the important relationship between employment areas and transportation corridors, consistent with Provincial and Town policy. It is suggested that this policy direction be reflected through appropriate mapping updates showing the existing Highway 404 extension to Ravenshoe Road as an "Existing Major Highway" and the extension of Highway 404 to Glenwoods Avenue as "Highway Extensions".

Staff also recommend that the GPGGH be revised to reflect a Highway 400 - Highway 404 connection. The Environmental Assessment for this corridor was approved on August 28, 2002 and would connect Highway 400 in the Town of Bradford West Gwillimbury to Highway 404 in the Town of East Gwillimbury. This corridor will facilitate more efficient movement of goods and people to and from the western parts of the Greater Toronto Area and benefit the Town from an economic development standpoint. As such, Town staff are recommending that

the updated GPGGH include policies and mapping revisions to reflect this critical highway linkage.

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

The planned 1073 residential unit Maple Lake Estates Adult Lifestyle Retirement Community (Maple Lake Estates or MLE) is located on the property shown on Schedules '2' and '3' of Report No. PB-2013-0062 which is included as Attachment '5'.

Through the previous circulation of Staff Report No. PB-2013-0032, Council has been apprised of the history of MLE with respect to the existing development approvals, and the past engineering/infrastructure work that has taken place.

Furthermore, through the education session held on February 18, 2015, Council was provided an update on the status of confidential meetings that have occurred between the Town, Ministry of Municipal Affairs and Housing (MMAH), York Region, Lake Simcoe Region Conservation Authority (LSRCA), North Gwillimbury Forest Alliance (NGFA) and the MLE owners, regarding a possible transfer of development rights to other lands they also own; and, the separate, but related matter, regarding the proposed new LSRCA Guidelines for the implementation of O.Reg.179/06.

In view of this, the historical background will not be repeated here, but rather the options that staff believe Council can consider with respect to commenting on MLE in relation to the GBP, are presented below and then analyzed thereafter:

##### **Options:**

##### **Option 1 – (Support MLE As Is – Request No Changes to GBP)**

If Council is in support of the construction of MLE as per the existing planning approvals, Council should request the Province to maintain the Towns and Villages designation, and also keep the subject land outside of the Natural Heritage System designation, as is currently the situation in the GBP.

If these GBP designations remain intact, there would be no reason or basis to change the York Region Official Plan or Town Official Plan and, thus, the development could proceed subject to obtaining a permit from the LSRCA, and the assignment of servicing allocation by the Town.

Option 2 – (Support MLE Re-Design – Request No Changes to GBP)

If Council is in support of trying to facilitate a more environmentally sensitive re-design of MLE, then it also makes sense to maintain the existing designations within the Greenbelt Plan, and then direct staff to commence negotiations with the various parties to develop a redesigned MLE. If that negotiation process proved successful, the next step would be to proceed with amending the existing York Region and Town Official Plans accordingly. Should these documents be amended, then the other local planning processes involving applications for plan of subdivision or condominium or site plan, along with an application to amend the Zoning By-law could take place.

Council may recall that this was previous Council's direction to staff, stemming out of Council's consideration of Report No. PB-2013-0032 on March 25, 2013. But that direction changed as a result of Report No. PB-2013-0062, which is included as Attachment '5'. This report advised of the opportunity for a MLE development rights exchange to other lands located south of Deer Park Road under the MLE ownership group, ("Deer Park South Lands"), as shown on Schedule '4' in Report No. PB-2013-0062 included as Attachment '5'. Staff was directed to consult further on this new opportunity and then report back to Council.

Option 3 – (Neither Support Nor Oppose MLE – No comment on GBP)

Another option may be for Council to provide no comment or indifferent feedback with respect to the current status of MLE within the GBP. This could be an option should Council not have a strong opinion, one way or the other, in terms of building or not building MLE. Similarly, Council may be of the position that the pros and cons of either developing or not developing MLE are on balance equally acceptable.

Option 4 – (Do Not Support MLE – Request Changes to GBP)

If Council does not support the existing approved MLE because it desires to protect the wetlands and woodlands, it should request the Province to remove the Towns and Villages designation from the subject land, and include the land within the Protected Countryside and Natural Heritage System (NHS) designations in the GBP, and to also remove any transition provisions as may currently apply and permit MLE.

If the Province implements the above request, then this would allow the Region and the Town to proceed with amending their respective planning documents to include designations and policies which would not permit MLE on the subject land.

**Option 5** – (Do Not Support MLE – Request Changes to GBP to facilitate Development Rights Transfer)

If Council does not support the approved MLE because it wants to protect the wetlands and woodlands, it should request the Province to remove the Towns and Villages designation and include the land within the Protected Countryside and NHS designations, and to remove any conflicting transition provisions. Council should as well, simultaneously request changes to the GBP which would facilitate the transfer of the MLE development rights onto Deer Park South Lands.

More specifically, this would be a request to the Province to designate the portions of the Deer Park South Lands that do not contain any significant environmental features as Towns and Villages, while removing the Towns and Villages designation from the MLE lands and protecting the environmental features on both the MLE lands and the Deer Park South Lands through the NHS designation.

**Analysis of Options:**

Section 2 of the Planning Act sets out eighteen matters of provincial interest for which the Minister, the council of a municipality, a local board, a planning board and the Municipal Board shall have regard to in carrying out their responsibilities under the Act. The first matter of provincial interest is under Section 2(a) which states:

“the protection of ecological systems, including natural areas, features and functions,”

Part I: Preamble of the PPS, 2014 states:

“The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development...”

Section 2.0, Wise Use and Management of Resources of the PPS, 2014, provides the primary policy direction with respect to the above noted provincial interest. A copy of this policy direction from the PPS, 2014 is included as Attachment ‘6’.

Based on the Planning Act and the PPS, 2014, it is clearly a matter of provincial, regional and local interest, that the MLE lands not be developed, but rather that the lands be protected as a natural area. However, it must be recognized that notwithstanding what the PPS, 2014 directs, the Greenbelt Plan currently permits

the development of MLE. It is also important to note that under the provisions of the PPS, 2014 and the Greenbelt Plan legislation, the Greenbelt Plan prevails over the PPS, 2014 to the extent of any conflict.

In view of the above, it is staff's opinion that in assessing the options presented earlier, the preferred option is the one that provides the greatest chance (or least amount of downside risk) of being successful in protecting the MLE lands from any development, and preserving it as natural area in perpetuity.

Furthermore, good planning would dictate that all of the existing MLE approvals in the Greenbelt Plan, the Region's Official Plan and the Town's Official Plan and Zoning By-law, must be changed to the appropriate protective land use designations, policies and zoning. The dedication of the MLE property to a public authority is also a highly desirable outcome in terms of ensuring the property's long term protection as a natural area.

In consideration of the above, Options 1 and 2 should be eliminated as these do not serve to adequately protect the wetlands and woodlands.

Option 3 is only appropriate if Council is satisfied with the development possibly happening. If Council has a desire to protect the property, as staff believes it should, then Option 3 is not recommended. Also, this option fails to deal with the fact that the population from MLE is part of the Region and Town's projected population targets that need to be accommodated within Georgina.

This leaves Options 4 and 5. They are essentially the same, but with one significant difference - Option 5 includes support for a development rights exchange, while Option 4 does not.

Option 4 might appear appropriate in that it requests the Province to change the Greenbelt Plan in a manner intended to protect the MLE lands from development. If the intention is that development of the property should not occur (as it shouldn't according to the PPS, 2014), then the Towns and Villages designation must be removed, and the property included within the NHS designation. While this option seems on the surface to make sense, an important question to ask is: Why would the Province do something now that it intentionally did not do 10 years ago when it created the Greenbelt Plan? It's not like the planning landscape has changed, as the PPS policies back then were equally protective of wetlands and woodlands. Clearly, the Province must have had regard to other factors in designating the MLE property as Towns and Villages and not including the land within the NHS. Staff are very concerned that the Province would not implement changes to the GBP unless such changes were accompanied by a development rights exchange, which leads to the consideration of Option 5.

Before addressing the merits of that Option, pursuant to discussions with the Town Solicitor, it is important to note that the owners of the MLE lands have made substantial investments in the infrastructure necessary to service the site, and that the Town has an agreement with the landowner to allocate servicing capacity to MLE when such capacity is available and the development is ready to proceed. It seems likely, then, that if the Province were to decline to amend the GBP, and the Town purported to revoke the existing MLE approvals without supporting the transfer of development rights contemplated in Option 5, the owner would challenge the Town's ability to resile from this agreement, both in the courts and in appeals before the OMB relating to the changes to the Town's and Region's planning documents that would be necessary to eliminate the owner's ability to develop the site. Such a challenge would place the Town's ability to prevent the development at risk, not to mention the potentially large costs the Town would incur in maintaining its position before both the courts and the Board.

Option 5 certainly is not something new, but has been the subject of a report to previous Council and a number of meetings with the various parties. Such meetings were suspended as a result of the last Provincial and municipal elections, and have not yet re-started.

Through the Ministry of Municipal Affairs, the previous provincial government had advised Town officials that it was in support of helping to facilitate a development rights transfer from the MLE lands to the Deer Park South Lands. York Region and the LSRCA were also supportive of this development rights transfer. In the course of the meetings between the parties which took place in 2014, however, representatives from the North Gwillimbury Forest Alliance (NGFA) presented an alternative location for a MLE development rights transfer, being to the undeveloped Metrus lands in South Keswick. In response to this proposal, a lawyer representing MLE, Mr. David Bronskill, submitted a letter to the Town confirming that "the lands owned by Maple Lake and the lands in south Keswick are under different ownership", and that there is therefore "no opportunity to 'exchange' development approvals between these two projects". Subsequently, the Town solicitor, Mr. Michael Bigioni, provided a letter to the CAO that was then presented to Council in closed session, which addresses Mr. Bronskill's letter, and the impact the position he (Mr. Bronskill) has expressed on behalf of Maple Lake Estates Inc. is likely to have on the goal of preserving the MLE lands free of development. Based on the solicitors' comments, staff do not see the lands in south Keswick as being a viable developments rights transfer alternative, as there is a high likelihood of such a transfer not being successfully implemented.

Following careful consideration of all five options, staff are of the opinion that Option 5 is the preferred option, as it meets the goal of preserving the natural features on the MLE lands, while providing the greatest certainty of being

successful. Staff recognize that this option will result in a loss of some farmland, but that is the trade-off that appears to be necessary in order to remove the long standing planning approvals on the MLE lands, with the least risk involved. It should also be understood that from a provincial policy perspective, urban development is not absolutely prohibited from occurring on prime agricultural lands. In this regard, the Greenbelt Plan provides for the possible expansion of Towns and Villages on prime agricultural lands that are not specialty crop areas. The pertinent policies in this regard are included as Attachment '7'.

In staffs view, there is considerable risk in relying on the decision of an outside agency, which in this case means a LSRCA decision on a Section 28 development permit, in order to try to stop the MLE development. And even if the LSRCA staff and Board refuse to issue a permit, that refusal can be appealed to another decision making body, and there is no guarantee that the refusal will be upheld. This risk is further enhanced by the LSRCA Board's recent adoption of a resolution directing that the start date for the implementation of the Authority's new Watershed Development Policy guidelines is June 1, 2015.

There has also been some concern raised about the lack of information on what the design of a new development on the Deer Park South Lands would look like, and the process that would or should be undertaken in this regard. While in some sense this concern is understandable, on the other hand it would be premature to begin designing the details of a development when the more general land use principles and policies have yet to be established. The Province has previously indicated that should the principle of development of the Deer Park South Lands be permitted under the GBP, the lands would then need to go through all of the required Planning Act applications/ approvals processes, including public consultation and possible appeals to the OMB, in order to arrive at the final development design. Certainly, one can see the potential and opportunity that exists in designing the site in terms of implementing Low Impact Development (LID) design features through the assistance of the LSRCA. Another idea may be to preserve a portion of the farmland for the purpose of a local food/market garden for future residents of the development.

In summary, Option 5 provides the best opportunity to:

1. Permanently protect the MLE lands from any development through appropriate changes to the planning documents at the Provincial, Regional and Town levels;
2. Accommodate the projected MLE population/growth as required under the Region and Town Official Plans, in a more compact form of development that would utilize considerably less land than the 500+ acres that would have been consumed by the existing approved MLE;



3. Transfer the MLE lands into public (municipal) ownership, which provides for greater long term protection; and
4. Accommodate the MLE growth within the same general area of the MLE lands.

Finally, correspondence from both the LSRCA and York Region indicate continued support for transfer of development rights to the Deer Park South Lands as being the best option to protect and preserve the MLE lands as a natural area (refer to Attachments '8' and '9').

**5. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

Formal public consultation and notification for this report is not required. However, a number of individuals and organizations had previously requested notification of the Town's review of the Greenbelt Plan. These individuals and organizations were contacted by email to advise them of this report coming before Council. (refer to Attachment '10'). As of the date of the completion of this report (May 5, 2015), the writer has not received any correspondence from these notified individuals or organizations.


**6. FINANCIAL AND BUDGETARY IMPACT:**

There are no direct financial or budgetary impacts stemming from this report.

**7. CONCLUSION:**

The GPGGH and GBP are important documents in the Ontario Planning System. Staff strongly support the purpose and intent of each Plan, and with certain changes and revisions these Plans can be improved to better serve the needs of Georgina. In this regard, the recommendations in Section 1 are respectfully submitted to Council for consideration of support and submission to the Province.

Submitted by:



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Director of Planning and Building

Approved by:



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

5 May 2015

- Attachment 1 – *Our Region/Our Community/Our Home: A Discussion Document for the 2015 Co-ordinated Review*
- Attachment 2 – *Schedule 1: Greenbelt Plan Area of the Greenbelt Plan, 2005*
- Attachment 3 – *Recommended Pefferlaw Secondary Plan Boundary*
- Attachment 4 – *Schedule 'E1' Land Use Plan of the Pefferlaw Secondary Plan*
- Attachment 5 – *Planning Report No. PB-2013-0062*
- Attachment 6 – *Section 2.0, Wise Use and Management of Resources and Figure 1: Natural Heritage Protection Line, of the PPS, 2014*
- Attachment 7 – *Prime Agricultural Area Policies and Section 3.4, Settlement Areas of the Greenbelt Plan, 2005*
- Attachment 8 – *Correspondence from LSRCA dated April 28, 2015*
- Attachment 9 – *Email Correspondence from Val Shuttleworth, Chief Planner for York Region to Harold Lenters, Director of Planning and Building for the Town of Georgina*
- Attachment 10 – *Email correspondence from Harold Lenters, Director of Planning and Building for the Town of Georgina to several individuals/groups*