



Corporate Services
Planning and Economic Development Branch

Memorandum

TO: Members of Regional Council
FROM: Valerie Shuttleworth, Chief Planner
DATE: October 18, 2016
RE: **Town of Georgina Official Plan 2016**
Clause 5 of Committee of the Whole Report No. 15

Background

Located north of Deer Park Road and west of Woodbine Avenue are lands known as Maple Lake Estates (Attachment A). Permissions for development of these lands date back to a Provincial Cabinet Minister's Order issued in 1983 and are further reflected through the current designation of the lands as "Towns and Villages" in the Greenbelt Plan, 2005. Much of these lands are also located in the North Gwillimbury Forest and identified as significant woodlands and wetlands (provincially significant wetlands) in both the Regional Official Plan and Georgina Official Plan.

The Province, York Region, Town of Georgina, Lake Simcoe Region Conservation Authority, North Gwillimbury Forest Alliance and owners of the subject lands have been working together to explore options to protect these environmentally sensitive lands. One option, preferred by Town of Georgina staff and Council, would transfer the Greenbelt Plan's Towns and Villages designation from the lands known as Maple Lake Estates to lands south of Deer Park Road (see Attachment A). Environmentally sensitive lands south of Deer Park Road would be excluded and the Maple Lake Estates lands would be designated Protected Countryside and Natural Heritage System.

Additional recommendation requested by Committee

At its meeting of October 13, 2016, Committee of the Whole directed staff to provide an additional recommendation to request the Province to take action, through an amendment to the Greenbelt Plan, to protect these environmentally sensitive lands on Maple Lake Estates, as identified on Attachment A.

Accordingly, staff recommend that Clause 5 of Committee of the Whole Report No. 15 be amended to add the following recommendation:

4. The Province be requested to amend the Greenbelt Plan to protect the North Gwillimbury Forest lands within Maple Lake Estates and increase the amount of land within the Protected Countryside by transferring the Towns and Villages Designation to lands, excluding the environmentally sensitive lands, located on the south side of Deer Park Road as shown on Attachment A, pursuant to discussions between the Province, the landowner, the Town of Georgina, the Regional Municipality of York, the Lake Simcoe Region Conservation Authority, and the North Gwillimbury Forest Alliance.

Correction to Staff Report

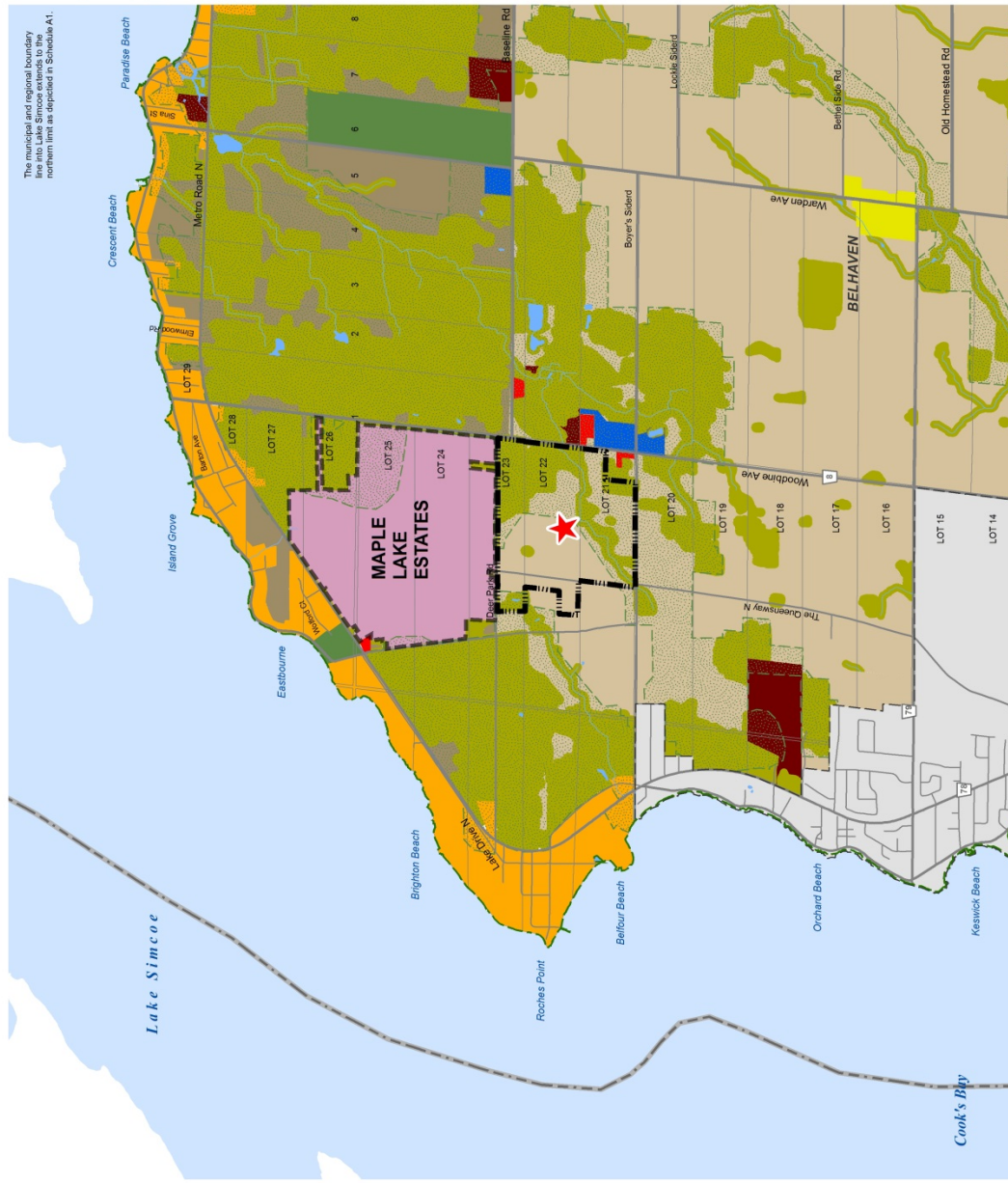
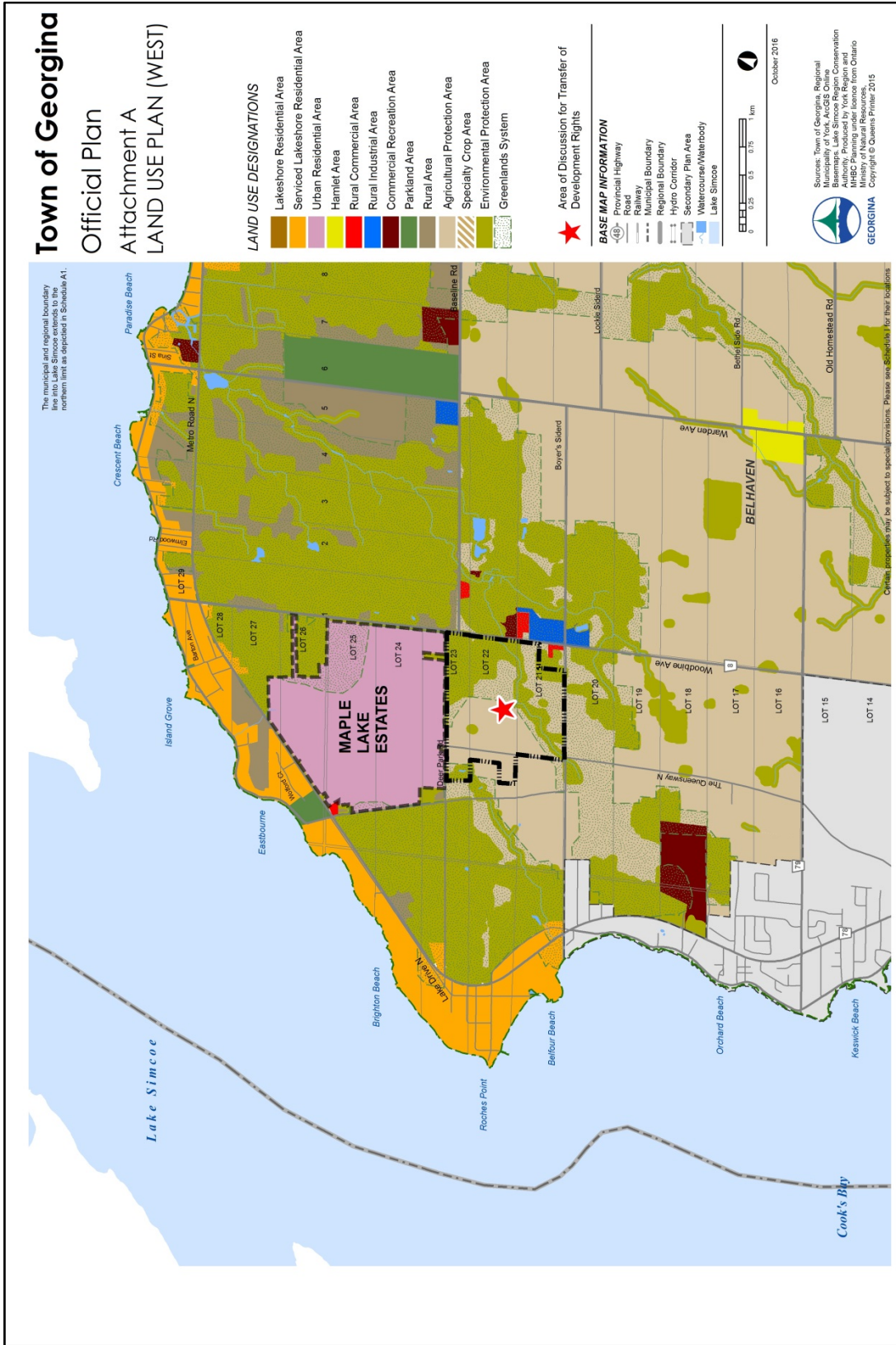
Also with respect to Maple Lake Estates, an error in the Staff Report required correction regarding the status of the Maple Lake Estates development approvals and mis-reference to Minutes of Settlement. Pages 6 and 7 of the Staff Report have been amended accordingly to reflect appropriate planning policy context (Attachment B, pages 6 and 7).

Valerie Shuttleworth, Chief Planner

VS/sb

Attachments (2)

#704402



The municipal and regional boundary line into Lake Simcoe extends to the northern limit as depicted in Schedule A1.

Certain portions may be subject to special provisions. Please see Schedule A for these locations.



GEORGINA
 Copyright © Queens Printer 2015

Georgina is the first municipality in the Region to adopt an Official Plan that is consistent with the South Georgian Bay Lake Simcoe Source Protection Plan with policies to protect municipal drinking water quality and quantity

The South Georgian Bay Lake Simcoe Source Protection Plan (SGBLS SPP) requires that official plans be updated to protect, improve or restore the quality and quantity of surface water. The new OP 2016 includes a new source protection section and contains policies regarding prohibited uses within the intake protection zones in conformity with the SGBLS SPP. Also included are policies that promote the use of best management practices by utilizing low impact development techniques and requiring additional studies for major development applications. A minor policy modification related to Intake Protection Zones is required to ensure conformity with the SGBLS SPP (Attachment 1).

Updated policies within the Town of Georgina Official Plan 2016, as modified, conform to the York Region Official Plan 2010

The York Region Official Plan, 2010 (YROP-2010) includes policies to guide land use planning at a regional level, consistent with provincial direction. It emphasizes growth management by providing direction on city building and complete communities, protecting agricultural areas and employment lands and identifying servicing needs.

The Town of Georgina OP 2016, as proposed to be modified, reflects the general policy direction of the YROP-2010. Policies are included that protect the natural heritage system and shoreline and provide the framework for sustainable growth management through its secondary plan areas. The Plan places importance on its rural area and hamlets, agricultural protection and utilizes a systems approach to define environmental protection areas.

Regional staff has been actively engaged in the development of, and in reviewing the new OP 2016. As a result of discussions with Town staff, the majority of conformity issues were addressed prior to adoption. Staff from Georgina, Ministry of Municipal Affairs and the Region has identified some minor policy issues that are proposed to be modified to provide clarity and consistency with the *Planning Act*, Provincial Plans and the YROP-2010. The modifications included in Attachment 1 to this report are provided for the purposes of clarity on policies and schedules and do not require a Public Meeting.

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

Located north of Deer Park Road and west of Woodbine Avenue are lands known as Maple Lake Estates (Attachment 2). Permissions for development of

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

It should be noted that much of the lands are also identified as significant woodlands and wetlands in both Official Plans. Given these overlay designations and policies, the appropriateness of development on these lands has been raised as an issue by an environmental group (the North Gwillimbury Forest Alliance). The Greenbelt Plan, 2005, Towns and Villages designation remains in effect and development of the site consistent with earlier approvals is permitted. The plan of subdivision was approved and registered prior to the Greenbelt Plan effective date in 2004. The Region is not proposing any modifications to the policies in the new OP 2016 with respect to Maple Lake Estates.

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

The Province recommends modifications to ensure conformity and consistency to Provincial Plans

In 2015, York Region staff circulated the draft Town of Georgina OP 2016 to the Ministry of Municipal Affairs staff to review and comment on key areas of provincial interest. The Ministry provided detailed comments with Town staff incorporating several of these comments into the adopted new OP 2016. York Region staff circulated the adopted new OP 2016 to the Ministry of Municipal Affairs staff and the Region received comments in September 2016 (Attachment 5). No major issues were identified with respect to conformity to Provincial Plans. The Province proposes modifications to add clarity to policies and to ensure consistency with Provincial Plans. For example, the Province has proposed updating the definition of Intake Protection Zone to be consistent with the South Georgian Bay Lake Simcoe Source Protection Plan. A preamble to the minimum distance separation policies is proposed to clearly indicate when the Minimum

Martin, Carrie

From: Jack Gibbons [<mailto:jack@cleanairalliance.org>]
Sent: September-29-16 12:42 PM
To: Regional Clerk
Subject: FW: Georgina OP Report

Dear Regional Clerk,

1. I am writing to request an opportunity to make a deputation to Regional Council on October 13th re: the "Town of Georgina Official Plan 2016" report.
2. I believe this report will be posted on York Region's web site on October 7th. Could you please tell me at approximately what time of the day the report will be posted.

Yours truly,

Jack Gibbons
Chair, North Gwillimbury Forest Alliance
160 John St., #300
Toronto M5V 2E5

Tel: 416-260-2080 x 2
www.SaveNGForest.org

September 14, 2016

File No.: 237611-244

Sent via E-mail (regional.clerk@york.ca)

Region of York
c/o Regional Corporate Services
York Region Administration Centre
17250 Yonge Street, 4th Floor
Newmarket ON L3Y 6Z1

Attention: Mr. Denis Kelly

Dear Mr. Kelly:

RE: Town of Georgina Proposed Official Plan

Please be advised we are the solicitors for The Governing Council of The Salvation Army Canada East (the "**Salvation Army**"). Our client has an interest in two properties located within the boundaries of the proposed Town Official Plan, as well as an interest in the proposed Group Home and Place of Worship policies. To assist you in determining the location of the Salvation Army properties, we have attached a plan labelled "Jackson's Point Property".

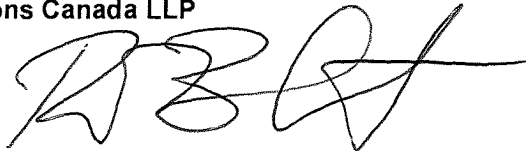
As you may know, The Salvation Army has owned land within the boundaries of the Town since the early 1940s. It has been operating a camp ground, place of worship, trailer park, nature trails and a conference centre, amongst other uses within the Town on lands centred around Metro Road North and Salvation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

The Salvation Army has reviewed the proposed Town of Georgina Official Plan and are concerned about a number of the proposed policies. These concerns were outlined in our letter to the Town dated April 19, 2016 (copy attached).

Since the adoption of the Proposed Official Plan we have several brief discussions with Town staff and Regional staff regarding possible resolution of our client's concerns. We look forward to moving forward with resolving our client's concerns.

Kindly provide the writer with an update with respect to the Region's processing of the Town's Official Plan. Also, please provide us with notice of all further actions with respect to this matter, including Notice of Decision with respect to the proposed Official Plan.

Yours truly,
Dentons Canada LLP

A handwritten signature in black ink, appearing to read 'R Blunt', written over a horizontal line.

Robert Blunt MCIP RPP
Land Use Planner

Attachment

c.c. Jennifer Best, Senior Planner, Region of York
Clerk, Town of Georgina

April 19, 2016

File No.: 237611-244

BY ELECTRONIC MAIL (jespinosa@georgina.ca)

Town of Georgina
c/o Town Clerk's Department
Town of Georgina Civic Centre
26557 Civic Centre Road
Keswick, Ontario
L4P 3G1

Attention: Mr. John Espinosa

Dear Mayor and Members of Town Council:

RE: Town of Georgina Proposed Official Plan

Please be advised we are the solicitors for The Governing Council of The Salvation Army Canada East ("**The Salvation Army**"). Our client has an interest in two properties located within the boundaries of the proposed Town Official Plan, as well as an interest in the proposed Group Home and Place of Worship policies. To assist you in determining the location of The Salvation Army properties, we have attached a plan labelled "Jackson's Point Property".

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

The Salvation Army has reviewed the proposed Official Plan and are concerned about a number of the proposed policies. Those concerns include the following:

- 1) The proposed Official Plan eliminates the "conference centre" permission from the lands designated "Serviced Lakeshore Residential Area" without discussion or justification;
- 2) The proposed Official Plan removes the existing "Rural" designation and replaces it with the more restrictive "Environmental Protection Area" designation on lands fronting on the south side of Metro Road North (Lot 15, Concession 9);

- 3) It is not clear where the boundary of the Sutton/Jackson's Point Secondary Plan and the "Commercial Recreation Area" designation on Schedule A2 Lakeshore Areas East exists on the ground". Therefore, we are not able to confirm how the "Commercial Recreation Area" designation impacts The Salvation Army lands;
- 4) It appears that the Georgina Community Church located at 1816 Metro Road North is not recognized as a permitted use within the "Commercial Recreation Area" designation. The Salvation Army objects to the proposed Official Plan not recognizing that use;
- 5) The proposed Official Plan places a cap on the number of individuals in a Group Home to a maximum of "8" individuals. The Salvation Army questions the justification for the limit being "8" and not being "10" individuals as it is in other municipalities;
- 6) The proposed Official Plan does not provide a definition for places of worship. We note that the existing and in effect Official Plan does provide such definition. Our client is concerned that eliminating the definition may create issues with interpretation in the future; and
- 7) We reserve the right to raise such further issues with the proposed Official Plan as we may advise from time to time.

Kindly provide the undersigned with notice of all further actions with respect to this matter, including Notice of Passing of the proposed Official Plan. In addition, kindly ensure that this written submission is forwarded to Town Council for its consideration prior to the adoption of the proposed Official Plan.

We appreciate your consideration of The Salvation Army's concerns as outlined in this letter.

Yours truly,

Dentons Canada LLP

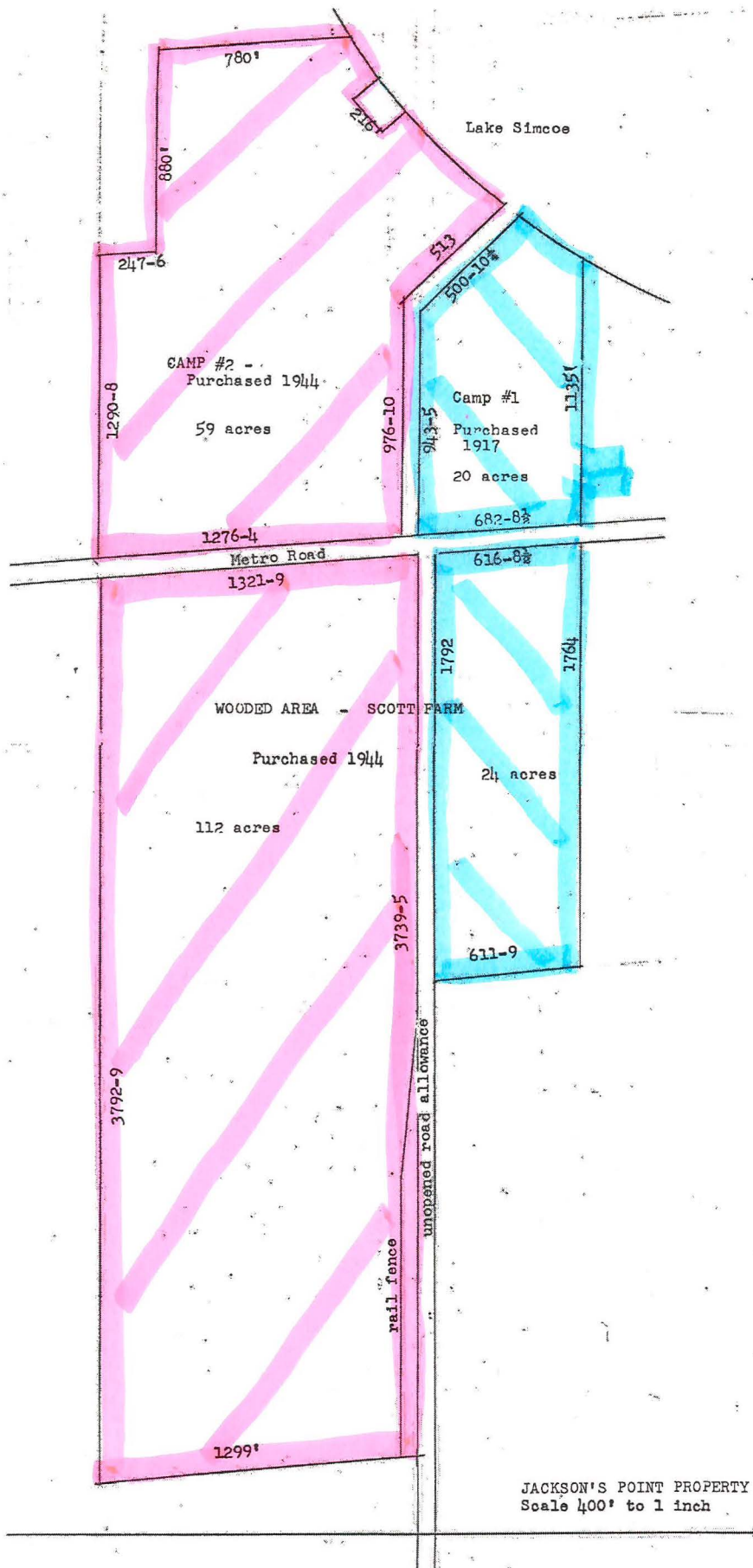



Joseph Debono

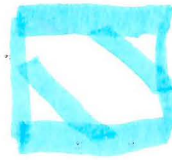
/rb

Enclosure

c.c.: The Governing Council of The Salvation Army in Canada



 Salvation Army -
Property subject to Proposed Official Plan

 Salvation Army -
Property not subject to Proposed Official Plan



Ducks Unlimited Canada
Conserving Canada's Wetlands

October 3, 2016

Valerie Shuttleworth,
Chief Planner, Planning and Economic Development
The Regional Municipality of York
Administrative Centre
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Re: Approval of the Town of Georgina's Official Plan

Dear Ms. Shuttleworth,

On behalf of Ducks Unlimited Canada, I would like to provide comments regarding York Region's on-going review and approval of the Town of Georgina's adopted official plan.

Ducks Unlimited Canada (DUC) takes a keen interest in both provincial and municipal land use policies because of the crucial role that Ontario municipalities play in conserving wetlands and other natural areas via the land use planning system.

As part of our Lake Simcoe-Georgian Bay Wetland Collaborative, DUC has been reviewing and providing input to local and upper tier municipalities, particularly in regards to their policies concerning wetlands. In July, 2015, we submitted comments to the Town of Georgina regarding their draft official plan during the public consultation process. We have since reviewed Town's adopted OP in relation to our previous comments, and would like to raise two specific areas of concern in the adopted OP that have yet to be addressed; and provide recommendations to York Region to inform their on-going review and approval of the Town's official plan.

The Town's adopted OP (ie. version dated April-2016 and currently posted on the Town's website) contains many strong, clear land use policies in regards to sustainability and

conservation of natural resources, including a policy in support of “ecological offsetting”. However, there is a significant gap in our opinion in terms of the lack of clear protection of wetlands (and other natural heritage features and hydrologic features) from development in “settlement areas”. In the April-2016 adopted OP, as was the case in the draft OP that we reviewed and commented on in July-2015, there does not appear to be any explicit policy that affords protection to wetlands/natural heritage features located in “settlement areas”. We do not see such policies in Section 5 (Greenlands System), Section 7.1 (Secondary Plan Areas), Section 7.2 (Urban Residential Area) or other sections in the OP. Given the large land area and considerable amount of natural heritage areas falling within “settlement areas” and provincial policy direction in the 2014 Provincial Policy Statement to protect significant wetlands etc, we consider this to be a major gap that should be addressed before the Town’s OP is approved. Whether or not those features lie within the identified “Greenlands System”, they warrant protection in keeping with the 2014 PPS and other provincial land use policy.

Recommendation: That York Region direct the Town of Georgina to amend their adopted OP to include clear explicit policy that affords protection to wetlands and other natural heritage features located in “settlement areas”.

Secondly, we would like to comment on the Town of Georgina’s adopted OP concerning Section 7.2 of the OP (Urban Residential Area, Maple Lake Estates). We understand there was official plan approval granted by the Town for the Maple Lake Estates (MLE) development dating back 28 years (circa 1988). However, we agree with other stakeholders that land use approvals and designations should not be in effect forever. At some point, given changes in public attitudes, scientific knowledge (eg. regarding sustainable development and ecosystem services), and public policy, land use approvals made dating back over a certain number of years (eg. 20 years) should lapse; and then be reconsidered based on a new application under the Planning Act. We think that the 1988-1990 approval for the MLE development is such a case.

Since the time of the original MLE approval, the science regarding ecosystem services for wetlands, woodlands, and other ecosystems has expanded substantially. The role of wetlands and other natural areas in improving water quality (eg. by removing phosphorus which is of particular relevance in the Lake Simcoe watershed), mitigating floods and droughts, and capturing carbon has become much clearer and more quantifiable. At the same time, our knowledge about wetland loss and degradation across southern Ontario has grown; while progress has been made, we continue to lose wetlands in southern Ontario due to urban expansion, infrastructure, and agriculture activities. Ontario and the Lake Simcoe watershed

can ill afford to lose anymore wetlands and all of the associated environmental, social, and economic benefits they provide.

Recommendation: That, prior to approving the Town of Georgina’s adopted OP, York Region direct the Town of Georgina to reconsider the historic approval of the MLE development (and the current designation of the MLE property as Urban Residential Area in their adopted OP) in light of current knowledge on wetland and woodland ecosystem services and changes in provincial policy and public attitudes.

After reconsideration of the original approval of the MLE development, if the Town determines that the proposed development should be ‘re-approved’ (eg. with a smaller footprint and reduced impact on wetlands and woodlands), we recommend that the new approval include a requirement for offsetting/compensation for any loss and degradation of wetlands and woodlands that cannot be reasonably avoided or minimized. Such an approach would be consistent with the Town’s OP policy for ecological offsetting (Section 5.8) in cases where there will be unavoidable losses to natural heritage features. That approach would also be in keeping with the Province’s intention to develop a no net loss policy for Ontario’s wetlands, as stated in the 2016 Draft Wetland Conservation Strategy prepared by the Ministry of Natural Resources and Forestry.

Thank you for the opportunity to provide these comments. Please don’t hesitate to contact me at any time (705 721-4444 x250 or k_rich@ducks.ca) if you have any questions regarding these comments.

Yours in conservation,



Kevin Rich
Head of Industry and Government Relations, DUC-Ontario

c. Harold Lenters, Town of Georgina

AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo
Direct: 416.865.7778
E-mail:llongo@airdberlis.com

October 11, 2016

Our File No. 112062

VIA EMAIL: regional.clerk@york.ca

Chair and Committee Members
Committee of the Whole
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Chair & Committee Members:

**Re: October 13, 2016 Meeting
Agenda Item E.2.2
Town of Georgina Official Plan 2016**

Re: North Gwillimbury Forest Alliance

We are retained by the North Gwillimbury Forest Alliance.

Our client's Chair, Mr. Jack Gibbons, will be making an oral deputation respecting this matter. This letter is intended to complement his submission.

Our client's planning consultant, Mr. Anthony Usher, and I have reviewed the staff report respecting the new Georgina Official Plan; especially that portion of it dealing with Maple Lake Estates ("MLE"). We offer the following submissions to assist the Committee in its consideration of this particular aspect of the above-captioned matter. These comments rely on and are consistent with several more detailed submissions regarding the new Georgina Official Plan, made by Mr. Usher and me to the Town of Georgina over the last two years.

The staff report generally comments on a number of matters which we believe require greater clarification before Committee makes any decision regarding this proposed Official Plan as it applies to the MLE lands.

What was Approved over 30 years Ago?

A very particular form of development was approved by way of the planning process [OMB hearing of an official plan amendment application followed by a Cabinet petition] then in effect at that time. Cabinet confirmed the OMB's approval of the official plan amendment in 1988. The development was restricted to that of a "self-contained recreational residential retirement community" intended to consist of 1,073 one storey manufactured dwellings [mobile homes] on land lease sites located on one single lot.

At the time of this original approval, the subject lands had not been identified or evaluated as provincially significant wetlands.

This historic approval ought not to be continued or recognized in light of what we now know to be the environmental attributes and significance of these lands.

Approved Plan of Subdivision

What was approved on the MLE lands as a result of that official plan amendment was a two lot subdivision, consisting of a 2 acre lot and a 498 acre lot. The land lease community described above was to be located on this one large lot.

A provincially significant wetland covers 58% of this one large lot. When a 30 m buffer is added together with the wetlands, they cover over 80% of the subject lands. Significant woodlands also predominate over the subject lands.

Transition Provisions

To our knowledge there is no relevant applicable transition provision which applies to “protect” the decades old MLE approval referred to above.

Other than what is noted below under the heading “Minutes of Settlement?”, your staff have not specified what transition policy applies or is being relied upon.

Here are matters Committee should be considering:

- 1) there is no transition policy respecting the Provincial Policy Statement 2014...and your decision on the new Georgina Official Plan must be consistent with the PPS 2014; see ss. 3(5) and 26(1)(c) of the *Planning Act*.

Policies 2.1.4 and 2.1.8 of the PPS explicitly provide:

“2.1.4 *Development and site alteration shall not be permitted in:*
a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
b) *significant coastal wetlands*.

2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*”

- 2) there are no applicable or relevant transition policies in the York Region Official Plan (2010)... and your decision on the new Georgina Official Plan must be in conformity with your Regional OP; see ss. 27(1) of the *Planning Act*.

The Maple Lake Estates lands have a “Towns and Villages” designation in your OP, but those same lands are also shown in your OP as almost entirely consisting of both significant wetlands and woodlands. The environmental policies in your OP associated with those “overlay” designations clearly prohibit any development on approximately 90% of the MLE lands; see OP Maps 4 & 5 and policies 2.2.35-2.2.52.

3) while the MLE lands also have a “Towns and Villages” designation in the Greenbelt Plan, the transition policy 5.2.1 of that Plan does not apply to lands so designated, including MLE.

“Minutes of Settlement”?

The staff report suggests that the MLE lands have been transitioned “in the YROP-2010 as part of minutes of settlement associated with the development.”

No such Minutes of Settlement exist. Please ask staff to produce any signed and legally binding Minutes of Settlement respecting the MLE lands.

While MLE did file an appeal against your 2010 OP, and minutes of settlement were being drafted, our client sought to intervene at the OMB hearing respecting the MLE lands. Thereupon MLE unconditionally withdrew its appeal and withdrew from the hearing having not executed any Minutes of Settlement with the Region.

No transition settlement was ever concluded. The historic MLE approvals and lands are not mentioned in or otherwise covered by sections 8.4.17 – 8.4.22 of your Regional OP.

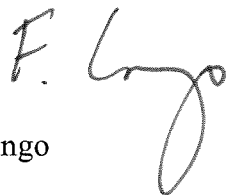
Conclusion

We respectfully submit that the portion of the modified Georgina OP that pertains to the MLE lands is not consistent with the PPS 2014 and does not conform with your Regional OP.

The Georgina OP should be further modified before it is approved to ensure that there is no development or site alteration of the significant wetlands and woodlands on the MLE lands.

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo
LFL/ek

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