



Davies
Howe
Partners

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

Please refer to: **Mark Flowers**
e-mail: markf@davieshowe.com

June 10, 2010

By Courier and Email

Chair Bill Fisch and Members of Regional Council
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

**Re: Proposed Regional Official Plan Amendment No. 1
Expansion of the Urban Area within the Town of East Gwillimbury
Submissions on behalf of Martin Pick, Thomas Pick and
132463 Ontario Inc.**

We are counsel to Martin Pick, Thomas Pick and 132463 Ontario Inc., collectively the owners of lands located north of Green Lane, south of the CN Rail corridor, east of Old Yonge Street and west of Second Concession Road in the Town of East Gwillimbury (the "Lands"). The Lands comprise five separate parcels and, in total, are approximately 98 ha (242 acres) in area. Legal descriptions of the five parcels are attached, as is a map identifying more precisely the location of the Lands.

Our clients have actively participated in the Town of East Gwillimbury's current Official Plan Review exercise. In particular, over the last several years, our clients and their various consultants have made numerous submissions to the Town in support of the inclusion of the Lands within the Town's settlement area boundary.

For your reference, we are attaching to this submission a copy of a brief "Planning Rational" that was presented to the Town and outlines some of the reasons in support of the inclusion of the Lands within the Town's urban expansion area. In addition, attached is a copy of a report from Michalski Neilsen Associates Limited to the Town, dated October 21, 2009, commenting on certain environmental constraints associated with the Lands.



Davies
Howe
Partners

We understand that at its meeting on June 16, 2010, the Region's Planning and Economic Development Committee will convene a statutory public meeting to consider Proposed Amendment No. 1 to the Region's Official Plan ("OPA No. 1"), as adopted in December 2009, for the purpose of expanding the Urban Area of the Town of East Gwillimbury to provide opportunities for urban growth to the year 2031. Further, we note that OPA No. 1, as currently proposed, would expand the Urban Area designation in the area north of Green Lane between Yonge Street and Second Concession Road, with the northerly limit immediately south of the Lands.

Our clients contend that the Lands should also be included within the proposed Urban Area expansion at this time. Among other things, as noted in the "Planning Rational", the Lands would largely be surrounded by urban area lands, including the Holland Landing settlement area to the north, the expanded urban area north of Green Lane to the south, and the Yonge Street corridor to the west. In addition, our clients' planning and engineering consultants, MMM Group Limited, have developed conceptual development and phasing plans showing how development of the Lands and associated infrastructure could be integrated with the lands immediately to the south that are currently being recommended for inclusion within the Urban Area designation. A copy of the preliminary plan entitled "Concept Plan with Phasing", dated March 3, 2009, is attached for your reference.

Accordingly, we are writing to request that the draft of OPA No. 1 be modified to include the Lands within the expanded Urban Area designation. We trust that Regional Council will give due consideration to this requested modification.

Kindly ensure that we are notified of any further reports and/or public meetings regarding this matter and that we receive notice of any decision by the Planning and Economic Development Committee and/or Regional Council concerning OPA No. 1.

Yours truly,

DAVIES HOWE PARTNERS

Mark R. Flowers

Attachments



Davies
Howe
Partners

copy: Clients

John Waller / Barbara Jeffrey, Long Range and Strategic Planning, Region of York
Mayor James Young and Members of Town Council, Town of East Gwillimbury,
Attn: Kathleen Foster, Municipal Clerk
Dan Stone, Manager of Policy Planning, Town of East Gwillimbury

ATTACHMENT "A"
Description of Properties

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5
Owner	Thomas John Pick	Thomas John Pick	Thomas John Pick Martin Charles Pick	Thomas John Pick Martin Charles Pick	1324534 Ontario Inc.
Legal Descriptions:	Pin#03427-0051 Pt Lot 105, Conc 1 (EG) East of Yonge St Pt 1, Plan 65R-2323 East Gwillimbury	Pin#03427-0523 Pt Lot 104, Conc 1 East of Yonge St East Gwillimbury	Pin#03427-0524 Pt Lot 104, Conc 1 East of Yonge St East Gwillimbury	Pin#03427-0528 Pt Lot 103, Conc 1 East of Yonge St East Gwillimbury	Pin#03427-0533 Pt Lot 103, Conc 1 East of Yonge St East Gwillimbury

LOTS 100-106

SEE BLOCK MAPS



Planning Rational

❖ INFRASTRUCTURE

- Maximize use of Infrastructure being planned out to 2051.
- Part of the proposed East West corridor is adjacent to the Pick Lands.
- 2nd Concession widening will be adjacent to the Pick Lands.
- A sanitary trunk sewer to service proposed mixed use at Green Lane and Yonge Street may be required through Pick lands to connect to the 2nd Concession Pumping station. Planning for it now would be appropriate.

❖ GROWTH and LAND BUDGET

- Region's Land Budget may have over-estimated the amount of high density development in the currently designated Greenfield areas. Additional white belt lands would need to be developed to address the deficiency in low density units.
 - The Town's GMSR projects a population growth of 14,900; the Region has projected 21,600 residents by 2031.
- Development of the Pick lands will permit higher densities and more mixed use, including population-related employment.

❖ PLANNING

- The Pick properties are surrounded by lands within the Holland Landing settlement area to the north, and the Green Lane settlement area to the south. Lands located on the east side of Yonge Street are located within the Yonge Street North secondary plan area. Lands located on the west side of 2nd Concession Road are located within the "GO Town" secondary plan area as shown on Schedule B of the draft Official Plan. Including these lands into the settlement area would be consistent with the planning of lands adjacent to the Pick properties.

- The draft Official Plan requires **mixed use** and **Transit oriented** development **along "Corridors"**, which include 2nd Concession, Yonge Street and Green Lane. Development of the Pick lands will support this goal in an area **close to the GO Station**.
- The Green Lane and Yonge Street corridors are best developed through a **Block Plan (secondary plan)** process which should include the Pick Lands. This will promote a, **well-rounded community**.
- Development of the Pick lands would be consistent with the Town's initiative to promote the orderly and comprehensive planning and development of lands adjacent to important **"Nodes"**. Furthermore, including Pick lands into the settlement area would be consistent with land use planning occurring to the north, south, and east of Pick properties.
- Development is planned up to the Pick border, where there are logical extensions to residential and employment lands, roads, and **SWM** into our lands.
- Including the Pick Lands in the settlement area will increase the residential development needed to **support major commercial and population-related employment uses proposed in the Green Lane Area**.

❖ **RECREATION**

- Development of the Pick lands will permit completion of a **trails network** connecting the Green Lane mixed use developments with other community facilities such as parks, schools and shopping.



October 21, 2009

Mr. Dan Stone, Manager of Policy Planning,
Development and Legal Services Department
Town of East Gwillimbury
19000 Leslie Street
Sharon, Ontario
L0G 1V0

Re: Pick Lands – 97.9 ha (241.9 acres) North of Green Lane Corridor, South of CN Rail between Old Yonge St. and Second Concession Rd., East Gwillimbury – Review of Natural Environment Constraints Identified by Beacon Environmental; Our File 1799

Dear Mr. Stone:

On behalf of Tom and Martin Pick and their company, 132463 Ontario Inc., I have reviewed the natural environment constraints identified by Beacon Environmental on their lands, located in Part Lots 103, 104 and 105, Concession 1 East, Town of East Gwillimbury. The Pick Lands are shown and described in **Attachment A**; the information in that attachment was presented by Mr. Tom Pick in documentation submitted on October 14, 2009 with regards to the Official Plan Review. Related to that submission, I have assessed Beacon Environmental's constraint mapping in light of the considerable natural environment work our office undertook on this property in 1999 and 2000. I also made use of some additional field work that was undertaken by our office in 2007, to reassess site opportunities and constraints in relation to potential development. My comments pertain primarily to those lands within Lots 103 and 104, as it is this portion of the property with which I am most familiar.

As background, Beacon Environmental's April 2009 report to the East Gwillimbury Council, presented June 1, 2009, and entitled "Draft Restoration and Securement Strategy for Enhancing the Town of East Gwillimbury Natural Heritage System", included mapping of natural constraint areas. It is my understanding that the delineation of such constraint areas is intended to be the same as was separately identified by Beacon Environmental in natural heritage studies completed on behalf of Lake Simcoe Region Conservation Authority (LSRCA). As LSRCA provides on-line access to their mapping information, I have used that information for my mapping and analysis. Based on my review of this information, it appears the mapping was produced primarily as a desk-top exercise, at quite a broad scale. This has important implications to its use.

16 Robert Boyer Lane, Bracebridge, Ontario P1L 1R9
(705) 645-1413 Facsimile: (705) 645-1904 www.mnal.ca E-mail: info@mnal.ca

Accordingly, in my opinion, the Town's and Conservation Authority's mapping should be viewed as an important flagging tool, to identify and categorize areas of potential constraint for further examination and assessment in the field, at an individual property level. Care should be taken to avoid developing policies which do not recognize the potential limitations of such information, or which do not provide an opportunity for site-specific refinements. My comments which follow are made in this vein; they are intended to provide a constructive framework for further dialogue between the Town and Tom and Martin Pick on development on these lands.

Attachment B includes **Figures 1 to 4**, which together describe environmental constraints.

Figure 1 provides our office's mapping of vegetation communities on the subject property, onto which is superimposed the Town of East Gwillimbury's original Core Area Environmental Protection Area boundary, per OPA #95.

Figure 2 shows a yellow boundary, being that which has been identified by Michalski Nielsen Associates Limited, based on field surveys we completed in 1999, 2000 and 2007, as lands which we feel represent a constraint to residential development. Note that, subject to further investigation, limited uses or encroachment beyond this boundary may be appropriate.

Figure 3 overlays our development limits with the LSRCA regulated area. Importantly, these regulated areas should not be viewed as a development constraint per se.

Figure 4 includes Michalski Nielsen Associates Limited's development limits in relation to the LSRCA's (and Town of East Gwillimbury's) natural heritage system mapping (i.e., Beacon's mapping, as presented to the Town of East Gwillimbury Council on June 1, 2009). Our rendering of their designated areas takes the midpoint of their boundary line (which is a very wide line at this scale of mapping).

There is fairly reasonable agreement between our area of identified constraint and the areas of constraint Beacon has identified. Virtually all of the lands we have identified as constrained are included within the Natural Heritage System, save for a 15 m – 20 m wide area on the edge of a tableland woodlot on the southwest side of the property; this is the result of subtle differences in where the line was drawn. There are five areas (referenced A – E on **Figure 4**) where Beacon Environmental has broadened their area of constraint beyond those identified by us, which are each described in the paragraphs following.

Area A is a young conifer plantation on the tablelands, between two fingers of valley. Beacon Environmental has treated all of this area as a single entity. In so doing, they have identified this area of

plantation (i.e., trees planted by whomever farmed these lands) as a Level 1 feature, which is deemed most critical to protect. I disagree that those lands are or should be constrained. Of note, as shown on **Figure 3**, only about one-half of this area is within the LSRCA's regulated area.

Area B is also young conifer plantation, occurring on gradual slopes in the transition from tableland to valleyland. Similar to Area A, this has been treated the same as the valleylands, and is also identified as a Level 1 feature (i.e., most critical to protect). Again, I disagree that these lands are or should be constrained. The majority of the lands in question are outside the LSRCA regulated area. While our analysis does not extend to the most northerly parcel of the Pick Lands (i.e., that adjacent to the CNR tracks, and identified as Parcel 1 in **Attachment A**), it is reasonable to assume that similar discrepancies will occur between the area of mapped constraint and the area of actual constraint in the field.

Area C extends the boundary of Beacon's Level 4 supporting feature along a hedgerow feature. Note that our identification of constraint did bulge out along the south property line in this area, following a natural draw. As illustrated on **Figure 3**, Area C is outside the LSRCA regulated area.

Area D consists of successional growth on the tableland, adjacent to the valley. Beacon has identified this area as a Level 4 supporting feature. While the terrain becomes more hummocky within this area, and has some gentle slope towards the valley, we have been quite conservative in designating a boundary, avoiding areas of steeper slope and more mature or robust vegetation.

Area E is the upper end of a minor draw towards the valleyland. This small area is presently farmed and is not very defined on the ground. Beacon have designated this feature as Level 3. I disagree that these lands are or should be constrained.

Area F corresponds roughly with the limits of the hardwood plantation. Beacon have identified this as a Level 4 supporting feature. This area does not have the qualities of a natural woodlot, and should not be viewed as having the same level of constraint.

I hope the mapping and comments contained within this letter are helpful. These comments and mapping are intended to provide a framework for further discussion between the Town and Tom and Martin Pick in regards to development of these lands. It is possible that some other comments on the Beacon mapping could arise through such discussions. It is recognized that each of the areas in question will require inspection in the field, likely culminating in the staking and surveying of appropriate limits for development. In the meantime, I would be pleased to answer any questions the Town of East Gwillimbury might have in relation to my comments.

Mr. Dan Stone/October 21, 2009

4.

Please enter this letter and attachments into the Town's records as our submission for the purposes of commenting on the Draft Official Plan currently under review.

Yours truly,

MICHALSKI NIELSEN ASSOCIATES LIMITED

Per:

A handwritten signature in black ink, appearing to read 'Gord Nielsen', with a stylized flourish at the end.

Gord Nielsen, M.Sc.
Ecologist
President

GN/be

c.c.: Thomas J. Pick
Thomas R. Webster, CAO, Town of East Gwillimbury
Mayor James Young, Town of East Gwillimbury

Enc.

ATTACHMENT A – MAPS AND PROPERTY LEGAL DESCRIPTIONS

ATTACHMENT "A"

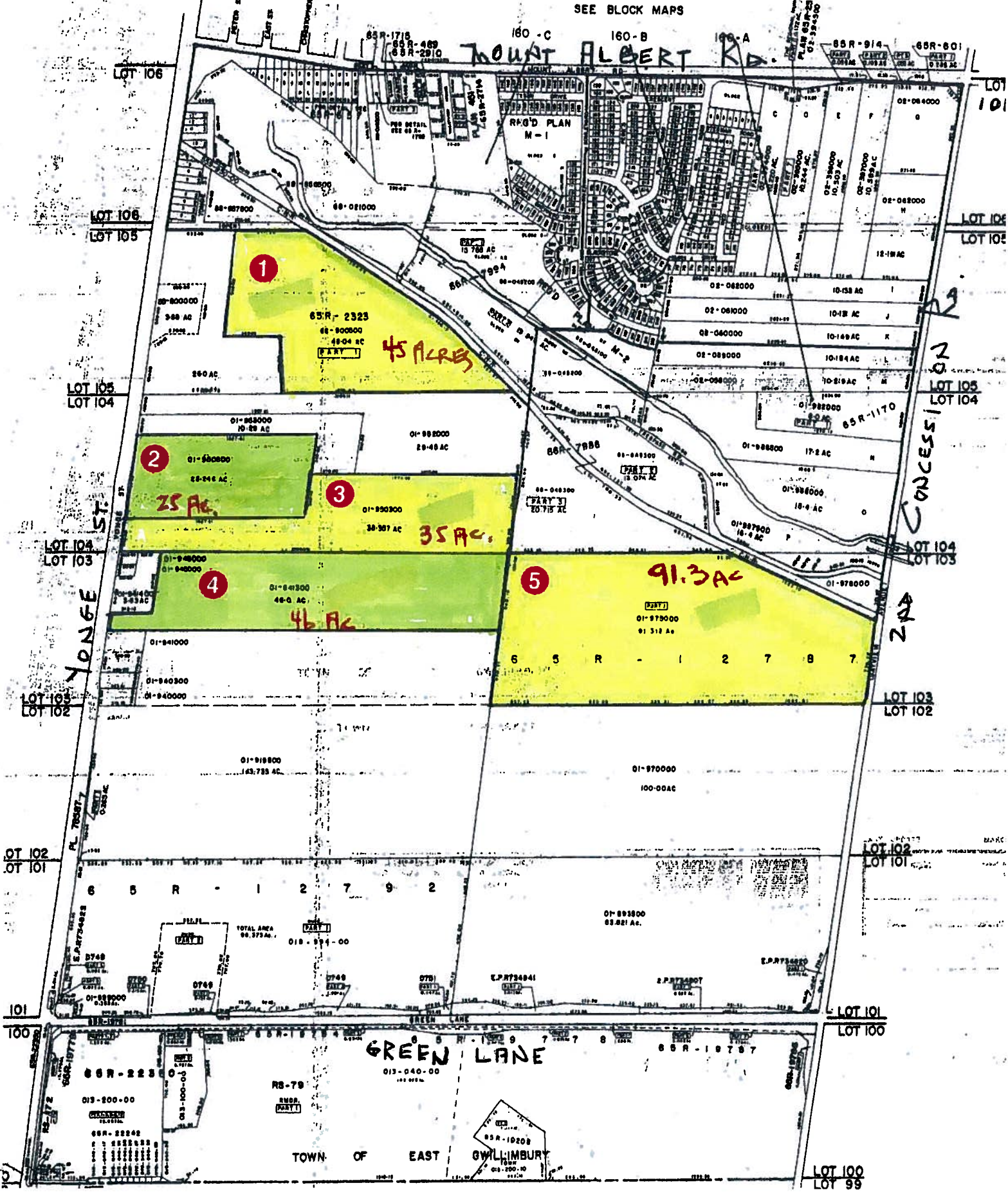
Description of Properties

	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5
Owner	Thomas John Pick	Thomas John Pick	Thomas John Pick Martin Charles Pick	Thomas John Pick Martin Charles Pick	1324534 Ontario Inc
Legal Description	Pin#03427-0051 Pt Lot 105, Conc 1 (EG) East of Yonge St Pt 1, Plan 65R-2323 East Gwillimbury	Pin#03427-0523 Pt Lot 104, Conc 1 East of Yonge St East Gwillimbury	Pin#03427-0524 Pt Lot 104, Conc 1 East of Yonge St East Gwillimbury	Pin#03427-0528 Pt Lot 103, Conc 1 East of Yonge St East Gwillimbury	Pin#03427-0533 Pt Lot 103, Conc 1 East of Yonge St East Gwillimbury

BLOCK 160
CON FEYS.
LOTS 100-106

THESE AREAS NOT BEING KEPT UPDATED.

SEE BLOCK MAPS



ATTACHMENT B – ENVIRONMENTAL CONSTRAINT MAPPING

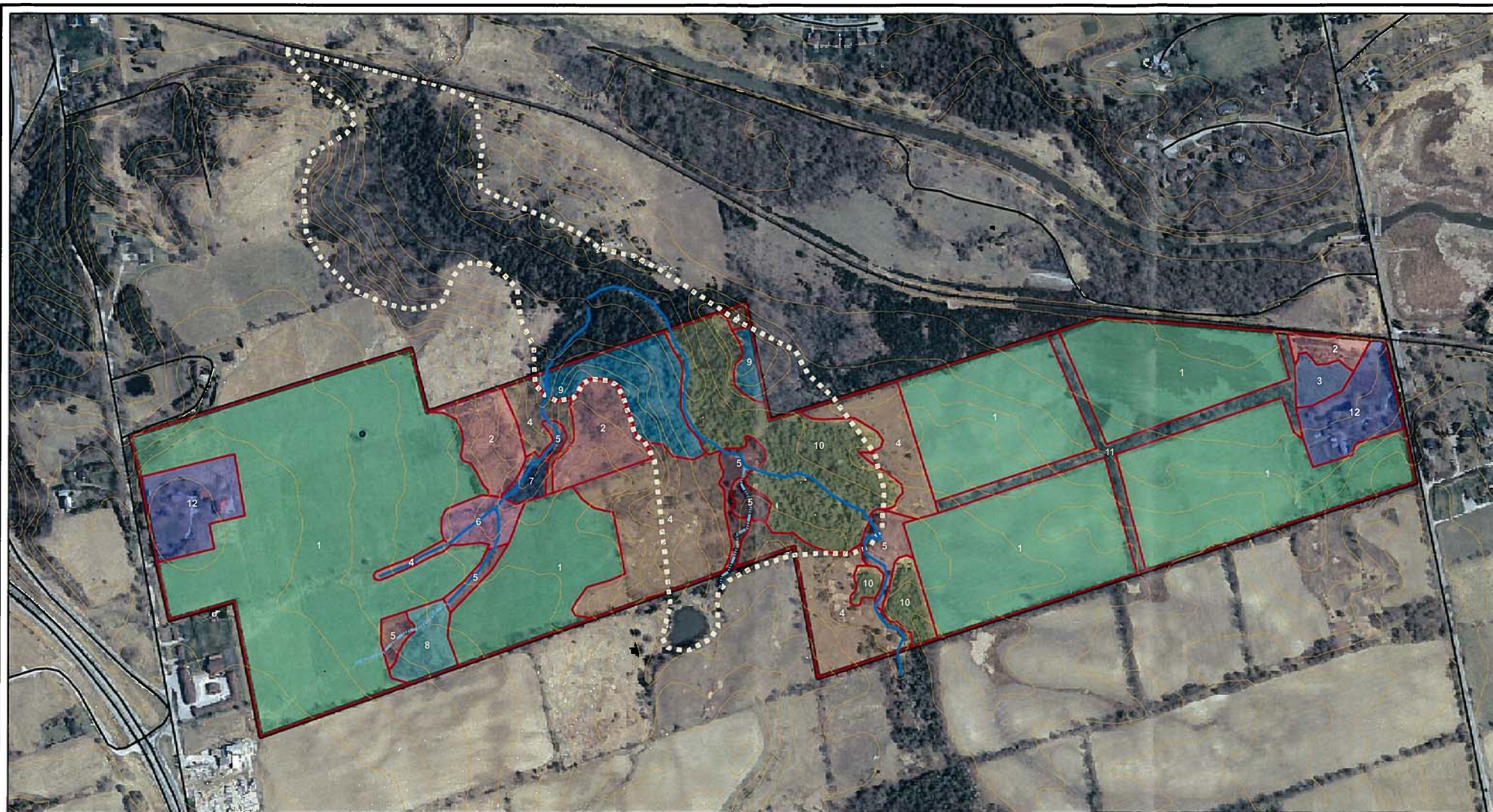


FIGURE 1 - ENVIRONMENTAL FEATURES

OLD YONGE STREET PROPERTY
Town of East Gwillimbury

Legend

- Large Specimen Tree (Bitternut Hickory)
- Contours
- Railroads
- Roads
- Intermittent - Channelized Tributary
- Intermittent - Poorly Channelized Drainage

- Core Area; Environmental Protection Area; OPA No. 95
- Property Boundary

Vegetation Communities

- 1, Open Field
- 2, Young Conifer Plantation
- 3, Hardwood Plantation
- 4, Early Secondary Successional
- 5, Mesic Meadows & Marshes

- 6, Successional Groves
- 7, Mesic Hardwood - Conifer Stands
- 8, Wet-Mesic to Wet Hardwood Stands
- 9, Mesic Conifer - Hardwood Stands
- 10, Dry-Mesic to Wet-Mesic Conifer Stands
- 11, Hedgerows
- 12, Maintained Landscapes

N

Michalski Nielsen
ASSOCIATES LIMITED

0 35 70 140 210 280 Meters

Project No.	Date Initiated	By
1799	14 FEB 08	CB

NO.	DATE	REVISIONS	BY
1	09 Jan 09	General Update	FB

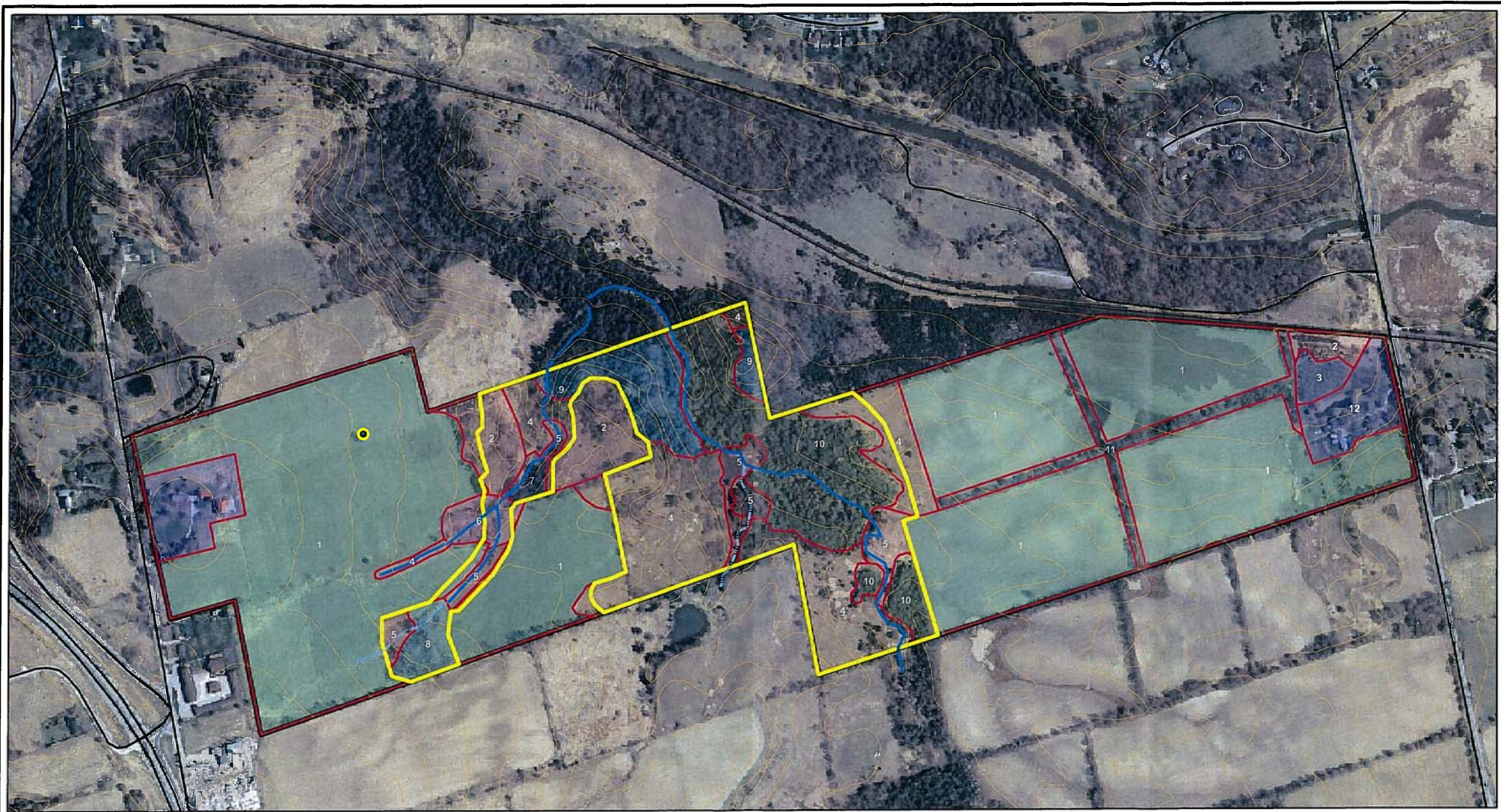


FIGURE 2 - AREAS OF NATURAL ENVIRONMENTAL CONSTRAINT, PER MNAL

OLD YONGE STREET PROPERTY
Town of East Gwillimbury

Legend

- Large Specimen Tree (Bitternut Hickory)
- Contours
- Railroads
- Roads
- Intermittent - Channelized Tributary
- - - Intermittent - Poorly Channelized Drainage
- Property Boundary
- Natural Constraint Area (22.1 ha +/-)

Developable area on west side of property 28.5 ha +/-
Developable area on east side of property 27.3 ha +/-

Vegetation Communities

- 1, Open Field
- 2, Young Conifer Plantation
- 3, Hardwood Plantation
- 4, Early Secondary Successional
- 5, Mesic Meadows & Marshes
- 6, Successional Groves
- 7, Mesic Hardwood - Conifer Stands
- 8, Wet-Mesic to Wet Hardwood Stands
- 9, Mesic Conifer - Hardwood Stands
- 10, Dry-Mesic to Wet-Mesic Conifer Stands
- 11, Hedgerows
- 12, Maintained Landscapes

Michalski Nielsen
ASSOCIATES LIMITED

0 35 70 140 210 280 Meters

Project No. 1799 Date Initiated 14 FEB 08 By CB

NO.	DATE	REVISIONS	BY
1	09 Jan 09	General Update	FB

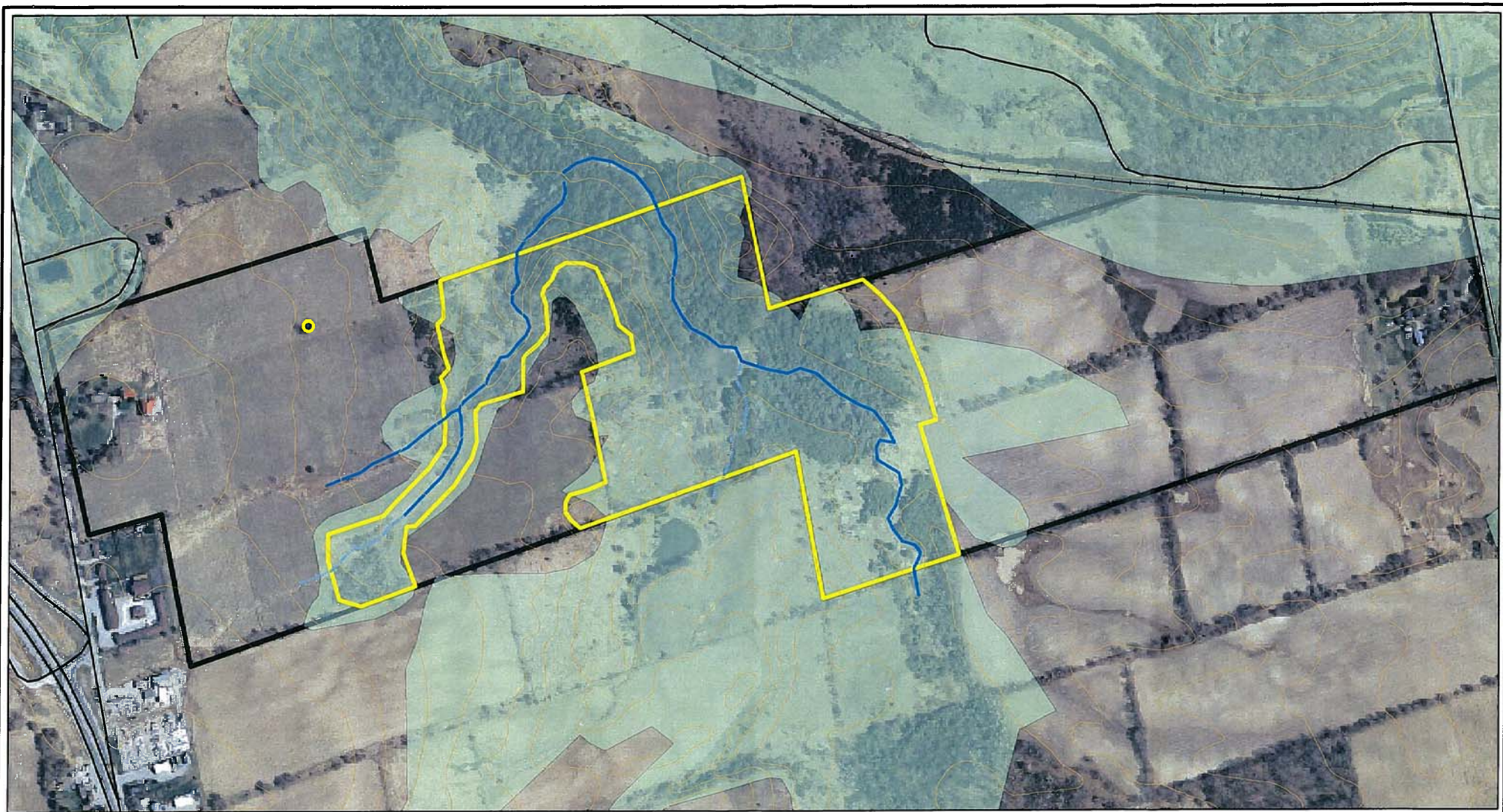


FIGURE 3 - AREAS OF NATURAL ENVIRONMENTAL CONSTRAINT IN RELATION TO LSRCA REGULATED AREAS

OLD YONGE STREET PROPERTY

Town of East Gwillimbury

Legend

- Large Specimen Tree (Bitternut Hickory)
- Contours
- Railroads
- Roads
- Intermittent - Channelized Tributary
- - - Intermittent - Poorly Channelized Drainage
- Natural Constraint Area (22.1 ha +/-)
- LSRCA Regulated Areas
- Property Boundary

Developable area on west side of property 28.5 ha +/-
Developable area on east side of property 27.3 ha +/-

Project No.	Date Initiated	By
1799	14 FEB 08	CB

NO.	DATE	REVISIONS	BY
1	09 Jan 09	General Update	FB



FIGURE 4 - AREAS OF NATURAL ENVIRONMENTAL CONSTRAINT IN RELATION TO LSRCA NATURAL HERITAGE SYSTEM

OLD YONGE STREET PROPERTY

Town of East Gwillimbury

Legend

- Large Specimen Tree (Bitternut Hickory)
- Contours
- Railroads
- Roads
- Intermittent - Channelized Tributary
- - - Intermittent - Poorly Channelized Drainage
- Natural Constraint Area (22.1 ha +/-)

LSRCA Natural Heritage System

- Level 1 Feature
- Level 2 Feature
- Level 3 Feature
- Level 4 Supporting Feature
- Property Boundary

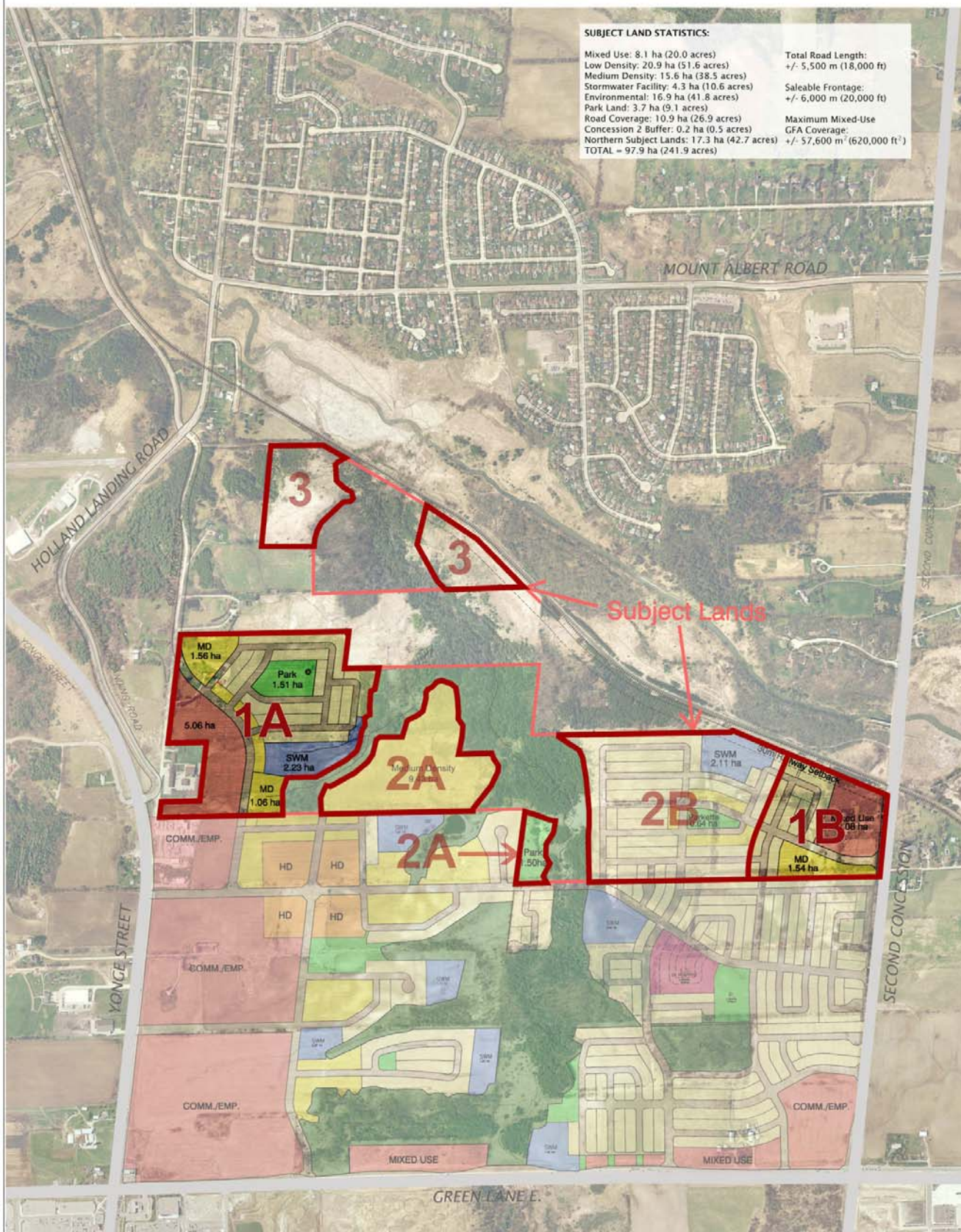
Developable area on west side of property 28.5 ha +/-
Developable area on east side of property 27.3 ha +/-




0 30 60 120 180 240 Meters

Project No.	Date Initiated	By
1799	14 FEB 08	CB

NO.	DATE	REVISIONS	BY
1	09 Jan 09	General Update	FB



CLIENT	
--------	--