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SUTTON/JACKSON'S POINT SECONDARY PLAN

The Planning and Economic Development Committee recommends:

- 1. Receipt of the communication from Mr. D. Wood of Wood Bull LLP, dated March 2, 2011; and**
- 2. Adoption of the recommendations contained in the following report dated February 15, 2011 from the Commissioner of Planning and Development Services.**

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to issue a Notice to Approve Official Plan Amendment No. 111 to the Georgina Official Plan subject to the modifications set out in *Attachment 1* to this report.
2. York Region staff be authorized to appear at the Ontario Municipal Board in support of the Region's position, if required.

2. PURPOSE

The purpose of this report is to recommend that Town of Georgina Official Plan Amendment No. 111 (the Sutton/Jackson's Point Secondary Plan) be modified and approved.

3. BACKGROUND

The Sutton/Jackson's Point Secondary Plan needs to be updated to conform to current Provincial and Regional plans and policies

In 2007, the Town of Georgina commenced the review of the existing 1997 Sutton Secondary Plan to bring the plan into conformity with Provincial legislation including the Provincial Policy Statement, 2005, Greenbelt Plan, 2005 and Growth Plan, 2006. The Sutton/Jackson's Point Secondary Plan (SJPS) review process takes into consideration the introduction of the provincial Interim Phosphorous Loading Cap and the Lake Simcoe Protection Act and Protection Plan, 2008. The SJPS, as modified, also provides

consistency with the Regional Official Plan, 2010 which was approved by the Ministry of Municipal Affairs and Housing on September 7, 2010.

Sutton/Jackson's Point Secondary Plan is located on the southern shore of Lake Simcoe in the Town of Georgina

The Sutton/Jackson's Point Secondary Plan (Plan) is comprised of approximately 2,550 hectares of land. The Plan area is bounded by Lake Simcoe to the north, Park Road to the east, Latimer Road and the lot line between Lots 18 and 19, Concessions 7 and 8 (NG) to the south and McCowan Road and the lot line between Lots 15 and 16 Concession 9 (NG) to the west, as shown in *Figure 1*.

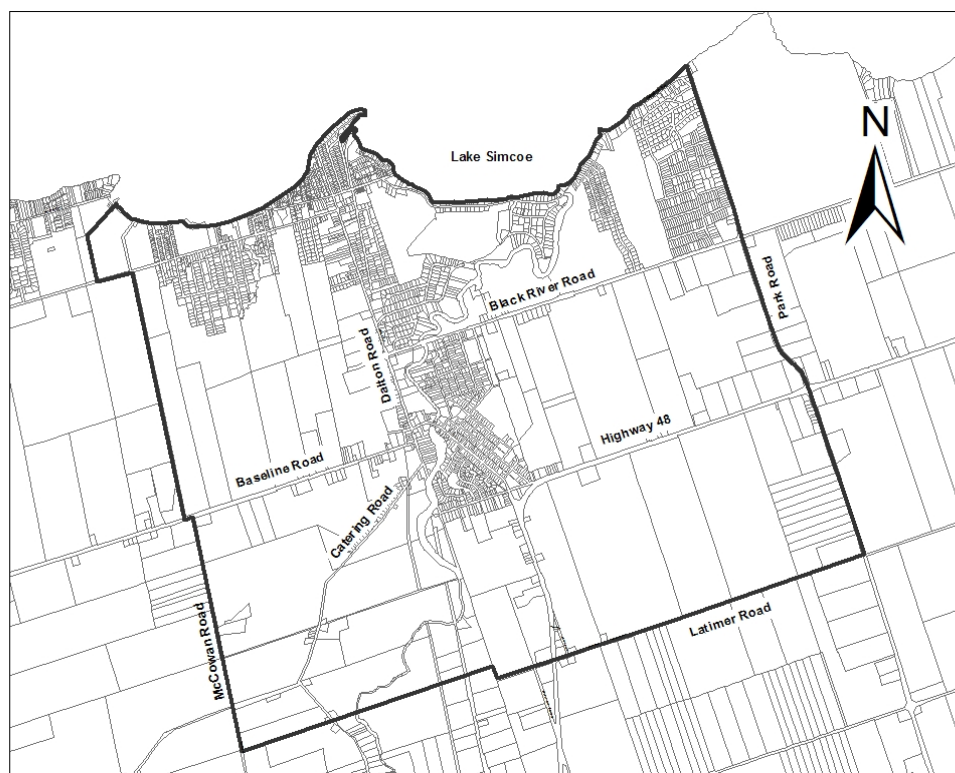


Figure 1

The Secondary Plan review involved extensive public and agency input and consultation

The Secondary Plan review exercise involved an extensive public consultation and review process. A Steering Committee and Technical Advisory Committee were established and consulted at key milestones throughout the study. Many opportunities for public input into the SJPSP were provided, including:

- On May 3, 2010, Town of Georgina Council released a draft Secondary Plan for formal public and agency review.

- On May 17, 2010 a Public Open House was held to provide the public an opportunity to informally review the Plan and provide feedback.
- On June 14, 2010 a Council meeting was held to discuss the revisions and proposed policies of the SJSPS necessary to ensure conformity with provincial and regional plans and policy.
- On June 30, 2010, the Town of Georgina held a statutory public meeting to gather input on the draft Secondary Plan revisions resulting from formal public and agency review.

The review and circulation process meets the requirements for public and agency consultation and review under the Planning Act.

The Sutton/Jackson's Point Secondary Plan policies were developed based on 6 priorities for community development

The Sutton/Jackson's Point Secondary Plan contains a policy framework that included the following priorities:

- Establishing and protecting a sustainable natural environment and Greenlands System including Lake Simcoe.
- Building a healthy, vibrant and sustainable community supported through sustainable/green building policies, heritage and archaeological conservation and the provision of parks and open space.
- Providing a complete range and mix of housing, including provisions for accessory apartments, garden suites, special needs and seniors housing.
- Promoting intensification and mixed use development in key local centres and corridors.
- Supporting agriculture and the surrounding countryside.
- The provision of sustainable services and infrastructure including the promotion of active transportation, transit and alternative/renewable energy.

The Sutton/Jackson's Point Secondary Plan review included growth management work to ensure an adequate supply of land to accommodate growth until 2031

The Sutton/Jackson's Point Secondary Plan addresses the population growth projections of the plan area for the next 20 years. It is anticipated that the population within the Secondary Plan area will increase by approximately 8,155 people from the existing population of 6,995 people. The total population (municipally serviced and privately serviced) within the Secondary Plan Area is projected to be 15,150 persons by the year 2031.

The future expansion of the Sutton Sewage Treatment Plant is required to accommodate growth to 2031

The majority of this 2031 population will be fully serviced with municipal sewer and water. Currently, about 4200 people are serviced by the Sutton WPCP which was funded by developers under a Prepaid Development Charge Credit Agreement. As developments associated with the Agreement have not been fully materialized, the plant is currently operating at 55% of its capacity.

To service growth of the community to 2031, a further expansion of the plant is required. Concurrent with the SJPSP review, the Region carried out a Class Environmental Assessment for the future plant expansion. The Class EA, approved in July 2010, recommended using a membrane bioreactor system to meet the phosphorous loading requirements of the Lake Simcoe Protection Plan and identified that up to 13,500 people can be accommodated.

Subject to Council approval, the expansion of the Sutton Sewage Treatment Plant is scheduled in the 2011 ten year capital program for construction commencement in 2018. Timing of the expansion will be reviewed annually as part of the ten year capital work programming. Total cost of the works is currently estimated at \$35,000,000.

York Region staff have received comments on the adopted Sutton/Jackson's Point Secondary Plan as a result of public agency circulation and review

The Lake Simcoe Conservation Authority has requested several modifications which are outlined in *Attachment 1*. The modifications provide clarification on a number of policies related to stormwater management, existing uses and the need for additional flood management work in certain areas of the SJPSP (See Modification Nos 8, 14, 16 and 17 in *Attachment 1*).

Bell Canada has indicated that they are generally satisfied with the utility permissions within the SJPSP. They have requested two modifications to ensure that private and public utilities are also permitted within "Parks and Open Space" and "Major Recreational Area" land use designations subject to discrete location and appropriate screening criteria. The Town of Georgina has agreed to accommodate this request (See Modification Nos. 6 and 7).

York Region District School Board (YRDSB) has indicated that the Ministry of Education has a specific funding benchmark for the construction of new schools and that building above this benchmark is problematic. For this reason, the YRDSB supports the language of the SJPSP "to encourage" green building practices rather than require them. In addition, YRDSB confirmed the need for the two new public school site designations shown on the Land Use Plan (See *Attachment 2*) in the Sutton/Jackson's Point Secondary Plan and has no objection to the plan's approval.

Infrastructure Planning staff requested the incorporation of Transportation Demand Management strategies in transportation studies and require sidewalks on both sides of a roadway designated as a transit route. These requirements have been included in modifications 11, 12 and 13 (See *Attachment 1*).

4. ANALYSIS AND OPTIONS

The adopted Sutton/Jackson's Point Secondary Plan represents a comprehensive plan to guide growth and development within the Secondary Plan Area. Modifications to the Plan are recommended to ensure that the Plan conforms to the policies of the Provincial Policy Statement (PPS, 2005), the Greenbelt Plan (2005), the Growth Plan (2006), and the Lake Simcoe Protection Plan (2009). As modified, the Plan is in keeping with the York Region Official Plan (2010) and represents good planning.

The Sutton/Jackson's Point Secondary Plan is consistent with the Provincial Policy Statement, 2005

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements. Policy 1.1.2 requires that "sufficient land is made available through intensification and redevelopment, and if necessary, designated growth areas, to accommodate a range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years." The Sutton/Jackson's Point Secondary Plan provides sufficient land within the existing urban service boundary to accommodate a range of land uses to meet the projected need for a time horizon of up to 20 years to 2031 (See *Attachment 2*).

The SJPSP promotes economic development and competitiveness by providing a mix and range of employment related land uses within the plan boundaries including institutional, community, tourist commercial and commercial uses within a defined system of local centres and corridors as shown in *Attachment 3 – Schematic Community Structure* (Policy 1.3.1). In addition, the Secondary Plan contains policies linking the phasing of development with the provision of infrastructure (Policy 1.1.3.8).

The Sutton/Jackson's Point Secondary Plan is in conformity with the Growth Plan, 2006

The Province of Ontario released a Growth Plan for the Greater Golden Horseshoe (GGH) – Places to Grow in 2006. The Growth Plan, 2006 guides decisions on managing growth within the Greater Golden Horseshoe until 2031. Policy 2.2.21 establishes the means by which population growth is to be accommodated including:

- Directing growth to settlement areas that offer municipal water and wastewater systems.

- Encouraging towns to develop as complete communities with a diverse mix of land uses.
- Building compact, transit supportive communities.
- Focusing intensification in intensification areas.

Through the SJPSP review process, the Town of Georgina has reviewed, and where feasible, increased the planned development density within the Secondary Plan Area. In addition, the Town of Georgina has developed intensification policies and established redevelopment areas to achieve intensification.

The Sutton/Jackson's Point Secondary Plan establishes a system of two distinct local centres, two local corridor designations and four redevelopment opportunity areas. The Secondary Plan envisions that these areas will provide opportunities for intensification and transit supportive mixed-used development (See *Attachment 3*). This intensification will occur in a manner reflective of the historic and cultural character of the area.

The SJPSP growth projections contribute towards meeting the 2031 population projections for the Town of Georgina as contained in the new Regional Official Plan (2010 ROP). This recognizes that the Keswick Community will be the primary focus for accommodating future population and employment growth. The SJPSP represents best efforts to achieving the target density of 50 people and jobs per acre for new development recognizing several existing OMB approvals and respecting the historical character of Sutton.

An Employment Land Conversion of 10 hectares meets the tests established in the Growth Plan, 2006

Policy 2.2.6.5 of the Growth Plan permits the conversion of employment lands to non-employment uses though a municipal comprehensive review where it has been demonstrated that:

- there is a need for the conversion
- the municipality will meet the employment forecasts
- the conversion will not adversely affect the overall viability of the employment area
- there is existing or planned infrastructure to support the proposed conversion.

As part of its growth management exercise, the Town of Georgina undertook a municipal comprehensive review to assess the need for employment lands in Georgina including the SJPSP. Through this analysis it was determined that the local economy within the SJPSP area is primarily service-oriented and it is anticipated to remain as such through to the 2031 planning period. A 10 hectare parcel located north of Black River Road, west of Dalton Road (See *Attachment 3*) will be redesignated from employment to residential land use. The proposed 10 hectare employment land conversion represents a 5% reduction in available employment land however sufficient employment lands remain to meet the proposed employment projections for the Town of Georgina to 2031. This conversion meets the above tests/criteria as the majority of employment land

requirements for the Town of Georgina are accommodated within the Keswick Business Park.

The Sutton/Jackson's Point Secondary Plan is in conformity with the Greenbelt Plan, 2005

The SJPSP area is designated as "Towns/Villages" within the Greenbelt Plan. According to the policies of the Greenbelt Plan, Towns/Villages within the approved boundaries, are governed by the associated municipal plans and are not subject to the majority of policies within the 2005 Greenbelt Plan (3.4.2.1). Municipalities are encouraged to continue efforts to support the long-term viability of these settlements including modest growth that is compatible with the long-term role of the settlement and the availability of municipal servicing (3.4.2.2). The Sutton/Jackson's Point Secondary Plan achieves these goals by establishing a planned community structure and strong environmental protection policies.

The Sutton/Jackson's Point Secondary Plan, as modified, will conform to the Lake Simcoe Protection Plan

Policy 4.7 of the Lake Simcoe Protection Plan (2009, LSPP) requires municipalities to include policies in their Official Plans related to reducing runoff volumes and pollutant loadings. The Sutton/Jackson's Point Secondary Plan implements the LSPP policies by requiring the preparation of stormwater management plans, in support of development applications, which reflect following requirements:

- The use of best management practises to meet or exceed the Ministry of Environment Level 1 Protection criteria.
- Implementation of an integrated treatment-train approach utilizing source, conveyance and end-of-pipe controls and/or innovative strategies to stormwater management.
- The evaluation of anticipated changes in phosphorous loadings between pre-development and post-development conditions.

Chapter 6 of the 2009 LSPP promotes a consistent approach to the protection, enhancement and restoration of the Lake Simcoe shoreline and of key natural heritage and hydrologic features critical to the overall health of the watershed including:

- restrictions on growth outside of existing settlement areas
- restrictions on development or site alteration within key natural heritage and key hydrologic features
- establishment of 30 metre vegetation protection zones
- protection and restoration of areas of self-sustaining natural vegetation in shoreline areas
- requirements for the natural heritage evaluations which demonstrate no adverse effect on key natural heritage or hydrologic features or vegetation protection zones
- protection of significant groundwater recharge areas.

The SJPSP contains policies that implement these requirements. In addition, the SJPSP also contains policies committing to implement future sub-watershed plans and shoreline management strategies being developed in support of the Lake Simcoe Protection Plan. The Secondary Plan will conform to the Lake Simcoe Protection Plan subject to the modifications set out in *Attachment 1*.

The Sutton/Jackson's Point Secondary Plan, with modifications, conforms to the existing York Region Official Plan (1994, as amended) and is in keeping with the policy directions of the new York Region Official Plan (2010)

The SJPSP is required to conform to the existing York Region Official Plan (1994 ROP) and further, the Secondary Plan, should be in keeping with the policy directions of the 2010 ROP.

Through the SJPSP review process, the Town of Georgina has ensured that 25% to 30% of the projected new growth will occur within the provincial "built boundary". The balance and majority of the growth can be accommodated in existing designated greenfield areas within the current urban serviced boundary. Based on the proposed land use designations, permitted densities and opportunities for intensification there is sufficient developable land within the current Urban Serviced Boundary to accommodate the planned growth to 2031. The "Rural/Agricultural" lands outside of the urban serviced boundary, but within the SJPSP settlement boundary, are not required at this time to accommodate the planned growth to 2031 (See *Attachment 2*).

The Sustainable Design/Green Building policies of the Sutton/Jackson's Point Secondary Plan reflect the requirements of the 2010 ROP. Of note, the SJPSP requires the inclusion of rainwater harvesting systems on all new residential buildings to minimize the need for potable water use in outdoor irrigation. In addition to the 25% on-site renewable energy target that has been established, the SJPSP is encouraging buildings be constructed in a manner that facilitates future solar installations, the reduction of construction waste and increased waste diversion. These policies promote participation in and reflect the requirements of the Regional Sustainable Development through LEED and Sustainable Home Incentive Programs.

PROPOSED MODIFICATIONS

The Sutton/Jackson's Point Secondary Plan requires modification to ensure conformity to the 1994 ROP and consistency with the 2010 ROP

Community Planning Branch staff have requested minor modifications to incorporate Lake Simcoe Protection Plan Policies including the addition of a policy that establishes the permissions afforded to existing uses under the LSPP, 2009. A modification is also required, to address the removal and re-establishment of self-sustaining natural

vegetation, as a result of development and site alteration activity permitted by the policies of the LSPP, 2009.

Community Planning Branch staff are recommending modifications to the Sutton/Jackson's Point Secondary Plan to implement three stream waste collection capabilities in all new multi-unit residential buildings and to encourage retrofits in existing multi-unit residential buildings.

On October 15, 2010, Community Planning staff received correspondence from a landowner expressing concern regarding the site policies related to Redevelopment Opportunity Area 1 (See *Attachment 2*). The Owner has requested that Policy 9.2.6.8 revised to allow for medium residential development in addition to senior's multi-unit residential condominium. Town of Georgina staff have agreed to this requested modification (See Modification Nos. 9 and 10 in *Attachment 1*).

Infrastructure Planning staff have requested that the transportation section of the Secondary Plan be amended to require that transportation demand management strategies be incorporated in any traffic study resulting from a development proposal. In addition, a modification has been requested to ensure that sidewalks are provided on designated transit routes.

Town of Georgina staff have requested a modification to the Sutton/Jackson's Point Secondary Plan to reflect the wording of the Green Building Policies in the 2010 ROP.

Other modifications are minor in nature and do not change the intent of the SJPSP. The modifications have been presented and agreed to by Town of Georgina staff. In addition, the proposed modifications have been adopted by Town of Georgina Council on February 7, 2011.

5. FINANCIAL IMPLICATIONS

The ROP 2010 requires the completion of an economic/fiscal impact analysis for secondary plans including an assessment of Regional servicing costs, financing implications related to the impact on development charges, and the ability to financially and technically provide the required infrastructure.

With respect to the above, the required infrastructure to accommodate the secondary plan growth is the Sutton Sewage Treatment Plant Upgrade. Significant expenditures are required for the plant expansion to meet the phosphorous loading limits set by the Lake Simcoe Protection Plan, 2009. The Sutton Sewage Treatment Plant Upgrade has been included in the Water and Wastewater Master Plan, 2009. The Master Plan identifies the Sutton Water Pollution Control Plant Upgrade being required within the 2011 to 2016 timeframe at an estimated cost of \$22 Million.

In 2010, the Region undertook to update the Development Charges By-law to reflect increased infrastructure and associated capital costs associated with the population and employment forecasts required through Places to Grow, 2006. As a result, the Sutton Sewage Treatment Plant Upgrade was identified at an increased cost of \$33.7 Million. York Region is collecting development charges at this rate and any shortfall in costs will be captured and reflected in the 2012 DC By-law Update. Currently, the Sutton Wastewater Pollution Control Plant Upgrade has been scheduled for construction in 2018 at an estimated cost of approximately \$35 Million.

Population projections for full build out within the Sutton/Jackson's Point Secondary Plan were reduced from 14,500 to 13,500 persons to meet the phosphorous limits required by the Lake Simcoe Protection Plan. The Secondary Plan will accommodate proposed growth to 2031 within the existing settlement and urban service boundaries. A full economic fiscal impact analysis is not required as the growth projections for the Secondary Plan are declining and the settlement boundaries are not changing.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the recommendations of the Town of Georgina to adopt the Town's Sutton/Jackson's Point Secondary Plan. The proposed modifications have been agreed to by Town Staff and will ensure that the Plan is consistent with the policies of the 2005 PPS and the 2010 ROP and conform to the Growth Plan, the LSPP.

7. CONCLUSION

The adopted Sutton/Jackson's Point Secondary Plan represents a comprehensive plan to guide growth and development within the Secondary Plan Area. Several modifications to the Plan are recommended which will ensure that the Plan conforms to the policies of the Provincial Policy Statement (PPS, 2005), the Greenbelt Plan (2005), the Growth Plan (2006), and the Lake Simcoe Protection Plan (2009). As modified, the Plan is in keeping with the 2010 ROP and represents good planning.

Therefore, it is recommended that the Commissioner of Planning and Development Services be authorized to issue Notice to Approve Official Plan Amendment Number 111 to the Georgina Official Plan subject to the modifications set out in *Attachment 1* of this report.

For more information on this report, please contact Teresa Cline, Planner at 905-830 4444, Ext. 1533 or Heather Konefat, Director of Community Planning at Ext 1502.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause are attached to this report.)



MUNICIPAL, PLANNING & DEVELOPMENT LAW

2 March 2011

Denis Kelly, Regional Clerk
Corporate Services Department
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Dear Members of the Planning and Economic Development Committee:

**Re: Sutton/Jackson's Point Secondary Plan
Official Plan Amendment No. 111 to the Georgina Official Plan**

We are the solicitors to Dr. E. Byrnes Shouldice, the owner of approximately 211.4 hectares (522.4 acres) of land in the southwest development plan area of the Sutton Community in the Town of Georgina (the "Town").

Our client's concerns relating to the Sutton/Jackson's Point Secondary Plan (the "Secondary Plan"), including the modifications proposed by Region of York staff and supported by Town Council on 14 February 2011, have been provided to the Town. Please find attached copies of our client's written submissions to the Town, copies of which were also provided to the Region on 14 February 2011.

We reiterate our client's concerns as set out in the attached correspondence, dated 14 and 30 June 2010, and 14 February 2011, and request that these concerns be addressed prior to further consideration of the Secondary Plan by the Region.

Yours very truly,

Wood Bull LLP

p. Dennis H. Wood

Encl.

- c. Dr. E. Byrnes Shouldice
Paul Johnston, Johnston Litavski
Teresa Cline, Regional Municipality of York
Laura Diotte / Harold Lenters, Town of Georgina

Dennis H. Wood Direct: (416) 203-7718 dwood@woodbull.ca

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MUNICIPAL PLANNING & DEVELOPMENT LAW

14 February 2011

Roland Chenier, Town Clerk
26557 Civic Centre Road
R.R. #2, Keswick, Ontario
L4P 3G1

Dear Members of Council:

Re: Proposed Regional Modifications to Sutton/Jackson's Point Secondary Plan

Please be advised that we have been retained as the solicitors to Dr. E. Byrnes Shouldice, the owner of approximately 211.4 hectares (522.4 acres) of land in the southwest development plan area of the Sutton Community in the Town of Georgina (the "Town").

Prior to the Town Council's adoption of the Sutton/Jackson's Point Secondary Plan (the "Secondary Plan") on 30 June 2010, our client's concerns relating to the Secondary Plan were expressed through oral and written submissions to Council and Committee of Council. We reiterate the request that Council consider our client's concerns, and have attached copies of the written submissions from our client's previous representative Aird & Berlis LLP, dated 14 June 2010 and 30 June 2010.

We and our client's planning consultant have reviewed the proposed regional modifications to the Secondary Plan (the "Proposed Modifications") as set out in Report No. PB-2011-0010 which was before the Town's Committee of the Whole on 7 February 2011. The Committee of the Whole is recommending that Council support the Proposed Modifications at its meeting this evening.

In addition to the concerns expressed in the attached correspondence, our client also has concerns with item #9 of the Proposed Modifications, which adds additional language to site specific policy 9.2.5.2.1 (b)(v), applicable to our client's lands. Our client's previous oral and written submissions had expressed our client's concern relating to policy 9.2.5.2.1 (b)(v) in the Secondary Plan, and had requested that this policy be deleted. We continue to request that Council delete policy 9.2.5.2.1 (b)(v) and further not support the addition to policy 9.2.5.2.1 (b)(v) contained in item #9 of the Proposed Modifications.

Dennis H. Wood Direct: (416) 203-7718 dwood@woodbull.ca

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5 T (416) 203-7160 F (416) 203-8324 www.woodbull.ca

14 February 2011



We kindly request that notification and a copy of any decisions and staff reports regarding the Secondary Plan be forwarded to:

Dennis Wood
Wood Bull LLP
65 Queen Street West, Suite 1400
Toronto, Ontario, M5H 2M5

Email: dwood@woodbull.ca
Facsimile: 416-203-8324

Yours very truly,

Wood Bull LLP

A handwritten signature in black ink, appearing to be "D. Wood", is written over the printed name "Wood Bull LLP".

Dennis H. Wood

- c. Dr. E. Byrnes Shouldice
Paul Johnston, Johnston Litavski
Laura Diotte, Town of Georgina
Harold Lenters, Town of Georgina
Teresa Cline, Regional Municipality of York

AIRD & BERLIS LLP

Barristers and Solicitors

Eileen P. K. Costello
Partner
Direct: 416.865.4740
E-mail: ecostello@airdberlis.com

June 14, 2010

BY EMAIL

Our File No. 105884

Town of Georgina
26557 Civic Centre Road
Keswick, ON L4P 3G1

Attention: Laura Diotte, Senior Planner - Policy

Dear Ms. Diotte:

**Re: Draft Sutton/Jackson's Point Secondary Plan
Comments Submitted on Behalf of Dr. Byrnes Shouldice**

Please be advised that Aird & Berlis LLP has been retained by to Dr. Byrnes Shouldice to represent his interests with respect to the Draft Sutton/Jackson's Point Secondary Plan and, specifically, with respect to the designations proposed in the Draft Plan to apply to lands owned by Dr. Shouldice in Sutton.

As members of Council will be aware, Dr Shouldice is a long time resident of Sutton and the owner of 211.4 hectares (522.4 acres) of land within the Southwest Development Plan area of the Sutton Community. This property, collectively referred to herein as the "Shouldice Lands", consists of the following 4 parcels:

- West Farm – 80.2 hectares (198 acres)
- East Farm-76.9 hectares (190 acres)
- North parcel- 35.9 hectares (89 acres)
- Catering Road parcel - 18.4 hectares (45 acres).

The West farm, North parcel and Catering Road parcel are located within the current Urban Service boundary in the approved Sutton Secondary Plan.

Dr. Shouldice received draft plan approval in 2001 for a 550 unit adult lifestyle residential community and 9 hole golf course on the West farm property. In 2006 our client submitted revised applications to permit the development of the entire Shouldice Lands for a comprehensive retirement residential community on of up to 1500 units and an 18 hole golf course. Public consultation with nearby residents in the summer of 2005, and

discussions with Council were very positive- virtually all nearby residents expressed support for the development concept. As the Town's request, these applications were deferred pending completion of the secondary plan exercise.

In conjunction with our client's planning and environmental consultants, we are pleased to submit these preliminary comments on the Draft Secondary Plan at this time. A detailed review of the environmental mapping and policies of the Draft Secondary Plan, and supporting studies, is ongoing by our client's consultants. As additional issues arise further comments will be forwarded to the Town.

Urban Service Boundary /Servicing Allocation

The Draft Secondary Plan proposes designating a portion of the Shouldice lands (West farm, Catering parcel, North parcel) which are currently within the Urban Service boundary and designated Low Density Residential as **New Residential Area** and **Environmental Protection Area (EPA)**. These lands would continue to be within the Urban Service boundary. However, the lands known as East Farm are currently proposed to be outside the Urban Service boundary and designated **Rural Agricultural Area** and **EPA**.

In light of the comprehensive development proposal put forth by our client in 2006, and the positive reaction of the community for that proposal, we believe that proposing different designations for the Shouldice Lands is unreasonable and would prevent any comprehensive planning to occur on this property.

We are aware that Staff and the consulting team have recommended that additions to the Urban Service boundary not proceed at this time due to limited servicing availability. We note, however, that Report PB-2010-0045 correctly notes that the Region of York has completed its Class EA for an expansion of the Sutton Water Pollution Control Plan to accommodate 13,500 persons capacity. We further note the observation in the staff report (at page 8) that the most "common concern" expressed by members of the public was with respect to the need for more senior's housing in a variety of forms.

We would ask that staff provide us with the background information and reports to support their recommendation that no boundary expansions occur at this time.

We respectfully request that Council consider inclusion of the East Farm into the Urban Service boundary, given the desirability of the integrated retirement community and 18 hole golf course concept, and the public support for the development concept.

Environmental Protection Area and Related Designations

Significant portions of the Study Area, including the Shouldice Lands, have been designated Environmental Protection Area. We submit that the scope of these environmental designations will undermine the planning objective of creating a compact

and unified urban community plan. In at least one example, a collector road required to implement the Secondary Plan will traverse an area entirely designated EPA (North parcel, Shouldice lands).

In another example, the Woodlands/ EPA designation appears to capture every site with a tree. The >2ha size criterion used in the Policy is very small given the amount of woodland in the area generally, and is inconsistent with Provincial Policy Statement (PPS) direction on significance in relation to overall woodland cover.

We respectfully request that Council direct staff to reconsider these environmental designations in order to achieve an appropriate balance in terms of designations which better reflect the significance of the underlying environmental features while recognizing the desirability of creating a unified community plan.

With respect to the Shouldice Lands in particular it appears that the environmental designations have been applied in an overly broad and encompassing manner. For example, the Draft Plan designates a small hedgerow on the East farm and the Catering parcel well beyond the actual wooded areas in these locations. Similarly, the Draft Plan designates successional wooded areas of the North parcel, which in the opinion of our client's consultants have very limited environmental significance. Given the necessarily limited nature of the studies undertaken by the Town, it is clear that the final plan must be appropriately flexible in the interpretation and application of those designations and to permit modifications to reflect the detailed field work undertaken in support of development applications. We note that the Draft Plan recognizes that the boundaries are approximate, and there is latitude for consideration of minor adjustments (S9.2.2.2 b).

We respectfully request that Council direct staff to review the environmental designations applied to the Shouldice Lands to more accurately reflect the significance of the underlying environmental features on those particular parcels, including but not limited to the East Farm and the Catering Road parcels.

West Farm – Environmental Designations and Policy

In the background report, "Existing Environmental Conditions and Opportunities/ Constraints Analysis", by LGL Limited, May 2008, the consultant correctly indicates that the 2001 approval for the West Farm provided for environmental features mapping consistent with the development approved at that time. However the Draft Secondary Plan has designated additional EPA areas on the West Farm lands which are inconsistent with both the 2008 LGL Limited report and the 2001 approval for our client's property. In addition, a further specific policy (9.2.5.2.1 v) related to potential floodplain area has been added to the current policy applicable to the West Farm. We are unaware of the basis for this additional policy and have not seen any supporting analysis in the background reports for the Draft Secondary Plan to justify the inclusion of this policy.

We request that Policy 9.2.5.2.1 v be deleted. We further request that the EPA designations on the West farm be revised so as to properly reflect the 2001 approval for this parcel.

Requirements for Applications/ Approvals

Section 9.2.9.5 provides expanded requirements for pre-consultation and submission of supporting studies. As our client's application was submitted well before the Draft Secondary Plan was formulated, we expect that our client's application will be considered in the context of policies in place at the time of submission and request the Town's confirmation that this will be the case.

Trails/ Roads- Schedule D

Snowmobile Trails and Cycling Facilities on Local Roads have been designated on Schedule D over portions of the Shouldice Lands. It is not clear at this time how these facilities could be incorporated into development plans for the property given other environmental and Urban Service Boundary provisions of the Plan.

Thank you for the opportunity to comment on the Draft Secondary Plan. We would kindly request that a copy of our correspondence be provided to members of Council in advance of this evening's Special Meeting of Council.

We look forward to providing the Town with additional comments and to working cooperatively with the Town on this matter in order to ensure an appropriate community plan for the Sutton/Jackson's Point Secondary Plan area which recognizes and respects our client's previous approvals and current development proposals.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/sh

c: Dr. Byrnes Shouldice
Robert Doumani, Aird & Berlis LLP
Paul Johnston, Johnston Litavski Limited
Anne MacMillan, Ecoplans Ltd

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Barristers and Solicitors

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E-mail: ecostello@airdberlis.com

June 30, 2010

BY EMAIL

Our File No. 105884

Town of Georgina
26557 Civic Centre Road
Keswick, ON L4P 3G1

Attention: Laura Diotte, Senior Planner - Policy

Dear Ms. Diotte:

**Re: Submissions for Statutory Public Meeting in Respect of Draft
Sutton/Jackson's Point Secondary Plan**

As you were advised in our previous correspondence dated June 14, 2010, Aird & Berlis LLP has been retained by Dr. E. Byrnes Shouldice with respect to the implications of the proposed Sutton/Jackson's Point Secondary Plan on the lands owned by our client in Sutton. A copy of our previous correspondence is attached.

As the municipality will be aware, Dr. Shouldice is a long time resident of Sutton and owns approximately 211.4 hectares (522.4 acres) of land located within the southwest development plan area of the Sutton community. The property collectively referred to throughout our correspondence to you as the "Shouldice Lands" consists of four parcels which are grouped and referred to as follows:

1. West Farm – 80.2 hectares (198 acres);
2. East Farm – 76.9 hectares (190 acres);
3. North Parcel – 35.9 hectares (89 acres);
4. Catering Road Parcel – 18.4 hectares (45 acres).

The West farm, North Parcel and Catering Road Parcel are all located within the current Urban Service Boundary in the approved Sutton Secondary Plan.

As you are aware, our client received draft plan approval in 2001 for a 550 unit lifestyle residential community and a 9 hole golf course on the West Farm property. In addition, in 2006, our client submitted revised applications to permit the development of the entire Shouldice Lands for a comprehensive residential community of up to 1500 units along with an 18 hole golf course. The public feedback on this proposed application was very

positive. Notwithstanding our client's desire to proceed with this application, at the Town's request, he agreed to defer the processing of the application pending completion of the Secondary Plan exercise.

In our previous correspondence of June 14, 2010, we provided you with detailed comments on our client's concerns with respect to the proposed Secondary Plan, including the fact that the East Farm is currently proposed to be outside the Urban Service Boundary and designated Rural Agricultural Area and EPA.

In addition, we noted in our previous correspondence that significant portions of our client's lands have been designated EPA. It appears to us that the scope of the environmental designations is overly broad and undermines the municipality's other stated objective of creating a comprehensive and unified urban community plan.

We note with some interest that, notwithstanding the restrictions placed on private development on our client's lands, that the municipality appears to be proposing that a portion of the lands designated EPA also be used for a new collector road. It seems incongruent to us that the municipality would propose to develop lands with a new roadway but would seek to restrict the development potentiality of our client's similarly designated lands. Accordingly, we reiterate our request that Council consider including the East Farm into the Urban Service Boundary.

Additionally, we reiterate our request that Council direct staff to reconsider the extent of the EPA designation on the Shouldice Lands in order to achieve the municipality's equally important objective of ensuring a comprehensively defined and built unified urban community plan. With respect to our client's lands in particular, we would ask that staff be directed to review the environmental designations on the Shouldice Lands to more accurately reflect the underlying environmental features including but not limited to the East Farm and the Catering Road parcels.

Finally, we had provided in our June 14, 2010 correspondence, comments with respect to the environmental designations and policies applied to the West Farm lands. In particular, we note that a further specific policy, Policy 9.2.5.2.1v has been added to the current policy applicable to the West Farm. We are unaware of the basis for this additional policy and, despite a request for verification, have not been provided with any supporting analysis to justify the inclusion of that policy. Accordingly, we reiterate our request that Policy 9.2.5.2.1v be deleted. In addition, we again request the EPA designations proposed for the West Farm be revisited so as to reflect the 2001 approval for these lands.

We note that it is our client's intention to proceed with development on his property, either by pursuing a modified version of the 2001 approvals, or more likely by pursuing a modified development concept based on the 2006 applications. In order to ensure that our client's rights are protected it will be necessary to formally object to the aforementioned specific policies of the draft Secondary Plan and to the broader environmental policies and land use designations of the draft Secondary Plan on a municipality-wide basis.

We note that our client is interested in working with the municipality in order to ensure that the municipality's goals for a comprehensive urban community are met, while ensuring that our client's lands are not unduly hampered by the restrictive environmental policies outlined above.

To that end, and in order to avoid an appeal of the Secondary Plan, we would ask that Council undertake the following:

- (a) Defer the adoption of the draft Secondary Plan as it applies to the Shouldice Lands in their entirety; and
- (b) Direct staff to meet with our client's consultants to discuss amendments to the draft policies and designations in order to both recognize existing approvals and provide sufficient development flexibility for our client.

We look forward to working with staff and would ask the Council's direct staff, as set out above, to meet in order to develop a plan for the comprehensive development of our client's lands, in a manner which will surely benefit the broader community.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/sh

Encl.

c: Roland Chénier, Town Clerk
Dr. E. Byrnes Shouldice
Robert Doumani, Aird & Berlis LLP
Paul Johnston, Johnston Litavski Limited
Anne MacMillan, Ecoplans Ltd

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Town of Georgina Official Plan Amendment No. 111

Modifications

1. Modify Section 9.2.2.3 by adding following subsection (f) after subsection (e) and re-number the section accordingly:

“9.2.2.3 (f) If natural self-sustaining vegetation is removed along the Lake Simcoe shoreline, from a key natural heritage feature, a key hydrologic feature or from any related vegetation protection zone, as a result of any development or site alteration permitted under the policies of the Lake Simcoe Protection Plan, the natural self sustaining vegetation shall be re-established to the extent feasible following completion of that activity.”
2. Modify Section 9.2.2.3 by adding the following subsection (m) after subsection (l) (formerly subsection (k)) and re-number the section accordingly:

“9.2.2.3 (m) The Town agrees to implement an Urban Forest Management Plan which will be developed in partnership with York Region.”
3. Modify Section 9.2.3.1(b)(i) by replacing the word “require” with the word “achieve”.
4. Modify Section 9.2.3.1 by adding the following subsection (k):

“ 9.2.3.1 (k) require the provision of three stream waste collection capability in new multi-unit residential buildings and encourage retrofits in existing multi-unit residential buildings.”
5. Modify Section 9.2.3.4 (f) by adding the words “and the Black River” after the words “Lake Simcoe shoreline”.
6. Modify Section 9.2.3.4 by adding the following subsection (h):

“9.2.3.4 (h) public and private utilities and infrastructure, except hydro plants, will be permitted in public parks and open space if the need for the project has been demonstrated and there is no reasonable alternative.”
7. Modify Section 9.2.3.6 by adding the following subsection (iii):

“9.2.3.6 (iii) public and private utilities and infrastructure, except for hydro plants.”

8. Modify Section 9.2.5.2.1 (b)(v) by adding the following wording after the last sentence.

9.2.5.2.1 (b)(v) “For any areas identified as floodplain, the Hazard Policies of Section 9.2.2.5 shall prevail.”

9. Modify Section 9.2.6.8 (a) by deleting the words “new senior’s orientated multi-unit” and replace with the words “medium density residential”.

10. Modify Section 9.2.6.8 (a) by adding the following subsection 9.2.6.8 (a)(v):

“Section 9.2.6.8 (a)(v) Encourage the development of a senior’s orientated multi-unit residential development.”

11. Modify Section 9.2.8.1 by adding the following subsection (h):

“9.2.8.1(h) To provide all new-home buyers with information on alternative and active modes of transportation within the community through partnership with the development community and/or the Region.”

12. Modify Section 9.2.8.1.1 by adding the following subsections (d) and (e):

“9.2.8.1.1 (d) Appropriate transportation demand management measures to reduce single occupancy automobile trips will be identified in transportation studies and in development applications.”

“9.2.8.1.1 (e) New institutional, commercial and industrial development applications shall include a transit demand strategy that considers preferential carpool parking, bicycle facilities, employee transit passes and alternative work arrangements.”

13. Delete Section 9.2.8.1.6 (d) in its entirety and replace it with the following Section 9.2.8.1.6 (d):

“(d) The development of new road with transit route designations shall incorporate sidewalks on both sides of the street where feasible. Furthermore, streetlighting shall be provided on all roads supporting transit services.”

14. Modify Section 9.2.8.3.1 (e) by deleting the words “within 30 metres of the *Lake Simcoe shoreline*, or within 30 metres of any Environmental Protection Area designation” so the paragraph reads as follows:

“9.2.8.3.1 (e) An application for *development* shall be accompanied by a Storm Water Management Plan that:”

15. Modify Section 9.2.9 (b) (v) amended by inserting the words “and affordability” after the words “housing mix”.

16. Modify Section 9.2.9.5.3 (ix) by adding the following to the end of the list:

“- Three Stream Waste Management Plan”

“- Water Balance”.

17. Modify Section 9.2.9.8 by adding the following subsection 9.2.9.8 (b):

9.2.9.8 (b) Where a Policy in the Lake Simcoe Protection Plan permits development or site alteration in relation to existing uses, the following policies apply:

i) All existing uses lawfully used for such purposes on the day before the Lake Simcoe Protection Plan comes into force are permitted;

ii). The construction of a building on an existing lot of record is permitted, provided it was zoned and all provisions of the zoning by-law are met as of the date the Plan comes into effect, or where an application for an amendment to a zoning by-law is required as a condition of a severance granted prior the date this Plan comes into effect;

iii). The development permitted in ii., expansion to existing buildings or structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration that the use does not expand into a key natural heritage feature, a key hydrologic feature and any minimum vegetation protection zone associated with a feature or the Lake Simcoe shoreline, unless there is no alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;

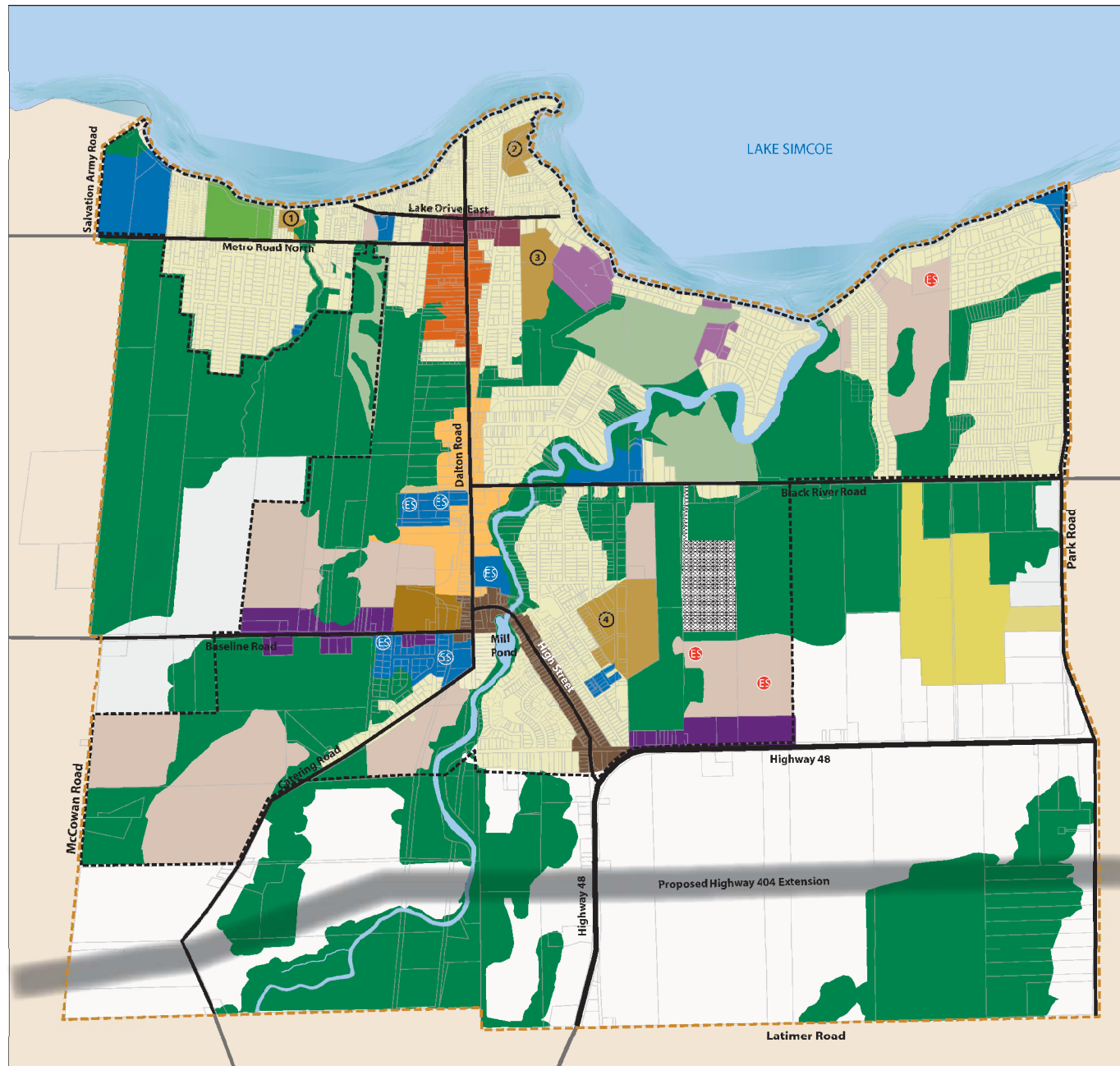
iv). The expansion to existing agricultural buildings and structures, residential dwellings and accessory uses to both, may be considered within a key natural heritage feature, a key hydrologic feature, and any minimum vegetation protection zone associated with these features or the Lake Simcoe shoreline, if it is demonstrated that:

- a) there is no alternative to the expansion or alteration and the expansion or alteration is directed away from the feature and vegetation protection zone to the maximum extent possible, and,
- b) the impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible.
- c) Expansion, maintenance or replacement of existing infrastructure is permitted.

18. Modify Section 9.2.10.6 by adding the following definition after “Lake Simcoe Shoreline”:

“Lake Simcoe Watershed

- a. Lake Simcoe and the part of Ontario, the water of which drains into Lake Simcoe; or,
- b. If the boundaries of the area described by clause (a) are described more specifically in regulations, the area within those boundaries (Lake Simcoe Protection Act, 2008.”



Sutton/ Jackson's Point Secondary Plan

Schedule B - Land Use Plan

- Environmental Protection Area
- Major Public Parks/ Open Space
- Major Recreation Area
- Rural/Agricultural Area
- Stable Residential Area
- Redevelopment Opportunity Area
- New Residential Area
- Institutional/ Community Area
- Existing Elementary School
- Existing Secondary School
- Proposed Elementary Schools
- Rural Modular Home Park
- High Street Historic Centre
- High Street Centre Extension
- Jackson's Point /Lake Drive Centre
- Dalton Road North Corridor
- Dalton Road South Corridor
- Tourist Commercial Area
- General Commercial Area
- Sewage Treatment Plant
- Secondary Plan Area Boundary
- Urban Service Boundary
- Proposed Hwy 404 Extension

Adopted by Council
June 30, 2010

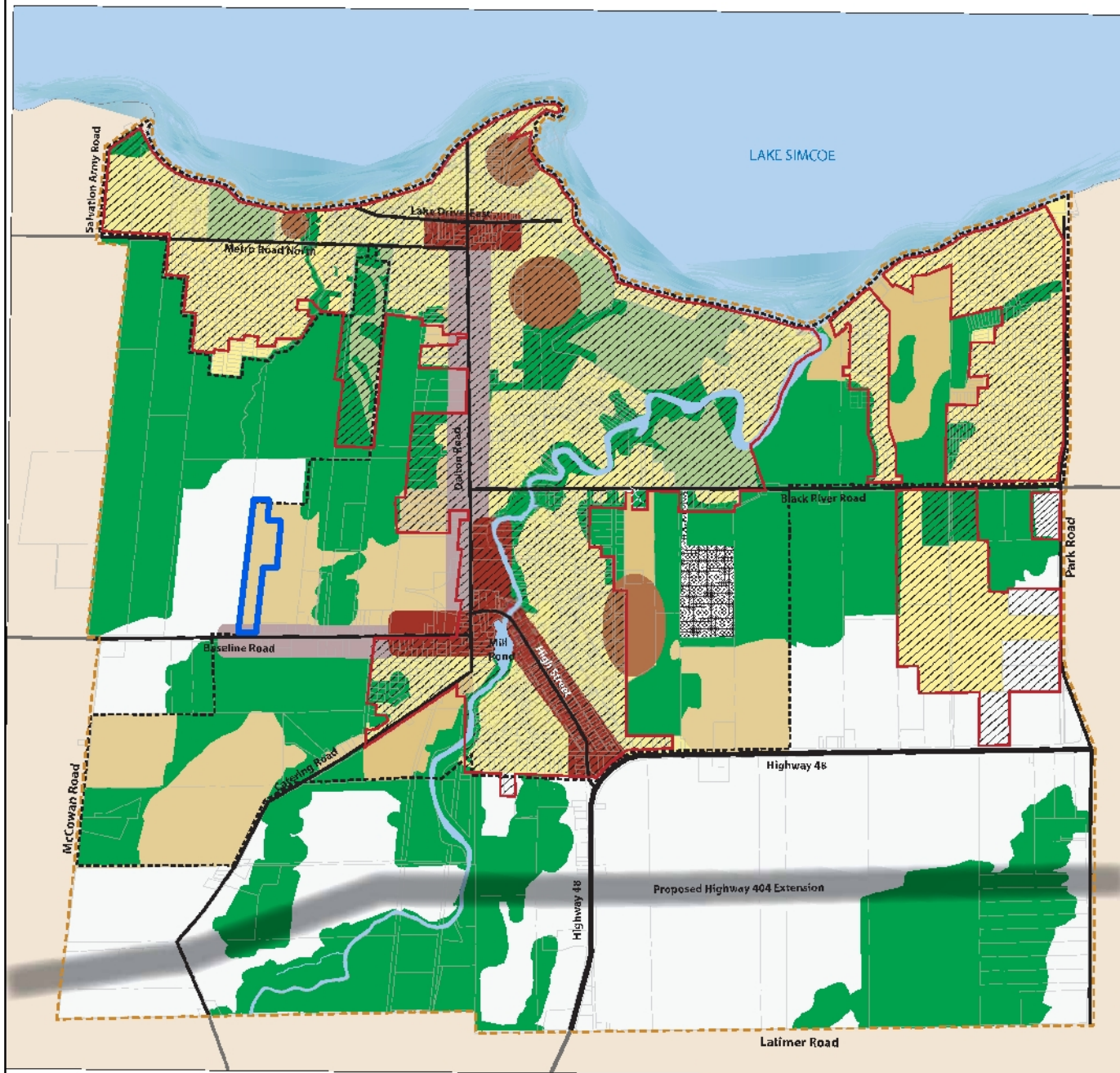


Scale 1:20,000



Sutton/ Jackson's Point Secondary Plan

Schedule A - Schematic Community Structure



- Environmental Protection Area
- Major Recreational or Public Open Space
- Centres
- Corridors
- Stable Neighbourhoods
- New Neighbourhoods
- Redevelopment Opportunity Areas
- Rural/ Agricultural
- Sewage Treatment Plant
- Roads
- Secondary Plan Area Boundary
- Urban Service Boundary
- Lands Inside the Built Boundary
- Proposed Hwy 404 Extension

Conversion from
Employment to Residential

Adopted by Council
June 30, 2010



Scale 1:20,000



Council Attachment No. 3

Produced by York Region Geomatics
With Base Excerpted from Adopted Sutton / Jackson's Point Secondary Plan - June 30, 2010

Schedule A - Schematic Community Structure
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