



**RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.**

November 29, 2018

County of Bruce
Planning & Economic Development Department
1243 MacKenzie Road
Port Elgin, ON
N0H 2C6

Attention: Tessa Fortier
Planner

Dear Tessa:

**Re: Official Plan Amendment Application
Various Significant Woodland Properties in Southampton
Applicants: George Durigon and John Morgenroth**

Enclosed please find an application to amend the Town of Saugeen Shores Official Plan as it pertains to an area of Southampton involving 15 properties. These parcels are identified on the attached drawing.

Also attached are the application fee, the Town's review fee and three copies of a new Significant Woodlands Study conducted for the subject lands and surrounding forested areas.

To assist your office with its review of this application, I offer the following:

Significant Woodlands:

The Town of Saugeen Shores Official Plan contains three sets of policies for Significant Woodlands.

The first set of policies pertains to the Significant Woodlands that are specifically identified on Schedule A with the 'Special Policy Area 4' overlay. These lands generally

encompass the lands west of the glacial Lake Nipissing bluff, south of South Street in the former Town of Southampton and north of Lot 19, Lake Range in the former Township of Saugeen, but excludes lands within the former Town of Port Elgin and other areas that were developed prior to the adoption of the Official Plan. The underlying designations are 'Residential', 'Shoreline Residential' or 'Environmental Hazard'. Development within these areas may be considered, except on the 'Environmental Hazard' lands, in accordance within the 'Special Policy Area 4' and 'Shoreline Residential' policies. Included in these policies is the requirement to submit a site-specific Environmental Impact Study for each development proposal to the satisfaction of the Town.

The second set of Significant Woodland policies apply to a large area of land located primarily north of the Saugeen River in the former Town of Southampton. These particular lands are shown on Schedule A with the 'Significant Woodlands' overlay. This area was subject to a special Town-initiated study in 2012 entitled *Significant Woodlands Study* from which the findings were implemented in the new Town of Saugeen Shores Official Plan shortly thereafter. The underlying designations are primarily 'Residential' and 'Environmental Hazard'. The policies for this area are essentially the same as 'Special Policy Area 4' in that development may be permitted within the 'Residential' designation subject to the completion of a site-specific Environmental Impact Study.

The third set of Significant Woodland policies apply to other woodlands that have an area of four hectares or greater and are not identified on Schedule A with the aforementioned 'Special Policy Area 4' or 'Significant Woodlands' overlays. According to Section 2.6.8.2 (c), development and site alteration is not permitted regardless of whether an Environmental Impact Study can demonstrate that development can occur without negatively impacting this natural heritage feature or its function.

(It should also be noted that the criteria for determining woodland significance that resulted from the *Significant Woodland Study* conducted on behalf of Saugeen Shores in 2012 is much broader than the single four hectare size criterion listed above; and, as such, there are now conflicting sets of criteria for determining woodland significance in the Official Plan. In any regard, the Significant Woodland Study conducted in 2018 by AWS Environmental Consulting Inc. has proven that a woodland less than four hectares in size can be significant.)

Subject Lands:

George Durigon, through his development companies Chantry Developments Inc. and GDP Developments Inc., currently owns five parcels of vacant land between Island Street and Cole Boulevard and is currently in the process of acquiring another nine lots for the purposes of developing some of these lands for residential purposes.

John Morgenroth is another property owner within this area and he, too, is interested in developing his one parcel of land.

I am representing Mr. Durigon and Mr. Morgenroth in this regard.

The 15 subject parcels are designated 'Residential' and/or 'Environmental Hazard' on Schedule A to the Saugeen Shores Official Plan. This large forested area is not shown on Schedule A as having a 'Special Policy Area 4' or 'Significant Woodland' overlay, but the lands have been identified through a recent *Significant Woodland Study* prepared by AWS Environmental Consulting Inc. on behalf of Mr. Durigon as meeting the above-noted Significant Woodland criteria. Based on the policies of Section 2.6.8.2 (c) noted above, development is currently outright prohibited with this Significant Woodland.

Official Plan Amendment Proposal:

According to Schedule A, a large percentage of the subject lands is designated 'Environmental Hazard', which means that development within this area would be limited even if the aforementioned restrictive policy did not apply.

It should be noted, however, that the boundaries of the 'Environmental Hazard' designation will likely change to some degree when more accurate mapping has become available. Case in point, an Environmental Impact Study (EIS) has already been conducted for Parcels 1 to 7, and it concluded that the boundary between the 'Environmental Hazard' and 'Residential' designations should be shifted considerably in favour of the 'Residential' designation on some of these lands. As well, the fieldwork for another EIS for Parcel 15 has been carried out and the ensuing report (still to be finalized) will also recommend the relocation of the 'Environmental Hazard' boundary. It is therefore quite likely that the future EIS for Parcels 8 to 14 will also demonstrate that the amount of "Environmental Hazard" land can be reduced. There does not appear to any benefit, however, in conducting any additional EIS work until the Town has adjusted its Significant Woodlands policies to at least consider development on the subject lands.

In this regard, Mr. Durigon and Mr. Morgenroth are seeking an amendment to the Town's Official Plan that would give consideration to development on the 15 parcels of land in question. That Official Plan Amendment application is attached.

If the Town of Saugeen Shores was initiating the proposed change to the Official Plan as part of an Official Plan update exercise, the amendment would apply to all of the lands identified as Significant Woodland in the recent *Significant Woodlands Study* prepared by AWS Environmental Consulting Inc. Town staff, however, has advised that Saugeen Shores will not be updating its Official Plan anytime soon and therefore suggested that the owners apply for a site-specific amendment applicable to the 15 parcels in question. The amendment cannot apply to other private lands since the developers do not have the consent of those other land owners.

Once the Official Plan has been amended as proposed, an EIS would then be conducted for the remainder of the lands of interest to Mr. Durigon (i.e. Parcels 8 to 14) and the partially-completed EIS for Mr. Morgenroth's lands would be finalized. At that time, the developers and their consulting teams would design development proposals for the lands deemed developable by the EIS, following which the other required background studies would be prepared including: Stormwater Management Report, Functional Servicing Report, Archaeological Assessment and Planning Report. At that time, the Planning Act applications proposing a specific development on these lands would be filed with the County. At the present time, however, neither Mr. Durigon nor Mr. Morgenroth has specific plans for their respective properties other than to change the Official Plan policy pertaining to Significant Woodlands to at least allow for future development to be considered.

The proposed Official Plan Amendment would have the effect of applying the 'Significant Woodland' overlay to the 15 subject parcels of land, in a manner identical to the woodland area located north of the Saugeen River. As such, development would then be subject to the policies found in Sections 2.6.8.3 to 2.6.8.4, which state:

2.6.8.3 *Significant woodlands within the Significant Woodlands Review were identified based on woodland size, size of woodland interior, proximity to other woodlands and known natural heritage features, strength of existing linkages, and presence of significant vegetation communities or species. As identified in the Significant Woodlands Review, the interior of the woodlands is defined as a continuous area of 2 hectares or greater and is measured 100 metres from the edge of the woodland feature.*

2.6.8.4 *Primarily these lands comprise a small portion of a larger wooded feature along the Lake Huron shoreline that runs north. It is recognized that a small portion of the significant woodland is within the designated Settlement Area that has been serviced with municipal*

sewer and water and other municipal services. Many of the lands within this area are designated as Residential and the lands are required to meet the Town's growth projection in Section 1.2 of this Plan. The objective is to therefore permit new development in accordance with the underlying designation, in a way that protects and maintains interior woodland features and values.

- 2.6.8.5 *Development and site alteration shall not be permitted in these significant woodlands unless it has been demonstrated through the preparation of an Environmental Impact Statement that interior woodland features and values are retained.*
- 2.6.8.6 *Development in the interior shall be discouraged. If developments are proposed within interior areas, the proponent shall be required to undertake an Environmental Impact Study. The contents of the Environmental Impact Study shall be determined through pre-consultation with the Town and SVCA. For developments adjacent to the 'Significant Woodlands Overlay' or in noninterior areas, an Environmental Impact Statement may be required. Standard mitigation measures and remediation tools shall be applied, such as:*
- a) *Tree preservation and retention plans with the objectives of minimizing tree removal and disturbance, and protecting vegetation communities of conservation concern, and that consider clustering built form techniques;*
 - b) *Re-planting plans that incorporate appropriate native species. Replanting shall occur either on the land subject to development or on other lands within or near the significant woodland feature. The ratio of new trees planted to trees removed shall be at least 2:1, and only those new trees for the purposes of restoring and/or establishing natural features habitat shall be considered;*
 - c) *Lot grading and drainage plans designed to maintain surface and ground water and/or hydrogeologic functions of the abutting interior areas;*
 - d) *Other measures for impact avoidance and mitigation in woodlands, recommended in Table 9 of the Significant Woodlands Review (prepared by NRSI, August 2012).*
- 2.6.8.7 *Recommendations contained in an Environmental Impact Study shall be implemented through appropriate Zoning By-law provisions, site plan control or subdivision agreements, and other appropriate land use planning tools.*
- 2.6.8.8 *Where a property is zoned for residential development and fragmentation of a significant woodland exists, an Environmental Impact Statement may not be required.*

- 2.6.8.9 *Through subdivision and development applications the proponent will be required to address how tree preservation will be achieved. During the course of a development application, assessments shall be undertaken to determine the best techniques for preservation of the woodlands functions. Prior to granting approval, the Town shall determine the adequacy of the techniques. Council will encourage the preservation of trees through the use of site plan control or subdivision agreements or through the use of a Tree Preservation By-law.*

Consistency With Provincial Policy Statement:

The Provincial Policy Statement (PPS) states the following with regard to Significant Woodlands (edited for relevancy):

2.1 *Natural Heritage*

2.1.1 *Natural features and areas shall be protected for the long term.*

2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

2.1.3 *Natural heritage systems shall be identified in Ecoregions 6E & 7E¹, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

2.1.5 *Development and site alteration shall not be permitted in:*

- b. *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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.*

The policies above give consideration to development within a Significant Woodland provided it can be demonstrated that the development would not negatively impact on the woodland or its ecological function. These policies do not support the restrictive

Significant Woodland policies that are currently contained in Section 2.6.8.2 (c) of the Town's Official Plan.

The PPS also directs urban type development to settlement areas such as Southampton. It also promotes infilling and the efficient use of services and land. Given that municipal water and sanitary sewers can be readily extended to service the various subject parcels, (at the expense of the developers), the PPS would be generally supportive of development on the non-hazard portions of the subject lands.

In view of the foregoing, the proposed Official Plan Amendment is consistent with the PPS.

Conformity To County of Bruce Official Plan:

The County of Bruce Official Plan states the following with regard to the Significant Woodlands (edited for relevancy):

4.3.2.6 *Significant Woodlands*

- .1 *It is the intent of County Council to protect significant woodlands as they are one of the key components of our natural heritage areas. Wood lands provide significant economic value as well as habitat for wildlife, erosion control and maintenance of the 'cold water' for fish habitat.*
- .2 *Although significant wood lands have not been mapped in this Plan, the following policies shall apply to the protection of wood lands:*
 - i) *For Townships with less than 30% forest cover, wood lots of 40 hectares or greater are considered significant. Prior to development being permitted in these areas the proponent of the development shall be required to undertake an Environmental Impact Study.*
 - ii) *For municipalities with greater than 30% forest cover, an Environmental Impact Study shall only be required for developments that propose four or more lots in one development, or that involve the removal of more than 1.0 ha of forest cover in a single proposal. In certain instances, where the County may be concerned about cumulative losses to a significant wood lot, an EIS may also be required.*
- .3 *Where it cannot be demonstrated through the preparations of an Environmental Impact Study that the proposed development will not impact on the habitat/resource function of the wood lot, the development shall be refused.*

The above-noted policies, in a manner identical to the PPS, give consideration to development within a Significant Woodland where an Environmental Impact Study has demonstrated that such development would not negatively impact this natural heritage feature or its function.

Significant Woodland Studies - 2012 and 2018:

The previous Town of Saugeen Shores Official Plan (2006) contained essentially the same restrictive policies, not only for this particular area involving the lands of interest to Mr. Durigon and Mr. Morgenroth but also to the forested areas located north of the Saugeen River that are now identified as 'Significant Woodlands' on Schedule A.

As part of the preparation of the new Official Plan in 2012, the Town initiated a *Significant Woodland Study* for those lands primarily located north of the Saugeen River as a result of significant development pressure from several owners of vacant land in that area. The Study resulted in those lands being identified as 'Significant Woodlands' on Schedule A to the new Official Plan and policies being added to the text of the Official Plan allowing for development to be considered in this area. Those changes have resulted in a modest amount of residential development occurring in that area over the last six years.

The *Significant Woodland Study* conducted in 2012 did not involve the wooded areas between Island Street and Cole Boulevard because a request of this nature from those particular land owners was not presented to the Town at that time. Now, however, there is development proposed for these lands by Mr. Durigon and Mr. Morgenroth. Rather than wait for the Town to consider changing the Significant Woodland policies in this particular area during its next Official Plan Amendment exercise, Mr. Durigon and Mr. Morgenroth are following the advice of Town staff by initiating their own *Significant Woodland Study* and submitting an Official Plan Amendment. As stated previously in this Planning Merit Letter, AWS Environmental Consulting Inc. conducted such a study in 2018 for this forested area, which includes additional lands not subject to this Official Plan Amendment application. (The area of land included in the 2018 *Significant Woodland Study* is shown on Figure No. 2 to that Study.) This new Significant Woodland Study recognizes that the forested lands within this area do, in fact, satisfy the criteria for Significant Woodlands but the Study also states that development on these lands could be permissible subject to the preparation of a detailed site-specific Environmental Impact Study(ies) as allowed under the Provincial Policy Statement and the County of Bruce Official Plan. Copies of the 2018 Significant Woodlands Study are attached.

Approving such an Official Plan Amendment would be consistent with Council's acceptance and implementation of the *Significant Woodlands Study* in 2012.

Summary:

The Town's Official Plan contains three different sets of policies for Significant Woodlands'. In two instances (i.e. lands having a 'Special Policy Area 4' or 'Significant Woodland' overlay on Schedule A), development may be considered provided an Environmental Impact Study has demonstrated that the intended development would not negatively impact the woodland or its function. In the third instance, however, development is outright prohibited.

This restrictive Official Plan policy in this third instance is not supported by the Provincial Policy Statement or the County of Bruce Official Plan.

At the direction of Town staff, Mr. Durigon and Mr. Morgenroth are proposing to change this restrictive policy as it applies their 15 parcels of land. A *Significant Woodlands Study* was recently constructed and supports the removal of this restrictive policy on the understanding that any development that does occur within this area is supported by a more detailed, site-specific Environmental Impact Study(ies). Approving the requested Official Plan Amendment would be consistent with Council's actions in 2012 which involved the preparation of a *Significant Woodlands Study* for the wooded lands located north of the Saugeen River in Southampton and ultimately the removal of this same restrictive policy for that study area through the adoption of the new Official Plan.

In view of the foregoing, the requested Official Plan Amendment has considerable merit and should be given favourable consideration.

It should be noted that the approval of this Amendment will not directly facilitate immediate development. Should this Official Plan Amendment be approved, the developer will simply have some assurance that development could be considered on these lands. Upon receiving this assurance, the developers would then proceed in ordering a series of other studies, including an Environmental Impact Study, Stormwater Management Study, Functional Servicing Report, Archaeological Assessment and a Planning Report. When all of the required background studies have been prepared and the development plans have been designed, the appropriate Planning Act applications (e.g. Zoning By-law Amendment, Plans of Subdivision and/or Condominium, Consent) will be submitted for approval along with the various supporting documents. The approval process for those applications will include, once again, agency and public participation. At the present time, however, the developers are simply looking for the

proverbial “green light” from the Town by having Council remove this overly-restrictive Significant Woodland policy. Should the requested amendment be granted, then the developers will proceed in having the above-noted work carried out.

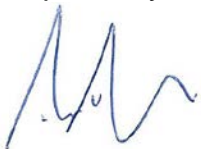
Be advised that a large percentage of the subject lands are designated ‘Environmental Hazard’ in the Town’s Official Plan and that development is prohibited within this designation. The boundary between the ‘Environmental Hazard’ and ‘Residential’ designations, however, will change through the preparation of the Environmental Impact Study (EIS), as already witnessed in the EIS that was recently conducted for Parcels 1 to 7, but nevertheless, large areas of ‘Environmental Hazard’ will still remain. This will result in development being proposed on several smaller pockets of land as opposed to on one large development site.

Closing Remarks:

I trust you will deem the application complete. Should you require additional information, please do not hesitate to contact the undersigned.

Before scheduling the public meeting, please advise of the potential meeting date to ensure our availability. Your assistance in this matter is sincerely appreciated.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized, cursive script.

Ron Davidson, RPP, MCIP

c.c. Jay Pausner (Town of Saugeen Shores) e-mail only
George Durigon
John Morgenroth
John Morton, AWS Environmental Consulting Inc.