



Committee Report

To: Warden Janice Jackson
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: September 16, 2021

Re: Draft Plan of Subdivision - S-2021-002 Woodlands

Staff Recommendation:

That Draft Plan of Subdivision S-2021-002 - Woodlands be approved; and

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

Summary:

Snyder Development Corp Inc. is proposing to develop a 50-lot residential Plan of Subdivision, known as the Woodlands Subdivision, on a 10.65-hectare parcel of land in Port Elgin. A Public Meeting was held on June 21, 2021. On July 19, 2021, Saugeen Shores Council requested that the County of Bruce Approval Authority approve the proposed Draft Plan of Subdivision in accordance with the Draft Conditions contained in the Appendix.

Alignment with Guiding Principles:



GOOD GROWTH

To put growth in the right locations with the right services



AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



CONNECTING

To improve our ability to move people, goods, and information between communities



HOMES

To increase the supply and mix of homes



BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



COMMUNITIES

To create wellbeing through access to healthy complete communities



HERITAGE

To identify and manage our cultural heritage resources



NATURAL LEGACY

To manage natural resources wisely for future generations

● Not applicable

● Not aligned

● Aligned

● Strongly aligned

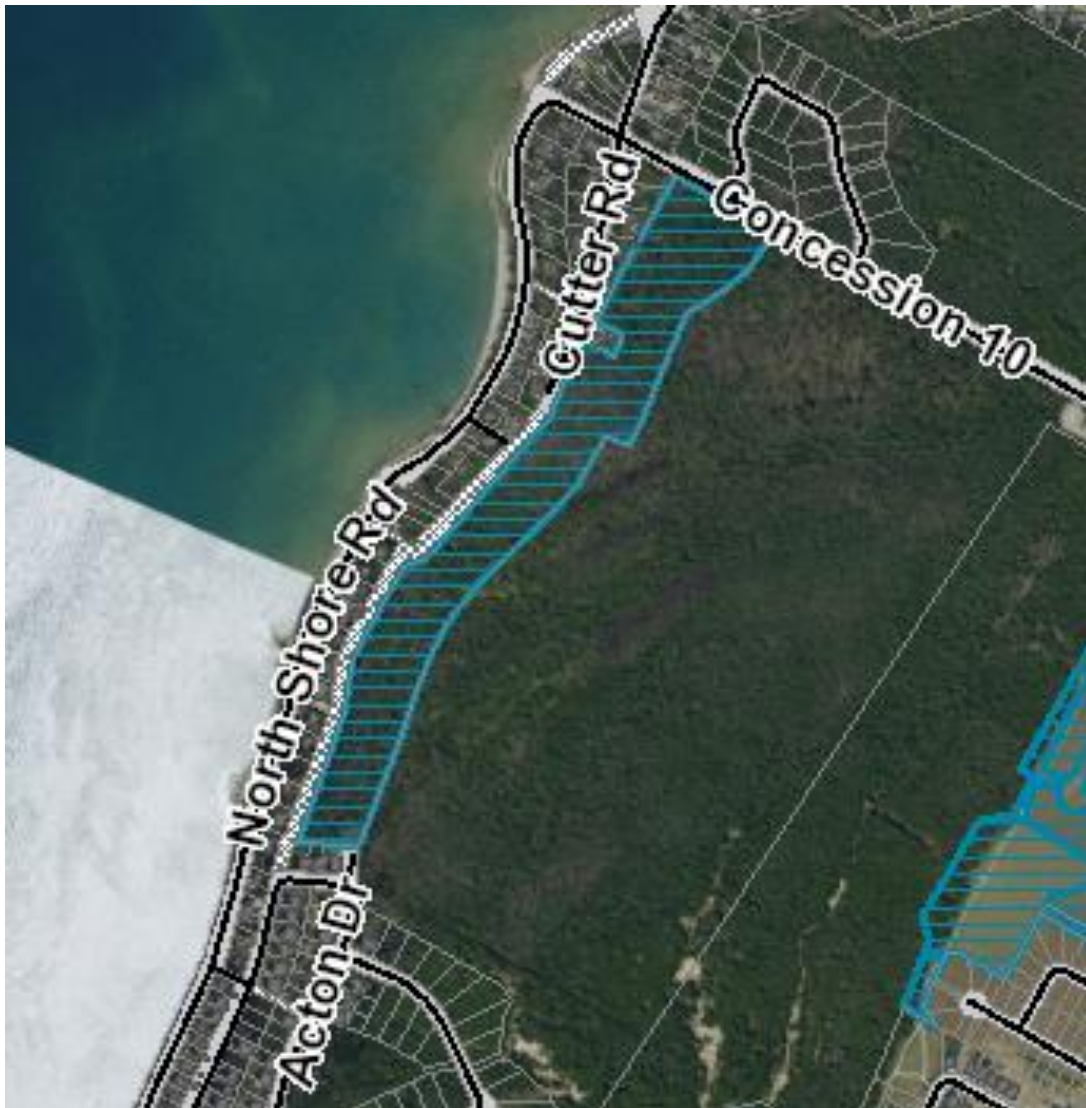
The proposed subdivision is strongly aligned with both the Good Growth and Homes Guiding Principles. The proposed subdivision is to be fully serviced by both municipal water and sewer, within Port Elgin's built-up area. If approved, the proposal will result in 60 new dwellings, ten of which will be secondary dwellings constructed within a single detached dwelling.

The proposal is aligned with the County's Natural Legacy guiding principles by including conditions of draft approval that will ensure no negative impacts to the area's natural heritage features or their function will result from the development.

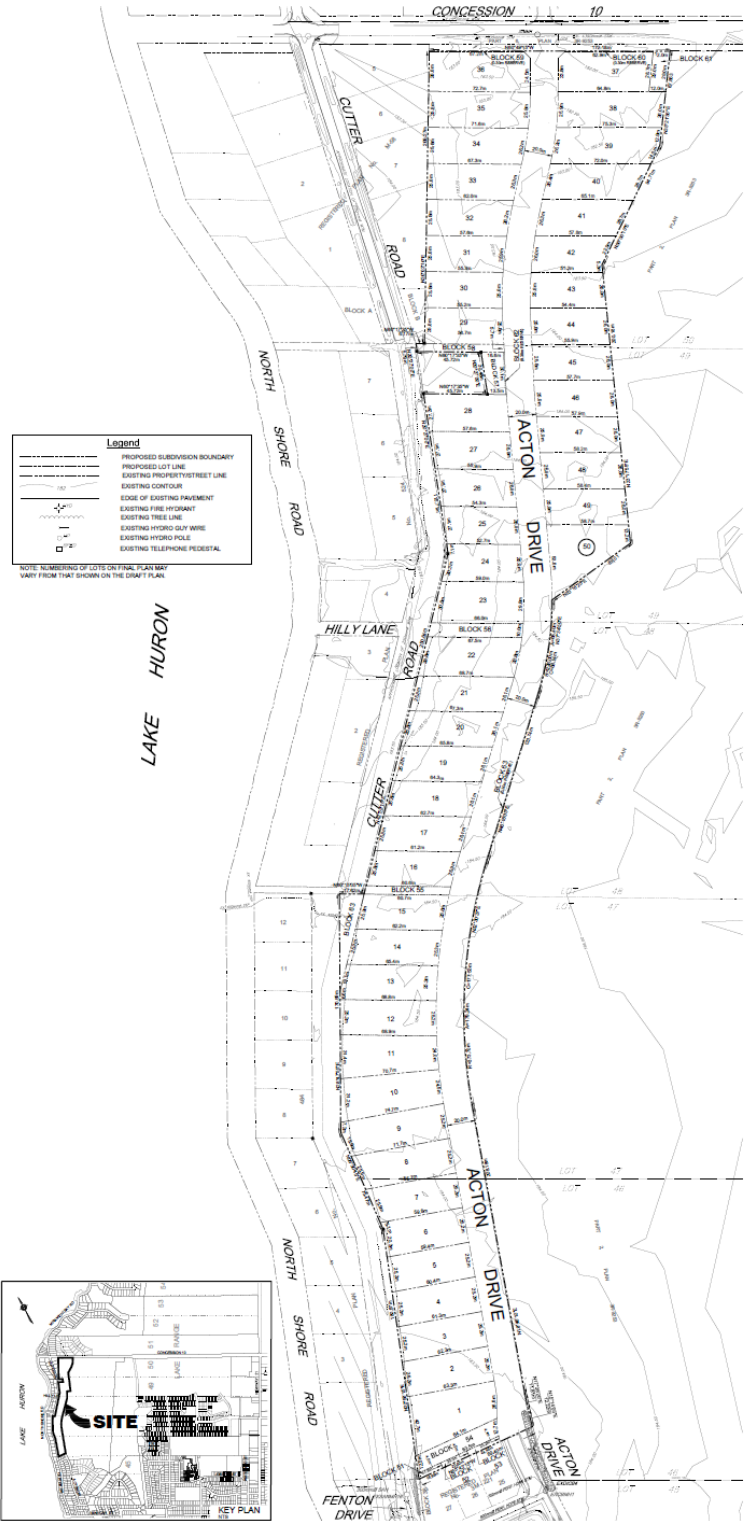
By providing active transportation facilities and connecting to the Town's broader recreational trail network, this proposal is aligned with the Connecting and Communities Guiding Principles.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Airphoto



Draft Plan excerpt (See Appendix for Full Draft Plan)



Planning Analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

Draft Plan of Subdivision Details

The lands were part of a comprehensive planning process in 2008 which included an Official Plan Amendment, Zoning Bylaw Amendment and Plan of Subdivision applications. The lands were known as Phase 3 of the Lord Elgin Woodlands application. Phases 1A, 1B and 2, consisting of 77 lots in total, have since been built-out.

The remaining phase (Phase 3) had Draft Approval status, with a lapse date of August 19, 2020. The applicant, Synder Developments, had intended to register the lands and develop them in the near future, however, the Draft Plan inadvertently lapsed in August 2020. Under the Planning Act, Draft Approval Status ceases if the lands are not registered prior to the lapse date, if the lapse date is not extended.

The application is largely the same Draft Plan of Subdivision that was previously approved in 2008 with some minor modifications. The application proposes 50 single detached dwelling lots like the previously approved draft plan, however, at least ten of the dwellings will include additional residential units.

The proposed subdivision has been modified from its original conception to increase the depth of the lots along the west side of Acton Drive to accommodate an adequate developable area on the proposed lots while meeting the 30% tree retention requirement recommended by the Environmental Review Study.

The right-of-way is proposed to be reduced from 26 metres to 20 metres to allow for the proposed lots to be of adequate size, while accounting for the significant tree preservation area at the rear of each lot. In reducing the right-of-way width, the developer identified an opportunity to construct a multi-use trail along the east-side of the Acton Drive extension. To accommodate the trail, the interceptor ditch is proposed to be shifted slightly east out of the Acton Drive corridor to the Town owned parcel adjacent. A road connection to Cutter Road has also been removed from the originally approved Draft Plan.

From a principle of use standpoint, the underlying Residential designation and R1 zoning from the previous planning exercise in 2008 remain in effect. As such, there is a reasonable expectation the residential lands will be developed for their intended uses, notwithstanding other applicable policies, such as those related to natural heritage and stormwater outlined in further detail below.

Subdivision Policies

Both the County and Town Official Plans contain policies to consider when evaluating a Plan of Subdivision for draft approval. The Town's Official Plan provides considerations in Section 2.11.3.2 when evaluating a Plan of Subdivision proposal. Council must be satisfied that these criteria have been addressed:

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) the density of the development is appropriate for the area;
- d) the subdivision or condominium, when developed, will be easily integrated and connected with existing development in the area;
- e) the subdivision or condominium conforms with the environmental protection and growth management policies of this Plan; and,
- f) the proposal conforms to Section 51 (24) of the Planning Act, as amended.

The County Official Plan provides similar policies for consideration when evaluating Subdivision applications, however, it also establishes additional consideration, including density target of 15 units per hectare for subdivisions on full services and 30% target for housing to be comprised of medium or high density form, unless is justified to be inappropriate to meet these targets.

The proposal meets the criteria set out for Subdivision application in both the County and Town Official Plans, particularly when accounting for the broader comprehensive planning exercise that the lands were part of several years ago through the Lord Elgin Estates proposal. That proposal, which is currently in the process of being built, includes a range densities and housing forms.

Efficient Use of Land and Infrastructure

The lands are designated as a Primary Urban Community in the Bruce County Official Plan and Residential in the Town's Official Plan. Both plans direct a majority of the Town's growth to be on serviced lands within the Town's boundaries. A primary objective is to ensure the wise use of land, promote efficient development patterns and minimize impacts to natural resources, including agricultural and ecologically sensitive lands. Likewise, it is important to consider the sustainability of infrastructure to minimize impacts to future generations who will have to maintain and replace what is built today.

The County Official Plan establishes a minimum density target to help facilitate the efficient use of land and infrastructure. The County Official Plan directs that subdivisions generally be developed at 15 units per gross developable hectare. The proposed subdivision does not meet the density target, however, the County Official Plan allows for consideration of developments that do not meet this target when justified.

In this regard, consideration should be given to the plan's density relative to the overall density of the previously approved subdivisions in the area by Lord Elgin Estates Developments Ltd (LEEDL). LEEDL was the original applicant of this previous subdivision application on the lands, as well as the large development on the above the Lake Nipissing Bluff, immediately east of the lands. The previous approvals accounted for overall density

across all the LEEDL lands, and transferred much of the higher density development, such as apartment blocks, to the lands closer to Highway 21.

The resulting development pattern enabled more dense development to be located closer to services, while maintaining a lower density on the lands below the Lake Nipissing Bluff that is generally more consistent with the neighbourhood character of the area. It is also noted the lands subject to the current application are generally more challenging to develop at a higher density due to the site characteristics. The applicant is proposing to construct 20% of the proposed dwellings with secondary suites included in order to increase the overall density of the subdivision.

Affordable and Attainable Housing

Both the County and Town Official Plans contain policies regarding affordability. The Plans direct that 30% of new residential development be affordable and that 30% of new development be available as rental housing. This is a target for all of development in Town and is not expected to be met through every site-specific development. The County and Town Official Plan implementation policies do not provide specific direction regarding affordability for individual proposals. The applicant acknowledges that the proposed subdivision will not be considered affordable, however, efforts have been made to accommodate rental units by constructing secondary suites, initially in five of the proposed dwellings but rising to 10 units at the request of the Town. The construction of the proposed dwellings will also contribute to the Town's overall supply by allowing some prospective purchasers to vacate their existing dwellings elsewhere in Town. Also, similar to the density analysis above, consideration should be given to the overall density across all the LEEDL lands, including the higher density development, such as apartment blocks, to the lands closer to Highway 21.

Stormwater Management and Drainage

Both the County and Town Official Plans require that stormwater management strategies be provided for new subdivision development to control flooding, ponding, erosion and sedimentation, and to provide protection of water resources and natural habitat dependent upon watercourses.

The lands are within a heavily forested area below a steep embankment which once formed the shoreline of the glacial Lake Nipissing bluff. The lands generally flow east to west and are characterized by a number of small groundwater fed streams that flow in a westerly direction for eventual discharge into Lake Huron.

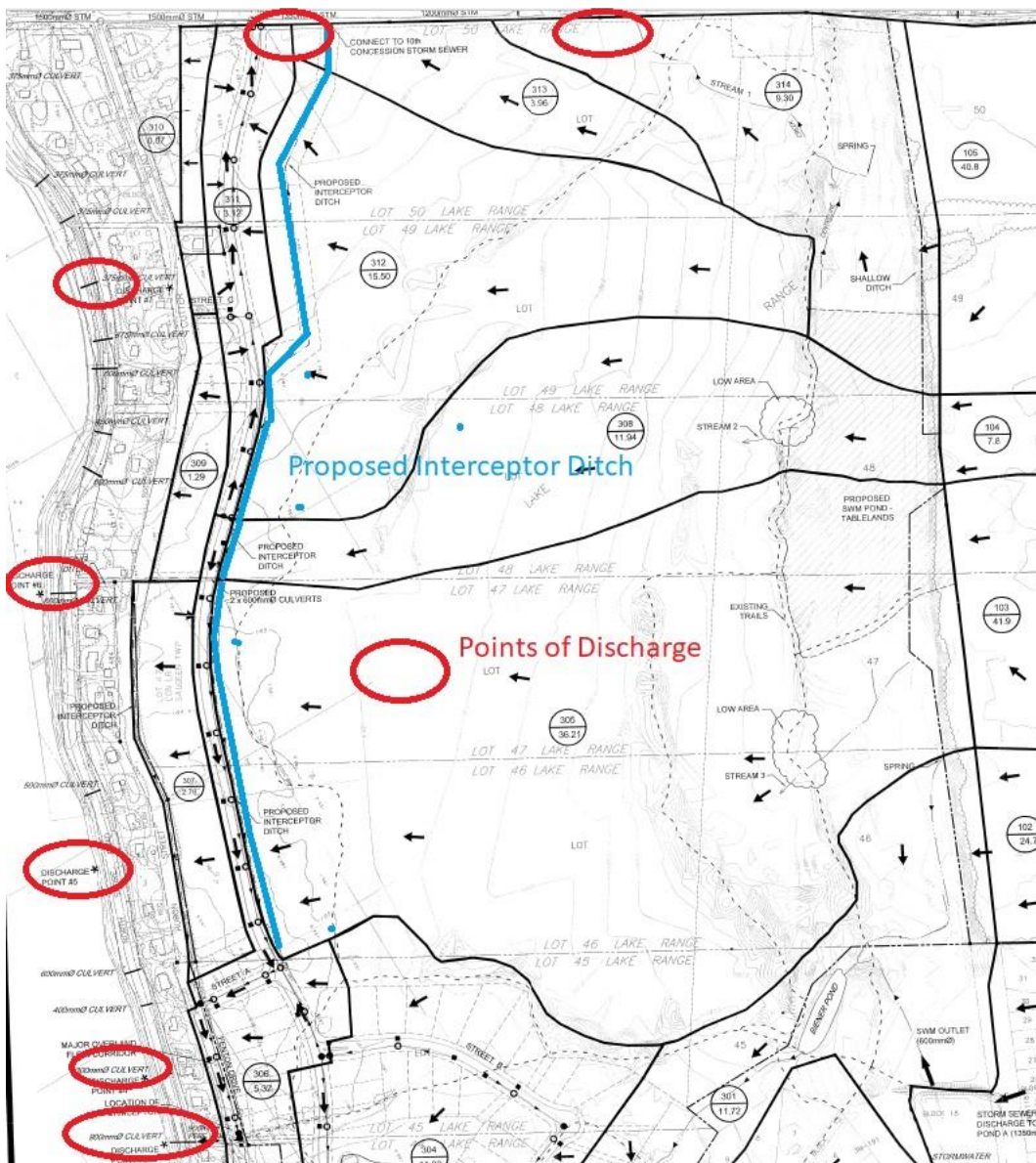
The application was supported by a Stormwater Management (SWM) Report (Pryde, Schropp and McComb, 2010), which provides a preliminary overview of stormwater management on the lands as a result of the proposed development. The report was reviewed by Saugeen Valley Conservation Authority (SVCA) staff, who indicated that the proposed stormwater management concept is acceptable in principle. The SVCA requested that the draft approval of the subdivision be conditional on completion of a final Stormwater Management Report for the lands, including detailed engineering drawings (lot grading plan, sediment control plan, stormwater, management catchment diagrams, etc.).

A number of the public comments noted existing drainage and flooding issues from residents abutting the proposed development. The lands contain a complex drainage system due to numerous sand ridges and pockets of wetlands within the woodland area. The SWM Report calls for infrastructure to be designed with an increased factor of safety to accommodate the complex drainage issues in the area. The infrastructure has been designed to accommodate a 1 in 100 year flood event.

Surface water runoff west of the glacial Lake Nipissing Bluff is proposed to be intercepted by a drainage ditch on the east side of the Acton Drive extension as depicted in the image below. The interceptor ditch will direct water to existing and proposed culverts with eventual discharge into Lake Huron as shown in figure below. Water quality is to be managed by grit and oil separators prior to discharge. Existing surface water impacts to the existing residential areas abutting the western portion of the lands will be mitigated as a result of the proposed inceptor ditch.

Portions of the land also contain a high water table. A perforated drainage system is proposed to assist in lowering the water table along Acton Drive, however, there may remain some locations where it is necessary to restrict basements from being constructed.

The proposed SWM infrastructure associated with the subdivision will result in an improvement to existing drainage and flooding issues on the lands and is likely to alleviate these issues on adjacent lands.



Natural Heritage

The lands are designated Residential by the Town's Official Plan as well as being within Special Policy Area #4 (SPA 4), which generally encompasses the largely wooded area west of the glacial Lake Nipissing bluff between Southampton and Port Elgin. Lands within SPA #4 exhibit important natural heritage features, such as significant woodlands, significant wildlife habitat, fish habitat, and species of conservation concern. The area also contains hazardous conditions, such as areas with high groundwater conditions and complex drainage.

The Town's Official Plan also recognizes that new residential uses are permitted in specific and limited locations designated within SPA #4 that avoid hazardous and ecologically sensitive features. The policies for SPA #4 also require specific mitigation measures to limit impacts to natural heritage features and natural hazards.

An Environmental Review Study was completed in by Stantec Consulting in 2008 in support of the original Plan of Subdivision application for the lands. The same report was also submitted in support of the current application. Staff from the SVCA have reviewed the report and acknowledge that a considerable amount of time has passed since the fieldwork was completed. Nevertheless, SVCA staff consider the 2008 study to be sufficient for Draft Approval purposes, however, they have requested the Environmental Review Study be updated prior to final approval of the subdivision. This requirement will be included as a condition of draft approval.

The Environmental Review Study indicates that the lands contain a Locally Significant Wetland, Significant Woodland, and Significant Wildlife Habitat for area-sensitive birds and locally rare vegetation. Development is generally prohibited within and adjacent to significant natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The Environmental Review Study concludes that no negative impacts from development are likely subject to implementing a number of mitigation measures, including directing development away from these significant features, and maintaining a large contiguous portion of woodland which functions as habitat for a variety of breeding birds, amphibians, fish and plant species in a natural state.

A tree retention plan has been completed to minimize the extent of tree removal and disturbance associated with the proposed development. In total there are 27 proposed mitigation measures to be implemented during construction as well as longer term measures. The existing R1-48-h zoning contains a holding provision that requires a Site Plan Agreement to be registered on title addressing such items as tree retention and building envelopes.

The requirement for an updated EIS prior to final approval will provide an opportunity to confirm the natural heritage features on the property. Through a Memorandum of Agreement (MOA), the Saugeen Valley Conservation Authority acts as the technical authority on natural heritage issues related Planning Act applications processed by the County's Planning Department on behalf of the Town. The SVCA has indicated the proposal, in conjunction with the updated EIS, conforms to the applicable natural policies in the County and Town Official and is likewise consistent with the Provincial Policy Statement.

A number of the public comments received expressed concerns regarding impacts to natural heritage features and the loss of woodlands. The policy context for this particular area of Town does envision the possibility of development subject to avoiding key features as well as demonstrating no negative impacts to the overall ecological function of the area. Based on the review of the SVCA, the proposal has satisfied the necessary natural heritage policy requirements for planning staff to recommend approval of the Draft Plan, recognizing that there are additional natural heritage Draft Plan Conditions that need to be satisfied before the plan can receive final approval.

Trails

The area surrounding the proposed subdivision contains a number of recreational trails ranging in size and function. If approved, a multi-use trail within the Acton Drive right of way is proposed, providing a connection through the existing terminus of Acton Drive and Concession 10. The proposed trail would also connect to the extensive local and regional trail system in the area. The proposed trails will provide recreation and active transportation options to residents of the proposed neighbourhood, as well as the broader community. This outcome is aligned with the Town's Official Plan as well as the Town's recently completed Transportation Master Plan.

Land Use Compatibility

The subdivision is to be developed as low density, consisting of 50 single detached dwellings. This form of housing is compatible with the existing neighbourhood. Compatibility considerations with regards to natural heritage features have been accounted for in the design of the subdivision. Much of the proposed development along the Acton Drive extension is restricted to the west side of the road to mitigate impacts to the woodland feature. The Tree Preservation Plan (TPP) incorporates a vegetative buffer in the rear yards of the proposed lots ranging in width from approximately 20 to 30 metres. The proposed subdivision is appropriate for the existing neighbourhood surrounding the lands.

Sewer and Water Services

Full municipal water and sewage services are the preferred form of servicing for subdivision developments within the Town. The proposed subdivision is to be serviced by municipal water and sanitary sewer. It is anticipated that municipal water and sanitary sewer system will have capacity for the proposed development. It is noted that some homes that are proposed to be situated at the north end of Acton Drive may be below the elevation of the North Shore Road may require individuals pumps to discharge into proposed sewer system. The existing R-48-h zoning contains a holding provision that requires service allocation to be completed to the satisfaction of the Town.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Ontario Land Tribunal (OLT)

Report Author:

Daniel Kingsbury
Senior Policy Planner

Departmental Approval:

Mark Paoli
Director of Planning and Development

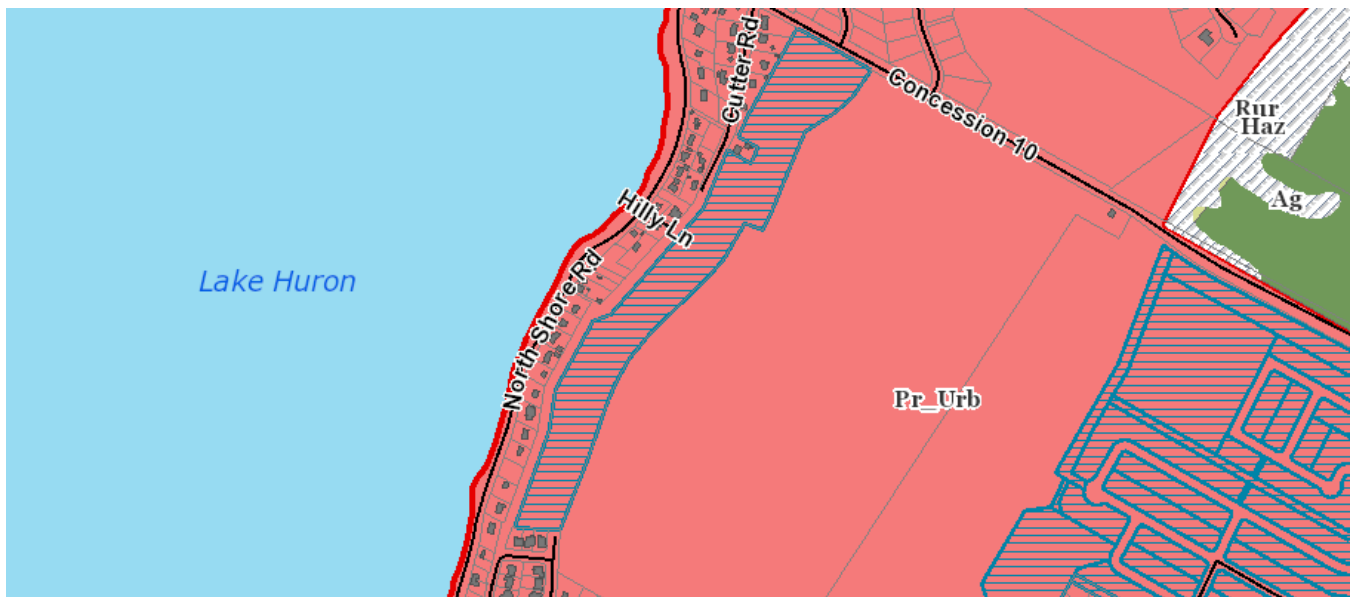
Approved for Submission:

Sandra Datars Bere
Chief Administrative Officer

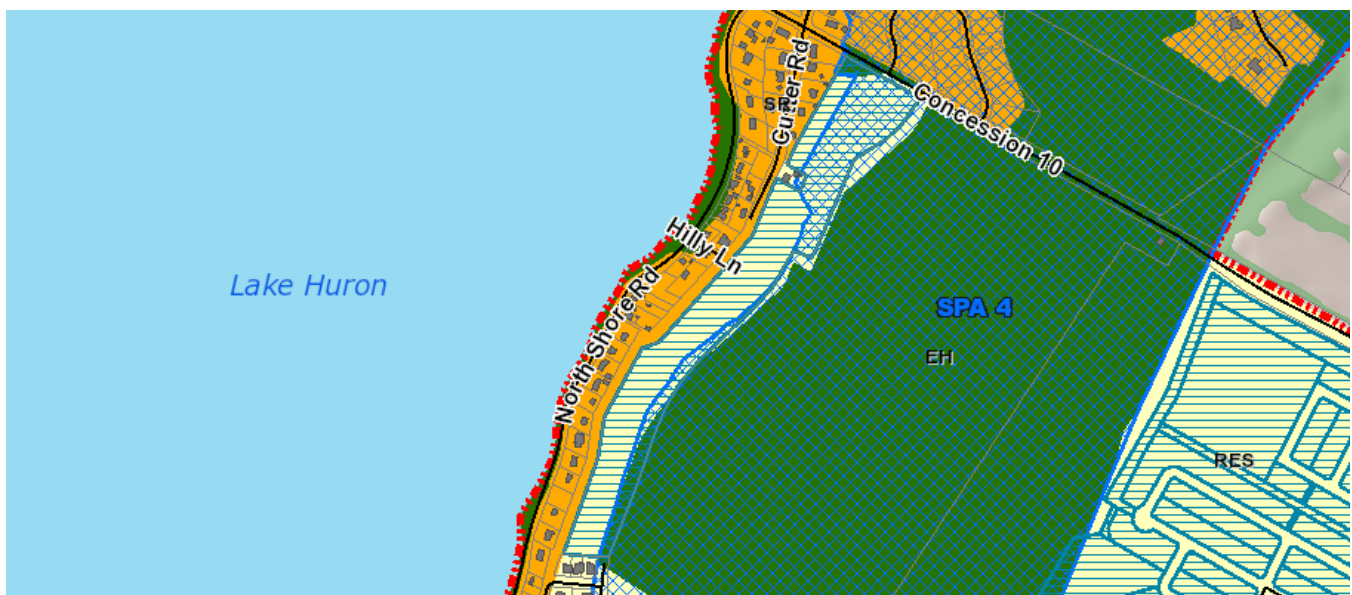
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Proposed Draft Plan of Subdivision
- Tree Retention Plan
- Trails Plan
- Agency Comments
- Public Comments

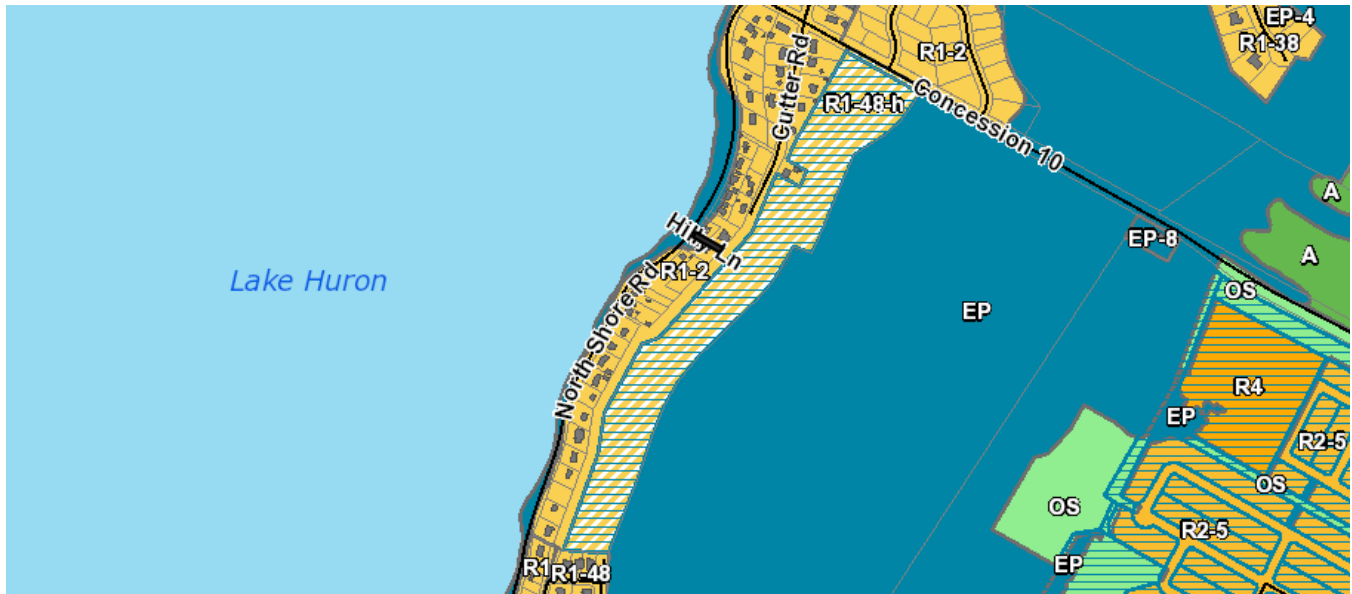
County Official Plan Map (Designated Primary Urban)



Local Official Plan Map (Designated Residential, Special Policy Area #4 Overlay)



Local Zoning Map (Zoned Residential First Density Special Holding 'R1-48-h)



List of Supporting Documents and Studies

- Application Cover Letter - Cobide Engineering, 2021
- Archaeological Assessment (Stage 1 & 2) - Amick Consultants, 2006
- Scoped Environmental Review Study - Stantec, 2008
- Master Servicing Study - PSMI, 2008
- Stormwater Management Report - PSMI, 2010
- Planning Justification Report - Ron Davidson Land Use Planning Consultant Inc., 2021

Agency Comments

Historic Saugeen Métis (Full comments provided below):

- Concerns regarding date of field studies complete for Environmental Review Study.
- Concerns regarding impacts to existing trail system
- Noted that Archaeological Assessment lacks reference to Métis occupation to the area. Also notes the HSM has an interest in findings that may be uncovered during development given historic harvesting and transportation routes.

Staff Response: The SVCA act as the County's technical advisor in regard to natural heritage and natural hazard issues. They have recommended that the existing Environmental Review Study be updated prior to Final approval. This requirement will be included as a Condition of Draft Approval.

The applicant has supplied an updated Trail Map of the area showing existing and proposed trails on the lands as well as on the abutting lands.

HSM comments have been passed on the applicant in regards to identifying an interest in potential findings uncovered during development. All findings shall be subject to Provincial statutes and regulations regarding archaeological artifacts discovered during construction activities.

Saugeen Valley Conservation Authority: (Full comments provided below)

- SVCA staff finds the proposed development to be acceptable in principle, however, they are recommending that draft approval be granted subject to a number of conditions related to natural heritage and natural hazard issues.

Staff Response: The recommended conditions from the SVCA will be incorporated Conditions of Draft Approval. The SVCA will be a clearance agency on those conditions. Final approval of the subdivision will require completion of the conditions to satisfaction of the SVCA.

Canada Post: Mail delivery service to the development through centralized Community Mail Boxes

Staff Response: Comments forwarded to applicant to facilitate Canada Post siting requirements.

Public Comments

Public comments are summarized immediately below and provided full further in the report. Clarifying comments have been provided by staff where necessary.

Bob Simpson (9 Cutter Road) - Concerned that proposed subdivision will cut off access to Beiner Bush Trail as well poor drainage in the area and risk of flooding in the spring.

Staff Response - The proposed trail system on the lands will connect the trails in Beiner Bush. The construction of stormwater management infrastructure, particularly the interceptor ditch should improve drainage and mitigate flood risks in the area.

Lori Bayes (161 Stickel) - Concerned about impacts that development will have on natural heritage features.

Staff Response - The lands are designated for Residential uses subject to the natural heritage policies of Special Policy Area #4. As such, there is a reasonable expectation that the lands will be developed subject to meeting the criteria outlined in SPA #4, including demonstrating no negative impacts to the natural heritage features or their ecological function.

Robin Cork (address not Provided) - Concerned that proposed subdivision will take away from the trail system and remove green space.

Staff Response - See comments above regarding trails and a natural heritage impacts.

Dave and Ellen Smith (34 Cutter Road) - Seeking clarification on wooded area shown on site plan. Concerns regarding date of supporting studies. Seeking clarification regarding plans to connect homes on Cutter Drive to sanitary sewer system.

Staff Response - There are two site plans on the application website. One shows the proposed lot fabric, while the other shows the lot fabric with the Tree Preservation Plan overlayed. Many of the studies submitted in support of the application are preliminary studies from the previous subdivision application on the lands. The information is generally still relevant and acceptable for Draft Approval purposes, however, final approval will be dependent on providing final detailed engineering studies as is typical in with subdivision approvals. The Environmental Review Study will also be updated. The question regarding servicing on Cutter Drive has been forwarded to the Town.

Jennie Wiedmann (address not provided) - Concerned that this development will destroy a forest that holds sentimental value to them. Suggests developing elsewhere, some place where there are no trees.

Staff Response: The lands are within Special Policy Area #4, which recognizes this to be an area of high natural heritage value. Town's Official Plan also recognizes the that new residential uses are permitted in specific and limited locations designated within SPA #4 that avoid hazardous and ecologically sensitive features.

Debb Poff (address not provided) - Concerned that this development will take away greenspace and threaten the homes of local wildlife.

Staff Response: See comment above

Jodi McDonald (address not provided) - Concerned that this development will destroy nearby trails. Suggests that these trails are being used by residents now more than ever, and that a valuable public resource for exercise and recreation would be lost through the construction in this area.

Staff Response: See trails-related comments above

Jennifer O'Reilly (11 Cutter Road) - Concerned that the development would remove the "blue ski trail" that Jennifer and their neighbors use often. Also has a concern that the public has been misled by trails signs into believing that these trails will remain untouched by development, although suggests that their destruction would be unavoidable as they go right through the development.

Staff Response: See trails-related comments above

Dean McCutcheon (address not provided) - Concerned that the current environmental study is out of date, not accounting for the new homes at the upper area west of highway 21. Expresses confusion about how many phases are planned for the Biener plot from the 10th concession south of Acton drive, and is concerned for the greenspace left to support local wildlife as a result of construction. Also concerned that the high water in ditches in Cutter Road are the result of construction from the north.

Staff Response: As noted, the SVCA has concluded that the Environmental Study Report is sufficient for Draft Approval purposes, but will be required to be updated prior to final approval. A phasing plan will be confirmed prior to final approval in consultation with the applicant and Town staff. Phasing is contingent upon a number of factors, including the provision of services. A detailed engineer report will be required prior to final approval to the satisfaction of the SVCA, Town and County.

Tracey Harron (address not provided) - Concerned that the development will negatively impact local wildlife, tourism, and residents.

Staff Response: See SPA #4 comments above with regard to natural heritage impacts.

Wayne and Susan Dent (25 Cutter Rd) - Concerned that the development will further increase the water drainage issues caused by new lots at the top of the area's hill. Is also concerned that this development will remove the nearby fire lane that many residents use to access the nearby trail system. Also concerned that the trees on private lots might be counted towards the 30% tree retention mentioned in the proposal. Finally, is concerned that the provided studies are out of date.

Staff response: The concern regarding the fire lane has been referred to Town staff for clarification. The Tree Preservation Plan details tree retention on individual lots, which counts towards the overall target of 30%. See note above date of studies and update requirements.

Wayne and Deb Kaufman (36 Cutter Road) - They wish for Cutter Road to maintain as a dead end to make it safe for vehicles to turn around, rectify existing surface water issues and prevent them from getting worse, they wish that the fire lane is maintained as an access to nearby trails, want assurances that green space will remain as wood lots and not be cleared cut, want assurances that phase 3 will be the last subdivision approved on these wetlands “as agreed upon in the original application a number of years ago”, and finally they wish that there is no disruption to sewer and water services

Staff response: Concerns regarding Cutter Road, the Fire Lane and municipal services referred to Town Staff for clarification. County, Town and SVCA are in reviewing options to ensure the woodlands on individuals lots is managed effectively.

Barry Moss (no address provided) - Concerned about the development’s Environmental Impact Survey being out of date. Is also concerned about the possible redevelopment that this lies on interfering with Special Policy Area 4 for a “significant wetland”. Also concerned that the onsite alteration of an interceptor ditch might have led to the draining of the wetland and the shallowing of the water table before the plan of subdivision was approved.

Staff Response: See notes above regarding date of environmental study and update requirements. It is also noted that the SVCA acts the County’s technical advisor on natural heritage and natural hazard issues. The SVCA is a clearance agency in regard to these matters as well. Concern regarding interceptor ditch referred to the applicant’s consulting engineer, Steve Cobeau, for clarification.

Susan Dunlop (84 N Shore Rd) - Concerned that this development might cause further issues with existing issues of drainage.

Staff Response: See comments above regarding stormwater management

Jayne Holt (82 North Shore Road) - Concerned that the development might create further issues with drainage that exceed the capacity of the berm created to deal with this drainage issue.

Steve McDougall and Carol Van Der Maaden (6 Cutter Road) - Generally supportive of the development, however, they have some concerns regarding stormwater and drainage impacts, woodland preservation and future plans for Cutter Road.

Staff Response: See comments above regarding stormwater management, SPA #4 policies regarding natural heritage impacts. Cutter Road is not anticipated to be opened as a through road.

Jordan Archer - Questions regarding a vegetative buffer along Concession 10 as well as details regarding the proposed sewage pumping station located adjacent to Concession 10.

Staff Response: The policies in this area do not require a tree buffer along Concession 10. The EIS for the Woodlands subdivisions is being updated. If it recommends additional tree preservation along Concession 10 (to maintain the ecological functions), it will, likewise, be required to be maintained and we will recommend that it be included in the subdivision agreement for those lands. Regarding sewage pumping, the requirement is that

all primary residential areas should be on full municipal services, if feasible. This subdivision is designated Residential and one of the conditions of approval includes the requirement for the developer to conduct a feasibility study for providing sewage services. The feasibility study will ultimately determine the need for a sewage pumping station in this location.