



STAFF REPORT EXECUTIVE SUMMARY

STAFF REPORT NO: DSR-054-20

DATE: April 22, 2020

To: Mayor, Deputy Mayor and Members of Council

From: Gaelen Pierce, Vision Maker/Policy Planner

Subject: 173,201,255 Big Bay Point Road OPA (D09-2017-005) and ZBA (D14-2018-013)

EXECUTIVE SUMMARY:

This report recommends that applications to amend the Official Plan and Zoning By-law, to permit golf course use on 173, 201, and 255 Big Bay Point, be refused, based on non-conformity with Provincial Plans and Policies, the County Official Plan, and Town Official Plan.

RECOMMENDATION:

1. That Staff Report DSR-054-20 regarding 173, 201, 225 Big Bay Point Road OPA (D09-2017-005) and ZBA (D14-2018-013) dated April 22, 2020 be received; and
2. That the request to amend the Town Official Plan under application D09-2017-005, be refused for reasons set out in Staff Report DSR-054-20, dated April 22, 2020; and
3. That the request to amend the Town Zoning By-law under application D14-2018-013 be refused for reasons set out in Staff Report DSR-054-20, dated April 22, 2020; and
4. That notice of Refusal for Applications D09-2017-005 and D14-2018-013 be provided in accordance with the *Planning Act*; and
5. That Council direct Staff to consider revising the zoning on the subject lands, in accordance with recently refined natural heritage feature boundaries.



TOWN OF INNISFIL STAFF REPORT

Staff Report No.: DSR-054-20

Date: April 22, 2020

To: Mayor, Deputy Mayor and Members of Council

From: Gaelen Pierce, Planner

Subject: Recommendation Report - 173 201 225 Big Bay Point Road OPA (D09-2017-005) and ZBA (D14-2018-013)

Cross Reference: Additional Information Memo, dated February 12, 2020
DSR-196-19, dated December 11, 2019 (Deferred Recommendation Report)
DSR-141-18, dated September 12, 2018 (Informational Report)

RECOMMENDATION:

1. That Staff Report DSR-022-20 regarding 173, 201, 225 Big Bay Point Road OPA (D09-2017-005) and ZBA (D14-2018-013) dated February 12, 2020, and Staff Report DSR-196-19 be received; and
2. That the request to amend the Town Official Plan under application D09-2017-005, be refused for reasons set out in DSR-196-19, dated December 11, 2019; and
3. That the request to amend the Town Zoning By-law under application D14-2018-013 be refused for reasons set out in DSR-196-19, dated December 11, 2019; and
4. That notice of Refusal for applications D09-2017-005 and D14-2018-013 be provided in accordance with the Planning Act; and
5. That Council direct Staff to consider revising the zoning on the subject lands, in accordance with recently refined natural heritage feature boundaries.

BACKGROUND:

Proposal

Applications submitted by Next Nine Ltd. propose to amend the Official Plan and Zoning By-law to permit a golf course use on lands known municipally as 173, 201, and 225 Big Bay Point Road. The applicant proposes a nine-hole golf course on the subject lands, with no proposed structures or parking. A concurrent County Official Plan amendment has been submitted for a site-specific exception to permit the use within the existing *Greenlands* designation.

Decision History

On September 12, 2018, Council received an informational report (DSR-141-18) related to the applications. A public meeting was held, with numerous comments provided from residents and

Council members. A list of comments received that night and responses from Staff can be found in Attachment 2 of this report.

On November 12, 2018, the applicant submitted three objections and appeal forms to the Town regarding proposed changes to the Our Place land use designations on the subject lands. The Town has filed responding materials to that appeal, however as a result of the Emergency Order made under the Emergency Management and Civil Protection Act, retroactive to March 16, 2020, all LPAT hearings have been adjourned. At the Case Management Conference ("CMC") in that appeal, the Local Planning Appeals Tribunal ordered that the matter proceed under the old regulatory regime (Bill 139), requiring a different test and procedure than the new regulatory regime (Bill 108), which reverts back to the test of "good planning". The Town has been advised that the applicant has appealed the decision of the LPAT at the CMC. Although we have not been made privy to the grounds of appeal argued, we suspect, based on arguments made by the applicant's counsel at the CMC, that they wish to have that appeal proceed under Bill 108 in order to facilitate consolidation with any appeal arising from this application.

On December 11, 2019, a decision on the applications was to be considered by Council to permit the proposed nine-hole golf course. Prior to consideration of the Staff Recommendation Report (DSR-196-19), a delegation from Lynn Strachan titled "Opposition to Staff Recommendation within Staff Report DSR-196-19 – 173, 201 & 225 Big Bay Point Road OPA & ZBA – Next Nine Ltd" was received by Council. Ms. Strachan requested deferral of Staff Report DSR-196-19 to allow time to investigate emergent environmental information related to the application.

Council granted the request, resolving that the delegation be received as information and that a decision on the application be deferred to the February 12, 2020 Council Meeting. The purpose of the deferral was to allow staff to receive and review emergent environmental information. The new information was supplied by the Applicant on February 11, 2020, resulting in no changes to the scheduled February 12, 2020 Recommendation Report. Two motions were considered on February 12, 2020. The first was to defer consideration of the proposals until a future date, which was lost. The second was a motion to refer the matter back to Staff to consider new materials and return with a recommendation on April 22, 2020.

Please note that a Town Council decision to support the Official Plan Amendment would result amendment being adopted by the Town. The approval authority for the Town Official Plan Amendment is with County of Simcoe Council. Please note, a parallel application to amend the County of Simcoe Official Plan (SC-OPA-1802) has not yet been considered by the County and would need to be approved concurrently with the Town Official Plan Amendment. A resolution from County Committee of the Whole has been targeted by County Staff for April 28, 2020, with a ratification of the resolution by County Council scheduled for May 12, 2020. The position of County Staff is known to be a recommendation for refusal on the basis of Provincial Plan and Policy non-conformities.

Pre-application Consultation

A pre-application meeting was held on September 13, 2017 between the applicant, County of Simcoe, LSRCA, and Town Staff. At that meeting Staff identified that the proposal may not be found consistent with or conform to all applicable Provincial Plans and Policies. Detailed submission requirements to deem the application complete was provided by Town and County Staff on September 25, 2017 and September 29, 2017, respectively.

Additional consultations took place with the applicant on April 3, 2019 and August 12, 2019, during which Town Staff reconfirmed its position that Provincial Plan and Policy non-conformities had been identified in the proposal.

Substance of the Official Plan and Zoning By-law Amendments

A revised routing plan, prepared by Marton Smith Landscape Architects, dated February 12, 2020, was submitted for Staff review and can be found in Attachment 1. The revised routing plan proposes the development of a nine-hole golf course on lands south of the Big Bay Point Golf and Country Club. The course would be an extension to the existing golf course and would contain no buildings, only the golf course routing, pathways and bridges to cross wetland features.

The applicant proposes within their Official Plan amendment an alternate *Parks and Open Space* designation with several site-specific provisions, including:

- allowing greater disturbance to *key natural heritage features* within the *natural heritage system* than are permitted by the 2019 Growth Plan;
- that permitted uses should be limited to a nine-hole golf course; and,
- no buildings or expansion of buildings shall be permitted.

The applicant proposes within the Zoning By-law amendment an alternate *Open Space* zoning, with special exceptions to permit the proposed golf course use within that zone.

Submission and Deemed Complete

Official Plan amendment (D09-2017-005) and Zoning By-law amendment (D14-2018-013) applications were received on June 21, 2018. Planning Staff reviewed the application and its supporting documentation, finding several items requested within pre-application correspondence had not been submitted. On August 1 and 9, 2018 the requested materials were submitted.

A Letter of Complete Application was issued by the Town of Innisfil on August 15, 2018.

The Public Notice of Complete Application and Notice of Public Meeting was sent out to all required government agencies and the public by August 16, 2018 in accordance with Ontario Regulations, and was circulated to Town Staff and commenting agencies, as well as all land owners within 120 metres of the subject lands. Two public meeting notice signs were posted on the subject lands.

Site Context and Surrounding Area

The Subject Lands consist of three vacant lots known municipally as 173, 201, and 225 Big Bay Point Road. A location map can be found within Attachment 1. Collectively the three lots total an approximate 40.276 acres (16.299 Hectares). The site is generally rectangular in shape and is 97% woodland feature, with the remaining 3% of the site being a less densely treed area that does not qualify as woodland feature.

To the north of the property is Big Bay Point Road and several large lots: the existing Big Bay Point Golf and Country Club (104 Big Bay Point Road), a vacant wooded lot (202 Big Bay Point

Road), and another vacant wooded lot (228 Big Bay Point Road). Further north are waterfront lot properties and Lake Simcoe.

To the east are single detached residential dwellings on large lots abutting West Street, West Street, and further additional single detached dwellings on large lots.

To the south are lands encompassed by the Friday Harbour Resort, and further the Friday Harbour Marina entrance and Lake Simcoe.

To the west are lands encompassed by the Friday Harbour Resort. Planning Staff note Friday Harbour approvals predated Lake Simcoe Protection Plan, Growth Plan and current Provincial Planning Policy. Those land uses happening in the vicinity of the subject lands therefore cannot be compared to the current application.

Reasons for the Application

The proposal would require Zoning By-law, Town Official Plan, and County Official Plan amendments to permit a golf course use on the subject lands.

The Town Zoning By-law indicates the subject lands are within the *Agricultural (AG)* zone. The existing zoning would not permit the proposed Golf Course use. The applicants proposed Zoning By-law amendment to an *Open Space Exception* zone could not be approved without deeming conformity with the Provincial Plans and Policies, County Official Plan and Town Official Plan.

The 2006 Town Official Plan indicates two designations within Schedules A and B11, of which approximately 94% is *Natural Environmental Area (NEA)* and 4% is *Rural Area*. The existing designation would not permit the proposed golf course use. The proposed *Parks and Open Space* designation would permit the use, however approval would not conform to the current 2016 County of Simcoe Official Plan (County OP), triggering a requirement for a County OP amendment.

The County OP indicates the property is within the *Greenlands* designation. The applicant has proposed a site-specific amendment to permit golf courses within section 13.8.15.

Documentation Submitted

The following drawings/reports/studies were submitted with the application, in accordance with section 9.1 of the Official Plan:

- Planning Justification Report, prepared by Brutto Consulting, dated June 2018
- Site Plan prepared by Marton Smith Landscape Architects
- Routing/Concept Plan prepared by Marton Smith Landscape Architects
- Functional Servicing and Preliminary Stormwater Management Report, prepared by Crozier Consulting Engineers, dated June 2018
- Interim Environmental Impact Study, prepared by Riverstone Environmental Solutions Inc.
- Tree Inventory & Preservation Plan Justification Letter, prepared by Riverstone Environmental, dated July 27, 2018
- Legal Survey Plan, prepared by Rudy Mak Surveying Ltd.

- Registered Deed of Title
- Geotechnical Feasibility Commentary, prepared by Terraprobe Inc., dated June 2018
- Preliminary Hydrogeological Feasibility Review, prepared by Terraprobe, dated August 9th, 2018
- Golf Ball Spray and Safety Analysis, prepared by Cam Tyers Design Inc., dated June 2018
- Stage 1 Archaeological Assessment, prepared by Archeoworks Inc., dated June 2018
- Initial Assessment of Agricultural Capability Letter, prepared by Coleville Consulting Inc., dated July 25, 2018
- Public Consultation Strategy

The following documentation was supplied after complete application:

- Golf Cart Crossing Plan
- Environmental Impact Study prepared by Riverstone Environmental Solutions Inc., dated May 2019
- Updated Routing/Concept Plan, prepared by Marton Smith Landscape Architects January 25, 2019
- Updated Routing Plan, prepared by Marton Smith Landscape Architects, dated February 12, 2020
- Revised Routing Plan Review Letter, prepared by Riverstone Environmental Solutions Inc., dated March 9, 2019
- Response to Policy Review Request, dated September 30, 2019

Application documentation has been made available on the Town's *Get Involved Innisfil* webpage.

POLICY BACKGROUND AND COMMENTS:

Planning Act

The *Planning Act* sets out matters of provincial interest which Town Council shall have regard to in carrying out its responsibilities, including: (a) the protection of ecological systems, including natural areas, features and functions. This provincial interest is articulated within Provincial Plans and Policies. It is Staff's opinion the proposal does not provide for the protection of known ecological features in accordance with Provincial Plans and Policies, as detailed in the comments below.

Provincial Policy Statement (2014)

The PPS provides policy direction on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. The Provincial Policy Statement is issued under the authority of section 3 of the Planning Act. Section 3 of the Planning Act requires that all decisions of Council affecting land use planning matters shall be consistent with policy statements issued in the Act.

Rural Lands

The subject lands are considered *Rural Lands* as defined by the PPS. Section 1.1.5 recognizes the importance of recreational, tourism and other economic activities on *Rural Lands*. Section

1.1.5.2 permits “other rural land uses” within *rural land*, which could encompass a golf course use. Any other rural land use should be compatible with the rural landscape and be sustained by rural service levels (1.1.5.4). The proposal generally meets these policies.

Natural Heritage Features

Policies c) and h) in section 1.1.1 direct healthy livable and safe communities to be sustained by “avoiding development and land use patterns which may cause environmental [...] concerns” and promoting development [...] that conserve[s] biodiversity.”

Policies c) and h) in section 1.1.1. are supported by those in section 2.1, which establish prohibitions on development within *significant wetlands*, *significant woodlands*, *significant valleylands*, and *significant wildlife habitat*, or on lands adjacent to those features, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Policy 2.17 directs that development and site alteration shall not be permitted in the *habitat of endangered species and threatened species*, except in accordance with provincial and federal requirements.

The subject lands contain nine wetlands. Golf greens and cart pathways are proposed within the vegetation protection zone buffers around numerous wetlands, and one cart pathway is proposed which bisects one wetland feature.

The applicant’s EIS indicates that the subject lands contain ~15.3 Ha of *significant woodland* feature. The proposal would result in ~4.0 Ha (9.9 Ac) of feature to be removed, or 24.7% of the total property (per Riverstone’s assessment), with the possibility of additional area being disturbed following the completion of a detailed grading plan. The applicant’s EIS recommended application of the LSRCA Ecological Offsetting Policy (2017). Subject to satisfaction of several criteria, the LSRCA policy can permit the partial loss of feature with appropriate feature replacement. Comments from the LSRCA, in response to the applicants Response to Policy Review Request dated September 30, 2019, indicates that though the proposal attempts to avoid some known features, the extent of feature removal within the *significant woodland* and buffers around *significant wildlife habitat* will result in a negative impact to the feature and its ecological function, and would therefore be disqualified from the offsetting policies.

Two areas of *significant habitat of endangered and threatened species* have been identified on the site, around two butternut trees. The routing plan has been prepared to avoid the removal of these trees, but does encroach into the habitat of those trees. If the trees cannot be retained, following completion of the final grading plan, a permit would be required through the Ministry of Environment, Conservation and Parks under the Endangered Species Act.

Areas of *Significant Wildlife Habitat*, for crayfish chimney and bat roosting habitat were identified by the EIS. The EIS recommendations include avoidance of the features, limiting removals of trees with high snag/cavities, and specific timing around tree removal in the area. Completion of the detailed grading plan would be required to fully satisfy this policy.

Water Resources

The PPS directs for planning authority to protect, improve or restore vulnerable surface and ground water features and their hydrologic functions. A Preliminary Hydrogeological Assessment Report was prepared and submitted in support of the proposal. The applicant

proposes no ground water taking for purposes of watering, opting instead for the use of drought-resistant grasses, rainwater reuse, and shade.

Archaeological Resources

The applicant has prepared a Stage 1 Archaeological Assessment in support of the proposal, with a Stage 2 recommended but not undertaken. Policies in section 2.6 direct for the conservation of significant cultural heritage landscapes and that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless those resources have been confirmed. If the application is successful, a stage 2 would be requested through the subsequent Site Plan approval process.

Summary

The applicant's EIS does not conclude that no negative impacts would result from the proposal, only that use of recommended mitigation measures (including avoidance of *significant wildlife habitat* areas, an edge management plan, timed tree removal, and the use of tree protection fencing) could reduce the degree of negative impact. It is the Town's position, in consultation with subject experts at the LSRCA, that the proposal does not sufficiently satisfy the no negative impact test and is therefore not consistent with the PPS.

Growth Plan (2019)

The Growth Plan for the Greater Golden Horseshoe has been prepared and approved under the Places to Grow Act. In accordance with section 3(6)(b) of the Planning Act, all decisions by Council that affect a planning decision must conform to the 2019 Growth Plan.

Rural Areas

Section 2.2.9.3 directs that development outside of settlement areas may be permitted for other land uses that are not appropriate in settlement areas provided they are compatible with the rural landscape and local land uses. Town Staff are in general agreement with the applicant that the proposed use could be permitted within lands designated *Rural Area*, provided all other applicable policies are met.

Applicable Natural Heritage System Boundaries

The 2019 Growth Plan provides policies protecting *natural heritage system* areas within section 4.2.2 (Key Natural Heritage Features), 4.2.3 (Key Hydrologic Features), and 4.2.4 (Lands Adjacent to Key Hydrologic features and Key Natural Heritage Features). As the application was submitted prior to 2018 Town OP, the relevant policy framework is under the *natural heritage system* mapping within the County OP, also known as the *Greenlands* areas. *Natural heritage system* areas are shown within the 2006 Town OP in the *Natural Heritage System* designation in Schedule A and further defined within the *Environmental Areas* under Section B. Changes to the 2019 Growth Plan are relevant to the application. For the purposes of this application, recent changes to the 2019 Growth Plan clarify that the County of Simcoe Official Plan *Greenlands* area mapping constitutes the approved boundary of the *Natural Heritage System* referenced in Growth Plan policies. Schedule 5.1 of the 2016 County Plan indicates the entirety of the subject lands is within the *Greenland* designation.

Protections for Key Natural Heritage Features and Key Hydrologic Features

Section 4.2.2.3 relates to new development or site alteration within natural heritage systems. Relevant to this application, its policies require that:

- development results in “no negative impact” to *key natural heritage features* and *key hydrologic features* as defined by the 2019 Growth Plan, a test established by the PPS (4.2.2.3.a.i);
- development demonstrates that connectivity within features will be maintained or enhanced (4.2.2.3.a.ii); and,
- golf courses are not permitted to exceed 40% of the *total developable area*, a term defined within the 2019 Growth Plan as the total area of the property less the area occupied by *key natural heritage features*, *key hydrologic features* and any related *vegetation protection zone* (4.2.2.3.a.v).

Based on the applicant's submitted Environmental Impact Study (EIS), ~94% of the site is occupied by *significant woodlands*, a *key natural heritage feature*. Additionally, nine wetlands of varying size, fourteen areas of bat roosting habitat, one area of *significant wildlife habitat*. In the opinion of Town Staff, supported in its assessment by LSRCA Staff, the proposal does not conform to the above policies.

The LSRCA has indicated that the proposal to construct a nine-hole course on the subject lands, and within key features and *vegetation protection zones*, cannot be considered to have no negative impact to those features. The applicant's EIS states there are instances where a potential for negative impacts exists on *significant woodland*, *wetland*, *significant wildlife habitat*, and *significant habitat of endangered and threatened species*. Though avoidance, mitigation and compensation measures were proposed to lower the degree of impact, the applicant's ecologists could not confirm it would be possible to satisfy this test. Such a conclusion would be easier to supply if, upon conducting a refinement of boundaries within a natural heritage system, a proposal could be found to conform to clear and prohibitive key feature avoidance policies, such as 4.2.2.3.a.v (maximum 40% of *total developable area*). Exceptions for the “no impact” test do exist in section 4.2.3 of the Growth Plan, for lots outside of settlement areas where an existing use is present and being expanded. Though an existing golf course is present north of Big Bay Point Road, a golf course use has never been present on the subject lands, planning permissions were not pursued prior to the enactment of the Growth Plan and LSPP, and they are separated by a municipal right of way.

Regarding the maintenance and enhancement of connectivity within features, the Applicant's EIS indicates that through proposed mitigation measures, the existing connectivity within the feature can be maintained. Planning Staff note that the proposed disturbed areas, totaling ~4.0 Ha of the ~16.3 Ha of the total site (or ~24.7% of the site), fragments the woodland feature with golf greens and cart path features, as can be seen on Attachment 1. Town Staff referenced the MNR Natural Heritage Reference Manual, identifying numerous areas of planning concern listed in Table 3-1 and further discussed in section 7.3. Though partial removal and mitigation measures can be contemplated and accepted within a *Natural Heritage System* in the appropriate contexts, the degree of fragmentation proposed between key features, the decrease in overall size, and decreased density of features cannot be accepted as maintaining or enhancing connectivity and conforming to the intent of policy 4.2.2.3.a.ii.

Regarding policy 4.2.2.3.a.v, which directs that within a *Natural Heritage System* area a golf course may not result in greater than 40% of disturbance of the *total developable area* of the lot, Staff have concluded that the proposal does not conform. In materials supplied by the applicant, multiple characterizations of the proposal have been provided in the context of LSPP and Growth Plan policies, including the assertion the proposal should not be subject to golf course

specific policies within those Provincial Plans. The proponent has asserted that because the proposal does not contain additional buildings or parking areas, the proposal should not be subject to these policies, as the impact of the use is substantively lessened than a traditional golf course. Planning Staff note that on the existing Big Bay Point Golf and Country Club, parking areas and club house structures amount to less than 3% of the total site. Though Staff acknowledge efforts to reduce impact to features on the site, those changes do not alter the land use policies in the Growth Plan nor do they significantly reduce the level of disturbance and vegetation removal within key features.

Staff assert that the application of Provincial Policies relies upon clear and approved definitions – which are supplied by Provincial Plans on the matter of golf course development. Based on the approved definition of *total developable area* per the Growth Plan and on features defined by the applicant's EIS to date, Staff are of the opinion the *total developable area* on the site amounts to less than 2.4% of the site.

Protection for Vegetation Protection Zones

Staff note that the proposed routing plan intersects numerous *vegetation protection zone* buffers. Section 4.2.4.1 states clearly that where there is a proposal for new development within 120 m of a key feature, a vegetation protection shall be identified which is “of sufficient width to protect” the key features and, for *significant woodland* and *key hydrologic features*, “is not less than 30 metres measured from the outside boundary” of the key features. The proposed routing plan results in reductions of the VPZ on key features to as low as 12 metres. Another policy within this section, Section 4.2.4.2, describes that following evaluation under 4.2.4.1 “additional restrictions” within minimum buffers may be applied to further protection *hydrologic functions* and *ecological functions* of the feature.

Summary

Due to non-conformity with sections 4.2.2.3 and 4.2.4.1 of the Growth Plan, planning Staff recommend refusal of the requested site-specific amendments to permit the proposed golf course. The proposed development proposes significant alteration within these key features and does not conform with numerous 2019 Growth Plan policies.

Lake Simcoe Protection Plan (2009)

The Lake Simcoe Protection Plan (LSPP) came into effect on June 2, 2009. The basis of the plan is to protect Lake Simcoe, its watershed and various tributaries. While the area covered by the Lake Simcoe watershed is vast, the plan provides details on how to ensure its overall health and preserve its key features. In accordance with section 3(6)(b) of the Planning Act, all decisions by Council that affect a planning decision must conform to the LSPP. Staff have concluded that the proposal does not conform with LSPP policies. Further, the Lake Simcoe Protection Plan Act legislates any decision made by a municipal council to conform with designated policies set out in the LSPP, per section 6(1)(a).

Exemptions to Prohibitions on Development in Key Features

The LSPP provides protections to *key natural heritage features* and *key hydrologic features* on lots within the Lake Simcoe watershed, including within policies 6.20-DP to 6.29-DP. Policy 6.23-DP directs that development or site alteration is not permitted within a *key natural heritage feature*, a *key hydrologic feature*, and within a related vegetation protection zone. Several

exceptions are provided, including development associated with *existing uses* and low-intensity recreational uses that require very little terrain or vegetation modification. The applicant asserts that the proposal is both an *existing use* on the site and a low-intensity recreational use. Planning Staff are of the opinion that approved LSPP definitions sufficiently exclude the proposal from exemptions listed in section 6.23-DP.

An *existing use* is defined in the LSPP as “uses legally established prior to the date that the Lake Simcoe Protection Plan came into force. [...]”. As per 6.45-DP (a) and (b), where a property is pre-zoned for development but has no active use on the lands, exceptions can be made in accordance with other relevant LSPP policies to permit a degree of encroachment within key features. In the application before Council, no lawful active existing golf course use has ever existed on the site, nor were the lands zoned for the proposed use on the date the LSPP came into effect. The position of Town Staff is that the proposed use cannot be interpreted as an existing use under section 6.23-DP and 6.45-DP.

Regarding the assertion that the proposed use is a low-intensity recreational use as described in section 6.23-DP, Staff assert the approved definitions and policies within the LSPP sufficiently categorize the proposed golf course use otherwise. A golf course is listed among defined *major recreational uses*, “recreational uses that require large-scale modification of terrain, vegetation, or both and usually also require large scale buildings or structures, including but not limited to the [...] (a) golf courses.” The definition can be juxtaposed to low-intensity recreational uses language section 6.23-DP, which describe “uses that require very little terrain or vegetation modification [...]”. Planning Staff assert the proposed ~4.0 Ha of disturbed area, which does not include additional grading setback disturbance, is enough disturbance to the total ~16.3 Ha lot to qualify as large-scale terrain modification and vegetation removal. Commenting on the applicant’s interpretation, provincial Staff at the Ministry of Municipal Affairs has stated that “materials provided by the applicant provide multiple characterizations of the proposed development [...] including a ‘low intensity recreational use’ [...], “it is the opinion of provincial Staff that the LSPP is sufficiently explicit that a golf course is considered a ‘major recreational use’ and, consequently a major development’ as defined.” The entirety of the letter is included in Attachment 6.

Based on the opinions above, Staff conclude that the proposed use cannot be considered exempt from protections to key features in policy 6.23-DP, and subsequently the proposal cannot be found to be in conformity with the LSPP.

Protections for Vegetation Protection Zones

Staff note that the proposed routing plan intersects numerous vegetation protection zone buffers. Language in policy 6.24-DP is clear: the minimum vegetation protection zone for all *key natural heritage features* and *key hydrologic features* “is the area within than 30 metres” of the feature, “or larger if determined appropriate” by a natural heritage evaluation. As shown in Attachment 1, the proposal is evidently not in conformity with this policy, with some setbacks encroaching upon key features as low as 12 metres. On page 32 of the submitted EIS, the applicant’s environmental consultant acknowledges the proposal is non-conformant with section 6.24-DP.

No Impact Test

With numerous parallels to sections 4.2.2.3 of the 2019 Growth Plan, policies in 6.26-DP provides several tests to guide a natural heritage evaluation, including:

- (a) demonstrating no *adverse effects* on key features and its associated vegetation protection zone;
- (b) maintain and, where feasible, improve or restore the health, diversity and size of key features;
- (c) demonstrate how connectivity between key features will be maintained and, where possible, improved or restored to allow for dispersal and movement of plants and animals;
- (d) determination if the minimum 30 metre vegetation protection zone is sufficient or should be enhanced.

For reasons provided within the 2019 Growth Plan commentary in the previous section, including identification of fragmentation between features, reductions in feature size and density, and failure to observe minimum vegetation protection zone requirements, Staff conclude the proposal is not in conformity with the Plan.

Summary

Staff recommendations and Council decisions are required to conform with the policies of the Growth Plan. For this reason, Staff recommend the applications for Official Plan and Zoning By-law amendment to permit the proposed golf course be refused.

County of Simcoe Official Plan

The County Official Plan provides a policy context for land use planning taking into consideration the economic, social, and environmental impacts of land use and development decisions. It attempts to achieve a balance between the demands for economic development, community building and environmental conservation and provide a framework for coordinated planning with adjacent municipalities, agencies, and other levels of government.

The subject lands are designated *Greenlands* within the 2016 county OP, as shown within Schedule 5.1: Land Use Designations. To permit the proposed golf course use, a County OPA application was filed with the County of Simcoe to permit a site-specific exception within section 3.8.15 to permit a golf course on the subject lands.

Natural Heritage System

Implementation and Interpretation policies within the PPS indicate its policies represent minimum standards, and that implementing Official Plans may go beyond these standards to address matters of importance to the community. County and Town OP may provide enhanced protections on identified natural heritage system features, where those policies do not conflict with the PPS policies.

Prohibitions on development proposals within Natural Heritage Systems are described in section 3.3.15 to 3.3.18. Prohibitions for site alteration or development within key features can be found in section 3.3.15, and conform generally with policies in the Provincial Plans. In accordance with parallel analysis provided within PPS, Growth Plan, and LSPP conformity commentary, Planning Staff find the proposal not in conformity with policies 3.3.15.ii (“no negative impact” test) and 3.3.15.vi (adjacent lands), due to fragmentation between key features, reductions in feature size and density, and failure to observe minimum vegetation protection zone requirements.

County OP Land Use Designation

In a typical Town OPA/ZBA decision making process, it would be imperative that a proposal be in conformity with the County OP, as approval authority rests with the County. On May 16, 2019, the Growth Plan 2019 came into effect. Growth Plan section 4.2.2.4 was updated to clarify that the “in effect” *Natural Heritage System* mapping relevant to this application was contained within the *Greenlands* area designations within the 2016 County Official Plan.

The policies of section 3.8 directs for the protection of the character, quality, connectivity, and size of key features within the County natural heritage system, for the purposes of enhancing biodiversity, ecological function, and integrity of the system. Parallel analysis has been undertaken and provided to qualify the proposal’s non-conformity to this section under the PPS, Growth Plan and LSPP. For reasons detailed above, Planning Staff find proposal not conforming, due to resultant fragmentation, decrease in feature size, and impacts to protected species and potential decrease in diversity.

Though policy 3.8.8 provides for opportunities for natural heritage enjoyment and recreational uses, the policy clarifies that those uses should be in keeping with the broader *Greenlands* objectives. The proposed golf course use is not a permitted use for development within the *Greenlands* under section 3.8.15, limited generally to agricultural, forestry, aggregate, and outdoor passive recreational uses. Though outdoor passive recreational use is not defined within the plan, Staff are satisfied that the proposed does not qualify based on *Major Recreational Use* categorization under the LSPP, discussed in sections above.

Section 3.8.14 provides the framework for defining *significant woodlands* within the County OP, with those policies subsequently reflected in the Town OP. The woodland feature is confirmed to be a *significant woodland* feature, being over 10 Ha in size. Planning Staff note the applicant’s EIS has identified the *significant woodland* feature covering approximately 97% of the subject lands. It is apparent, however, within the conclusions of the applicant’s Planning Justification Report and Response to Policy Review documents that insufficient regard has been given to the Provincial, County, and Town Plan non-conformities resulting from proposed vegetation removals in this key feature. Staff have concluded the large-scale removals are not consistent with the PPS or conformant with Provincial Plans and Policies.

Summary

Planning Staff have concluded, in consultation with County and LSRCA planning Staff that the proposal does not conform with Provincial Plans and Policies, and therefore not conforming with the policies of the County Official Plan.

Community Strategic Plan (2020-2030)

The vision of the “Innisfil Strategic Plan” is to “collaboratively develop a thriving community that embraces a managed level of growth” and embraces the “principles of sustainability as we actively protect, maintain and enhance the environment”.

Strategic objective 1.1 directs that we will urbanize densely within designated areas, preserve and protect greenspaces, respect and maintain agricultural land. Further, objective 3.2 directs that we work to protect and enhance the Town’s natural resources. These objectives, in part, are accomplished through the land use planning frameworks of the County of Simcoe and the Town through its Official Plan, and the implementing Zoning By-law. The subject lands contain a

large undisturbed key natural heritage feature, among the largest in the Big Bay Point area. Resident feedback at the September 12, 2018 contained numerous personal anecdotes around the cultural significance of the forest and the role of natural heritage systems in the Big Bay Point area. Planning Staff note the general consensus in feedback from residents attending and voicing opposition to disturbance to the feature, and commentary on the potential loss of secondary social and environmental benefits to the surrounding community.

Town of Innisfil Official Plan (2006)

The applications for Official Plan and Zoning By-law amendment were submitted on June 21, 2018, prior to the enactment of the 2018 Town OP (Our Place). As a result, the applications have been processed under the 2006 OP. Planning Staff note that prior to the applicants current appeals to the 2018 OP, no appeals were issued related to the subject lands, despite comparable land use restrictions established by 2006 Official Plan.

The Applicant proposed to re-designate the subject Lands to *Parks and Open Space Area*, to permit the proposed golf course. The designation would match the designation on the Big Bay Point Golf and Country Club. The use on that site was established in 1924, prior to contemporary provincial policy frameworks.

Municipal Structure Overlays

The Town's Official Plan indicates a *Natural Heritage System* and *Countryside* overlay on the subject lands on Schedule A: Municipal Structure. The municipal structure overlays are intended to set out a broad framework for the character of the and development of the Town. Staff note that the *Natural Heritage System* overlay, partially covering the subject lands in the 2006 Official Plan, is not in strict conformity with the more recent 2016 County Official Plan Schedule 5.1, which shows the entirety of the property under its *Greenlands* designation. It is the position of Planning Staff and the Town OP that the *Natural Heritage System* policies must be read and interpreted alongside the associated *NEA* (3.1) and *Rural Area* (11.6) land use policies, found on Schedule B11 Land Use: *Kempenfelt Bay/Big Bay Point Shoreline*.

It is the goal of the *Natural Heritage System* overlay to provide policy direction on the protection and enhancement of the natural environment within the Town. The boundaries shown on Schedule A are schematic and shall be evaluated in greater detail when land use changes are proposed, as has been undertaken by the applicant's EIS. Policy 2.4.1 directs that refinements to the boundaries of natural features be reflected within the *Natural Environmental Area* designation.

The *Countryside* area overlay represents lands that intended to be protected for agricultural use and preservation of rural farm character. Policy 2.8.4 and 2.8.5 directs that agricultural and agricultural supportive uses should be encouraged within the *Countryside*. Rural, non-agricultural uses are contemplated within the *Countryside*, but only within the *Rural Area* designation.

Land Use Designations

The *Natural Environmental Area (NEA)* designation includes natural heritage features considered significant at the provincial, regional, or local level, and reflects known features on the property, including:

- significant *woodland*;

- *other wetlands*;
- Significant habitat of endangered and threatened species; and,
- Significant *wildlife habitat*.

Within the *NEA*, uses are limited to forestry, fish, wildlife or conservation management, passive outdoor recreation uses (explicitly excluding golf courses), existing uses and existing agricultural uses. The specific exclusion of golf courses within this designation has prompted the applicant's Town OPA.

Section 3.1.1.6 directs that the general boundaries of the *NEA* have been provided on the best available mapping and are not intended to be precise. The boundaries should be confirmed through detailed environmental analysis and staking, as has been provided by the applicant. Section 3.1.1.7 acknowledges that setbacks and buffer areas, such as the provincially required *vegetation protection zone*, is not reflected within the *NEA*. Similar to section 2.1.1.6, additional setbacks and buffers would ordinarily be applied following detailed evaluation of features at the time of a development application.

Staff note features identified by the applicant's detailed EIS closely match the existing 2006 *NEA* boundary, however when *vegetation protection zone* buffers are applied per Growth Plan and LSPP policies, the refined features boundaries reflect the newer 2018 OP *Key Natural Heritage Feature and Hydrologic Feature* designation.

Section 3.1.1.10 directs that a detailed EIS "shall be completed to the satisfaction of the Town in consultation with the County and [the LSRCA]." The policy further directs that no development will be permitted "within or adjacent to a *NEA* designation or the *Natural Heritage System*, and such lands will not be designated to an alternative designation, unless the EIS demonstrates to the satisfaction of [the Town] that there will be no negative impacts on the natural features or its ecological function including functional linkages." As provided above in the commentary on the Growth Plan and LSPP, the Town, County, and LSRCA are not satisfied the proposal will result in no negative impact to the identified features on the site. The proposal is therefore not in conformity with the Official Plan.

Planning Staff note policy 3.1.1.18, directing that unapproved damage to *NEA*'s shall not result in a change to the designation or policies for these areas. Where lands are disturbed, council will require restoration and enhancement.

Rural Area Policies

Rural Area designations are intended to contain uses that cannot reasonably function in a nearby settlement area or where there are no suitable locations within settlement areas. Permitted uses are listed in section 3.2.3.1 and include agricultural uses, racing stables, kennels, public parks, and other rural uses found not to be suitable within a settlement area.

Staff note only a small portion of the lands are designated *Rural Area*, those lands not designated *NEA* in the 2006 Schedule B. Planning Staff note *vegetation protection zone* policies apply to the *Rural Area* lands and effectively limit the use of those lands for the proposed use.

Section 3.2.3.8 directs that golf course uses are permitted only through an Official Plan and Zoning By-law amendment, redesignating the lands to *Parks and Open Space*, and subject to criteria, including having a minimum size of 10 ha, compliance with minimum distance separation formula, suitable screening from adjacent uses and roads, and no accessory

structures being larger than 230 m². Further, an application would need to meet the plan and document requirements provided by Town Staff as per section 9.1.

Parks and Open Space Area

The applicant proposes that the subject lands be redesignated to a *Parks and Open Space* designation. The *Parks and Open Space* designation is intended to provide a broad range of recreation and leisure opportunities for the residents of Innisfil. Per policy 3.10.1 golf courses are included as permitted uses within this designation.

Though *Parks and Open Space* designations are the suitable location for golf course uses, numerous Provincial Plan and Policy conflicts have been identified in this report, including in effect County OP policies, indicating the proposed use and designation is not appropriate in this location.

Existing Uses

The applicant has asserted the right of existing use for the proposed golf course in the context of LSPP and Growth Plan policies, as stated in their Response to Policy Review document, submitted September 30, 2019. Staff note, as has been concluded in the Growth Plan and LSPP framework, any assertion by the applicant to a right of existing use is also without grounds within the framework Town Official Plan

Protections are in place within the OP to ensure that legally existing uses can continue to operate, under section Section 9.15. Planning Staff ordinarily acknowledge assertions for existing use when an active and existing use is in place prior to a regulation or policy coming into effect or where approvals for uses were issued and an active use is present on the site. This approach is consistent with case law on the right to existing use and expansion of existing use.

With exception to a small segment of roadway on the west property line, no uses or structures are in active use on the property. Town records show no planning approvals were pursued by the applicant prior to the enactment of the 2006 Official Plan for the proposed use, or for any other matter. The right to an existing use for the proposed nine-hole course does not apply to this application.

Summary

The applicant proposes a land use and site disturbance which offends numerous Provincial Plans and Policies, policies which are reinforced within the Town Official Plan and which can be more restrictive than Provincial Plans and Policies. Staff do not support the redesignation of the subject property in its entirety to a *Parks and Open Space* designation, which would permit the destruction of part of a significant woodland, fragmentation of key features on the site, and substantial encroachment within vegetation protection zones.

Town of Innisfil Zoning By-law (080-13, as amended)

The subject lands are zoned *Agricultural (AG)* Zone with a *Hazard Lands* overlay, on the Town of Innisfil Zoning By-law 080-13 Schedule A: Map 53, as amended. The AG zone provides for a broad range of agricultural and agricultural-related uses.

Subsection 8.1 details the uses that are permitted within the AG zone. The Town of Innisfil Zoning by-law is exclusionary, meaning if a use is not specifically defined, then a use is not permitted. A golf course use is not specifically listed as a permitted use within an AG zone and is therefore not permitted. A golf course is listed as permitted only within a *Commercial Tourism* zone, as provided in Table 5.1 of the Zoning By-law.

A *Hazard Lands* overlay indicates that lands are within the Regulated Area jurisdiction for a Conservation Authority, in this case the Lake Simcoe Region Conservation Authority, and may relate to lands associated with flooding hazards. A permit would be required prior to site alteration being issued.

The Applicant proposes a rezoning to an *Open Space (OS) Exception Zone* to permit a golf course use on the subject lands. Planning Staff note an *Open Space (OS) Zone* does not permit golf courses. The Applicant has specifically requested an *Open Space Zone* with an exception to permit that use within the zone.

The proposed zoning by-law amendment would not be permitted without an approved Town OP amendment and County OP amendment prior to Zoning By-law amendment approval, due to non-conformities identified in this report.

To better reflect County and Town OP designations within the implementing Zoning By-law, Planning Staff recommend that Council direct staff to consider updating the zoning on the subject lands, in accordance with identified and refined key natural heritage features and boundaries.

Natural Environmental Areas and Hazard Lands Overlay Provisions

In its preamble to *Natural Environmental Areas*, the Zoning By-law directs that “development and site alteration shall not be permitted unless it is demonstrated through the completion of an environmental analysis that there will be no negative impacts on the natural features or on their functions.” Planning Staff note this test has been discussed at length in sections above, with Staff concluding, in consultation with the County and LSRCA, that the no impact test on natural features or on their functions has not been satisfied.

Provisions related to *Natural Environmental Areas* and *Hazard Lands* are further defined in section 3.20. Provision 3.20.1.a directs that within *Hazard Lands* the removal or placement of fill, shall be permitted within Hazard Lands in accordance with the regulations of the underlying zone except with prior written approval from the LSRCA. No permit has been issued by the LSRCA. Provision 3.20.2 directs for the protection of natural features deemed to be significant at a provincial, regional or local level. Provisions 3.20.2.a directs that site alteration shall not occur without completion of environmental analysis to the satisfaction of the Town in consultation with the LSRCA. As outlined in detail in sections above, the proposal and supporting studies have not conveyed to the satisfaction of the Town and LSRCA that there will be no negative impacts to natural features or on their functions, nor that appropriate setbacks have been provided as defined by applicable Provincial Plans and Policies.

Summary

Planning Staff have concluded that the proposal does not satisfy applicable provisions protecting key natural heritage features, as provided in the Zoning By-law. The applicant has not

provided prior written approval from the LSRCA regarding support for the proposed site disturbance within the Hazard Lands.

Additional Comments

External Agencies

The following comments from external governments and agencies have been received with comment on the proposed Official Plan Amendment and Zoning By-law Amendment as of this recommendation report:

- **County of Simcoe**, dated April 2, 2020, comments received regarding updated routing plan, which identifies the ongoing Provincial and County plan and policy non-conformity issues, found in Attachment 6.
- **Lake Simcoe Conservation Authority**, dated August 30, 2018, preliminary comments received requesting deferral of the application until natural heritage matters are addressed to the satisfaction of the LSRCA, the County, and the Town.
- **Lake Simcoe Conservation Authority**, dated December 3, 2018, comments received recommending refusal of the application, found in Attachment 3.
- **Lake Simcoe Conservation Authority**, dated September 30, 2019, additional comments circulated following submission of the Applicant's Response to Policy Review. An opinion was provided on numerous matters of Provincial Plan and Policy conformity.
- **Lake Simcoe Conservation Authority**, dated March 25, 2020, additional comments circulated following submission of the Applicant's Response to Policy Review. Confirmed previous correspondence that it is the opinion of the LSRCA that the proposed development is not consistent with Provincial, County, or Town Plans, and cannot be supported by Conservation Staff. The response can be found in its entirety in Attachment 4.
- **Enbridge Gas Distribution**, dated August 27, 2018 with no objections to the proposed application.
- **Huron-Wendat First Nation**, dated August 21, 2018, requesting additional information on archeological assessments conducted to date.
- **Ministry of Municipal Affairs**, dated November 30, 2018, related to the proposed County Official Plan amendment. The letter has been supplied in its entirety within Attachment 5.

Public Meeting Comments

Comments from the Public and Council were received at a September 12, 2018 Public Meeting. No additional resident or Council comments were received outside of this forum. A full table of comments with a response from Staff has been provided in Attachment 2 to this report.

TIMING CONSIDERATIONS:

This report has been prepared to provide a recommendation to Council on the applications. Council should note that in consultation with the applicant, additional time for the applicant was provided to develop the proposal and address key non-conformities with Provincial Plan and Policies following the September 12, 2018 public meeting and subsequent detailed policy review by Staff. Timelines for the applicant were permitted to extend well beyond the regulated non-decision appeal period, described by the Planning Act sections 22(7) and 34(11), being March 13, 2019 or 210 days after the application was deemed complete. This arrangement was

reached under mutual agreement that the applicant would not pursue appeal on grounds of non-decision.

FINANCIAL CONSIDERATION:

All costs incurred by the Town for the purposes of these applications are recovered from the applicant, resulting in no net financial impact to the Municipality.

LOCAL IMPACT:

The September 12, 2018 Public Meeting elicited numerous resident comments on the importance of natural heritage areas in the Big Bay Point Area and general opposition to the project.

OPTIONS/ALTERNATIVES:

In the event Council chooses to refuse the proposed OPA and ZBA, a decision may be provided by resolution of Council for both applications. The applicant would have the right to appeal the decisions within 20 days of this Council date. If the 20 days elapse without appeal, a notice of decision will be provided in accordance with the *Planning Act*. Further clarification regarding the status of appeal timelines during the Covid-19 pandemic may be provided in the near future by the Province, with respect to the application of O.Reg. 73/20.

Should the applicants proceed with an appeal of the within application, they may wish to try to consolidate with their appeal of the 2018 OP designation.

In the event of Council choosing to adopt the proposed OPA, the OPA would be adopted by resolution, and the proposal would be forwarded to County Council for consideration. A separate resolution of Town Council would be required to consider the proposed ZBA by-law at a future date of Council, should the OPA be adopted by the County and the 20-day appeal period elapse without appeal.

CONCLUSION:

The applications propose to amend the Official Plan and Zoning By-law to permit a golf course use on lands known municipally as 173, 201, and 225 Big Bay Point Road. A concurrent County Official Plan Amendment has been submitted for a site-specific exception to permit the use within the existing *Greenlands* designation.

Since Council deferred a decision on the applications from February 12, 2020, new materials were supplied to Staff, including a revised routing plan and update letter from the applicant's environmental consultants. The proposed revisions have not changed the opinion of Town Staff, who have found the proposal inconsistent with applicable policies.

This report recommends the applications to amend the Official Plan and Zoning By-law be refused, based on non-conformity with Provincial Plans and Policies, the County Official Plan, and Town Official Plan.

PREPARED BY:

Gaelen Pierce, Planner

REVIEWED BY:

Tim Cane, Manager of Land Use Planning

ATTACHMENTS:

- Attachment 1 Revised Routing Plan, dated February 12, 2020
- Attachment 2 Council and Resident Comments, dated September 12, 2018
- Attachment 3 LSRCA Refusal Recommendation, dated December 3, 2018
- Attachment 4 LSRCA Refusal Recommendation, dated March 25, 2020
- Attachment 5 County of Simcoe Comments, dated April 2, 2020
- Attachment 6 Letter from MMAH, dated November 30, 2018



PRELIMINARY
COURSE STATS

HOLE	YARDS	PAR
9	95	3
10	145	3
11	110	3
12	160	3
13	120	3
14	100	3
15	240	4
16	270	4
17	285	4
TOTAL	1525	30

- Legend
- PROPERTY LINE
 - EXISTING TREES AND VEGETATION TO REMAIN
 - EX. WETLAND AREA
 - EX. BAT HABITAT TO REMAIN
 - EX. BUTTERNUT TREE TO REMAIN
 - PROPOSED PLANT ENHANCEMENT AND EDGE RESTORATION
 - FAIRWAY
 - TEE STATION
 - PUTTING GREEN
 - SAND TRAP BUNKER
 - INDIVIDUAL HOLE MEASUREMENT
 - BOARDWALK

msla
MARTON SMITH LANDSCAPE ARCHITECTS
170 The Donway W Suite 206,
Toronto, Ontario, Canada. M3C 2G3
tel. 416.492.9966 | email: info@msla.ca

08	Issued for Review	02/12/20
07	Issued for Review	01/29/20
06	Rev. per SWM Requirements	01/25/19
05	Rev. per SWM Requirements	12/04/18
04	Rev. per Enviro. Constraints	11/23/18
03	Issued for Review	06/08/18
02	Issued for Review	06/07/18
01	Issued for Review	05/30/18
No.	Revision	Date

North: Stamp:

Project:
Proposed Golf Course Expansion
173, 201, 225 Big Bay Point Road
Innisfil, Ontario

Scale: **1:2500** Date: **May 2018**
Drawn By: **D.R.** Checked By: **L.M.**

Drawing Title:
Master Routing Plan

Project No. **18150** Sheet No. **L1-01**

Attachment #3 Council and Resident Comments, dated September 12, 2018

Council Comments	
Comment Received	Response
<p>A balance should be provided between recreational needs and environmental impacts.</p> <p>We need to prioritize our natural heritage lands instead of a golf course.</p> <p>I support golf but not the loss of habitat in this location.</p>	<p>Provincial Plans and Policies direct for a comprehensive, integrated approach to address complex factors in land use planning. Planning Staff have identified threshold policies around preservation of key natural features and have concluded the proposal not is not appropriate for the subject lands.</p>
<p>We don't need another golf course/we have too many golf courses.</p> <p>We already have an 18-hole golf course nearby.</p>	<p>The applicant's supplied community needs justification report fails to present an objective assessment of need for additional golf facilities in the area. Planning Staff have not pursued critical review of the report given the Provincial Plan and Policy non-conformities identified.</p>
<p>The loss of natural heritage features is permanent.</p> <p>Once its gone its gone.</p> <p>Resident observed gradual permanent loss of features in this area.</p> <p>The site is a unique parcel in BBP and is a pristine forest.</p>	<p>Acknowledged. Provincial, County, and Town natural heritage system policy frameworks consistently direct for preservation of features for the long-term, and are enabled by protections for individual features and discussed in the Staff commentary of this report.</p>
<p>Concern over environmental impacts related to water taking/green irrigation.</p> <p>Concern over environmental impacts related to fertilizer use/spraying.</p>	<p>The applicant has asserted the intention to develop the proposed golf course as an Audubon Certified Golf Course, a privately-regulated certification process which manages water taking and irrigation impacts. For the purposes of planning approvals, Town Staff are required to use policies and definitions within approved planning frameworks. On the basis of existing definitions, which does not discriminate between lower impact golf course design and operation, the proposal was found to be non-conformant to applicable Provincial, County, and Town policies and recommended for refusal.</p>
<p>If we permit out natural heritage features to be damaged, other businesses which depend on a healthy natural heritage environment will</p>	<p>The concern is acknowledged. Provincial, County, and Town natural heritage system policy frameworks consistently direct for</p>

be adversely impacted. We want some 'special natural places' to remain within our community.	preservation of features for the long-term, and are enabled by protections for individual features and discussed in the Staff commentary of this report.
Resident noticed changing wildlife movement patterns following nearby Friday Harbour Resort development/feature removal.	Acknowledged. Applicant's submitted EIS asserts impacts to ecological function to be minimal following 6.8 Ha removal of <i>significant woodland</i> feature. Town Staff disagree with assessment, in consultation with LSRCA ecology and planning expertise.
Increased traffic issues likely as habitat becomes smaller, increase in overall visitors to the area.	Acknowledged. This matter could potentially be addressed at a later date through a subsequent site plan control application, if the OPA and ZBA applications are supported by Town and County Councils, the Province.
Wetlands are ecologically significant. Collectively the damage we make to wetland features puts our community at risk of future water scarcity. No one is speaking on behalf of the Key Natural Heritage Features.	Wetlands are identified as key features within the 2019 Growth Plan and the LSPP. The proponent has proposed numerous encroachments into wetland features and their respective vegetation protection zones. Protection of these resources could be realized through refusal of the application, as has been recommended by Planning Staff
The proposal does not enhance our ecosystem. There will be numerous impacts on habitat, ground and surface water.	Numerous policy tests require demonstration that a proposal will maintain or enhance features and ecological function. The Town has concluded, in consultation with the LSRCA, that the proposal would not maintain or enhance features or ecological function, due to resulting fragmentation, decreased feature size, reduced interior habitat, and decreased density of features.
Resident prefers future Council to consider the application.	The application was presented to the previous Council in the September 12, 2018 informational report. The recommendation report, which contains greater detail and numerous recommendations, will be received by current Council.
Council Comments	
Comment Received	Response
Does the department of fisheries need to sign off (any bodies of water?)	No MNR or DFO comments were received. No sign off is required.
Concerned with the layout of the golf course.	The layout has since been revised to provide further avoidance of wetlands. Site alteration and development is still proposed to occur within <i>key natural heritage features</i> , including <i>significant woodlands, wetlands, and vegetation protection zones</i> . Resultant policy non-conformities identified by Staff have led

	to a recommendation to refuse the application.
Aren't there supposed to be buffer zones around features?	Minimum buffer zones are prescribed by the LSPP and Growth Plan. The applicant has proposed an alternative variable buffer proposal which is not in conformity with provincial plans. The proposal has been recommended for refusal, in part due to the failure to recognize minimum setbacks.
How will buffers be protected?	The applicant has proposed a variable sized buffer with a recommended edge management plan. This approach can be accepted in some circumstances, however Staff have concluded the proposal should be refused.
Animals can coexist on a golf course. One could find an example of where animals have coexisted on golf courses.	Though some species can coexist on a golf course, fragmented features can result in biodiversity loss.
I'm concerned that if land sits vacant, that it will be seen a public land.	The <i>Natural Environmental Area</i> or <i>Rural</i> area designation does allow for public use. The owner may provide for signage and barriers to prevent trespass.
Protect what needs to be protected.	Planning Staff have provided their recommendation to refuse the applications based upon approved Provincial Plans and Policies intended to protect the integrity of features on the site.
Request for timeline of approval process.	Application timing and decision history provided in body of report. Additional time provided to applicant beyond the Planning Act defined 210-day non-decision appeal period, to allow the applicant to revise their proposal and response to policy non-conformity matters.



Sent by email: gpierce@innisfil.ca

December 3, 2018

File No: D09-2017-005 & D14-2018-013
IMS File No: OP-136703-082118 & ZO-136703-082118

Mr. Gaelen Pierce
Planner/Placemaker
Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1

Dear Mr. Pierce:

Re: Official Plan Amendment & Zoning By-Law Amendment Applications
173, 201 & 225 Big Bay Point Road
Town of Innisfil, County of Simcoe

This letter is further to our previous correspondence dated August 30, 2018. The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the Interim Environmental Impact Study prepared by RiverStone Environmental Solutions Inc. dated June 2018 and the Planning Justification Report prepared by Brutto Consulting dated June 2018 in support of the proposed golf course on the subject lands. Based on our review, we offer the following comments:

The subject lands are designated Greenlands in the County of Simcoe Official Plan, designated Natural Environmental Area and Rural Area with a Natural Heritage System overlay in the Town of Innisfil Official Plan, and zoned Agricultural General (AG) under the Town's Zoning By-law. In general, the Greenlands designation and the Natural Environmental Area designation reflect certain components of the County and Town natural heritage system. In particular, based on our review of the submitted material and environmental mapping, the lands contain significant woodlands, wetlands, significant wildlife habitat, and habitat of endangered and threatened species as per the *Endangered Species Act*, and may contain natural areas abutting Lake Simcoe.

As you are aware, the subject property is located within the Lake Simcoe Watershed and the Provincial Policy Statement (PPS) made under the *Planning Act*, the Lake Simcoe Protection Plan (LSPP) made under the *Lake Simcoe Protection Act*, and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) made under the *Places to Grow Act* are in force and effect and apply to these applications. Section 2 of the PPS speaks to the wise use and management of natural resources and provides direction that natural features and areas shall be protected for the long term. Accordingly, this land use proposal is not consistent with the PPS.

Given that the subject lands are located outside of a defined settlement area, Designated Policies 6.20 to 6.29 of the LSPP regarding key natural heritage and hydrologic features apply to these applications. Designated Policy 6.21 of the LSPP defines key natural heritage features such as wetlands, significant woodlands, and natural areas abutting Lake Simcoe. Policy 6.23 further states that development and site alteration is not permitted within a key natural heritage feature and its related minimum vegetation protection zone. Under the LSPP, the definition of development includes the change in use requiring approval under the *Planning Act*. Given that these amendments constitute a change in

use within key natural heritage features, including a significant woodland and wetlands, we believe that this land use proposal does not conform to the LSPP.

Further, as the property is within the Natural Heritage System of the Growth Plan, Sections 4.2.2 and 4.2.3 of this Plan regarding key natural heritage features and key hydrologic features apply to these applications. The Growth Plan identifies habitat of endangered and threatened species and significant woodlands as key natural heritage features and wetlands as key hydrologic features. Section 4.2.3 of this Plan states that development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System or in key hydrologic features. Given that these amendments do not satisfy these policies, we believe that this land use proposal does not conform to the Growth Plan.

For these reasons, we recommend that the subject amendments be refused based on lack of consistency and conformity with the applicable policies of the Provincial Policy Statement, the Lake Simcoe Protection Plan, and the Growth Plan for the Greater Golden Horseshoe.

Please note, in accordance with our Planning and Development Fees Policy dated January 1, 2017, our review fee for these application is \$1,500 and remains outstanding.

Please relay these comments to Town Council and advise us of any decision made with regard to these matters. Should you have any questions regarding these comments, please contact the undersigned.

Sincerely,



Michelle Bates
Development Planner

Copy Melinda Bessey, Acting Manager, Planning, LSRCA
 Chris Currie, Environmental Regulations Analyst, LSRCA
 Tim Cane, Manager of Land Use Planning, Town of Innisfil
 Maryann Hunt, Planner III, County of Simcoe
 Brutto Consulting (cbrutto@bruttoconsulting.ca)

S:\Planning and Development Services\Planning Services\Planning Act\Innisfil\136853_173-201-225 Big Bay Point Rd\D09-2017-005 & D14-2018-013\Planning



Sent via e-mail: Gaelen Pierce <gpierce@innisfil.ca>

March 25, 2020

Municipal File No: D09-2017-005 D18-2018-013

LSRCA File No.: OP-136853 / ZO-136853

Mr. Gaelen Pierce
Policy Planner
The Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1

Dear: Mr. Pierce,

Re: Next Nine Golf Course – Revised Routing Plan
172 201 225 Big Bay Point Road, Town of Innisfil, County of Simcoe

Thank you for circulating the Revised Routing Plan submission (March 9, 2020 Riverstone Environmental Solutions Inc.) for our review and comment.

As noted in previous correspondence, the subject lands are designated Greenlands in the County of Simcoe Official Plan, designated Natural Environmental Area and Rural Area with a Natural Heritage System overlay in the Town of Innisfil Official Plan, and zoned Agricultural General (AG) under the Town's Zoning By-law. In general, the Greenlands designation and the Natural Environmental Area designation reflect certain components of the County and Town natural heritage system. More notably, based on our review of the submitted material and environmental mapping, the lands contain significant woodlands, wetlands, significant wildlife habitat, and habitat of endangered and threatened species as per the *Endangered Species Act*, and may contain natural areas abutting Lake Simcoe.

We have confirmed through previous comments that it is the opinion of LSRCA staff that the proposed development is not consistent with the policies of the Provincial Policy Statement and is not in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe, the Lake Simcoe Protection Plan, The County of Simcoe Official Plan and the Town of Innisfil Official Plan. While it is recognized that the submitted revised routing plan proposes a reduced level of feature removal (33% to 24.7%), this reduction does not meet the "no site alteration or development" policies provided by the Growth Plan and the Lake Simcoe Protection Plan. Accordingly, based on our review of the updated submission, the LSRCA maintains the position that the proposed County and Local Official Plan Amendments and Zoning By-law Amendment to permit the development of a golf course on the subject lands cannot be supported.

We request that you apprise us of any decisions made by Council in this matter. Should you have any questions concerning the above, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MB', followed by a long horizontal line and a vertical line at the end, forming a stylized signature.

Melinda Bessey, MSc, MCIP, RPP
Director - Planning

c.c. Maryann Hunt, County of Simcoe



County of Simcoe
Planning Department
1110 Highway 26,
Midhurst, Ontario L9X 1N6

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simcoe.ca



April 2, 2020

Gaelen Pierce
Policy Planner
Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON
L9S 1A1

* via email *

RE: Big Bay Point Golf Club COPA, OPA and ZBA Applications – Revised Routing Plan
Location: 31 Ross Street, City of Barrie
County File Nos.: SC-OPA-1802 (SCOPA); I-PRE-17010 (Town of Innisfil OPA)

Thank you for circulating the materials that were submitted to the Town regarding the Big Bay Point Golf Club County Official Plan Amendment, Town of Innisfil Official Plan Amendment and Zoning By-law Amendment applications. The County has reviewed the revised Routing Plan (last revised Feb 12, 2020) and the comment letter provided by Riverstone Environmental Solutions Inc. dated March 9, 2020. The County of Simcoe provides the following comments in response to the materials.

County Planning staff acknowledge that the revised Routing Plan represents an improvement (i.e. reduction) in the areas of the property where site alteration and development are proposed within or adjacent to Significant Natural Heritage and Hydrologic Features.

However, the revised proposal continues to have the same policy conformity challenges with the Provincial Policy Statement (2014, 2020), the Growth Plan for the Greater Golden Horseshoe (2019), Lake Simcoe Protection Plan (2009) and the Simcoe County Official Plan (2016) that were discussed in Item CCW-2019-388, including:

- The Routing Plan still shows site alteration and development within the wetland communities on the site. Development and site alteration are also proposed within the 30 metre buffer to the wetland features;
- Development and site alteration are still proposed within a Significant Woodland, which covers the majority of the site;
- Development and site alteration are still proposed within and adjacent to Significant Wildlife Habitat and Habitat of Endangered Species and Threatened Species; and,
- County Planning staff have reviewed the updates to the PPS that will be in effect May 1, 2020. The updated policies do not impact the subject proposal or the policy conformity challenges discussed.

Please circulate the County on any updates or decisions that are made on these applications. If you have any questions or require clarification, please do not hesitate to contact the undersigned at 705-726-9300 ext. 1360 or maryann.hunt@simcoe.ca.

Sincerely,
The Corporation of the County of Simcoe

A handwritten signature in black ink, appearing to read "M. Hunt".

Maryann Hunt, MCIP RPP
Senior Policy Advisor

Cc. Dan Amadio, Manager of Planning – County of Simcoe
Melinda Bessey, Acting Director of Planning – Lake Simcoe Region Conservation Authority
Mary Nordstrom, Manager of Land Use Planning – Town of Innisfil

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Via email only

November 30, 2018

David Parks, MCIP, RPP
Director of Planning, Development and Tourism
County of Simcoe
1110 Highway 26
Midhurst, ON L9X 1N6

Dear Mr. Parks:

**Subject: Next Nine Ltd. (Big Bay Point Golf Club)
Proposed County Official Plan Amendment
MMA File No.: 43-OP-181716**

Thank you for providing the Ministry of Municipal Affairs and Housing ("MMAH") with the opportunity to review and comment on the proposed amendment to the County of Simcoe ("County") Official Plan to permit a nine-hole golf course on lands known municipally as 173, 201 and 225 Big Bay Point Road in the Town of Innisfil ("Town"). It is noted that the Minister of Municipal Affairs and Housing is the approval authority of any adopted County Official Plan amendments pursuant to the *Planning Act*.

The proposal is to amend Section 3.8.15 'Greenlands – Development Control' of the County Official Plan to add 'golf courses' as a permitted use and to provide site-specific development criteria. In addition to the County Official Plan Amendment (COPA), it is understood the applicant has also filed for amendments to the Town's Official Plan and Zoning By-Law for the purposes of this development.

Through the provincial One Window planning service, staff at the Ministry of the Environment, Conservation and Parks (MECP) and Ministry of Natural Resources and Forestry (MNRF) were circulated the draft COPA along with the supporting documents. These were reviewed in the context of the *Planning Act*, the 2014 Provincial Policy Statement (PPS), the 2017 Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), and the Lake Simcoe Protection Plan, 2009 (LSPP).

The subject lands are designated as 'Greenlands' within the County Official Plan, 'Key Natural Heritage Features & Key Hydrologic Features' within the Town's Official Plan and zoned as 'Agricultural General Zone' within the Town's comprehensive Zoning By-Law. The lands are also situated within the provincial Natural Heritage System issued under the Growth Plan and are also within the Lake Simcoe watershed subject to the LSPP. Additionally, the subject lands possess a number of physical characteristics which are relevant within the context of provincial policy. These include a significant groundwater recharge area, nine wetland areas, significant woodlands, significant wildlife habitat and habitat of endangered species and threatened species.

The materials supplied by the proponent indicate that development and site alteration is proposed within portions of these key hydrologic features and key natural heritage features within the provincial Natural Heritage System/Lake Simcoe watershed and within the minimum vegetative protection zone (VPZ) adjacent to these features. The proposal does not, therefore, meet the requirements of Policies 4.2.2.3, 4.2.3 and 4.2.4.3 of the Growth Plan and Policy 6.23-DP of the LSPP.

Should the proposal design be revised to avoid development and site alteration in these features and their minimum VPZ, the applicant would need to provide additional rationalization of how the development will meet other required provincial policies in the Growth Plan, LSPP and PPS. For instance, the interim EIS does not adequately examine the potential impacts or proposed mitigation of impacts from construction and design on natural heritage features or fully consider a 120 metre study area around key natural heritage features other than wetlands on the site, including significant woodlands, to determine the recommended minimum VPZ, pursuant to Growth Plan policy 4.2.4.1 and LSPP policy 6.24-DP. While the EIS references the need for studies in the future (tree surveys, snag surveys, etc.) the completion of these studies is needed to properly assess any impact of a selected design on these features. Further consultation with MNRF is necessary concerning potential permitting requirements under the *Endangered Species Act* to allow any development or site alteration in habitat of endangered and threatened species.

Further, materials provided by the applicant provide multiple characterizations of the proposed development within the context of terms defined by the LSPP, including a 'low-intensity recreational use'. As a result, it is noted that no information has been provided regarding the connection of the proposed stormwater management works to Lake Simcoe as the final receiver, nor was a complete evaluation of potential impacts on the significant groundwater recharge area. It is the opinion of provincial staff that the LSPP is sufficiently explicit that a golf course is considered a 'major recreational use' and, consequently, 'major development' as defined. This means that there are a number of applicable policies within the LSPP, including 4.8-DP, 4.9-DP, 5.6-DP and 6.40-DP, which would need to be addressed in the supporting materials to assess if any alternative golf course design that avoids development in features is viable.

It is lastly noted that the draft amendment provided, as currently worded, proposes to add golf courses throughout the entirety of the County's Greenlands designation, rather than as a site specific exemption. The County will need to consider if this was intentional

and if so, whether golf courses are appropriate as a permitted use anywhere in the County's Greenlands designation.

Thank you again for the opportunity to comment on the draft COPA. Should you have any questions, please do not hesitate to contact me at (416) 585-6063 or by email at Ross.Lashbrook@ontario.ca. Alternatively, you may contact Aldo Ingraldi, Senior Planner, at (416) 585-6154 or by email at Aldo.Ingraldi@ontario.ca.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ross Lashbrook". The signature is fluid and cursive, with the first name "Ross" being more prominent than the last name "Lashbrook".

Ross Lashbrook
Manager, Community Planning & Development
Municipal Services Office – Central Ontario