

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 30, 2026

CASE NO(S): OLT-25-000770

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 15 Market Street Corp.
Subject: Request to amend the Official Plan –
Failure to adopt the requested amendment
Description: To permit the development of a residential
subdivision
Reference Number: L-2025-001
Property Address: Market Street Port Elgin ON
Municipality/UT: Saugeen Shores/Bruce
OLT Case No.: OLT-25-000770
OLT Lead Case No.: OLT-25-000770
OLT Case Name: 15 Market Street Corp.v. Saugeen Shores
(Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 15 Market Street Corp.
Subject: Application to amend the Zoning By-law –
Refusal or neglect to make a decision
Description: To permit the development of a residential
subdivision
Reference Number: Z-2025-001
Property Address: Market Street Port Elgin ON
Municipality/UT: Saugeen Shores/Bruce
OLT Case No.: OLT-25-000773
OLT Lead Case No.: OLT-25-000770

Heard: June 17, 2026, by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel/Agent*</u>
15 Market Street Corp (Applicant)	J. Galajda
Town of Saugeen Shores	M. Paoli
County of Bruce	J. Van Dorp

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. INNIS ON JUNE 17, 2026
AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This appeal arises from applications by 15 Market Street Corp. (“Applicant”) for a County of Bruce Official Plan Amendment, Town of Saugeen Shores Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision approval to facilitate the development of a residential subdivision on lands located on Market Street in the Town of Saugeen Shores (“Town”). The Subject Property is legally described as Market Street PLAN 296 PARK PT LOT 13 & 15; RP 3R2897 PART 1 RP 3R4879; PART 1 RP3R7116 PT1,2,3 (“Subject Property”).

[2] The applications propose the development of a 4.2-hectare residential subdivision consisting of 141 residential units. The proposal included 12 single detached dwelling lots and two apartment blocks containing three four-storey apartment buildings with a total of 129 apartment units.

[3] The apartment units were proposed in a mix of one-bedroom, two-bedroom and three-bedroom configurations. Of the proposed apartment units, 90 were intended to be developed as condominium units and 39 as rental units. The proposal also contemplated the provision of accessible housing, with approximately 50 percent of the apartment units intended to be designed as accessible.

[4] The proposed development included an open space block to be conveyed to the Town. The open space area was intended to retain the majority of existing vegetation and preserve an existing walking trail, subject to minor modifications to accommodate the proposed built form. Further, no new municipal roads were proposed, with access to the development to be provided from existing public streets.

[5] The proposal also incorporated measures to preserve existing vegetation on the site, with approximately 46 percent of the existing tree cover to be retained.

PROCEDURAL HISTORY

[6] This development proposal is substantially similar to a proposal that was the subject of earlier *Planning Act* applications and related appeals before the Tribunal.

[7] The earlier applications sought approval for a residential subdivision on the Subject Property and included requests to amend the Official Plan and Zoning By-law. During the course of that proceeding, it was determined that additional relief from a Bruce County Official Plan policy respecting watercourse setbacks was required. As that relief was not included in the applications before the Tribunal, the requested approvals could not be granted.

[8] Following the earlier proceeding, the Applicant submitted revised applications seeking approval of substantially the same development together with an amendment to the Bruce County Official Plan addressing the watercourse setback policy. The present appeals arise from those applications.

[9] The Tribunal heard evidence that Bruce County is currently undertaking a review of its Official Plan and that the requested Bruce County Official Plan Amendment may not be required under the emerging policy framework. However, the applications before

the Tribunal must be considered based on the planning policy framework currently in force.

SETTLEMENT PROPOSAL

[10] Disposition of the matter has come before the Tribunal as a settlement for the Tribunal's consideration. The proposed development remains substantially unchanged from the proposal considered in the earlier proceeding. It consists of 141 residential units, including 12 single detached dwelling lots and 129 apartment units within three apartment buildings located on two apartment blocks. An open space block is also proposed. The apartment buildings are proposed to contain a mix of unit types and include both condominium and rental housing.

[11] As such, the evidence before the Tribunal indicates that the proposed settlement does not materially alter the overall development concept, density, or housing mix. Rather, the settlement is primarily directed toward revisions to the proposed planning instruments, zoning provisions, and conditions of draft approval in order to address matters relating to the watercourse traversing the site, identified natural heritage features, and the implementation of recommendations arising from the Environmental Impact Study and its addenda.

[12] The revised planning instruments include site-specific policies respecting fish habitat, significant woodlands, tree retention, and environmental protection measures. Additional protections are also proposed through the zoning framework and the conditions of draft approval. The planning witnesses agreed that the revised instruments and conditions appropriately address the issues identified through the review process and form the basis of the settlement now before the Tribunal.

[13] The Tribunal confirms that it has received, reviewed, and considered the following materials and submissions:

- i. the uncontested opinion evidence of Mr. Ron Davidson, a Registered Professional Planner and full member of the Canadian Institute of Planners, contained in his comprehensive affidavit sworn May 4, 2026 (marked as Exhibit 2);
- ii. the uncontested opinion evidence of Ms. Coreena Smith, a Registered Professional Planner and full member of the Canadian Institute of Planners, and Certified Environmental Professional, contained in her comprehensive affidavit sworn May 5, 2026 (marked as Exhibit 1);
- iii. the Appellant's Planning Justification Report, dated December 27, 2024 (marked as Exhibit 3);
- iv. Participant Statements filed with the Tribunal in the names of:
 - Patricia Surman;
 - Andrew Sutherland
 - Frank Vanderzwet; and
 - Keith Robertson
- v. the Parties' oral/written submissions in support of the settlement; and
- vi. the minutes of settlement between 15 Market Street Corp and the Corporation of the Town of Saugeen Shores and the County of Bruce, dated June 16, 2026.

[14] The Tribunal understands that the aforementioned sworn affidavit evidence of both Mr. Davidson and Ms. Smith reflects revisions to the applications before the Tribunal that were reached through the cooperative efforts of the Parties.

ANALYSIS AND FINDINGS

[15] The evidence demonstrates that the proposal conforms with the Bruce County Official Plan and the Town Official Plan. The Subject Property is located within a settlement area intended to accommodate residential growth and the proposal provides a range and mix of housing forms, including single detached dwellings, apartment units, rental housing, condominium housing, and additional residential units. The Tribunal finds that the development supports the efficient use of land and existing municipal infrastructure while contributing to the housing objectives of both Official Plans.

[16] The Tribunal is also satisfied that the revised planning instruments appropriately address the environmental and natural heritage matters identified through the review process. The revised Bruce County Official Plan Amendment before the Tribunal establishes a framework requiring future development and site alteration affecting fish habitat or adjacent lands to such habitat to occur in accordance with applicable provincial and federal requirements. Also, the revised Town Official Plan Amendment incorporates the recommendations of the Environmental Impact Study and its addenda and establishes site-specific policies respecting the Significant Woodland on the Subject Property.

[17] The evidence further demonstrates that the revised planning framework incorporates measures to protect the watercourse, seeps, woodland areas, and associated environmental features through site-specific Official Plan policies, Environmental Protection zoning, holding provisions, tree retention requirements, and conditions of draft approval. The Tribunal accepts the planning evidence that these measures appropriately address the environmental issues identified during the review of the applications and provide for the long-term protection of the identified natural heritage features.

[18] The Tribunal is satisfied that the proposed development is consistent with the Provincial Planning Statement, 2024. The proposal contributes to housing supply within

a settlement area and is supported by technical studies addressing matters including natural heritage features, servicing, transportation, archaeology, and environmental constraints. The Tribunal concurs with the evidence provided that the proposed development has regard to the matters of provincial interest set out in s. 2 of the *Planning Act*.

[19] The Tribunal is further satisfied that the proposed Zoning By-law Amendment and Draft Plan of Subdivision provide an appropriate framework for the development of the Subject Property. The zoning provisions implement the proposed land uses while incorporating measures to address environmental constraints and ensure that required studies, consultation, and mitigation measures are completed prior to development. The Conditions of Draft Approval reflect agency requirements, implement recommendations arising from the supporting technical studies, and address matters relating to servicing, stormwater management, infrastructure, environmental protection, and future approvals.

[20] The Tribunal further notes that Indigenous consultation was undertaken during the review of the applications, including additional archaeological investigation as requested by Saugeen Ojibway Nation. The Tribunal acknowledges that those matters were considered through the review process and reflected in the materials before the Tribunal.

[21] Lastly, the Tribunal has considered the Participant Statements submitted in relation to the proposed development. The concerns raised related primarily to environmental impacts, drainage, the watercourse traversing the site, the loss of greenspace, and neighbourhood character. The Tribunal is satisfied that these matters were considered through the planning review process and informed the revisions incorporated into the settlement. The evidence demonstrates that the environmental issues raised were examined through the supporting technical studies and addressed through the proposed Official Plan Amendments, Zoning By-law Amendment, and Conditions of Draft Approval.

[22] The Tribunal accepts the opinion evidence of both Mr. Davidson and Ms. Smith as presented in their affidavits and similarly finds that the subject applications, as revised, have regard to those applicable matters of provincial interest found in s. 2 of the *Planning Act*, are consistent with the Provincial Planning Statement, 2024, conforms to Bruce County Official Plan and the Town Official Plan, and otherwise reflects principles of good land use planning.

ORDER

[23] THE TRIBUNAL ORDERS THAT:

1. The appeal of 15 Market Street Corp. is allowed, in part.
2. The Official Plan for the Town of Saugeen Shores is amended in the form set out in **Attachment 1** to this Order.
3. By-law No. 75-2006 of the Town of Saugeen Shores is amended in the form set out in **Attachment 2** to this Order. The Tribunal authorizes the municipal Clerk of the Town of Saugeen Shores to assign a number to this by-law for record keeping purposes.
4. The Official Plan for the County of Bruce is amended in the form set out in **Attachment 3** to this Order.
5. The Draft Plan of Subdivision is approved in the form set out in **Attachment 4**, subject to the Conditions of Draft Approval set out in **Attachment 5** to this Order. And that, pursuant to subsection 51(56.1) of the *Planning Act*, the Town of Saugeen Shores shall have the authority to clear the Conditions of Draft Approval and to administer final approval of the Plan of Subdivision for the purposes of subsection 51(58) of the *Planning Act*.

[24] **AND FURTHER, THE TRIBUNAL FURTHER ORDERS THAT** the Tribunal may be spoken to should any difficulties arise in connection with the implementation of this Order.

“J. Innis”

J. INNIS
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

BY-LAW NO. 2026 - __

A BY-LAW TO ADOPT AMENDMENT NUMBER 33 TO THE OFFICIAL PLAN OF THE TOWN OF SAUGEEN SHORES

Whereas The Corporation of the Town of Saugeen Shores is empowered to amend its Official Plan as required; and

Whereas the process for considering such an Amendment was in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13; and

Whereas the Amendment to the Official Plan is deemed to be appropriate and in the public interest; now therefore be it

Resolved that the Council of The Corporation of the Town of Saugeen Shores enacts as follows:

1. That Amendment Number 33 to the Town of Saugeen Shores Official Plan, a copy of which is attached to and forms part of this By-law, is hereby adopted.
2. That the Clerk is hereby directed to forward the adopted Amendment together with the necessary supporting documentation to the County of Bruce for final approval.
3. That this By-law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions and regulations of the Planning Act, R.S.O. 1990, c.P.13.

Read, passed, and sealed this ____ day of _____, 2026.

Luke Charbonneau, Mayor

Kaitlin Bos, Clerk

By-law No. 2026 - __

Part B - The Amendment

Introductory Statement

All of this part of the document entitled "Part B - The Amendment" and consisting of the following text and attached map designated as Schedule 'A' constitutes Amendment Number 33 to the Town of Saugeen Shores Official Plan.

Details of the Amendment

The Town of Saugeen Shores Official Plan is proposed to be amended as follows:

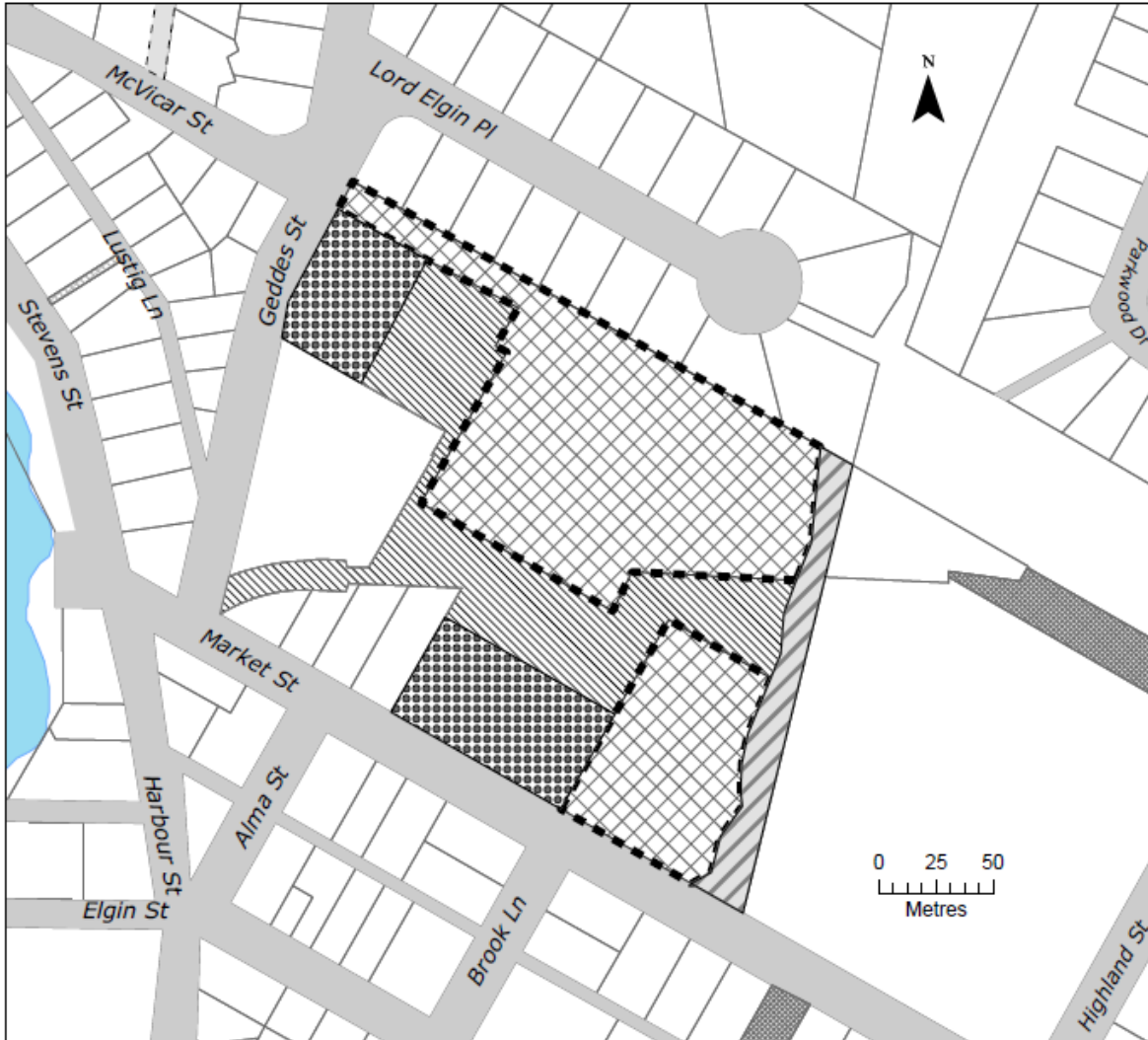
1. "Schedule 'A': Land Use Plan" to the Town of Saugeen Shores Official Plan is hereby amended by changing the land use designation on lands described as PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES, as shown on Schedule 'A' to the by-law, from 'Residential' to 'Residential', 'Residential – Exception', 'Parks and Open Space' and 'Environmental Hazard'.
2. The Town of Saugeen Shores Official Plan is hereby amended by adding the following subsection to Section 3.6.5 - Residential Exceptions:

L-2025-001 15 Market Street Corp.

Notwithstanding Section 2.6.8.2 c) and Section 2.6.3, the lands described as PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES shall be used in accordance with the following:





- a) The subject lands may be used in accordance with the policies of the land use designation applicable to this property as illustrated on Schedule 'A' to this Official Plan;
- b) The subject lands are considered to be Significant Woodlands in this Official Plan; however, no portion of the property is considered to be interior woodlands;
- c) Due to the Significant Woodlands constraint on the property, development and site alteration shall not be permitted except in accordance with the recommendations of the Natural Heritage Environmental Impact Study authored by AWS Environmental Consulting Inc., dated November 2017, and its addenda, dated December 24, 2024, March 26, 2025 and October 14, 2025;
- d) Flora and fauna species that are endangered, threatened, or of conservation concern shall be identified and protected in accordance with provincial and federal requirements;

- e) A Tree Retention Plan shall be completed, with the objective of preserving at least 30% of the subject lands in its existing forested state. Trees retained in the Environmental Hazard designation on the same lot can be counted toward the 30%;
- f) The recommendations of the Environmental Impact Study, its addenda and the Tree Retention Plan shall be implemented through the appropriate planning tools such as a Site Plan Control Agreement, Subdivision Agreement, Zoning By-law provisions, or other legally binding documents;
- g) In addition to the policies of this Official Plan pertaining to stormwater management, a detailed stormwater management plan shall be prepared to ensure that on-site and off-site effects of post-development drainage are addressed;
- h) The boundaries of the final registered lots or blocks may vary in minor ways from the boundaries shown on Schedule 'A' without amendment to this Official Plan. Should the boundaries of the final registered lots or blocks vary from Schedule 'A' then the boundaries of the designations in the Official Plan shall be deemed to follow the boundaries of the registered lots or blocks; and
- i) A proposal for development other than that which is in accordance with the Environmental Impact Study and addenda referenced in policy (c) above may require an addendum study or further Environmental Impact Study to the satisfaction of the approval authority with such study implemented through the tools outlined in policies (e) and (f) as applicable at that time.



Schedule 'A'
to
Amendment NO. L-2025-001
Saugeen Shores Official Plan

PT LT 15 PL 296 PT 1 3R2897,
PT 1 3R4879, PT 1 & 2 3R7116
Roll Number 411046000310401
Town of Saugeen Shores
(Town of Port Elgin)
County of Bruce

-  Lands subject to Section 3.6.5 - Residential Exception
-  Lands to be designated Residential
-  Lands to be designated Parks and Open Space
-  Lands to be designated Environmental Hazard

File: L-2025-001

Applicant: 15 Market Street Corp c/o Randy von Heyking
c/o Ron Davidson, Land Use Planning Consultant

Date: May 2026

ATTACHMENT 2

The Corporation of The Town of Saugeen Shores

By-law __ - 2026

Being a By-law to amend Zoning By-law No. 75-2006 by 15 Market Street Corp. for lands described as PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES

Whereas Section 34 of the Planning Act, R.S.O 1990, Chapter 13 authorizes the Councils of Municipalities to enact and amend Zoning By-laws which comply with an approved Official Plan; and

Whereas the Council of the Corporation of the Town of Saugeen Shores has enacted By-law No. 75-2006, a Zoning By-law enacted under Section 34 of the said Planning Act; and

Whereas the Council of the Corporation of the Town of Saugeen Shores desires to amend By-law No. 75-2006; now therefore be it

Resolved that the Council of the Corporation of the Town of Saugeen Shores Enacts as follows:

1. Schedule 'A' to By-law No. 75-2006, as amended, is hereby further amended by changing the zoning from 'Residential First Density Special (R1-3)' zone and 'Planned Development (PD)' zone to 'Residential Second Density (R2)' zone, 'Residential Second Density Special (R2-17)' zone, 'Residential Fourth Density Special with a Holding Provision (R4-26-H)' zone, 'Residential Fourth Density Special with a Holding Provision (R4-27-H)' zone, 'Environmental Protection (EP)' zone and 'Environmental Protection Special (EP-36-H)' zone, as shown on Schedule 'A' to this by-law.
2. That By-law No. 75-2006, as amended, is hereby further amended by adding the following to section 8.4 thereof:

8.4.17 R2-17

Notwithstanding any provisions of the By-law to the contrary, the following provisions shall apply to lands zoned 'R2-17' on Schedule 'A' to this By-law:

 - a) The minimum number of residential units on a lot shall be two (2).
3. That By-law No. 75-2006, as amended, is hereby further amended by adding the following to section 10.4 thereof:

10.4.26 R4-26

Notwithstanding the provisions of Sections 10.2, 10.3, 3.24.7c), 3.27.4 and 4.8 to the contrary, the following provisions shall apply to lands zoned 'R4-26' on Schedule 'A' to this By-law:

- a) The permitted uses shall be limited to:
 - i) apartment buildings, to a maximum of 90 units;
 - ii) child care centre;
 - iii) home for the aged;
 - iv) nursing home;
 - v) retirement home.
- b) The minimum lot frontage shall be 13.4 metres.
- c) The maximum driveway width shall be 7.5 metres, or no more than 57% of the lot frontage.
- d) The removal of the 'H' (Holding) symbol shall only occur after:
 - i) Preparation of a watercourse diversion/enclosure plan, where proposed, to the satisfaction of the Town of Saugeen Shores, Saugeen Valley Conservation Authority and other agencies as required which ensures natural water flows are maintained at all times, the westerly outlet point to adjacent lands is maintained, and erosion and sedimentation control measures are installed and maintained until the site is restored;
 - ii) Consultation has occurred with the Federal Department of Fisheries and Oceans relating to fish habitat and the watercourse diversion/enclosure;
 - iii) Consultation has occurred with the Saugeen Valley Conservation Authority (SVCA) and a permit issued for development activities and watercourse interference within the SVCA's regulated area;
 - iv) Consultation has occurred with the Ontario Ministry of Environment Conservation and Parks relating to candidate species at risk bat habitat; and
 - v) Written confirmation has been provided to the Town of Saugeen Shores demonstrating that the consultation noted above has occurred and how the recommendations from any consultation noted above has or will be implemented.

- e) Section 3.27.4 Watercourse Setbacks shall not apply.
 - f) The portion of the property zoned 'EP' and 'EP-36' may be used to satisfy the lot area, lot frontage, front yard setback, side yard setback, rear yard setback, lot coverage, and landscape open space requirements of the 'R4' zone.
 - g) The boundaries of the final registered lots or blocks may vary in minor ways from the boundaries shown on Schedule 'A' without amendment to this By-law. Should the boundaries of the final registered lots or blocks vary from Schedule 'A' then the boundaries of the zones in the By-law shall be deemed to follow the boundaries of the registered lots or blocks.
 - h) For residential apartment uses, a minimum of 15% of the total number of units shall be 2 bedroom units and a minimum of 15% of the total number of units shall have 3 or more bedrooms.
4. That By-law No. 75-2006, as amended, is hereby further amended by adding the following to section 10.4 thereof:

10.4.27 R4-27

Notwithstanding the provisions of Sections 10.2 and 4.8 to the contrary, the following provisions shall apply to lands zoned 'R4-27' on Schedule 'A' to this By-law:

- a) The permitted uses shall be limited to:
 - i) apartment buildings, to a maximum of 39 units;
 - ii) child care centre;
 - iii) home for the aged;
 - iv) nursing home;
 - v) retirement home.
- b) The removal of the 'H' (Holding) symbol shall only occur after:
 - i) Consultation has occurred with the Saugeen Valley Conservation Authority (SVCA) and a permit issued for development activities within the SVCA's regulated area;
 - ii) Consultation has occurred with the Ontario Ministry of Environment Conservation and Parks relating to candidate species at risk bat habitat; and

- iii) Written confirmation has been provided to the Town of Saugeen Shores demonstrating that the consultation noted above has occurred and how the recommendations from any consultation noted above has or will be implemented.
 - c) The portion of the property zoned 'EP' and 'EP-36' may be used to satisfy the lot area, lot frontage, front yard setback, side yard setback, rear yard setback, lot coverage, and landscape open space requirements of the 'R4' zone.
 - d) The boundaries of the final registered lots or blocks may vary in minor ways from the boundaries shown on Schedule 'A' without amendment to this By-law. Should the boundaries of the final registered lots or blocks vary from Schedule 'A' then the boundaries of the zones in the By-law shall be deemed to follow the boundaries of the registered lots or blocks.
 - e) For residential apartment uses, a minimum of 15% of the total number of units shall be 2 bedroom units and a minimum of 15% of the total number of units shall have 3 or more bedrooms.
5. That By-law No. 75-2006, as amended, is hereby further amended by adding the following to section 22.4 thereof:

22.4.36 EP-36

Notwithstanding the provisions of Sections 22.2, 22.3 and 3.27.4 to the contrary, the following provisions shall apply to lands zoned 'EP-36' on Schedule 'A' to this By-law:

- a) The permitted uses shall be limited to:
 - i) conservation use;
 - ii) open space;
 - iii) services and utilities, subject to 22.4.36 e);
 - iv) wildlife preserve;
 - v) works of a Conservation Authority.
- b) The removal of the 'H' (Holding) symbol shall only occur after:
 - i) Preparation of a watercourse diversion/enclosure plan, where proposed, to the satisfaction of the Town of Saugeen Shores, Saugeen Valley Conservation Authority and other agencies as required which ensures natural water flows are maintained at all

times, the westerly outlet point to adjacent lands is maintained, and erosion and sedimentation control measures are installed and maintained until the site is restored;

- ii) Consultation has occurred with the Federal Department of Fisheries and Oceans relating to fish habitat and the watercourse diversion/enclosure;
- iii) Consultation has occurred with the Saugeen Valley Conservation Authority (SVCA) and a permit issued for development activities and watercourse interference within the SVCA's regulated area;
- iv) Consultation has occurred with the Ontario Ministry of Environment Conservation and Parks relating to candidate species at risk bat habitat; and
- v) Written confirmation has been provided to the Town of Saugeen Shores demonstrating that the consultation noted above has occurred and how the recommendations from any consultation noted above has or will be implemented.

c) Section 3.27.4 Watercourse Setbacks shall not apply.

d) The boundaries of the final registered lots or blocks may vary in minor ways from the boundaries shown on Schedule 'A' without amendment to this By-law. Should the boundaries of the final registered lots or blocks vary from Schedule 'A' then the boundaries of the zones in the By-law shall be deemed to follow the boundaries of the registered lots or blocks.

e) Trees shall be retained in accordance with an approved Tree Retention Plan prepared to the satisfaction of the Town of Saugeen Shores. The removal of dead or dying trees and the removal of other trees, as may be required, for the safety of the public or property, or for servicing, utility, watercourse diversion/enclosure and trail purposes may be permitted in accordance with the approved Tree Retention Plan.

6. This By-law takes effect from the date of approval by the Ontario Land Tribunal pursuant to the provisions of the Planning Act, R.S.O 1990, Chapter 13, as amended.

Read, passed, and sealed this ____ day of _____, 2026.

Schedule 'A'

PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116 - Roll Number: 411046000310401
Town of Saugeen Shores (Town of Port Elgin)



-  Subject Property
-  Lands to be zoned R2 - Residential Second Density
-  Lands to be zoned R2-17 - Residential Second Density Special
-  Lands to be zoned R4-26-H - Residential Fourth Density Special Holding
-  Lands to be zoned R4-27-H - Residential Fourth Density Special Holding
-  Lands to be zoned EP-36-H - Environmental Protection Special Holding
-  Lands to be zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law amendment number _____ passed this _____ day of _____

Mayor _____

Clerk _____

ATTACHMENT 3



By-law Number 2026-_____

**A by-law to adopt Amendment Number C-2025-001
to the County of Bruce Official Plan**

Authority is provided in Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended.

The Council for the Corporation of the County of Bruce enacts By-law 2026-_____ as follows:

1. Amendment Number C-2025-001 to the County of Bruce Official Plan attached and forming part of this by-law is approved.
2. That this By-law come into force and take effect on the day of the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

Passed this ____ day of _____, 2026

**Luke Charbonneau
Warden**

**Linda White
Clerk**

Part B – The Amendment

Introductory Statement

All of this part of the document entitled "Part B – The Amendment" and consisting of the following text, and attached map designated as Schedule 'A', constitutes Amendment Number C-2025-001 to the Bruce County Official Plan.

The Official Plan Amendment exempts the development from the requirement to maintain a 30 metre setback from the banks of a cold water stream.

The Amendment

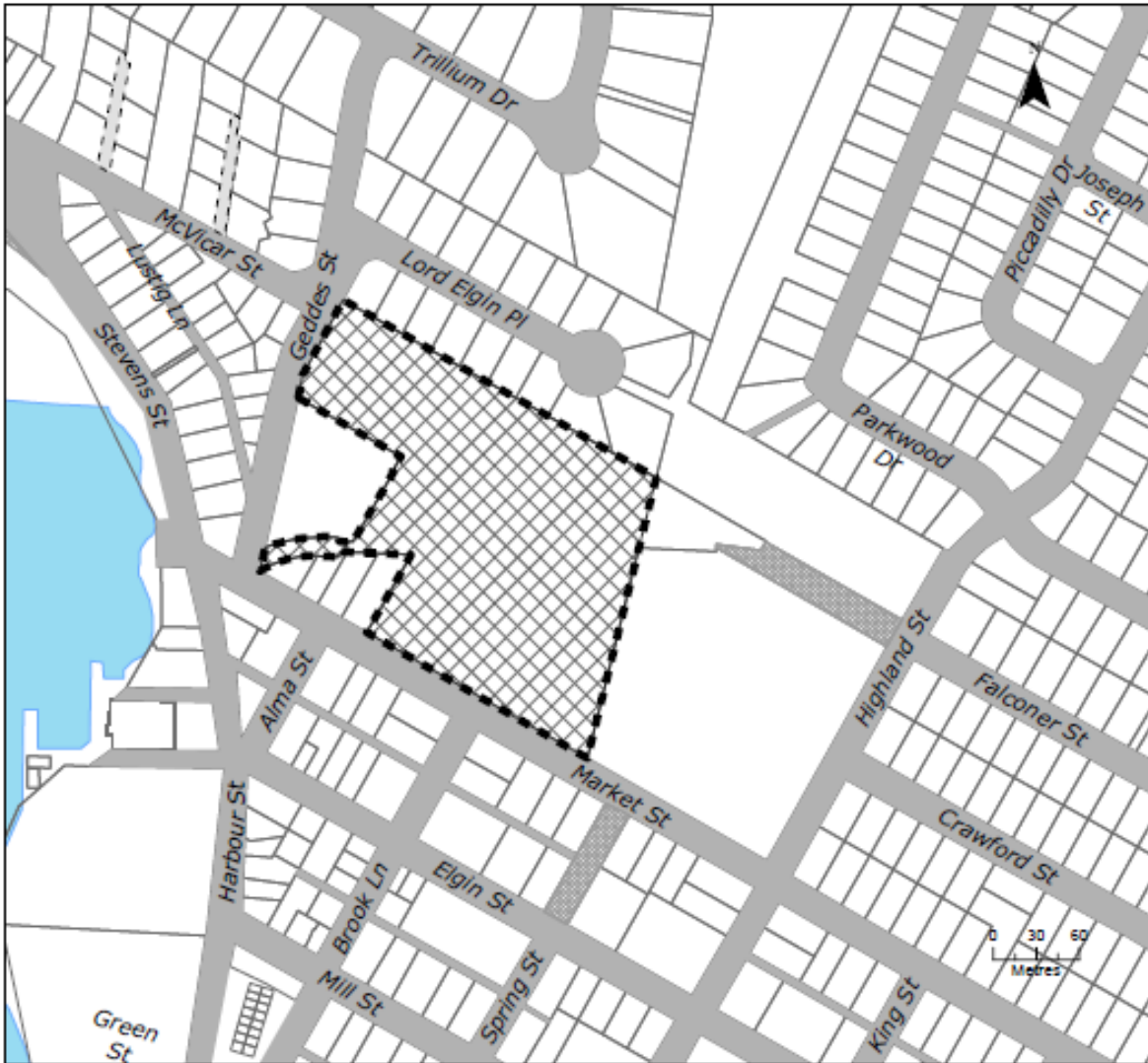
1. Schedule A: Land Use is amended by adding the following reference to the lands at PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES, as shown on the attached Schedule 'A':

'Section 5.2.5.10'

2. The Bruce County Official Plan is amended by adding the following subsection to Section 5.2.5 – Exceptions – Urban Areas:

"15 Market Street Corp. (C-2025-001)

Notwithstanding the policies of Section 4.3.2.1 (Cold and Warm Water Streams) of this Plan, on the lands described as PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES, development and site alteration shall not be permitted in any lands identified by the Department of Fisheries and Oceans as fish habitat, or on adjacent lands to such identified fish habitat, except in accordance with provincial and federal requirements."



Schedule 'A'
to
Amendment NO. C-2025-001
Saugeen Shores Official Plan

PT LT 15 PL 296 PT 1 3R2897,
PT 1 3R4879, PT 1 & 2 3R7116
Roll 411046000310401
Town of Saugeen Shores
(Port Elgin)
County of Bruce



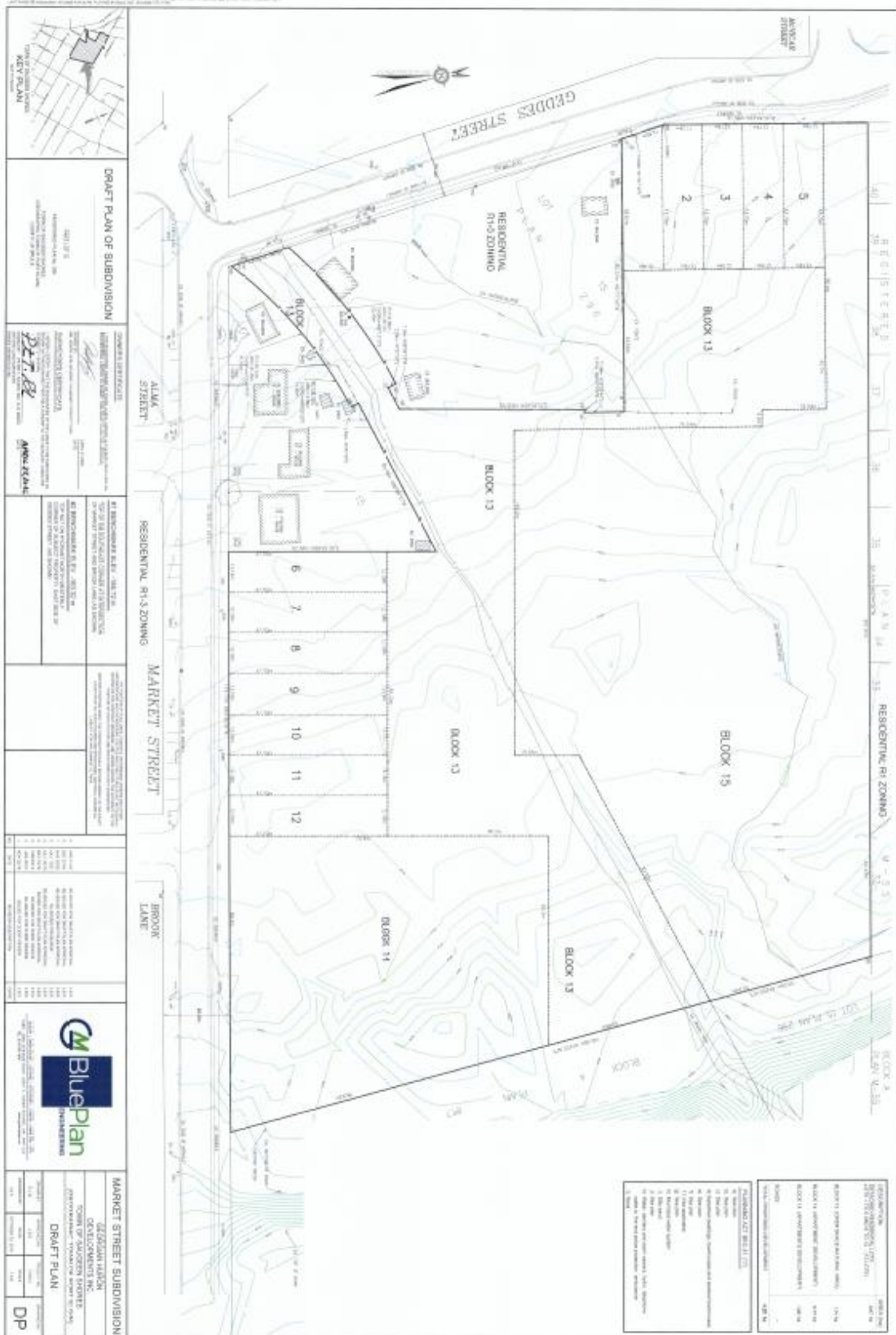
Lands subject to Section 5.2.5.10
Exceptions – Urban Areas

File: C-2025-001

Applicant: 15 Market Street Corp c/o Randy von Heyking
c/o Ron Davidson Land Use Planning Consultant Inc.

Date: May 2026

ATTACHMENT 4



DRAFT PLAN OF SUBDIVISION

APPLICANT: [Name]

DATE: [Date]

ZONING SERVICES

DATE: [Date]

APPLICANT: [Name]

RESIDENTIAL R1-S ZONING

MARKET STREET

RESIDENTIAL R1-ZONING

MARKET STREET

RESIDENTIAL R1-ZONING

BROOK LANE



MARKET STREET SUBDIVISION

DATE: [Date]

DRAFT PLAN

DP

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/15/2023
2	ISSUED FOR PERMIT	12/15/2023
3	ISSUED FOR PERMIT	12/15/2023
4	ISSUED FOR PERMIT	12/15/2023
5	ISSUED FOR PERMIT	12/15/2023
6	ISSUED FOR PERMIT	12/15/2023
7	ISSUED FOR PERMIT	12/15/2023
8	ISSUED FOR PERMIT	12/15/2023
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10	ISSUED FOR PERMIT	12/15/2023
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12	ISSUED FOR PERMIT	12/15/2023
13	ISSUED FOR PERMIT	12/15/2023
14	ISSUED FOR PERMIT	12/15/2023
15	ISSUED FOR PERMIT	12/15/2023
16	ISSUED FOR PERMIT	12/15/2023
17	ISSUED FOR PERMIT	12/15/2023
18	ISSUED FOR PERMIT	12/15/2023
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49	ISSUED FOR PERMIT	12/15/2023
50	ISSUED FOR PERMIT	12/15/2023

ATTACHMENT 5



County of Bruce
 Planning & Development Department
 1243 MacKenzie Rd
 Port Elgin ON
 N0H 2C6
 brucecounty.on.ca
 226-909-5515

Conditions of Draft Approval Plan of Subdivision

Draft Approval has been issued to the following application:

File Number	S-2025-001
For	15 Market Street Corp.
In Respect Of	PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES
Date of Draft Approval	As per the Order of the Ontario Land Tribunal

The following conditions have been established by the County of Bruce and must be met prior to the granting of Final Approval:

Identification

1. That this approval applies to Plan of Subdivision File S-2025-001 for 15 Market Street Corp. on lands legally known as PT LT 15 PL 296 PT 1 3R2897, PT 1 3R4879, PT 1 & 2 3R7116; SAUGEEN SHORES, prepared by GM Blue Plan Engineering Limited on October 25, 2018, revised on April 21, 2026 (Drawing Number: DP) and signed by the Owner on April 21, 2026.

Lot Layout and Density

2. That this approval is in accordance with the 'Land Use Schedule' on the Plan of Subdivision, prepared by GM Blue Plan Engineering Limited on October 25, 2018, revised on April 21, 2026 (Drawing Number: DP) and signed by the Owner on April 21, 2026.

Servicing, Stormwater Management, Public Roads, Walkways, Streetlighting & Future Development

3. Any dead ends and open sides of road allowances created by this Draft Plan shall be terminated in 0.3 metre reserves.

4. Walkways and Service Corridors shall be conveyed to the Town of Saugeen Shores, free and clear of encumbrances.
5. Sidewalks shall be installed on one side of the local streets in a location and standard approved by the Town of Saugeen Shores.
6. Sidewalks shall be installed on both sides of collector roads in a location and standard approved by the Town of Saugeen Shores.
7. Sidewalks shall be installed external to the Plan of Subdivision, where required by the Town.
8. Before any lots, blocks, roads, walkways, trails, service corridors, 0.3 metre reserves, identified in this Plan are conveyed to the Town of Saugeen Shores, they shall be free and clear of encumbrances.
9. All street and public lighting fixtures shall be dark-sky compliant.
10. Site Visibility Triangles at the intersections of all roads shall be conveyed to the Town of Saugeen Shores, as required by the Town and shall be provided clear and free of encumbrance.
11. Temporary turning circles or other approved turnarounds shall be installed, if required by the approved phasing/staging of the subdivision, to the Town's satisfaction. Provisions for the design, construction, and decommissioning of the turnarounds shall be incorporated in the subdivision agreement.
12. The Owner shall transfer to the Town, the following blocks: Block 13 – environmental protection and trail.
13. The Owner acknowledges that Draft Approval is not a commitment by the Town of Saugeen Shores to water or sanitary servicing capacity generally. Notwithstanding the previous statement, commitment to reserve water and sanitary servicing capacity shall be granted where existing agreements identify such commitment but only to the extent such detail provides in existing agreements.
14. Watermains shall be looped as required by the Town of Saugeen Shores.
15. The Owner shall prepare a Stormwater Management Plan by a technically qualified consultant and approved by the Town of Saugeen Shores.
16. The Owner shall prepare, to the Town's satisfaction, a Lot Grading Plan by a technically qualified consultant. The Plan shall indicate proposed lot grades and shall ensure minimal removal of trees. The Agreement may impose lot grading securities on each lot to provide assurances that the lots are graded in accordance with the approved drawings.
17. The Owner shall prepare an erosion control plan to the Town's satisfaction.

18. All internal and external services and upgrades to existing services required for the development of this Plan shall be designed by a qualified professional to the Town of Saugeen Shores satisfaction and in accordance with the Town's Development Manual and constructed/installed at the Owner's expense.
19. In addition to the design requirements in condition 18, the Owner agrees that any internal or external upgrades to the Town water supply required to provide adequate pressures and fire flows including but not limited to valve and tee replacement to accommodate the water services for Block 14 and 15 will be the responsibility of the developer.

Parkland / Open Space

20. That the Owner conveys Block 13 to the Town of Saugeen Shores for park purposes in fulfillment of parkland dedication requirements.

The final limits between Blocks 13, 14 and 15 may be subject to minor revisions prior to Final Approval to address conditions on the ground provided total tree retention areas and setbacks are not adversely affected to the satisfaction of the Town of Saugeen Shores and the County of Bruce.

The final limits of Block 13 shall be demarcated on the site in a form and to the satisfaction of the Town of Saugeen Shores.

21. That the Owner agrees to construct a trail over Block 13 and trail connections to Blocks 14 and 15, and that such design shall be to the satisfaction of the Town of Saugeen Shores.

Easements

22. That the Owner agrees to grant such easements as may be required for utility or drainage purposes to the Town of Saugeen Shores or other appropriate authority.

Subdivision Agreement

23. That the Owner enter into an agreement with the Town of Saugeen Shores to satisfy all the requirements of the Town of Saugeen Shores, and including matters required in these conditions of approval and may also include the following to the satisfaction of the Town of Saugeen Shores:

- a. the contribution to or the making of any required off-site improvements.

24. That the Town of Saugeen Shores undertake to register the Subdivision Agreement against the land to which it applies, and a copy of the registered agreement be forwarded to the County of Bruce upon Final Approval of the Plan.

Staging and Lapsing

25. That the Owner agrees to stage any development of the Plan in a manner satisfactory to

the Town of Saugeen Shores.

26. The Owner may advance the project in phases consisting of Lots 6 to 12 and Block 14 in one phase and Lots 1 to 5 and Blocks 13 and 15 in another phase, subject to the provision of the required studies, and the design and timing of construction of all amenities and services (road construction, services, pedestrian linkages, trails connections, etc.).
27. The Draft Approval for Plan of Subdivision S-2025-001 for 15 Market Street Corp. in the Town of Saugeen Shores shall lapse as follows:
 - a. For the first phase, three (3) years after the date of Draft Approval unless it has been extended by the County of Bruce with the concurrence of the Town of Saugeen Shores; and
 - b. For any subsequent phases, five (5) years after the date of Final Approval of the preceding phase.

Utilities & Canada Post

28. An overall utility distribution plan shall be prepared and submitted for approval to the satisfaction of the Town of Saugeen Shores.
29. The Owner agrees to make satisfactory arrangements with the appropriate electricity provider for the provision of permanent or temporary electrical services to this Plan.
30. The Owner agrees to make satisfactory arrangements for the provision of permanent or temporary telecommunications services and cable services to this Plan.
31. The Owner agrees to make satisfactory arrangements for the provision of permanent or temporary gas services to this Plan.
32. The Owner agrees to make satisfactory arrangements for the installation of postal boxes, if deemed necessary by Canada Post. The location and design of postal boxes shall be jointly approved by Canada Post and the Town of Saugeen Shores.

Official Plan and Zoning By-law

33. That the County of Bruce be advised by the Town of Saugeen Shores that the Plan of Subdivision conforms to the Town of Saugeen Shores Local Official Plan approved under the Planning Act.
34. That the County of Bruce be advised by the Town of Saugeen Shores that the Plan of Subdivision conforms to the Zoning By-law approved under the Planning Act. Holding provisions, pursuant to Section 36 of the Planning Act may be used in conjunction with any zone category to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with

the provisions of the Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding "H" symbol.

Notices & Warning Clauses

35. That the Subdivision Agreement between the Owner and the Town of Saugeen Shores include the requirement for the following Notice / Warning Clauses to be included in all offers of purchase and sale for residential lots and blocks on the Plan:
- a. "Stormwater Management Facilities
 Purchasers are advised that facilities for the management of stormwater runoff on the lot are subject to an approved Stormwater Management Plan. No Owner of any lot shall alter, interfere with or remove any of the Stormwater Management Facilities located within the lot except in accordance with the approved Stormwater Management Plan. Changes or alterations to the approved Stormwater Management Plan shall require the prior approval of the Town of Saugeen Shores and Saugeen Valley Conservation Authority."
 - b. "Lot Grading
 Purchasers are advised that the grading of the lot is subject to an approved Lot Grading Plan. No Owner of any lot shall alter the grade or place or remove any fill material within any yard except in accordance with the approved Lot Grading Plan. Changes or alterations to the approved Lot Grading Plan shall require the prior approval of the Town of Saugeen Shores and Saugeen Valley Conservation Authority."
 - c. "Tree Retention
 Purchasers are advised that the existing vegetation on the lot may only be removed in accordance with an approved Tree Retention Plan. Changes or alterations to the approved Tree Retention Plan shall require the prior approval of the Town of Saugeen Shores."
 - d. "Municipal Park and Trail
 Purchasers are advised that a municipal park and trail are located on adjacent lands. As such, noise, light and other effects associated with park, trail and maintenance activities may be expected during the days and evenings throughout the year which, from time-to-time, may include heavy construction vehicles. Purchasers are also advised that areas within the park may be left in a naturally vegetated condition."

Tree Retention and Environmental Protection

36. An integrated Lot Grading and Drainage and Tree Retention Plan shall be prepared and submitted for approval to the Town of Saugeen Shores. The integrated Lot Grading

and Drainage and Tree Retention Plan is to be implemented throughout development of the Plan. Any final lot grading and drainage plans must identify point elevations at the boundaries of tree retention areas to ensure no grading is proposed within tree retention areas.

37. The Tree Retention Plan shall consider requirements for sight triangles at intersections and private driveways, construction of services on road allowances and private lots, driveway access, lot grading and building construction.
38. The Tree Retention Plan shall provide a methodology to be used to remove trees so as to avoid damage to the remaining trees. Specifications shall be provided to ensure minimal damage to tree roots by grading or excavation for footings and services.
39. An Edge Management and Planting Plan shall be prepared to the satisfaction of the Town of Saugeen Shores, to preserve the health of the woodlands and to restore vegetation removed as a result of the development of the Plan. The Edge Management and Planting Plan may be combined with the Tree Retention Plan to the satisfaction of the Town of Saugeen Shores.
40. The Tree Retention Plan shall incorporate all recommendations from the Environmental Impact Study and addenda submitted with the Draft Plan Application.
41. That the Owner provide written correspondence from a qualified professional indicating that the recommendations in the Environmental Impact Study and its addenda, as may be amended, has/is/continues to be followed to the satisfaction of the Town of Saugeen Shores in consultation with the County of Bruce and other agencies as may be required. This shall include, but is not limited to:
 - a. Preparation of a watercourse diversion/enclosure plan, where proposed, which ensures natural water flows are maintained at all times, the westerly outlet point to adjacent lands is maintained, and erosion and sedimentation control measures are installed and maintained until the site is restored.
 - b. Consultation with the Ontario Ministry of Environment Conservation and Parks (MECP) relating to candidate species at risk bat habitat, and the Federal Department of Fisheries and Oceans (DFO) relating to fish habitat and the watercourse diversion/enclosure.
 - c. Preparation of surveys, including an updated species at risk screening, to verify that there are no new species at risk listed with the potential to be impacted by the proposed development or site alteration if the time elapsed since conditional approval is greater than 5 years.
 - d. Implementation of the recommendations from any consultation, designs and plans noted above including submission of consultation records, confirmation of agency direction provided, mitigation measures needed to maintain compliance with applicable policy and legislation, monitoring and compliance reporting, and as-built plans.

42. That the Owner provide an addendum to the Environmental Impact Study should the watercourse realignment/enclosure or servicing plans propose disruption to the tree retention areas identified in the Draft Plan Application and that the Owner carry out or cause to be carried out the recommendations in the Environmental Impact Study to the satisfaction of the Town of Saugeen Shores in consultation with the County of Bruce and other agencies as may be required.
43. That the Subdivision Agreement against the land to which it applies include a clause requiring the Owner to carry out or cause to be carried out the works outlined in conditions 36 to 42 to the satisfaction of the Town of Saugeen Shores in consultation with the County of Bruce and other agencies as may be required.

Attainable and Affordable Housing

44. The Owner shall agree to construct at least two (2) additional residential units within Lots 1 to 12 in the subdivision or two (2) lots specifically identified in the implementing zoning by-law. This term shall be incorporated into the subdivision agreement. Alternatively, the Owner agrees to provide a cash contribution to the Town's Attainable Housing Reserve. Such amount shall be outlined in the subdivision agreement.
45. The Owner agrees to enter into an agreement that would require a minimum of 10% of the units in the development to be affordable.

Offsite Improvements

46. The Owner shall, to the Town's satisfaction, agree to delineate, or make contributions toward, the delineation of a shared cycling route on Market Street between Harbour Street and Highland Street, as recommended in the Transportation Master Plan.

Blocks 14 and 15

47. The Owner agrees, in addition to the standard site plan approval requirements for these blocks, to prepare the following documents:
 - a. Architectural and design guidelines to mitigate the negative impacts of shading, building scale and overview on adjacent properties.
 - b. Tree Retention and Planting Plan to maintain, enhance and restore lands before and during and after construction.
 - c. Screening plan to ensure parking areas and driveways are screened appropriately.
48. Prior to site plan approval for Blocks 14 and 15, the Owner agrees to confirm, by a qualified person, that fire flow calculations (FUS 2020 as well as required sprinkler system flow and pressure as applicable) are provided, as well as WaterCAD modelling and/or hydrant testing to confirm the required pressures and flows are available.

Other

49. All disturbed lots or blocks to be left vacant for longer than thirty (30) days shall be graded, seeded and maintained to the satisfaction of the Town of Saugeen Shores.

Saugeen Valley Conservation Authority

50. That prior to any grading or construction on the site, and prior to Final Approval, the Owner shall submit to the Saugeen Valley Conservation Authority (SVCA) for their review and approval, the following plans, and reports, prepared by a qualified consultant to the satisfaction of the SVCA for Lots 1 to 12; and Blocks 13 – 15:
- a. A "Final Servicing and Stormwater Management Report" and "Lot Grading Plan" in accordance with the prevailing Ministry of Environment planning and design guidelines and other related technical criteria as determined by the SVCA. The Final Report/Plans shall detail the method that will be used to control surface water flow within the development lands and abutting properties during and following construction. If stormwater management infrastructure and site grading is proposed within the 15-metre development setback from the seeps, a letter must be provided from a water resources engineer advising the work will not impact the hydrologic function of the seeps.
 - b. An 'Erosion and Sedimentation Control Plan' indicating the means whereby erosion will be minimized, and sediment contained on-site and from abutting properties throughout all phases of grading and construction and shall include a maintenance plan and provision for timely revegetation of the site.
51. That prior to Final Approval, the Saugeen Valley Conservation Authority (SVCA) review the wording in the Draft Subdivision Agreement between the Owner and the Town of Saugeen Shores to ensure the Agreement addresses all the requirements of the SVCA; and that, the Subdivision Agreement contain provisions for which SVCA is satisfied with the Final Site Plan for Lots 1 to 12 and Blocks 13 to 15; and that includes wording acceptable to the SVCA, including:
- a. The Owner agrees to carry out, or cause to be carried out, the works recommended in the approved plans and final reports as noted in condition 50 a) and b).
 - b. That a SVCA permit be obtained for development activities and watercourse interference within SVCA's Regulated Areas; being the watercourse and hazard lands plus 15 metres on adjacent lands to these features.
 - c. That the Site Plan Agreement(s) for Blocks 14 and 15 be prepared to SVCA's satisfaction and address, among other things, the provision of overland flow routes, specifically on Block 15 to protect development from possible overflow from the existing watercourse on Block 15, whether an open or closed system.

Bluewater District School Board

52. That the Owner(s) shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that student busing is at discretion of the Student Transportation Service Consortium of Grey-Bruce.
53. That the Owner(s) agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey-Bruce.

Saugeen Ojibway Nation

54. That groundwater mitigation measures be implemented during the final design phase of this project to the satisfaction of Saugeen Ojibway Nation.

Digital Plan Submission

55. That prior to Final Approval, the Owner shall submit to the Town of Saugeen Shores and the County of Bruce a digital file of the Plan to be registered in a format approved by the Town of Saugeen Shores and the County of Bruce.

Clearance Conditions

56. That prior to Final Approval being given by the County of Bruce, the County shall receive a clearance letter from the following agencies indicating how conditions applicable to their authority have been completed to their satisfaction:
 - a. Town of Saugeen Shores (conditions 3 to 26, 28, 32 to 49 and 55);
 - b. Electricity Service Provider (condition 29);
 - c. Telecommunications and Cable Service Provider (condition 30);
 - d. Gas Utility Provider (condition 31);
 - e. Canada Post (condition 32);
 - f. Saugeen Valley Conservation Authority (conditions 50 to 51);
 - g. Bluewater District School Board (conditions 52 to 53);
 - h. Saugeen Ojibway Nation (condition 54).

If agency conditions are incorporated into the subdivision agreement, a copy of the draft agreement should be sent to them. This will expedite clearance of the Final Plan.

General Notes to Draft Approval

1. It is the Owner's responsibility to fulfill the Conditions of Draft Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Bruce Planning and Development Department quoting the appropriate subdivision file number.
2. Clearance letters are required from the agencies listed under "Clearance Conditions" of this approval.
3. Final Approval – An 'Application for Final Approval' together with all supporting documentation, plans and the required filing fee must be submitted to the County of Bruce. If the plans comply with the terms of approval, and the County of Bruce has received the required agency clearances, the County's stamp of approval will be endorsed on the plan, and it will be forwarded to the Registry Office for registration.

The number of mylar(s) and white paper prints as required for registration under the Registry Act must be submitted to the County of Bruce along with the 'Application for Final Approval'.

We strongly recommend that a 'draft' of the Final Plan be submitted to the County and the Registry Office for pre-clearance prior to the submission of any Application.

4. You are advised to consult the Land Registrar for requirements for registration prior to applying to the County of Bruce for Final Approval.
5. Note that you will not be advised in writing of the lapsing date of the Draft Plan Approval. It is your responsibility to provide the approval body with the required information and fees to extend this Draft Approval. Should the information and fees not be received prior to the lapsing date, the Draft Plan Approval will lapse. Please note that an updated review of the plan and revision to the Conditions of Approval may be necessary if an extension is to be granted.