

September 7, 2024

To the Mayor and Members of Council  
Township of Scugog  
181 Perry Street  
PO Box 780  
Port Perry, ON L9L 1A7

via email at [clerks@scugog.ca](mailto:clerks@scugog.ca)

Re: Avenu Properties Corp. request for MZO, CR-2024-153

Written submission for inclusion in the agenda of the September 16, 2024  
Planning and Community Affairs Committee meeting

Dear Mayor and Councillors:

I am writing to object to the use of a Minister's Zoning Order (MZO) to facilitate construction of a residential and commercial development by Avenu Properties Corp. at Simcoe St. and Castle Harbour Drive.

The use of an MZO in this instance is not warranted, as there is no extraordinary urgency which would justify such action. Moreover, the MZO language proposed by the proponent would give them license to build virtually anything without regard for the principles of Scugog's Official Plan (OP) and without meaningful restrictions on built form, layout or use as per Section 9 of our Zoning By-law 14-14. The MZO as contemplated by Avenu is precedent-setting and undermines local guidelines which have been established through extensive consultation with the community and qualified administrators and planners.

The Township of Scugog should not consider surrendering control of the planning process as defined by the Planning Act, which recognizes the importance of local authorities in managing development. Construction of any development should still proceed in an orderly fashion through careful review of a proposal which is thoroughly backed up by factual studies. Despite the understandable—if aggressive and problematic—intentions of the Province to increase the housing supply (e.g., Bills 23 and 185), doing so must not come at the expense of overriding principles of safety, sustainability or community involvement.

We are bound, as per our OP, to "...provide for the protection and preservation of the natural environment throughout the Oak Ridges Moraine Conservation Plan, Greenbelt Plan and *within the settlement areas* in the Township..." [my emphasis.] Despite any suggested intent on the part of the proponent to construct a "green" community, there

are no guarantees that this will ultimately come to pass, and it is mere hyperbole when the site in question is a Provincially Significant Wetland on a sensitive and stressed lake. Whatever the merits of the proposed development itself may be, the proposed location is simply, indisputably, not the place for it. Again quoting our OP, “The significant natural heritage features ... and wetlands provide habitat for a wide range of fish, wildlife and vegetation. *There is sufficient land available for development in the Township without the need to disturb these environmentally sensitive areas.*” [My emphasis.]

It should also be noted that this Council’s Strategic Plan (Strategic Direction #4, Natural Environment) emphasizes the need to, among other things:

- Protect, enhance, and restore the natural environment,
- Improve water quality, aesthetics for Lake Scugog which will improve the health of Lake Scugog and recreational opportunities,
- Mitigate environmental impacts by managing them through appropriate consultation, legislation and action.

Covering a sensitive wetland with hardscaping and intensive building does not serve these important principles. A better path must be found.

I note that there are many areas where the proponent’s plan does **not** conform to the guidance of our OP, despite their highlighting areas where it possibly does. For example, the OP states:

- new development in the Township will reflect the existing built form and historic character of the community.
- development in the Port Perry Urban Area [will be] ...sequential and phased to provide for the continuous and orderly development of the community
- targeting an employment to population ratio of 1 job for every 2 people
- protecting, and enhancing wherever possible, the shoreline areas adjacent to Lake Scugog...by designing development to minimize and reduce the impact of human activity on the lake ecosystem...and encouraging stewardship of the abutting lands that recognizes the sensitivity of the lake

- ensuring that the infrastructure required to serve the urban area is built as necessary prior to, or coincident with, urban development

To address the last point, note that Avenu proposes to construct the development in phases, starting with approximately 230 units, and that well(s) may be used to supply potable water on an interim basis. The water and wastewater infrastructure for the site seems to be a vulnerable bottleneck, and I am concerned that any well use might compromise the water supply for the neighbouring established residential areas, and that delays in providing water main supplies could render the development untenable.

There are many other considerations in our OP (especially Sections 3 and 4) which have not been adequately addressed by the proponent's preliminary studies or their enthusiastic but very subjective reports. Suffice it to say that most of these concerns, such as soil conditions, drainage, stormwater management, utilities, traffic, waste and recycling management, shoreline integrity, natural habitats, watershed management and others would be properly dealt with through the normal, rigorous planning process.

Avenu has documented several meetings it has had with stakeholders, I note that they have included dozens of questions that were asked of them at these meetings. They have not, however, provided answers.

Given the lack of clarity on the specifics of their proposal and the preliminary nature of the limited studies they have provided, it is again clear that the MZO is not an appropriate means of approval for any stage of this development.

It is also important to the Township, as part of the planning process, that there is assurance that the developer will be responsible for ensuring the ongoing maintenance and repair of the on-site infrastructure. Scugog cannot afford to be burdened with a malfunctioning wastewater system or any other structural, electro-mechanical, waste removal or traffic management issues. There must be ironclad agreements in place to protect the Township from liability for any such matters, while also ensuring the prospective residents of any such development have safe, sustainable accommodations. There is no such clear undertaking at this stage, and the MZO as written does not address this concern. Nor, for that matter, are MZO's the tools by which such things as affordability, upkeep, and related matters are enforced. However, an MZO *may* obviate obligations which would normally be incumbent upon a developer.

In summary, there are many very significant concerns with the proposed Avenu development, and their request for the Township of Scugog to support an MZO to accelerate their project is absolutely not in the community's best interest. Avenu has indicated it is important to their reputation as a developer to succeed with this project quickly, but Scugog is not responsible to Avenu on that front. Rather, Scugog is

responsible to its residents and businesses—its taxpayers—to meet the objectives of sustainable, environmentally sound and orderly development where the rights and obligations of our Official Plan and Zoning By-law are respected and upheld.

I urge Council to refuse the Avenu MZO request, and proceed with a robust, objective planning process for this environmentally sensitive property.

Sincerely,

A handwritten signature in cursive script that reads "Ray Smith".

Ray Smith

A solid black horizontal bar used to redact information, likely a phone number.A second solid black horizontal bar used to redact information, likely an email address.