

Planning Justification Report: Consent to Sever, Official Plan Amendment and Zoning By-law Amendment



Michael Heintz

P/N 3651 | October 15, 2025

County of Simcoe, Town of Midland

Lot 23, Part Lot 87, Concession 1, East of Penetanguishene Road

Revision History

Issue	Date	Prepared by:	Revision Notes
First Issue	October 15, 2025	Craig Mathieson BUrbPlan(Hons), Michael Wynia, MCIP, RPP	
Revision 1			
Revision 2			
Revision 3			

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Michael Heintz – Consent to Sever, Official Plan Amendment, and Zoning By-law Amendment

1400 Everton Road, Midland, Lot 23, Part Lot 87, Concession 1

County of Simcoe, Town of Midland

1.0 Introduction

This Planning Justification Report (“PJR”) has been prepared on behalf of Michael Heintz (“the client”) in support of a local Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBA”), and consent application to create three (3) additional lots on his property (also referred to as “the Project”, “the proposal”, and “the proposed severance”), located at 1400 Everton Rd, Midland, (also referred to as “the Site” and “the subject lands”).

A pre-consultation meeting was undertaken with the Town of Midland (“the Town”) on May 15th, 2025 which confirmed the application and technical reporting requirements. The meeting confirmed that an OPA, ZBA, and consent application would be required to facilitate the Project. Additionally, a PJR, Environmental Impact Study (“EIS”), Archaeological Assessment, and a Functional Servicing Report (“FSR”) would be required to support the approval process.

Skelton Brumwell & Associates Inc. (“SBA”) has been retained to prepare this PJR, which includes a description of the Site and the proposal, analysis of the planning policy, and an opinion with respect to the proposal. Included in this report is the analysis of the planning policy contained within the *Provincial Planning Statement 2024* (“PPS 2024”), *County of Simcoe Official Plan* (“County OP”), the *Town of Midland Official Plan* (“Town OP”) and the *Town of Midland Zoning By-law 2004-90* (“Town ZB”), with respect to the proposal.

This PJR has been prepared on behalf of the client in support of the proposal and meets the requirements of the Planning Act.

1.1 The Site and Surrounding Environment

The subject property is an approximately 2-hectare, regular shaped land parcel with approximately 133 metres of frontage onto Everton Road. It is legally described as Lot 23, Part Lot 87, Concession 1, in the Town of Midland. The property is partially serviced, with an existing 50-millimetre municipal watermain fronting the lot along Everton Road. Sanitary servicing is provided via a private septic system.

A single detached residential dwelling is located in the southeastern portion of the property and is currently occupied by the owner as their primary residence. The remainder of the property is heavily vegetated and features predominantly deciduous woodland. The northern boundary of the property abuts municipally owned lands that contain a municipal water tower.

Topographically, the Site slopes gently from approximately 235 metres above sea level (“masl”) at the northwest corner to 222 masl at the southeastern edge along Everton Road.

The surrounding area is generally rural residential/ suburban in character, consisting primarily of detached dwellings interspersed with mature woodland. Lot sizes in the immediate vicinity vary, typically ranging from approximately 800 square metres to 4,500 square metres. The broader area to the west and north remains largely vegetated, with pockets of dense, undisturbed woodland vegetation. The immediate surrounding environment to the south and east, however, is more suburban in nature, consisting of single detached residential development associated with the Town of Midland and Town of Penetanguishene.

A general description of the surrounding environment is as follows:

- North** The property abuts municipally owned lands that accommodate a water tower and are zoned as rural. Beyond this, the area remains largely undeveloped and heavily vegetated.
- East** A large residential dwelling is situated on a lot approximately 8,000 square meters in size. Further east lies Frontenac Avenue, which provides vehicular access to the Town-owned water tower. Beyond Frontenac Avenue is a residential subdivision characterized by smaller lots and a more suburban form.
- South** Everton Road forms the southern boundary of the Site. Across the road are detached residential dwellings on lots approximately 4,000 square metres in size. This southern edge reflects a continuation of the low-density residential pattern found in the area.
- West** To the west of the Site (north of Everton Road) is a large, vacant, undeveloped parcel containing mature woodland. South of Everton Road, the land use mirrors that to the east and south, with detached residential homes on lots approximately 4,000 square metres in size.



Figure 1: The Site and immediate surrounding environment.

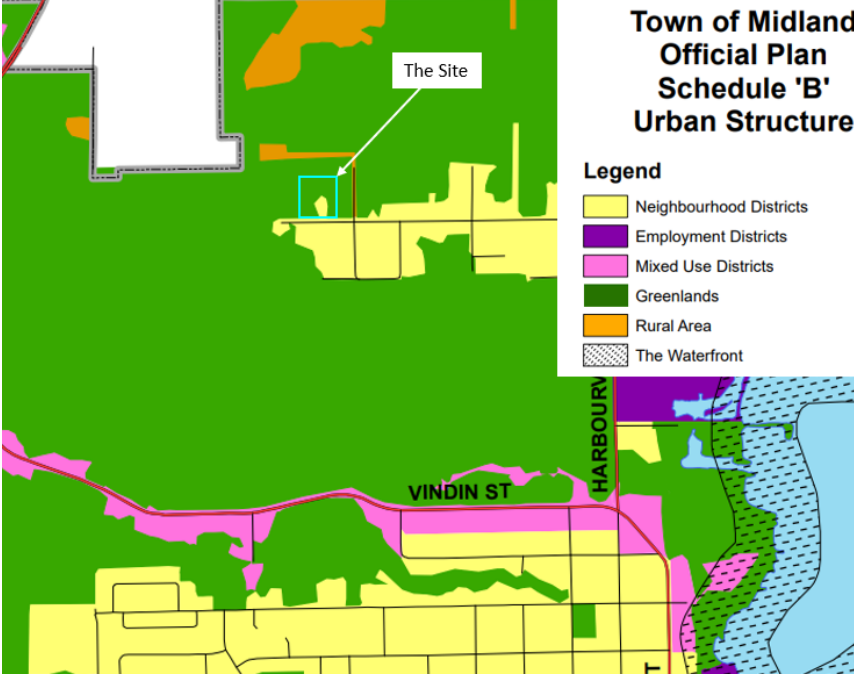
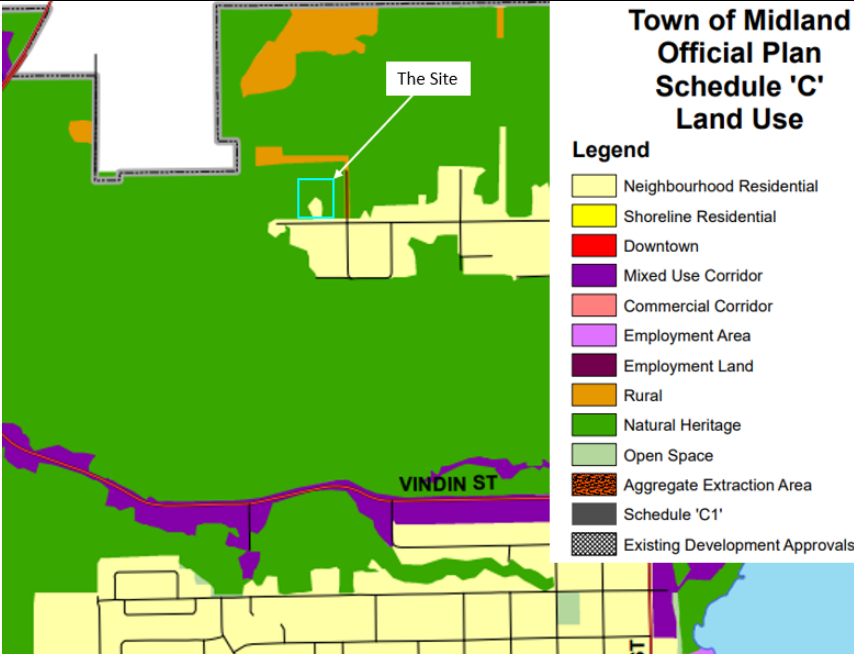
1.1.1 Land Use Classification

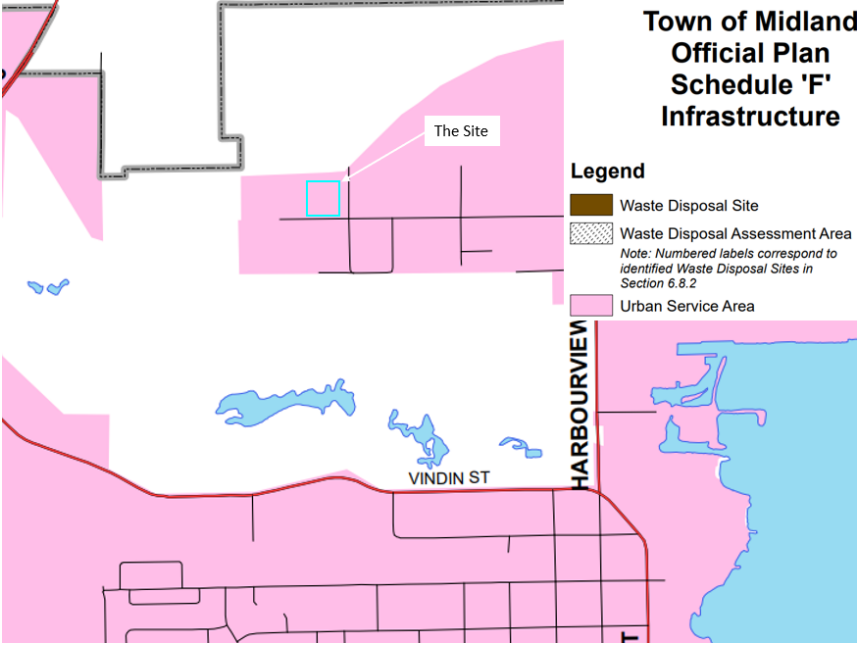
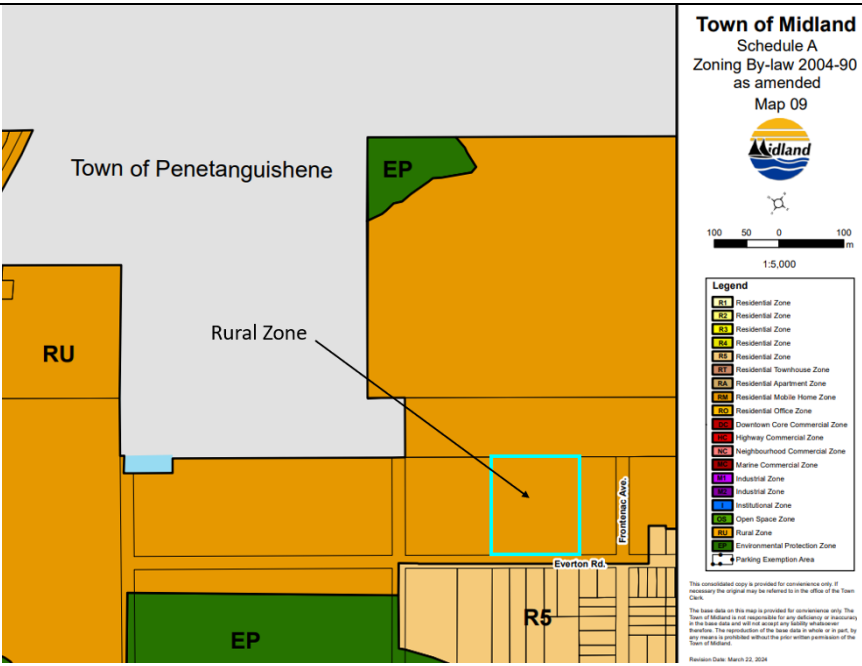
The Site is governed by the Official Plans of the County of Simcoe and the Town of Midland.

Table 1, below, outlines the land use classification of the Site according to the County OP, Town OP, and Town ZB:

Table 1: Land Use Classification of the Site.

Planning Document	Classification	Map
County OP Schedule 5.1 (Land Use Designations)	The Site is within the 'Settlement Area' and the 'Built Boundary'.	SCHEDULE 5.1 To the County of Simcoe Official Plan LAND USE DESIGNATIONS Designations - Settlements - Greenlands - Agricultural - Rural Reference Data - Settlement Area Boundary - Built Boundaries
Town OP Schedule A, (Growth Areas)	The Site is within the 'Delineated Built Boundary'. Most of the Site (except existing dwelling location) is within the 'Greenlands' designation	Town of Midland Official Plan Schedule 'A' Growth Areas Legend - Delineated Built Boundary - Secondary Plan Area - Municipal Boundary/Settlement Area Boundary Lands within the Delineated Built Boundary - Strategic Growth Areas I - Downtown and Waterfront Strategic Growth Area - Greenlands Lands outside the Delineated Built Boundary - Strategic Growth Areas II - Greenlands

Town OP Schedule B (Urban Structure)	Most of the Site is within the 'Greenlands' area. The approximate existing dwelling location and immediate surrounds is within the 'Neighbourhood Districts' area.	 Town of Midland Official Plan Schedule 'B' Urban Structure Legend - Neighbourhood Districts - Employment Districts - Mixed Use Districts - Greenlands - Rural Area - The Waterfront
Town OP Schedule C (Land Use)	Most of the Site is within the 'Natural Heritage' designation. The approximate existing dwelling location and immediate surrounds is within the 'Neighbourhood Residential' designation.	 Town of Midland Official Plan Schedule 'C' Land Use Legend - Neighbourhood Residential - Shoreline Residential - Downtown - Mixed Use Corridor - Commercial Corridor - Employment Area - Employment Land - Rural - Natural Heritage - Open Space - Aggregate Extraction Area - Schedule 'C1' - Existing Development Approvals

Town OP Schedule F (Infrastructure)	The Site is within the 'Urban Service Area'.	
Town OP Schedule C (Land Use)	The Site is zoned 'Rural (RU)'. The surrounding zoning is 'Rural (RU)' and Residential 5 (R5)'.	

1.2 Overview of the Proposal

The proposal seeks to create three (3) additional residential lots to the east of the existing dwelling. The existing dwelling will remain on the retained lot.

Each newly proposed lot will have approximately 27 metres of frontage onto Everton Road, a depth of approximately 150 metres, and a total lot area of approximately 4,050 square metres. These lot dimensions are consistent with the existing residential lot fabric located immediately to the south of the Site, on the opposite side of Everton Road.

The retained lot, which will continue to accommodate the existing dwelling, will have a frontage of approximately 54 metres, a depth of 150 metres, and an area of approximately 8,100 square metres.

A conceptual lot layout is provided in Figure 2 and attached as Appendix A to this report. The conceptual design illustrates potential building envelopes on each lot, as well as driveway access and appropriate space for the installation of private septic systems. The proposed configuration is intended to ensure compliance with applicable zoning provisions and servicing requirements.

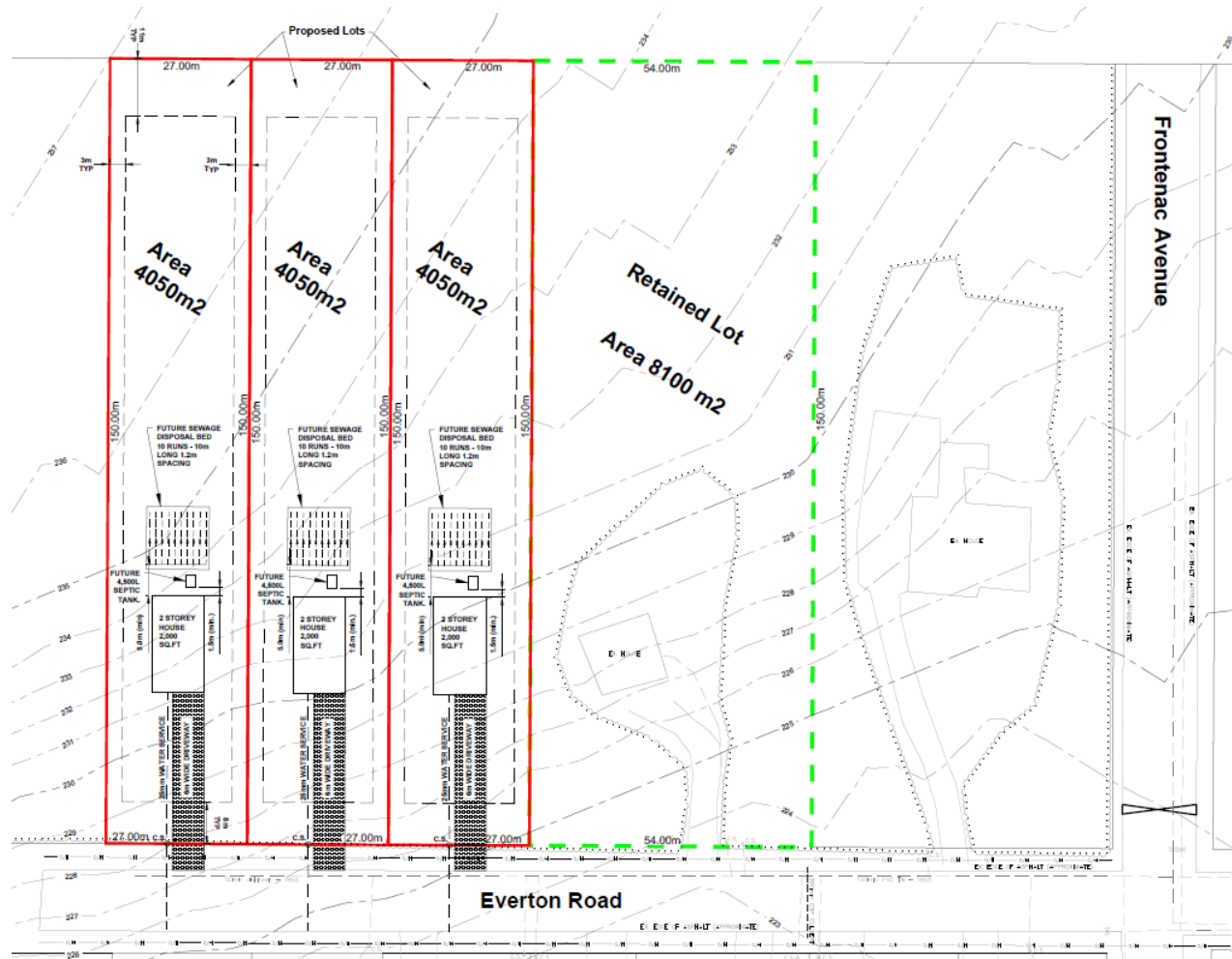


Figure 2: Proposed severance.

1.3 Required Applications

The following applications are required and have been submitted to the Town of Midland under the *Planning Act* to authorize the proposal, as summarized in Table 2:

Official Plan Amendment:

- Redesignate the Site from 'Natural Heritage' to 'Neighbourhood Residential'
- The Site is within the 'Urban Service Area'. An exception to Policy 6.2.4b) of the Town OP is required to permit the development of the proposed lots to onsite private septic.

A draft OPA is provided as Appendix B.

Zoning By-law Amendment:

- Rezone the Site from 'Rural' to 'Residential 5'.

A draft ZBA is provided as Appendix C.

Consent:

- To create three (3) new lots to the west of the existing dwelling.

Table 2: Required Applications.

Application	Approval Authority
Official Plan Amendment	Town of Midland
Zoning By-law Amendment	Town of Midland
Consent to Sever	Town of Midland

It is noted that both the proposed lots and retained lot can comply with all of the zoning provisions of the 'Residential (R5)' zone.

1.4 Technical Reports

As advised through the pre-consultation process, and provided in support of the application to permit the severance proposal, is this PJR and the following technical reports:

- Natural Heritage Assessment/EIS;
- Archaeological Assessment; and
- FSR.

The key information within these reports is summarised in the below sections of this report.

1.4.1 Environmental Impact Study

A full natural heritage assessment, or EIS, was completed in support of the proposed lot creation. The EIS assessed the potential for natural heritage features to be impacted by the proposal and concluded that the proposal can proceed with no significant negative environmental effects, provided standard mitigation measures are followed.

The field investigation confirmed that the majority of the Site is composed of younger, regenerating woodland that lacks suitable habitat (e.g., cavity trees) for Species at Risk bats. Larger, mature woodland features with greater ecological value are located off-site on adjacent lands and will remain unaffected. Eastern Wood-Pewee and Wood Thrush, two bird species of conservation concern, were observed in the area. However, the development is limited to cleared or previously disturbed portions of the Site, which is sufficiently separated from habitat areas, thereby avoiding direct impact.

Appropriate mitigation measures are recommended to protect wildlife during any required vegetation removal. These include:

- Avoidance of vegetation clearing between April 1st and August 31st, unless a qualified ecologist confirms the absence of active bird nests;

- Prohibition of removing trees with known cavity or stick nests (e.g., Pileated Woodpecker, owl nests, or raptor nests) unless confirmed inactive and in accordance with applicable legislation;
- Avoidance of vegetation removal during known bat maternity roosting periods (April 1st to October 15th) unless supervised by a qualified ecologist.

The EIS concludes that, subject to adherence with the above mitigation, the proposal will not result in negative impacts to:

- Wetlands;
- Significant woodlands;
- Significant wildlife habitat;
- Provincially or regionally significant Areas of Natural and Scientific Interest (ANSI);
- Fish habitat;
- Significant valleylands; or
- Habitat of endangered or threatened species; and
- No disruption to natural heritage linkages is anticipated.

The EIS concludes that the proposal is consistent with the PPS 2024 and conforms to the natural heritage protection policies of the Town of Midland and County of Simcoe Official Plans.

1.4.2 Archaeological Assessment

A Stage 1 and 2 Archaeological Assessment was undertaken in support of the proposed lot creation.

The Stage 1 assessment identified that the Site exhibits archaeological potential for both pre-contact and post-contact cultural resources. As such, a Stage 2 test pit survey at five-metre intervals was required. This survey was completed on June 17, 2025, and focused on the portion of the Site subject to the proposed severance.

During the Stage 2 investigation, a single Indigenous pottery shard was recovered from one positive test pit located in the northwestern corner of the property. This isolated artifact, dating to the Woodland period, was deemed to have cultural heritage value and interest, and the location has been registered with the Ministry as the 'Everton Site'.

Although the find is situated well outside the area of potential future dwelling development (which will be close to the road frontage of Everton Road), the discovery triggered the requirement for a Stage 3 site-specific assessment.

Long-term protection was selected as the appropriate Stage 3 mitigation strategy. This approach restricts any soil disturbance within the Site (an area of less than 5x5 metres) and its 10-metre buffer (refer Figure 3), including tree removal restrictions, landscaping, and other activities that may impact the artifact. As part of the Stage 3 process, appropriate protection mechanisms will be secured to ensure the long-term preservation of the artifact, consistent with Ministry requirements.



Figure 3: Approximate location of artifact and buffer area.

1.4.3 Site Servicing Plan and Functional Servicing Report

A FSR has been prepared to review and outline the servicing requirements for the proposed lots. The conclusions reached in the FSR are copied below:

“Based on the preceding analysis, it is our opinion that the proposed severances can be undertaken to establish three (3) new residential lots in the Town of Midland. Each lot will be serviced by a private sewage disposal system, which will be designed as part of the Building Permit phase of development. The existing watermain, while small, appears to have sufficient pressure to accommodate the proposed lots while satisfying the minimum requirements for maximum daily demand plus fire flow conditions.

The owners of individual lots may be required to connect to municipal sanitary infrastructure if/when it becomes available.

Any future landowners/buildings will need to circulate design plans to Hydro One, Enbridge Gas, and Bell Canada to allow sufficient time for service connections to be designed and constructed.”

2.0 Policy Context and Analysis

In Ontario's hierarchical, policy-led planning system, planning proposals must be consistent with and conform to a variety of legislation and policy documents, including the Planning Act, provincial policy, and other strategies and agreements, as applicable geographically.

The following sub-sections provide an overview of applicable policies with regard to the proposal.

2.1 Planning Act, RSO 1990

Sections 2 and 3 of the *Planning Act* require that planning decisions have regard to matters of provincial interest, be consistent with the provincial policy statements and conform to the provincial plans that are in effect.

Section 2.2 of this PJR examines the applicable provincial policy as it relates to the Project. Those matters of provincial interest (set out in Section 2 of the Planning Act) of most relevance are set out and assessed below.

(a) Protection of ecological systems, including natural areas, features and functions

Addressed through the EIS, which concludes no negative impacts to wetlands, woodlands, wildlife habitat, ANSIs, fish habitat, valleylands, or endangered/threatened species habitat. No disruption of natural heritage linkages is anticipated. Appropriate mitigation is recommended.

(d) Conservation of features of significant architectural, cultural, historical, archaeological or scientific interest

An archaeological assessment was completed. An artifact was found on the northwestern portion of the property, and long-term protection measures will ensure conservation.

(e) Supply, efficient use and conservation of energy and water

Municipal water is available and confirmed to have sufficient pressure and capacity. Each lot will utilize private septic systems designed to current standards. The development represents efficient use of existing municipal water infrastructure.

(f) Adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems

The FSR confirms watermain capacity. Sewage disposal is private and will be designed at the building permit stage. Waste collection will continue via municipal services. Transportation access is via existing municipal roads.

(j) Adequate provision of a full range of housing, including affordable housing

The creation of three new residential lots, although not considered 'affordable housing', will contribute modestly to the housing supply in Midland.

(l) Protection of the financial and economic well-being of the Province and its municipalities

The development will result in additional tax revenue for the Town of Midland.

(p) Appropriate location of growth and development

The proposal represents lot creation within the Town of Midland 'Settlement Area' and 'Built Boundary', an area intended for residential development.

Overall, the Project has appropriate regard to relevant Provincial interests as set out in the Planning Act, and aligns with those interests.

2.2 Provincial Planning Statement, 2024

Provincial policy is issued under Section 3 of the Planning Act, and it contains overall policy directions on matters of provincial interest related to land use planning and development. All amendments to Official Plans and Zoning By-laws must be consistent with provincial policy.

The PPS 2024 is divided into four key sections: Building Homes, Sustaining Strong and Competitive Communities; Infrastructure and Facilities; Wise Use and Management of Resources; and Protecting Public Health and Safety.

The PPS 2024 policies of most relevance to the Project are copied and assessed, below.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.2 Housing	
2.2.1(b) and (c)	<i>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</i> ... <i>b) permitting and facilitating:</i> <i>1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and</i> <i>2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;</i> <i>c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</i> ...
2.3 Settlement Areas and Settlement Area Boundary Expansions	
2.3.1.1	<i>Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.</i>

The proposed severance contributes to the supply of housing through the creation of three new residential lots within the designated settlement area of the Town of Midland. This represents a modest form of residential intensification that results in a net increase in housing units in a location surrounded by similar suburban residential uses, thereby ensuring compatibility with the surrounding community. The lots will be serviced by existing municipal water infrastructure, with sewage disposal accommodated by private septic systems designed to Ontario Building Code standards, requiring no additional municipal investment. The proposal therefore makes efficient use of land, services, and resources, while directing growth to a settlement area, which is explicitly identified by the PPS 2024 as the focus of growth and development.

Chapter 3: Infrastructure and Facilities

3.6 Sewage, Water and Stormwater	
3.6.2	<i>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.</i>

3.6.3	<i>Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety</i>
3.6.4	<i>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.</i>
...	
3.6.5(b)	5. Partial services shall only be permitted in the following circumstances: a) <i>where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development;</i> b) <i>within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts; or</i> c) <i>within rural settlement areas where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services.</i>

While Policy 3.6.2 and 3.6.3 establish that full municipal or private communal services are the preferred forms of servicing in settlement areas, municipal sanitary servicing is not available in this location and is not anticipated in the foreseeable future. In this context, Policy 3.6.4 applies, which permits individual on-site sewage services where site conditions are suitable, and no negative impacts will result. A FSR prepared for the project confirms that, conceptually, private septic systems can be appropriately accommodated within the new lots, and that the existing 50-millimetre diameter municipal watermain has sufficient capacity to service those new lots. Further, Policy 3.6.5(b) applies, as the new lots will be 'partially serviced'. The lots will be serviced by the existing municipal water supply and private septic systems, consistent with the policy direction to allow infilling on partial services where site conditions are suitable and long-term servicing can be sustained.

Chapter 4: Wise Use and Management of Resources

4.1	Natural Heritage
4.1.1	<i>Natural features and areas shall be protected for the long term.</i>
4.1.2	<i>The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</i>
4.1.4	<i>Development and site alteration shall not be permitted in:</i> a) <i>significant wetlands in Ecoregions 5E, 6E and 7E1; and</i> b) <i>significant coastal wetlands.</i>
4.1.5	<i>Development and site alteration shall not be permitted in:</i> a) <i>significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;</i> b) <i>significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);</i> c) <i>significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);</i> d) <i>significant wildlife habitat;</i> e) <i>significant areas of natural and scientific interest; and</i> f) <i>coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)</i>

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

4.1.6	<i>Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</i>
4.1.7	<i>Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.</i>
4.1.8	<i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</i>

Compliance with the natural heritage policies of the PPS 2024 requires confirmation of whether features identified in Policies 4.1.1 through 4.1.8 are present on the subject property or adjacent lands. Where such features exist, development may only proceed if it can be demonstrated that no negative impacts will occur and, where appropriate, that vegetation protection zones are established. An EIS was prepared in support of this application, with its conclusions summarised in section 1.4.1 of this report. The EIS indicates that, subject to adherence with the recommended mitigation measures, the proposal will not result in negative impacts to:

- Wetlands;
- Significant woodlands;
- Significant wildlife habitat;
- Provincially or regionally significant Areas of Natural and Scientific Interest (ANSI);
- Fish habitat;
- Significant valleylands;
- Habitat of endangered or threatened species; and
- Is not anticipated to disrupt natural heritage linkages.

The EIS concludes that the proposal is therefore consistent with the natural heritage policies of the PPS 2024.

4.6 Cultural Heritage and Archaeology

4.6.2	<i>Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved..</i>
4.6.5	<i>Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.</i>

In accordance with Policy 4.6.2, archaeological assessments were undertaken on the property, and as described in section 1.4.2 of this report, artifacts of cultural heritage value and interest were discovered in the northwestern portion of the Site. These resources will be protected for the long term through the establishment of a restrictive buffer area, which will be legally secured on title to the affected lot. This mechanism ensures that the archaeological resource is conserved and safeguarded from future disturbance. With respect to Policy 4.6.5, engagement has been initiated with the Huron-Wendat Nation and the Chippewas of Rama First Nation to provide an opportunity for their interests to be expressed and considered in the identification and long-term protection of the resource. This process ensures the proposal has appropriate regard for Indigenous interests in accordance with the PPS 2024.

Overall, given the above assessment, it is considered the Project is consistent with the cultural heritage policies of the PPS 2024.

2.3 County of Simcoe Official Plan, 2023

The upper-tier Official Plan is the broad planning document which deals with planning matters affecting all lower-tier municipalities within its jurisdiction. It provides direction for the development of lower-tier Official Plans and addresses cross-jurisdictional matters, such as transportation and infrastructure, growth management, and natural heritage.

According to the County OP, the subject lands are designated as 'Settlement Area'. The County OP policies considered most relevant to the proposal are identified and assessed, below.

General Development Policies - Lot Creation

- 3.3.4 *Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities.*
- 3.3.14 *All new land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the appropriate Minimum Distance Separation Formulae, as prepared by the Province. Decisions on the location and form of subdivision and development should be made with an objective of protecting prime agricultural areas based on agricultural designation for agriculture and minimizing land use conflicts between agriculture and other uses*

Consistent with Policy 3.3.4, each of the proposed new lots will front onto an existing municipal road (Everton Road), with access permits obtainable through the Town of Midland as the road authority. With respect to Policy 3.3.14, the Site is located within a designated settlement area and is surrounded by existing residential uses, rather than prime agricultural lands. As such, the Minimum Distance Separation (MDS) Formulae do not apply, and no land use conflicts with agricultural operations will result from the proposed lot creation.

Natural Heritage

- 3.3.15 *Despite anything else in this Plan, except Section 4.4 as it applies to mineral aggregate operations only, development and site alteration shall not be permitted:*
- i. *In significant wetlands and significant coastal wetlands.*
 - ii. *In the following unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions: Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands (not covered by 3.3.15 i) above).*
 - iii. *In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2.0 hectares or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).*
 - iv. *In fish habitat except in accordance with provincial and federal requirements.*
 - v. *In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
 - vi. *On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:*
 - a. *a. within 120 metres of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;*

- b. *within 50 metres of significant areas of natural and scientific interest – earth science;*
- c. *A reduced adjacent lands from the above may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the approval authority in consultation with the applicant prior to the submission of a development application, and supported by an EIS, demonstrating there will be no negative impacts beyond the proposed reduced adjacent lands area.*

Nothing in the above policies is intended to limit the ability of agricultural uses to continue.

Despite anything else in Sections 3.3 and 3.8, in those portions of the Greenlands designation including Section 3.8.10 that are also designated in Provincial plans as listed in Section 3.8.10 (a) to (h), if the provisions of the Provincial plan are more restrictive than those of Section 3.8, then the Provincial plan prevails.

As already stated, the EIS indicates that, subject to adherence with the recommended mitigation measures, the proposal will not result in negative impacts to the various natural heritage features and areas listed under Policy 3.3.15, thereby ensuring the Project is consistent with that policy.

Settlements

- 3.5.8** *Settlement areas shall be the focus of population and employment growth and their vitality and regeneration shall be promoted. Lands may only be redesignated from lands not for urban uses to lands for urban uses in accordance with Sections 3.5.9 or 3.5.11 of this Plan. Residential, commercial, industrial, institutional, and recreational land uses shall be developed within settlement area boundaries on land appropriately designated in a local municipal official plan for the use. Land use designation changes within settlement area boundaries do not require a County Official Plan amendment. The uses permitted in the land use designations within settlement area boundaries may be further restricted or prohibited in the local municipal official plans in order to facilitate urban development.*

The Project is consistent with Policy 3.5.8, as it involves residential lot creation within the designated settlement area of the County of Simcoe and the Town of Midland, where population growth and regeneration are directed to occur. While the lands are currently designated “Natural Heritage” in the Town’s OP, a redesignation to “Neighbourhood Residential” is proposed to reflect the residential character of the surrounding area and lack of natural heritage features. This redesignation is supported by the EIS, which confirms that the proposal can proceed without negative impacts to natural heritage features or functions.

Source Protection

- 3.15.15** *In vulnerable areas where a future individual on-site sewage service would be a significant drinking water threat, new development including lot creation, based on individual on-site sewage services may be permitted, only where the lot size for the proposed development is based on the most current version of Ministry of the Environment and Climate Change (MOECC) guidelines for individual on-site servicing. Lots of record that exist on the effective date of the South Georgian Bay Lake Simcoe Source Protection Plan are exempted.*
- 3.15.17** *3.15.17 New major development (excluding single detached residential, barns and non-commercial structures that are accessory to an agricultural operation) that may reduce the recharge of an aquifer in a WHPA-Q2 with a moderate or significant risk level are only permitted where it can be demonstrated through the submission of a Hydrogeological Study that the existing water balance can be maintained through the use of best management practices such as low impact design. Where necessary, implementation and maximization of off-site recharge enhancement within the same WHPA-Q2 area to compensate for any predicted loss of recharge from the development shall occur.*

- 3.15.18 *The use of best management practices such as low impact design to maintain predevelopment recharge rates for non-major developments or site alterations that would be a significant drinking water threat in a WHPA-Q2 assigned a moderate or significant risk level shall be required.*

According to the Source Protection mapping, the Site is located within both a WHPA-E and a WHPA-Q2 area. The proposed creation of three new lots within the WHPA-E will be serviced by individual on-site septic systems, which will be designed in accordance with current MECP guidelines. The FSR confirms that, at a conceptual level, the Site is suitable to accommodate private septic systems for each lot. With respect to Policies 3.15.17 and 3.15.18, while the proposal does not constitute “major development” in a WHPA-Q2, best management practices such as low-impact design and maintaining pre-development recharge conditions will be applied through grading, drainage, and stormwater measures to ensure the development does not adversely affect groundwater recharge.

Cultural Heritage Conservation

- 4.6.5 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*
- 4.6.13 *Should aboriginal archaeological resources or burial places be found through assessment or during the development process, then the County and/or applicable local municipality shall provide notification to the appropriate aboriginal community(s).*

The proposal is consistent with Policy 4.6.5, as archaeological resources identified on the Site will be conserved through the establishment of a restrictive buffer that will be legally secured on title to the affected lot, ensuring their long-term protection. In accordance with Policy 4.6.13, appropriate Indigenous communities have been notified of the findings, ensuring that their interests are considered through the approvals process.

Infrastructure: Sewage and Water Services

- 4.7.4 *The preferred method of servicing settlement areas and other multi-lot developments is full municipal sewage services and full municipal water services. A local municipality may direct growth towards a particular settlement area to achieve this policy. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*
- 4.7.5 *Where full municipal sewage services and municipal water services are not provided, municipalities may allow the use of private communal water services and private communal sewage services.*
- 4.7.6 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where a study concludes that the provision of full municipal sewage services and municipal water services or private communal sewage services and private communal water services cannot be implemented, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling or minor rounding out of existing development.*
- 4.7.12 *Municipal sewage services and municipal water services or private communal water services and private communal sewage services should be developed together. The development of new or expansion of existing partial services is not permitted, except:*
b) within existing partially serviced settlements, to allow for infilling or rounding out of existing development provided there is reserve sewage system capacity and/or reserve water system capacity and site conditions are suitable for the long-term provision of such services

Similar to my assessment of the PPS 2024 policies (3.6.2–3.6.4), County Policies 4.7.4–4.7.6 establish a servicing hierarchy that prefers full municipal or communal services but allows individual on-site systems for infilling where other options are not available. In this case, municipal sewage is

not available, and the FSR confirms that private septic systems can be accommodated and that the existing 50 millimetre municipal watermain has sufficient capacity to service the three proposed lots. Consistent with Policy 4.7.12(b), the proposal represents a minor form of infilling within an existing partially serviced settlement, where site conditions are suitable for long-term servicing.

Overall, given the above assessment, the Project is consistent with County OP's relevant policies.

2.4 Town of Midland Official Plan, 2019

The local Official Plan is the local planning document which provides a vision, land uses, and policies to direct growth and development at the lower-tier municipal level. It refines the direction of the upper-tier plan and includes matters of local planning interest.

Under the Town OP, the lands are classified as mostly 'Greenlands' with a small portion as 'Neighbourhood Districts' (Schedule A and B maps) and similarly designated as 'Natural Heritage' and 'Neighborhood Residential' (Schedule C maps). The adjacent lands also have a 'Greenlands' classification and a 'Natural Heritage' designation, with the lands to the south (south of Everton Road) having a 'Neighbourhood Residential' designation.

The Town OP policies of relevance to the proposal are identified and assessed, below:

3.2 Housing

Range and Mix of Housing

- 3.2.2(a) *The Town shall encourage the provision of an adequate supply and a full range and mix of housing types and tenures to meet the needs of all current and future residents, including affordable housing. To provide housing opportunities, the Town shall maintain a supply of land through residential intensification, redevelopment, and, as necessary, lands designated and available for residential development...*

The proposal contributes to the Town's objective of maintaining an adequate supply of residential land by creating three new lots within the Delineated Built Boundary. The proposed lot sizes and frontages are consistent with the established residential fabric along Everton Road, supporting compatible intensification. Although the specific designs of the future dwellings are not yet determined, they will be single detached homes, an appropriate form within the neighbourhood context. Overall, the proposal is consistent with Policy 3.2(a) as it provides additional housing in an appropriate location by making efficient use of land already anticipated for this purpose.

3.4 Cultural Heritage

Archaeological/Marine Archaeological Sites

- 3.4.6(c) *Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, the Town will not take any action to approve the development, and the owner of such land will be requested to have an Archaeological Assessment and fieldwork studies carried out by a licensed archaeologist in accordance with the Provincial standards to:*
- i. Assess the property;*
 - ii. Assess the impact of the proposed development*
 - iii. Indicate methods to mitigate any negative impact of the proposed development on any archaeological resources, including methods of recovery and preservation;*
 - iv. Comply with current Ministry of Tourism, Culture and Sport standards and guidelines for consulting archaeologists; and,*
 - v. Provide a Compliance Letter issued by the Province for any completed archaeological study.*

- 3.4.6(d) *A Stage 1 Archaeological Assessment and fieldwork, to be carried out by a licensed archaeologist, may be identified by the Town as a requirement for a Complete Application for any development prior to submission of an application for development. This Stage 1 Archaeological Assessment shall be prepared to the satisfaction of the Town, in collaboration with the Heritage Committee, and other appropriate authorities having jurisdiction, including First Nations and the Métis Nation.*
-
- 3.4.6(e) *Where the Stage 1 Archaeological Assessment identifies areas of archaeological potential, a Stage 2 Archaeological Assessment and fieldwork shall be provided prior to the approval of any application for site alteration or development. If archaeological resources are identified in the Assessment, the application shall include a conservation plan to conserve any archaeological resources identified for protection prior to the approval of any site alteration or development approval. This Stage 2 Archaeological Assessment shall be prepared by a licensed archaeologist, to the satisfaction of the Town, in collaboration with the Heritage Committee, and other appropriate authorities having jurisdiction, including First Nations and the Métis Nation.*
-
- 3.4.6(f) *Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential as determined through a Stage 1 or Stage 2 Archaeological Assessment, if the significant archaeological resources have been conserved by removal and documentation, or by conservation in situ, with conservation in situ being the preferred option. Where significant archaeological resources must be preserved in situ, only development and site alteration which maintains the heritage integrity of the site may be permitted.*
-
- 3.4.6(g) *All Archaeological Assessments must be reviewed and a compliance letter issued by the Ministry of Tourism, Culture and Sport. A copy of the Assessment Report and the compliance letter will be provided to the Town by the licensed archaeologist who completed the assessment. The Town will maintain copies of all reports and compliance letters for information purposes*
-
- 3.4.6(h) *Where areas of archaeological potential or archaeological resources are identified through a Stage 2 Archaeological Assessment and are found to be First Nations or Métis in origin, the proponent is required, through their consultant archaeologist, to ensure all First Nations and the Métis Nation having interest as identified by the Town receive a copy of the Stage 2 Archaeological Assessment Report prior to the development proceeding.*

Where the preservation of the archaeological resources in situ is not possible, the proponent should engage with all First Nations and the Métis Nation having interest as identified by the Town to address their interest in the resource and define interpretive and commemorative opportunities related to the resource.

These measures will apply to any development projects, including infrastructure development, conducted by private property owners or the Town of Midland.

As detailed in section 1.4.2 of this PJR, a licensed consultant has completed an archaeological assessment, which identified an artifact in the northwest corner of the property. A Stage 3 long-term protection strategy is proposed, involving a no-disturbance area with a 10-metre buffer to conserve the resource in situ. Compliance letters from the Ministry will be provided to the Town, and the consultant archaeologist has informed First Nations (Huron-Wendat and Chippewas and Rama First Nation). Given that the archaeological assessment was carried out in accordance with required protocols and the identified artifact will be conserved in situ, the proposal is consistent with Policies 3.4.6(c)–(h).

4.3 Neighbourhood Districts

Neighbourhood Residential Designation

- 4.3.2(g) *Policies for low-rise residential development include:*
- i. *Low-rise residential development shall consist of single detached, semi-detached, linked semi-detached, duplex dwellings and Second Units; and,*
 - ii. *Low-rise residential development should front on Local Roads rather than Collector or Arterial Roads.*

The Neighbourhood Residential designation, which the proposed OPA seeks to apply to the Site, is intended to provide a variety of housing types and accommodate modest residential intensification to meet the Town's housing needs. In keeping with this policy direction, the proposal introduces three new lots for single detached dwellings, with frontage and access from Everton Road, a local road.

4.5 Greenlands

Natural Heritage Designation	
4.5.3(g)	<i>The biodiversity, ecological and hydrologic function and connectivity of the Natural Heritage designation shall be protected, maintained, restored or, where possible, improved for the long-term, recognizing linkages between and among natural heritage features and ecological and hydrologic functions. Development and site alteration will not be permitted within the Natural Heritage designation, nor within significant portions of the habitat of endangered species and threatened species, where identified.</i>
4.5.3(k)	<i>All buildings and development and/or site alteration in the Town must be evaluated in the context of the Endangered Species Act (ESA). A Species at Risk Screening/Evaluation may be required as part of any application for development and/or site alteration. The terms of reference and scope shall be determined in consultation with the Town, the County and any agency having jurisdiction or that the Town deems appropriate, and in consideration of the context of the subject property and adjacent lands, and the type of development application.</i>
Adjacent Lands	
4.5.3.1(a)	<i>Adjacent lands, as defined by the Province, are those areas which, if developed or are subject to site alteration, have a reasonable probability of creating negative impacts on adjacent natural heritage features and/or ecological and hydrologic functions within the Natural Heritage designation. Development and site alteration shall not be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated through an Environmental Impact Study and it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. The intent of recognizing adjacent lands in this Plan is to trigger the requirement for the preparation of an Environmental Impact Study in support of applications for development.</i>
4.5.3.1(b)	<i>The following policies must be read in conjunction with the policies of the land use designation that is identified for any specific site, on Schedule C - Land Use:</i> <i>i. Prior to any lands being considered for development, redevelopment or site alteration, within any area identified as subject to the adjacent lands policies, an Environmental Impact Study is to be undertaken by the proponent in accordance with Town requirements; and,</i> <i>ii. Subject to the conclusions and requirements of the Environmental Impact Study, the lands may be developed in accordance with the permitted uses and development policies of the land use designation for the site that is identified on Schedule C - Land Use. Any changes to the extent of the developable land area, restrictions on any permitted land use and/or any required impact mitigation requirements identified in the Environmental Impact Study shall be identified, implemented, regulated or otherwise secured to the satisfaction of the Town.</i>
Policies for Boundary Adjustments	
4.5.3.4(a)	<i>The boundaries of the Natural Heritage designation are considered to be approximate. The boundaries identified on Schedule C - Land Use shall be used as a guideline for the implementation of the policies of this Plan.</i>
4.5.3.4(e)	<i>Significant changes to the boundaries of the Natural Heritage designation may be considered by the Town through an Environmental Impact Study, submitted in support of an Official Plan Amendment application. Such an application shall show that:</i> <i>i. In flood-prone lands or steep slopes the works to overcome the environmental hazards will not transfer hazards to other areas;</i> <i>ii. The methods by which hazards or environmental impacts are to be overcome or mitigated are consistent with accepted engineering practices, resource management and conservation practices;</i>

- iii. *The cost of the remedial or mitigative works will be borne by the developer; and,*
- iv. *There is no negative impact on key natural heritage features and their ecological and hydrologic functions.*

4.5.3.4(f) *Where an Official Plan Amendment that would result in the redesignation of land from Natural Heritage is approved, and the Official Plan Amendment does not involve the redesignation of any lands adjacent to the lands to be removed from the Natural Heritage designation, the adjacent land use designation as identified on Schedule C – Land Use, should apply*

As detailed in section 1.4.1 of this PJR, a full EIS has been completed for the Project and concluded that the proposal could proceed without negative impacts to natural heritage features and functions, provided the recommended mitigation measures are implemented (e.g., timing windows for vegetation removal, restrictions on removal of cavity trees, and oversight during bat maternity periods). No impacts to wetlands, significant woodlands, significant wildlife habitat, ANSIs, fish habitat, valleylands, or endangered and threatened species habitat are anticipated, and no disruption to ecological linkages will occur.

In accordance with Policy 4.5.3.1, the EIS evaluated potential effects on adjacent lands and demonstrated there will be no negative ecological impacts. The proposal has also been assessed in the context of the Endangered Species Act, with appropriate mitigation measures incorporated to ensure protection of species of conservation concern such as Eastern Wood-Pewee and Wood Thrush.

While Policy 4.5.3.4 acknowledges that Natural Heritage boundaries are approximate, Town staff have confirmed that a formal OPA is required to redesignate the lands from “Natural Heritage” to “Neighbourhood Residential” (the adjacent designation). Advancing the OPA in parallel with the severance application will update the Official Plan schedules to reflect the EIS findings (as well as the Urban Service Area policies). Overall, given the findings of the EIS which concludes there will be no disruption to natural heritage linkages as a result of the proposal (thereby supporting the proposed re-designation of lands to neighbourhood residential), the proposal is consistent with the intent of Policies 4.5.3(g), 4.5.3(k), 4.5.3.1, and 4.5.3.4, ensuring that natural heritage features are conserved while permitting appropriate residential development.

6.2 Servicing Midland

Servicing Priority

6.2.3(a) *Full municipal services are the preferred form of servicing for new development and redevelopment. The priority for new urban development is to be focused within the Delineated Built-up Area, followed by the Urban Areas.*

6.2.3(b) *Where full municipal services are not available, the Town may allow the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. These services may only be used for infilling and minor rounding out of existing development.*

6.2.3(d) *Before the approval of an application for new development, infill development, intensification or the redevelopment of sites and buildings, the Town must be satisfied that adequate services are available or can be efficiently and economically provided to support the proposal. Where adequate services do not exist, the Town may use Holding provisions in the Zoning By-law to regulate the timing of development.*

Urban Servicing Limit

6.2.4(a) *The Urban Service Area is indicated on Schedule F – Infrastructure.*

6.2.4(b) *Any development within the boundaries of the Urban Service Area shall be on full municipal services.*

Policies 6.2.3 and 6.2.4 of the Town's OP establish that full municipal services are the preferred form of servicing, and that development within the Urban Service Area should be on full services. The subject property is partially serviced, with a 50-millimetre municipal watermain fronting Everton Road, and sanitary service for the existing dwelling on the Site currently provided by a private septic system. The FSR confirms that the existing watermain is adequate to meet daily demand and fire flow requirements for future dwellings in the proposed lots.

Municipal sanitary service is not available to the Site, and there are no plans for its extension in the foreseeable future. Strict application of Policy 6.2.4(b) would therefore prevent development of the Site given the lack of availability for full municipal services. In recognition of this, and in consultation with Town staff, a site-specific OPA is proposed to permit servicing of the new lots with municipal water and private septic systems.

Accordingly, the proposal is consistent with the intent of the servicing policies by maximizing the use of available municipal infrastructure while responsibly accommodating private services (facilitated through an OPA) where full municipal servicing is not feasible.

6.3 Water

Drinking Water Source Protection

6.3.2(e) *Within WHPA-A to WHPA-E, the following future land uses shall be prohibited where they would be a significant drinking water threat:*

- ...
- ii. *Large (more than 10, 000 L) on-site sewage systems;*

The Site is located within a WHPA-E. Policy 6.3.2(e) prohibits future land uses that would pose significant drinking water threats within this area, including large on-site sewage systems with a capacity greater than 10,000 litres. The proposed lots will each be serviced by individual private septic systems, all well below this threshold. As such, the development does not introduce prohibited uses within the WHPA-E and is consistent with the Town's drinking water source protection policies.

7.5 The Subdivision of Land

Land Severances/Consents

7.5.4(b) *The maximum number of new lots approved by the Town on one property through provisional consent shall be three (3). Proposals for four (4) or more new lots shall be processed by a plan of subdivision.*

7.5.4(c) *All new lots, including the retained lands, must have frontage on and have direct access to an open, improved public road which is maintained on a year round basis and is of a reasonable standard of construction. In addition, approval for consents to create new lots will only be considered where:*

- i. *The lots are fully serviced by municipal water and wastewater systems or meet the servicing policies of this Plan;*
- ii. *The lots comply with the policies of this Plan;*
- iii. *The lots comply with the Zoning By-law or an approved minor variance;*
- iv. *The lots will not restrict the development of adjacent lands; and,*
- v. *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontage and area, building height, coverage, mass, setbacks, privacy, and overview.*

The proposal involves the creation of three (3) new lots, which may be undertaken by consent in accordance with Policy 7.5.4(b). This approach has been confirmed with Town planning staff. All new and retained lots will front onto and have direct access from Everton Road, a municipally maintained road open year-round.

An assessment of the criteria in Policy 7.5.4(c) is provided below:

- i. As already described in this PJR, the lots will be serviced through municipal water, however, will utilise private septic given municipal sewer is not available. This will be facilitated through a site-specific OPA to policy 6.2.4(b) to ensure that the proposal is consistent with the servicing policies of the Towns OP
- ii. The proposal has been reviewed against the relevant policies of the Town's OP and is found to be consistent with them.
- iii. A ZBA is required to rezone the property from "Rural" to "Residential 5." This zone reflects the surrounding residential context, and the proposed lots will comply with all applicable provisions of the new zone.
- iv. The proposal will not restrict the development potential of adjacent lands and will not negatively affect natural heritage features or ecological functions on those lands.
- v. The proposed lot sizes and frontages are consistent with the established development pattern along Everton Road (particularly those lots immediately to the south). The lots reflect the general scale and character of the area, and future dwellings will align with existing building height, coverage, massing, setbacks, and privacy conditions, ensuring compatibility with the neighbourhood context.

Overall, it is considered the proposal remains consistent with the Town's OP policies.

2.5 Town of Midland Zoning By-law 2004-90, 2024

The Zoning By-law is a legal document which implements the Official Plan through regulations affecting the erection, location, massing, uses, heights, and setbacks of buildings as well as parking and other implementation considerations.

The Site is currently within the 'Rural' Zone. It is proposed to rezone the Site (through a ZBA) to 'Residential 5 (R5)' to facilitate the proposal. This zone is reflected in the surrounding residential context, including those properties to the immediate south (south of Everton Road).

As detailed in section 1.2 of this PJR, each of the 3 proposed lots will have approximately 27 metres of frontage onto Everton Road, a depth of approximately 150 metres, and a total lot area of approximately 4,050 square metres. The retained lot, which will continue to accommodate the existing dwelling, will have a frontage of approximately 54 metres, a depth of 150 metres, and an area of approximately 8,100 square metres.

An assessment of the proposed lots and retained lot against the provisions of the 'Residential 5 (R5)' zone (public water, private septic) is provided in Table 3, below. The proposed ZBA is appended to this PJR as Appendix C. It is noted that the construction of dwellings on the proposed lots does not form part of this application, however, the lots are capable of accommodating future development in full compliance with the relevant zoning provisions.

Table 3: Assessment of the proposed lots and retained lot against the provisions of the R5 zone.

Standard	Requirement	Proposed Lots (compliant? Yes/No)	Retained Lot (compliant? Yes/No)
Minimum Lot Area	1,500 m ²	Yes	Yes
Minimum Lot Frontage	25 m	Yes	Yes
Maximum Lot Coverage	35%	Yes	Yes

Front Yard Setback	8 m	Yes	Yes
Rear Yard Setback	11 m	Yes	Yes
Interior Side Yard Setback	3 m	Yes	Yes
Exterior Side Yard Setback	8 m	Yes	Yes
Maximum Building Height	11 m	Yes	Yes

Both the proposed lots and the retained lot can fully comply with all of the provisions of the 'Residential 5 (R5)' zone, and as such, no further site specific ZBA is required to facilitate the Project.

2.6 Overall

As detailed in section 2 of this Report, it is considered that the proposal is in keeping with the policies of the relevant planning documents and therefore represents an appropriate use of land in terms of the *Planning Act* and is consistent with the implementing *Provincial Planning Statement* as well as conforming to the applicable municipal Official Plans.

3.0 Conclusion

The proposal is to sever three (3) new residential lots from the subject property, with the existing dwelling to remain on the retained parcel. These lots will be serviced by municipal water and private septic systems and have direct frontage onto Everton Road. The proposal requires consent applications, an OPA, and a ZBA to facilitate development. There are no immediate physical works beyond the lot creation, with future development proposed to occur through separate building permit applications in compliance with the applicable zoning standards.

A site-specific OPA is proposed to redesignate the lands from 'Natural Heritage' to 'Neighbourhood Residential' and to permit private septic within the Urban Service Area, consistent with staff direction. A ZBA is proposed to rezone the Site 'Rural' to 'Residential 5'. All proposed lots, including the retained lot, will be of sufficient size and frontage to comply with the requirements of the 'Residential 5' zone.

The planning approval applications are supported by an Environmental Impact Study, Archaeological Assessment, and Functional Servicing Assessment.

The land use planning analysis contained within this PJR confirms the appropriateness of the proposal and that it represents good land use planning.

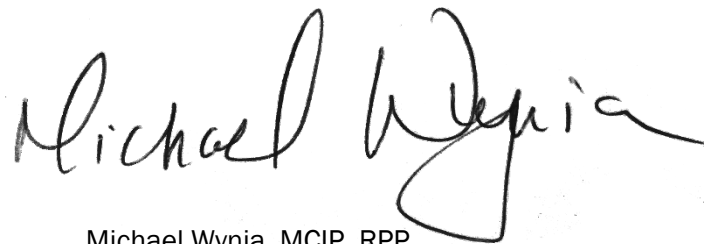
Approval of the applications under the Planning Act is warranted as the proposal:

- Is consistent and conforms with relevant planning policy;
- Does not result in any negative impacts to natural heritage features, ecological functions, or archaeological resources, and can be appropriately serviced; and
- Represents modest residential intensification in an appropriate location, reflecting the existing neighbourhood character and representing good land use planning.

All of which is respectfully submitted,
SKELTON, BRUMWELL & ASSOCIATES INC.
per:



Craig Mathieson, BUrbPlan(Hons)
Planner

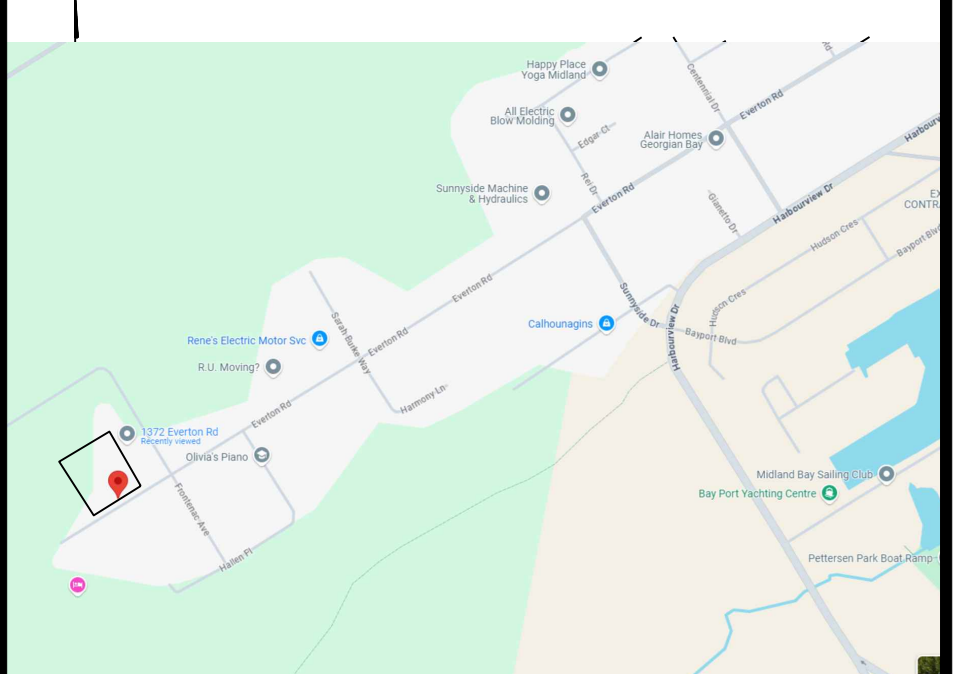
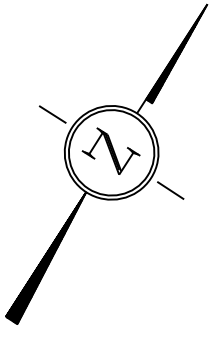
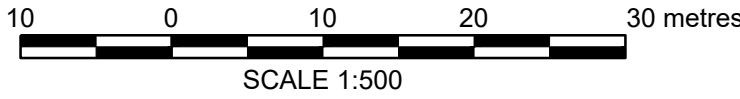


Michael Wynia, MCIP, RPP
Senior Ecologist and Planner/Partner

Appendix A

Severance Sketch

PART OF LOT 111, CONCESSION 1
EAST OF PENETANGUISHENE ROAD
GEOGRAPHIC TOWNSHIP OF TAY
LOT 23, PART 87
TOWN OD MIDLAND
COUNTY OF SIMCOE



KEY MAP
N.T.S.
LEGEND

- RETAINED PROPERTY BOUNDARY
- PROPOSED SEVERED LOTS
- PROPOSED BUILDING ENVELOPE
- EXISTING WATERMAIN
- EXISTING WATER SERVICE
- EXISTING WATER VALVE
- EXISTING CURBSTOP
- PROPOSED WATER SERVICE
- PROPOSED CURBSTOP
- PROPOSED DRIVEWAY
- EXISTING 1m CONTOUR
- EXISTING 5m CONTOUR
- GATE
- EXISTING TREELINE
- EXISTING OVERHEAD HYDRO

- NOTE:
- 1) CONTOURS OBTAINED FROM GOOGLE SATELLITE IMAGERY, ACCESSED JUNE 20, 2025.
 - 2) LOCATION OF EXISTING UTILITIES, AS SHOWN, IS APPROXIMATE ONLY, AND SHALL BE FIELD VERIFIED AS PART OF FUTURE BUILDING PERMIT PLANS.
 - 3) WATER MAIN AND WATER SERVICE LOCATIONS ARE APPROXIMATE AND ARE PROVIDED BY THE TOWN OF MIDLANDS GIS DATA, AS OF JUNE 26, 2025. LOCATIONS TO BE FIELD VERIFIED.

SCHEDULE OF REVISIONS

NO.	DATE	DESCRIPTION	CHECKED

HEINTZ SEVERENCE
1400 EVERTON ROAD

TOWN OF MIDLAND

SITE SERVICING PLAN

PROJECT NO.	3651	DRWG NO.	3651-SSP
DATE:	JUNE 2025	SCALE:	1:500
DRAWN:	NDK	CHECKED:	APPROVED:



ENGINEERING PLANNING ENVIRONMENTAL CONSULTANTS

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Appendix B

Draft Official Plan Amendment

AMENDMENT NO. ____
TO THE TOWN OF MIDLAND OFFICIAL PLAN

Exception to Policy 6.2.4(b) (Urban Service Area); and

Schedule C maps - Redesignation from 'Natural Heritage' to 'Neighbourhood Residential'

This subsequently results in the following

Schedule A maps - Removal of 'Greenlands' classification

Schedule B maps - Reclassification from 'Greenlands' to 'Neighbourhood Districts'

This Amendment applies to:

1400 Everton Road, Midland, legally described as

Lot 23, Part Lot 87, Concession 1

In the geographic township of Tay,

Town of Midland

County of Simcoe

AMENDMENT NO. __
Town of Midland Official Plan
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 PART C - THE APPENDICES	
1.0 Reports and Technical Materials	
• Planning Justification Report by Skelton Brumwell & Associates (September 24, 2025)	
• Environmental Impact Study by Skelton Brumwell & Associates (June 5, 2025)	
• Function Servicing Report by Skelton Brumwell & Associates (September 11, 2025)	
• Archaeological Assessment by New Era Archaeology (August 11, 2025)	

THE CORPORATION OF THE TOWN OF Midland
BY-LAW NO. _____

The Council of the Corporation of the Town of Midland, in accordance with the provisions of Section 22 of the Planning Act, R.S.O. 1990, as amended, hereby enacts as follows:

1. That Official Plan Amendment xx to the Official Plan for the Town of Midland is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the County of Simcoe for approval for the aforementioned Amendment xx to the Official Plan of the Town of Midland.
3. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the Planning Act.
4. This By-law shall come into force and take effect on the day of the final passing thereof subject to the approval of the County of Simcoe.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS __ DAY OF _____, 2025.

THE CORPORATION OF THE TOWN OF MIDLAND

Mayor

Clerk

AMENDMENT NO. XX
TO THE TOWN OF MIDLAND OFFICIAL PLAN

CONSITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Town of Midland consists of three parts.

Part A - The Preamble - consists of the purpose, location and basis for the Amendment and does not constitute part of the Amendment.

Part B - The Amendment - constitutes actual Amendment No. XX to the Official Plan for the Town of Midland.

Part C - The Appendices - consists of information relevant to this Amendment in the form of background information. This section does not constitute part of the Amendment.

PART A - THE PREAMBLE:

1.0 PURPOSE

The purpose of this Official Plan Amendment is to redesignate the Site from 'Natural Heritage' to 'Neighbourhood Residential', and for an exception to Policy 6.2.4(b) (Urban Service Area).

The proposed resignation is supported by an Environmental Impact Study and will enable the severance of three (3) lots from the property for future single detached residential use, and one (1) retained lot.

Policy 6.2.4(b) requires that any development within the boundaries of the Urban Service Area shall be on full municipal services. An exception to this policy will allow future development of the proposed lots to be serviced by municipal water and onsite private septic systems.

2.0 LOCATION

The subject property is an approximately 2-hectare, regular shaped land parcel with approximately 133 metres of frontage onto Everton Road. It is legally described as Lot 23, Part Lot 87, Concession 1, in the Town of Midland. A single detached residential dwelling is located in the southeastern portion of the property and is currently occupied by the owner as their primary residence. The remainder of the property is heavily vegetated and features predominantly deciduous woodland. The northern boundary of the property abuts municipally owned lands that contain a municipal water tower. The property is partially serviced, with an existing 50-millimetre municipal watermain fronting the lot along Everton Road. Sanitary servicing is provided via a private septic system.

3.0 BASIS

According to the Town Official Plan, the area of the Site occupied by the primary residence is currently designated as 'Neighbourhood Residential' with the remainder of the Site (including proposed lot locations) designated as 'Natural Heritage' under Schedule C ('Land Use'). The entire Site is located within the 'Delineated Built Boundary' under Schedule A ('Growth Areas'). Redesignation of lands from 'Natural Heritage' to 'Neighbourhood Residential' is required to facilitate the severance and future construction of those lots for single detached residential use.

One of the key determinants of whether an area within the 'Delineated Built Boundary' is suitable for development, is ensuring that the type of development is compatible and in keeping with the desirable character of the surrounding area. The other key determinant, involves

analyzing whether development on the Site would impact on Natural Heritage features within the Site or adjacent lands.

The Site is located within an suburban setting. The proposed designation is 'Neighbourhood Residential', which is the same designation as the properties to the immediate south, and that of the residential subdivision area located along Everton Road. The proposed redesignation is therefore compatible with its surroundings.

The Environmental Impact Study prepared in support of the proposed severance concluded that the proposal will not result in negative impacts to wetlands, significant woodlands, significant wildlife habitat, provincially or regionally significant Areas of Natural and Scientific Interest (ANSI), fish habitat, significant valleylands, or habitat of endangered or threatened species, and will not result in disruption to natural heritage linkages. The proposed redesignation is therefore protective of Natural Heritage features and their ecological functions.

The Archaeological Assessment identified an artifact in the northwestern corner of the property. To ensure its long-term protection, a restrictive buffer will be established and legally secured on title to the affected lot. As future development will be concentrated along the Everton Road frontage, the buffer can be easily maintained, ensuring the artifact remains undisturbed.

The Functional Servicing Assessment confirms that the existing watermain is adequate to meet daily demand and fire flow requirements for future dwellings in the proposed lots.

Municipal sanitary service is not available to the Site or surrounding properties, and there are no plans for extension of this service in the foreseeable future. Accordingly, private sewage disposal systems are proposed for the new lots, to be designed and implemented at the building permit stage. The Site is located within the 'Urban Service Area' and Policy 6.2.4(b) of the Official Plan requires development within this area must be connected to municipal water and sanitary systems. Strict application of this policy would therefore prevent development given the absence of municipal sanitary service. To address this, and in agreement with Town staff, a site-specific Official Plan Amendment is proposed to allow the lots to be serviced by municipal water in combination with private septic systems.

PART B - THE AMENDMENT

1.0 INTRODUCTION

All of this part of the document entitled Part B - The Amendment constitutes Amendment No. ___ to the Town of Midland Official Plan.

2.0 DETAILS OF THE AMENDMENT

The Town of Midland Official Plan, specifically Schedule A, Growth Areas, Schedule B, Urban Structure, and Schedule C, Land Use, is amended as follows:

1. Lands located at 1400 Everton Road, Midland, legally described as Lot 23, Part Lot 87, Concession 1 In the geographic township of Tay are:
 - a. Removed from the 'Greenlands' classification as shown on Schedule "A" attached hereto and forming part of this Amendment.
 - b. Reclassified from 'Greenlands' to 'Neighbourhood Districts' as shown on Schedule "B" attached hereto and forming part of this Amendment.
 - c. Redesignated from the 'Natural Heritage' designation to the 'Neighbourhood Residential' designation as shown on Schedule "C" attached hereto and forming part of this Amendment.

An exception to the Town of Midland Official Plan, specifically Policy 6.2.4(b) (Urban Servicing Limit), as follows:

2. Notwithstanding Policy 6.2.4(b), the lands located at 1400 Everton Road, Midland, legally described as Lot 23, Part Lot 87, Concession 1 In the geographic township of Tay, may be developed on the basis of municipal water service in combination with individual on-site private sewage disposal systems. All other provisions of the Official Plan shall continue to apply.

PART C - THE APPENDICES

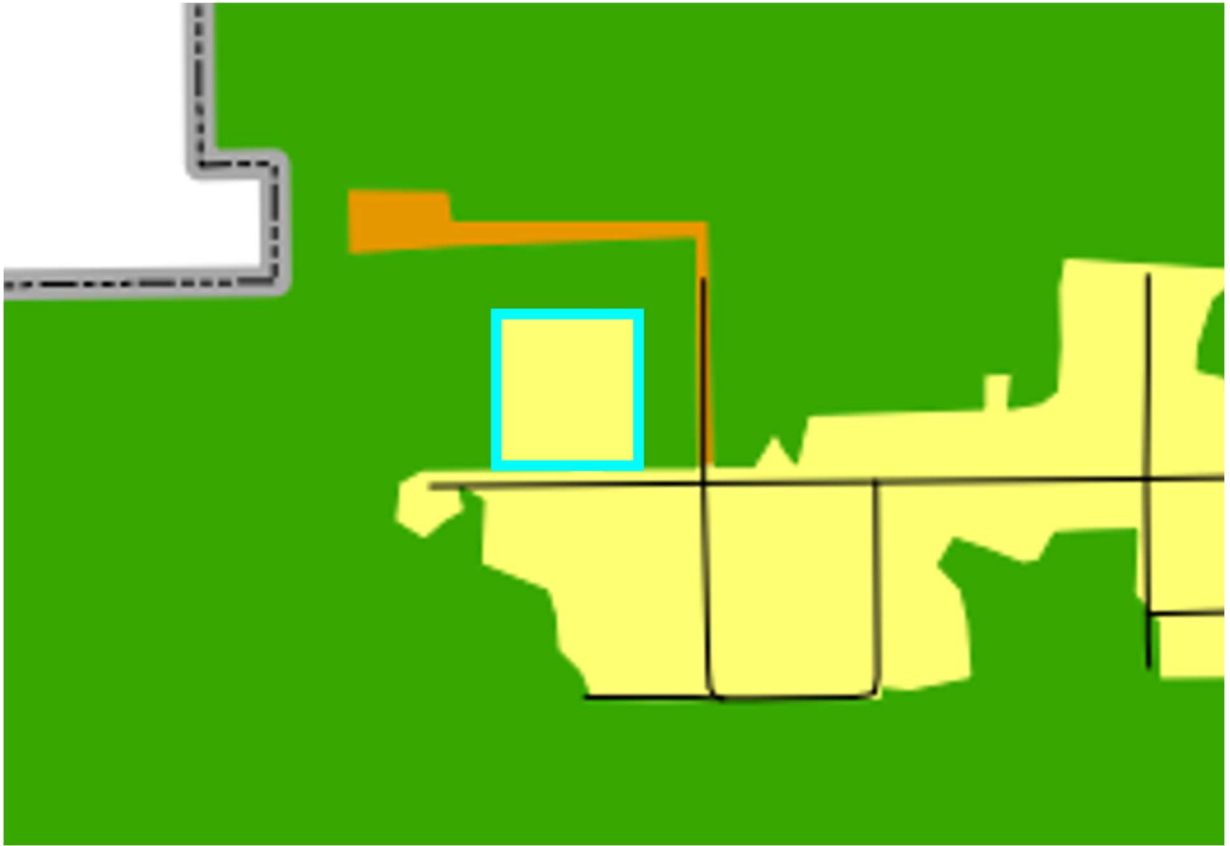
The Appendices do not constitute part of the Amendment but are included as supporting information.

Schedule A
To Official Plan Amendment No.
Part Schedule A - Growth Areas



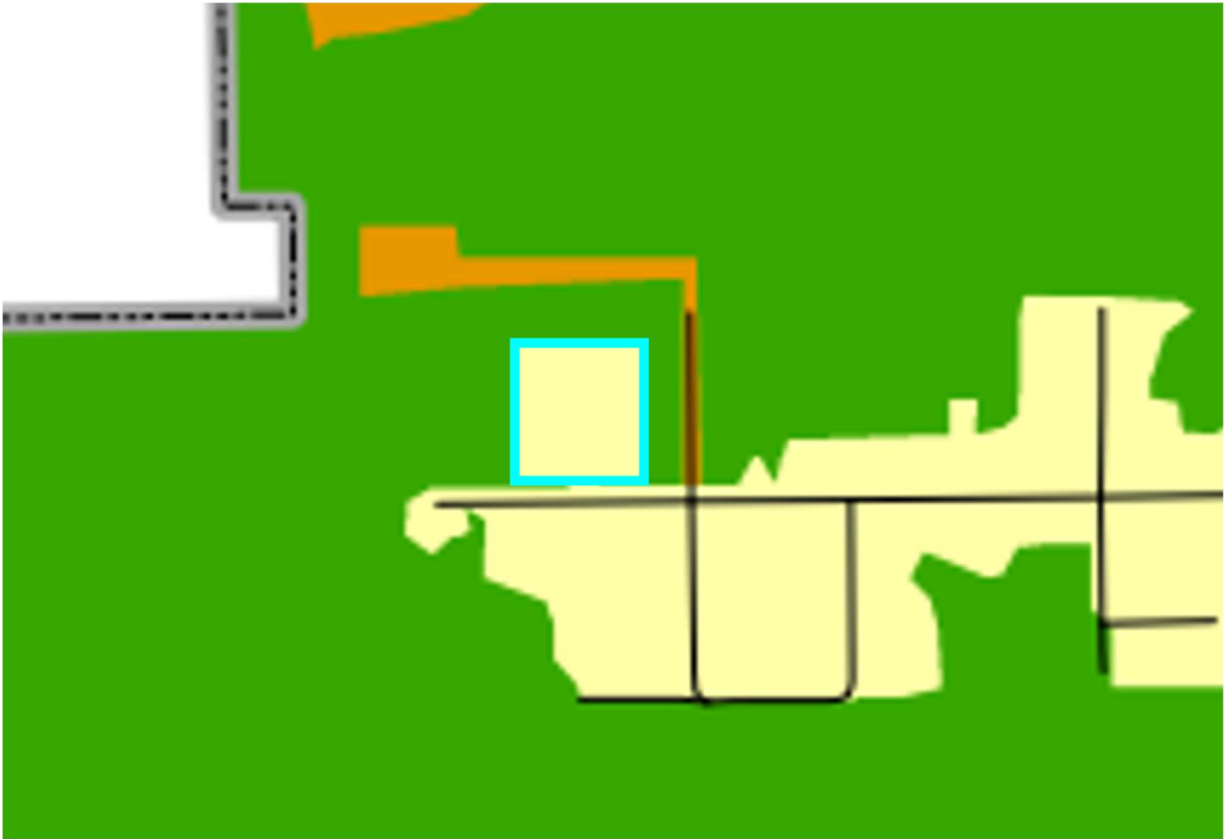
Lands where 'Greenlands' classification is to be removed

Schedule A
To Official Plan Amendment No.
Part Schedule B – Urban Structures



 Lands to be reclassified to 'Neighbourhood Districts'

Schedule A
To Official Plan Amendment No.
Part Schedule C – Land Use



 Lands to be redesignated to 'Neighbourhood Residential'

Appendix C

Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWN OF MIDLAND
BY-LAW NO. 2004 – 90
A BY-LAW TO AMEND ZONING BYLAW 2004 – 90
(Michael Heintz)

WHEREAS Section 34 of the Planning Act, R.S.O 1990, as amendment, Chapter P. 13, provides for the enactment of zoning bylaws and amendments thereto;

AND WHEREAS the Council of the Corporation of the Town of Midland deems it advisable to further amend Bylaw 2004 – 90 for the Town of Midland as it relates to 1400 Everton Road, legally described as Lot 23, Part Lot 87, Concession 1, in the geographic township of Tay.

AND WHEREAS the Council of the Corporation of the Town of Midland deems that the provisions of this Bylaw conform with the Town of Midland Official Plan, as amended;

NOW THEREFORE, the Council of the Corporation of the Town of Midland enacts as follows:

1. That the maps of Zoning Bylaw 2004 - 90 is hereby further amended by rezoning the lands in question from "Rural (RU)" to "Residential 5 (R5)".
2. That the Schedule "A" map attached, does, and shall form part of this Bylaw.
3. That all other provisions of Zoning By-law 2004-90, as amended, shall apply.
4. That this Bylaw shall come into force and take effect on the date of the passing thereto, subject to the provisions of section 34 of the Planning Act as amended.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XX DAY OF MONTH, YEAR.

By-law Number XXXX-XX

A By-law to Amend Zoning By-law No. 2004 - 90

Schedule A

