

COLAND DEVELOPMENTS CORPORATION

# PLANNING JUSTIFICATION REPORT

## 670 TO 710 BALM BEACH ROAD EAST, MIDLAND, ONTARIO





# PLANNING JUSTIFICATION REPORT

670 TO 710 BALM BEACH  
ROAD EAST, MIDLAND

COLAND DEVELOPMENTS  
CORPORATION

PLANNING JUSTIFICATION REPORT (VERSION 2)

PROJECT NO.: 18M-01130-00  
DATE: OCTOBER 31, 2023

WSP

WSP.COM



October 31, 2023

Town of Midland  
Planning and Building Services  
575 Dominion Avenue  
Midland, Ontario  
L4R 1R2

**Attention: Steven Farquharson, Manager of Planning Services, BURPL, MCIP, RPP**

**Subject: 670 to 710 Balm Beach Road East – Planning Justification Report**

Dear Mr. Farquharson:

WSP Canada Inc. (“WSP”) has been retained to prepare an updated Planning Justification Report for Coland Developments Corporation (“the Client”) to support an application to amend Town of Midland Zoning By-Law 2004-90. A Draft Plan of Condominium application is being submitted concurrently.

A Zoning By-Law Amendment (ZBLA) is required to permit the addition of residential uses to an existing commercial development on lands municipally known as 670 to 710 Balm Beach Road East (herein referred to as the “subject site”) in the Town of Midland. An Official Plan Amendment (OPA) is not required as per Policy 4.5.3.4(c) of the Official Plan, as confirmed by the Town at the Pre-Consultation meeting held on June 13, 2023.

A plan of condominium is required to address the ownership of the commercial tenants across the subject site, and the proposed residential addition in Buildings C and D. An application for Site Plan Approval for the residential addition will be submitted after the approval of the ZBLA.

The applications are required to facilitate the addition of two residential floors above the 1-storey commercial-retail building known as “Building C” at 700 Balm Beach Road East and “Building D” at 690 Balm Beach Road East. A total of 68 residential units are proposed with a GFA of 5,387m<sup>2</sup>.

The updated Planning Justification Report has been prepared to outline the nature of the proposed development and evaluate the proposal in the context of policies from the PPS, Growth Plan, County of Simcoe Official Plan, Town of Midland Official Plan and Town of Midland Zoning By-Law 2004-90. It will also address the Pre-Consultation comments received from the Town of Midland on June 26, 2023.

We look forward to working with staff to expedite the submitted applications. Please contact the undersigned at (289)-982-4352 or Michaela Abatecola at (289)-982-4347, should you have any questions regarding this report or related matters.

Yours sincerely,

**WSP CANADA INC.**

Natalie Boodram, BURPL, MES, MCIP, RPP, PMP  
Project Manager

cc: David Colagiacomio, Tripair – Coland Developments Corporation

WSP ref.: 18M-01139-00

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October 31, 2023

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# 1 INTRODUCTION

WSP Canada Inc. (“WSP”) has been retained by Coland Developments Corporation (herein referred to as “the Client”) to assist in obtaining the necessary planning approvals to allow for the development of the site municipally known as 670 to 710 Balm Beach Road East in the Town of Midland (herein referred to as “the subject site”).

The Client is proposing to add residential uses to previously approved commercial-retail one-storey buildings to create two, three-storey mixed-use buildings. Specifically, the Client wishes to develop 36 proposed residential units in two new floors above 10 approved commercial-retail units at 690 Balm Beach Road East (“Building D”) and 32 residential units in two new floors above 11 commercial-retail units at 700 Balm Beach Road East (“Building C”). This would result in a total of 68 residential units and 21 commercial-retail units. Both buildings have approvals for one commercial-retail floor.

The purpose of this Planning Justification Report is to outline the nature of the proposed development and provide an analysis of the provincial and municipal planning documents, to support Town Staff with the processing and review of the applications.

The report is organized as follows:

**Section 2** provides a description of the subject site and surrounding context;

**Section 3** provides a detailed description of the proposed development, previous planning approvals and the required planning approvals;

**Section 4** outlines the planning framework applicable to the subject site, associated planning policies and zoning;

**Section 5** provides an analysis of supplementary studies in support of the proposed development on the subject site;

**Section 6** provides final conclusions.

# 2 SITE AND SURROUNDING CONTEXT

## 2.1 SITE DESCRIPTION

The subject site is located on the northeast corner of Balm Beach Road East and Sundowner Road as shown in **Figure 1**. It has a total area of approximately 3.092 hectares (7.64 acres).



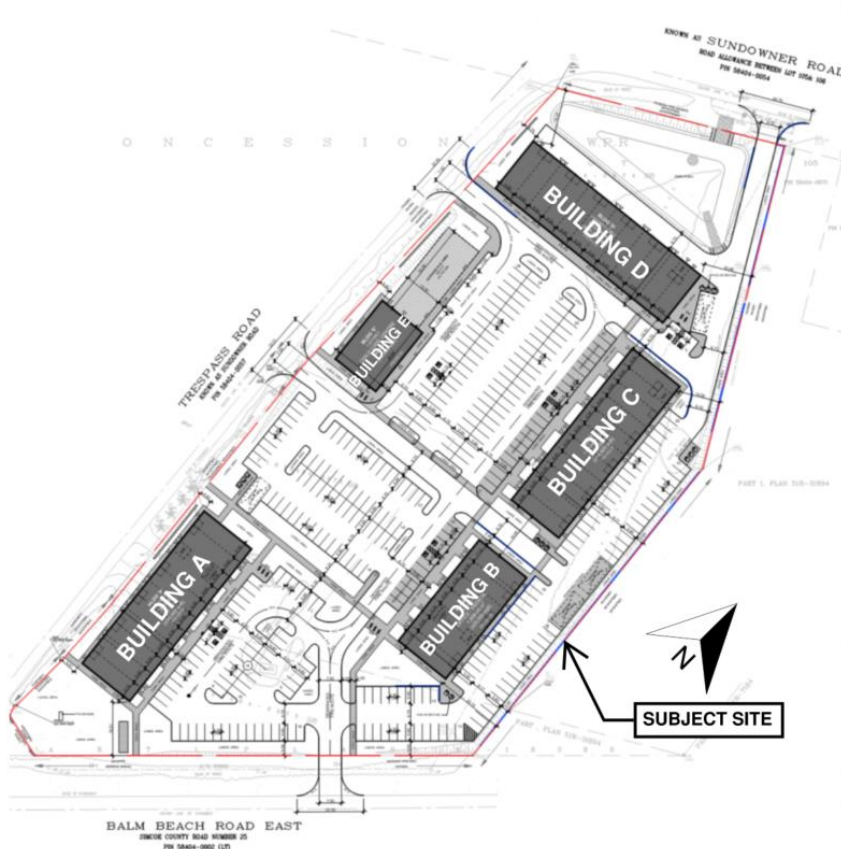
**Figure 1: Aerial Image of Subject Site (Source: Online Interactive M-p - County of Simcoe, 2022)**

Currently, there are three buildings and associated parking lots constructed on the subject site (Buildings A, B and E on the approved Site Plan). Only building foundations have been constructed for Buildings C and D (“the existing development”). These buildings were approved in 2019 through Site Plan Control (SPA-03-19), as further described in Section 3.2.

**Table 1** provides building statistics for the five existing buildings shown in **Figure 2**.

**Table 1: Existing Buildings on Subject Site (Building Information)**

Building	Use	Gross Floor Area (“GFA”)	Construction Status
A (670 Balm Beach East, Midland, ON)	2-Storey Office Building	2,767.72 m <sup>2</sup>	Constructed
B (710 Balm Beach East, Midland, ON)	2-Storey Medical Office Building	1,836.65 m <sup>2</sup>	Constructed
C (700 Balm Beach East, Midland, ON)	1-Storey Commercial Retail Building	1,293.00 m <sup>2</sup>	Building Foundations
D (690 Balm Beach East, Midland, ON)	1-Storey Commercial Retail Building	1,432.00 m <sup>2</sup>	Building Foundations
E (680 Balm Beach East, Midland, ON)	1-Storey Child Care Centre	466.29 m <sup>2</sup>	Constructed



**Figure 2: Previously Approved Site Plan (Prepared by Baldassarra Architects, January 2018)**

Based on the 2019 site plan approved drawings, the plan consisted of 352 parking spaces (including 8 accessible parking spaces), 3 loading spaces, 10 bicycle parking spaces, five buildings and a landscaped area. The buildings had a total GFA of 8,028m<sup>2</sup> and covered approximately 18% of the site area and the landscaped area covered 35% of the site area. In addition, the northern section of the subject site contained a SWM pond.

The subject site has four (4) site accesses as shown in **Figure 2**:

- Northern egress roadway to Sundowner Road
- Two western egress roadways to Sundowner Road
- Southern egress roadways to Balm Beach Road East

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## 2.2 SURROUNDING CONTEXT

The subject site is surrounded by woodlands, commercial developments and residential properties. The surrounding uses are described as follows:

- **North:** Immediately north of the subject site is Sundowner Road. Further north on Sundowner Road are woodlands. Northeast of the subject site, along Penetanguishene Road, are a variety of commercial plazas which contain retail, restaurant, hotel, entertainment, and medical uses.
- **East:** Immediately east of the subject site is a self-storage facility consisting of 4, 1-storey buildings and outdoor storage. Further east, along Balm Beach Road East, is a veterinary clinic and a variety of commercial and automotive uses. In addition, there are two residential properties fronting onto Sundowner Road, east of the subject site.
- **South:** Immediately south of the subject site is Balm Beach Road East. South of Balm Beach Road East there is a single-detached dwelling, a self-storage facility, and a pool hall. There is also a former amusement park adjacent to the subject site. Further south, past the existing uses, are woodlands.
- **West:** Immediately west of the subject site is the continuation of Sundowner Road. Past Sundowner Road are woodlands and, at the intersection of Balm Beach Road East and Sundowner Road, there is a municipal infrastructure building.

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### 2.2.1 TRANSPORTATION

The subject site is serviced by a network of roads, cycling routes and multi-use trails. Balm Beach Road East is considered a “County Road” that connects to Sundowner Road which is considered a “Local Road”, as per the Town of Midland Official Plan, as shown in **Figure 3**. A sharrow is proposed along Sundowner Road which will connect to the existing multi-use trails along Penetanguishene Road. The sharrow is intended to be a shared lane where the roadway is to be shared between motorists and cyclists. It should be noted that, along Balm Beach Road East, there are no sidewalks, and only gravel paths exist along the roadway.



Figure 3: Excerpt from Schedule-D - Active Transportation (Town of Midland Official Plan, 2019)

The Town of Midland transit service is provided by Mid/Pen Transit. As shown in Figure 4, there is no transit service along Sundowner Road or Balm Beach Road East which are the roads in closest proximity to the subject site. The closest bus stop is located at Huronia Mall which represents approximately a 12-minute walk from the subject site.

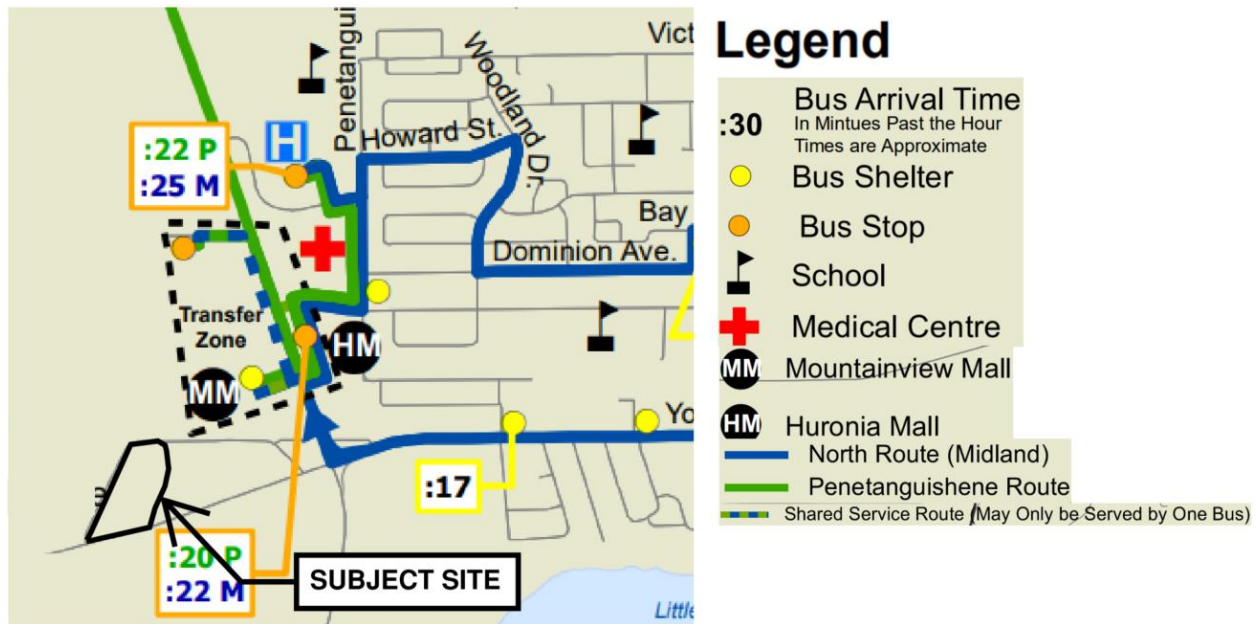


Figure 4: Excerpt from Mid-Pen Transit Service (MPTS) Transit Route Map

## 2.2.2 COMMUNITY AMENITIES AND SERVICES

The summary below provides a list of schools, community facilities, retail services, and recreation opportunities near the subject site.

The nearest public schools by driving include:

- Monsignor Castex Elementary Catholic School, 1.9 kilometres north
- St. Theresa’s Catholic High School, 4.4 kilometres east

- Mundy's Bay Public School, 2.2 kilometres east
- Georgian Bay District Secondary School, 1.8 kilometres northeast

The nearest public services:

- Midland Public Library, 2.9 kilometres northeast
- Town of Midland Municipal Admin Centre, 3 kilometres northeast
- Georgian Bay General Hospital, 2.2 kilometres north
- North Simcoe Sports and Recreation Centre, 3.2 kilometres east

The nearest park land:

- Little Lake Park, 2.5 kilometres, northeast

The nearest commercial and retail uses:

- Mountainview Plaza, 900 metres north
- Huronia Mall, one kilometre northeast
- Foodland Grocery Store, 600 metres northeast

The subject site is located near the North Simcoe Sports and Recreation Centre which provides numerous sports and physical activity programs and is also in close proximity to the Town of Midland Public Library. In addition, it is located near Mountainview Plaza that provides numerous commercial and retail stores including grocery stores, gyms, restaurants and hardware stores.

In summary, the subject site is located within a low-density residential area with access to amenities including commercial and retail areas recreational facilities, public services and schools which all contribute to a complete community. As such, the subject site is ideally situated for the addition of a residential development and located within an area that can accommodate additional residents.



# 3 PROPOSED DEVELOPMENT

## 3.1 PROPOSED DEVELOPMENT

The proposed development includes the addition of two residential floors above each commercial-retail floor of both Buildings C and D on the subject site, and the addition of an amenity area to the north of the site, as shown in **Figure 5**. All existing buildings will continue to operate on the subject site. The entire site, including the existing commercial units, is proposed to be under a standard condominium ownership.



Figure 5: Extract from Site Plan (Chamberlain Architect Services Limited, dated October 2023)

Building C will contain 32 residential units in total comprised of 20, one bedroom units and 12, two bedroom units. The building will have a total GFA of 3,851.00 m<sup>2</sup> with 2,558.00 m<sup>2</sup> being the GFA of the residential floors. There are 11 commercial-retail units proposed on the ground floor which will have a total GFA of 1,293.00 m<sup>2</sup>.

Building D will contain 36 residential units in total comprised of 24, one bedroom units and 12, two bedroom units. The building will have a total GFA of 4,261.00 m<sup>2</sup> with 2,828.00 m<sup>2</sup> being the GFA of the residential floors. There are 10 commercial-retail units proposed on the ground floor which will have a total GFA of 1,432.00 m<sup>2</sup>.

With the addition of the residential units in both buildings, 43 parking spaces will be added to the subject site, for a total amount of 395 parking spaces (including 8 accessible spaces). The subject site entrance and exit roadways, as were previously described in **Section 2.1**, will remain unchanged. It should be noted that 77 parking spaces will be dedicated to residential units and the remaining 318 supply will be shared between the commercial users (293 spaces) and residential visitors (25 spaces). As per the submitted Traffic Impact Study (TIS) Addendum, as further discussed in **Section 5.4**, the proposed parking supply and shared parking is sufficient for the subject site.

The subject site will have a total GFA of 13,182.66 m<sup>2</sup> (including existing buildings), with 20% of the site's area dedicated to landscaping. An amenity area for future residents is provided on the northern end of the subject site. Below the amenity area is a proposed underground SWM chamber system. The proposed development will be serviced by existing and planned infrastructure.

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## 3.2 PREVIOUS PLANNING HISTORY AND APPROVALS

The following applications were submitted and approved to permit the existing development:

- Application for Site Plan Approval (SPA-03-19) which was approved on September 5, 2019.
- Minor Variance Application (A.14/2019) to add a childcare centre as a permitted use on the subject site. Approval was granted July 15, 2019.
- Zoning By-Law Amendment Application (ZBA-06-19) to lift the Holding "H" Symbol on the subject site. By-Law 2019-58 was passed on August 14, 2019.

At the time these approvals were issued, the subject site contained a single-detached dwelling and woodlands. An Environmental Impact Study (EIS), as described in **Section 5.1**, was completed to support the existing development and to remove the woodlands. The subject site was designated "Employment Areas" under the 2012 Town of Midland Official Plan which permitted the existing development.

After the above noted approvals were granted, the Town of Midland adopted a new Official Plan in November 2019. The new Official Plan redesignated the subject site "Mixed Use Corridor" and "Natural Heritage". These redesignations only reflected the uses that existed on the subject site at the time of the Official Plan Review (i.e., the single-detached dwelling (Mixed Use Corridor) and woodlands (Natural Heritage)) and did not reflect the uses approved on the subject site.

The existing uses reflect the approved ZBLA and Site Plan, which conform with the 2002 Town of Midland Official Plan. The proposed residential development is in conformity with the 2019 Official Plan and does not require an amendment to the 2019 Official Plan per Policy 4.5.3.4 (c).

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## 3.3 REQUIRED AMENDMENTS

The Town's Pre-Consultation comments identified that approval of a Zoning By-law Amendment (ZBLA), Site Plan Amendment, and Plan of Condominium are required to implement the proposed development.

As noted, the new Town of Midland Official Plan designates the subject site as "Mixed Use Corridor" and "Natural Heritage" as shown in **Figure 11**. A refinement to the applicable Official Plan Schedules (A, B, C) is required to remove the "Natural Heritage" designation and redesignate the entire site "Mixed Use Corridor". Based on Policy 4.5.3.4(c) of the Official Plan, this refinement to the "Natural Heritage" designation is minor and can be adjusted

without an Official Plan Amendment (OPA), as confirmed by Town Staff per the Pre-Consultation comments received on June 26, 2023. It is our opinion, as agreed with by Town staff, that this adjustment is technical in nature to reflect the existing development. There are no existing woodlands on the subject site. As such, the proposed development will not impact any natural heritage features.

The subject site is zoned Highway Commercial (HC) in Zoning By-Law 2004-90 which does not list residential as a permitted use. As such, a ZBLA is required to permit residential uses in the proposed development and address other site-specific conditions.

An amendment to the existing approved Site Plan is required to address on-site revisions to facilitate the proposed residential uses, such as pedestrian and traffic circulation, parking, landscaping, amenity area, grading, and drainage.

A Plan of Condominium is required to address the ownership of the commercial tenants across the subject site, and the proposed residential units in Buildings C and D. A standard plan of condominium is proposed for the subject site.

# 4 POLICY AND REGULATORY CONTEXT

**Section 4** provides a comprehensive overview of provincial and municipal planning documents relevant to the subject site and proposed development. This report provides justification for the proposed development, as it achieves conformity with all planning documents and outlines how the existing development fits within the existing planning policies.

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## 4.1 PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to key land use planning issues such as housing, infrastructure, economic development, transportation, and the protection of environmental resources. In accordance with Section 3(5) of the *Planning Act*, all land use decisions are required to be consistent with the PPS.

Section 1.0 of the PPS, 2020 establishes policies associated with efficient land use and development patterns that support healthy, liveable, and safe communities. The PPS also promotes awareness towards the safety, health and economic growth while protecting the environment and the public. Section 1.1 outlines policies associated with managing and directing land use patterns. Policies applicable to the subject site and proposed development include the following:

*1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including multi-unit housing) to meet long-term needs;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

*1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.*

The proposed development is consistent with the policies of Section 1.1.1 as it will contribute to creating healthy, liveable and safe communities through the efficient development of residential uses on a commercial development site which will utilize existing infrastructure. The proposed development is consistent with the policies of Section 1.1.3.1 as the subject site is located within the Town of Midland's settlement area. Furthermore, the proposed development will provide the Town with an increased supply and range of housing options through intensification and compact built form. The proposed development will make efficient use of existing infrastructure which will assist in sustaining the financial well-being of the Town of Midland and facilitate a cost-effective development which will reduce land consumption and servicing costs.

Furthermore, Section 1.4 details housing policies:

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

*2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

*f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The proposed development is consistent with the housing policies of Section 1.4. The proposed development contributes to the provision of a range and mix of residential options and densities within the Town of Midland by providing 68 apartment dwelling units. It represents an appropriate scale of intensification on the subject site that will accommodate projected growth forecasts. The proposed development will provide future residents with housing options which are more affordable than traditional forms of housing (e.g., detached and semi-detached) and will also make more economical and efficient use of infrastructure and public service facilities.

Section 1.5 of the PPS promotes spaces and facilities that are safe, meet the needs of pedestrian, foster social interaction and facilitate active transportation and community connectivity. The proposed amenity space areas will provide opportunities for connectivity, recreation, and leisure.

In addition, Section 1.6 details policies regarding infrastructure and public service facilities:

*1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.*

*Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:*

*a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*

*b) available to meet current and projected needs.*

*1.6.3 Before consideration is given to developing new infrastructure and public service facilities:*

- a) the use of existing infrastructure and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

*1.6.6.2 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. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

*1.6.6.7 Planning for stormwater management shall:*

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

*1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible*

The subject site is connected to existing municipal water, sanitary and storm servicing within the settlement area. A 2023 Functional Servicing Letter, prepared by WSP on September 22, 2023, has identified sufficient servicing connections from Sundowner Road that can be extended into the subject site. Currently, an existing commercial development is located on the subject site with servicing in place. As such, the servicing capacity will be sufficient to efficiently accommodate the residential development proposed for the subject site. In terms of the stormwater management system, an underground SWM chamber system has been proposed beneath the amenity area which will provide sufficient minor and major storm drainage, consistent with the requirements set out in Policy 1.6.6.7. For these reasons, the proposed development is consistent with the policies of Section 1.6 of the PPS.

Section 1.7.1 of the PPS provides policy direction to support long-term economic prosperity which includes encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce. The policies of Section 1.8.1 states that planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which promote compact form encourage intensification.

The proposed development is consistent with the policies of Section 1.7.1 as it will support long-term economic prosperity by providing housing supply and options to the community that will meet the needs of current and future residents. The proposed development is consistent with the policies of Section 1.8.1 as it will provide a compact built form and intensify the subject site which will support energy conservation and efficiency.

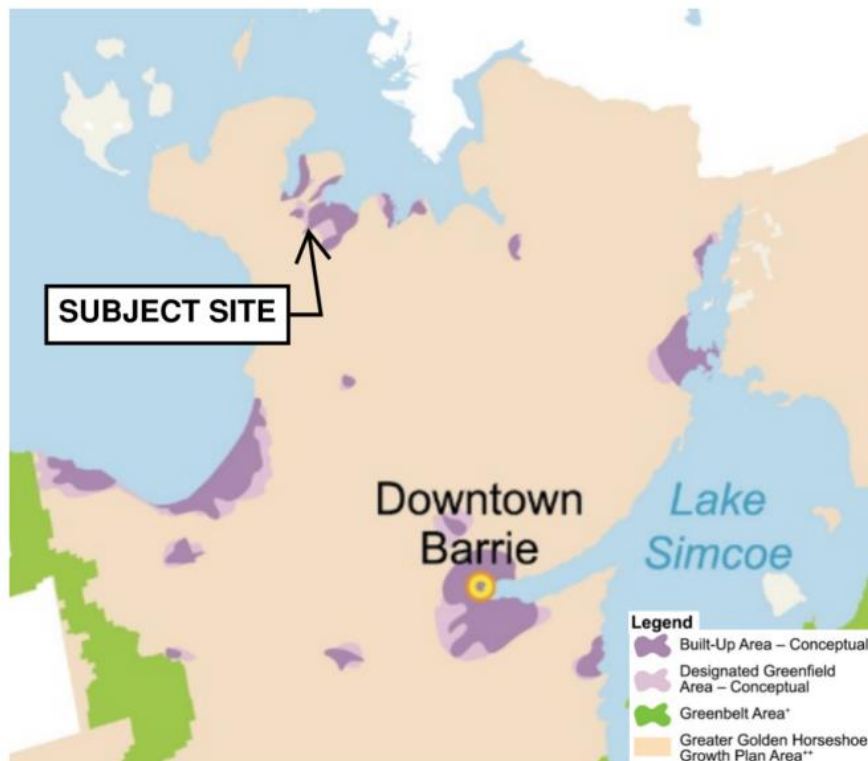
For the reasons set out in this section, the proposed development is consistent with the PPS.

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## 4.2 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Office Consolidation May 2020) (“the Growth Plan”) contains policies regarding population and employment projections that form the basis for planning for growth in municipalities within the Greater Golden Horseshoe (GGH) Area, including the Town of Midland. Within the Growth Plan, the subject site is located within the “Built-Up Area - Conceptual” as shown in **Figure 6**. Areas within delineated built boundaries, such as built-up areas, are intended to absorb the majority of growth within the GGH area over the 2051 planning horizon. The subject site is also located within the Simcoe Sub-area in the County of Simcoe. Within the County of Simcoe, 555,000 residents and 198,000 jobs are forecasted for the 2051 horizon (Schedule 3 of the Growth Plan).

The Growth Plan generally directs growth to settlement areas within the delineated built-up areas which have existing or planned servicing and can support the achievement of complete communities. The Growth Plan supports complete communities which have a diverse mix of land uses and provide a range and mix of housing options. The proposed development will support the Growth Plan policies by providing a mixed-use development that can be serviced and contribute to the County’s growth targets.



**Figure 6: Excerpt from Schedule 4 - Urban Growth Centre (Growth Plan, 2020)**

Section 2.2.1 of the Growth Plan provides the policies that manages growth:

2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

*a) the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*

- iii. can support the achievement of complete communities;
    - c) within settlement areas, growth will be focused in:
      - i. delineated built-up areas;
      - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
      - iv. areas with existing or planned public service facilities;
    - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
- 2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
  - c) provide a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes;

Section 2.2.2 of the Growth Plan provides policy direction for delineated built-up areas:

- 2.2.2.1 By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
- b) The City of Kawartha Lakes and the Counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe and Wellington will, through the next municipal comprehensive review, each establish the minimum percentage of all residential development occurring annually that will be within the delineated built-up area, based on maintaining or improving upon the minimum intensification target contained in the applicable upper- or single-tier official plan.
- 2.2.2.3 All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
  - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
  - c) encourage intensification generally throughout the delineated built-up area;
  - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
  - e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
  - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The proposed development conforms with Section 2.2.1 and 2.2.2 of the Growth Plan as it is located within in a strategic growth area within a settlement area as elaborated in **Section 4.4.2.1** of this report. The subject site will be serviced by existing municipal infrastructure and public service facilities. The proposed development will also contribute to the achievement of complete communities by providing a mix of land uses including residential, commercial and employment use, and provide the Town with a range and mix of housing options. The proposed development will also support the County of Simcoe's minimum residential intensification target.

Section 2.2.6 of the Growth Plan establishes the following housing policies for the GGH area:

- 2.2.6.1 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:



- i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and*
- ii. establishing targets for affordable ownership housing and rental housing;*

*e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*

2.2.6.2 *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

- a) planning to accommodate forecasted growth to the horizon of this Plan;*
- b) planning to achieve the minimum intensification and density targets in this Plan;*
- c) considering the range and mix of housing options and densities of the existing housing stock; and*
- d) planning to diversify their overall housing stock across the municipality.*

2.2.6.3 *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

The proposed development will conform to the housing policies provided through Section 2.2.6 of the Growth Plan by contributing to the County and the Town's density targets and overall range of housing options by adding 68 apartment units to the housing stock. The proposed apartment units are appropriate and compatible with the development pattern in the surrounding community. The proposed development will contribute a built form which supports the urban structure of the settlement area and provides an alternative density in the community. The provision of one and two bedroom apartment units will provide addition options to the existing house stock which is predominantly low-density housing forms.

Furthermore, Section 3.2.6 set out the following policies pertaining to municipal water and wastewater systems:

3.2.6.2 *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

- a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;*
- b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;*

Since the subject site has connections to existing municipal water and wastewater services, the proposed development will also conform with Policy 3.2.6.2.

The subject site is located in the Simcoe Sub-Area and is therefore subject to Section 6 of the Growth Plan. Applicable policies of the section include the following:

6.3.2 *Municipalities with primary settlement areas will, in their official plans and other supporting documents:*

- a) identify primary settlement areas;*
- b) identify and plan for strategic growth areas within primary settlement areas;*
- c) plan to support the achievement of complete communities within primary settlement areas; and*
- d) ensure the development of high quality urban form and public open spaces within primary settlement areas through site design and urban design standards that create attractive and vibrant places that support walking and cycling for everyday activities and are transit-supportive.*

6.3.3 *Primary settlement areas in the County will be identified in the official plan of the County of Simcoe.*

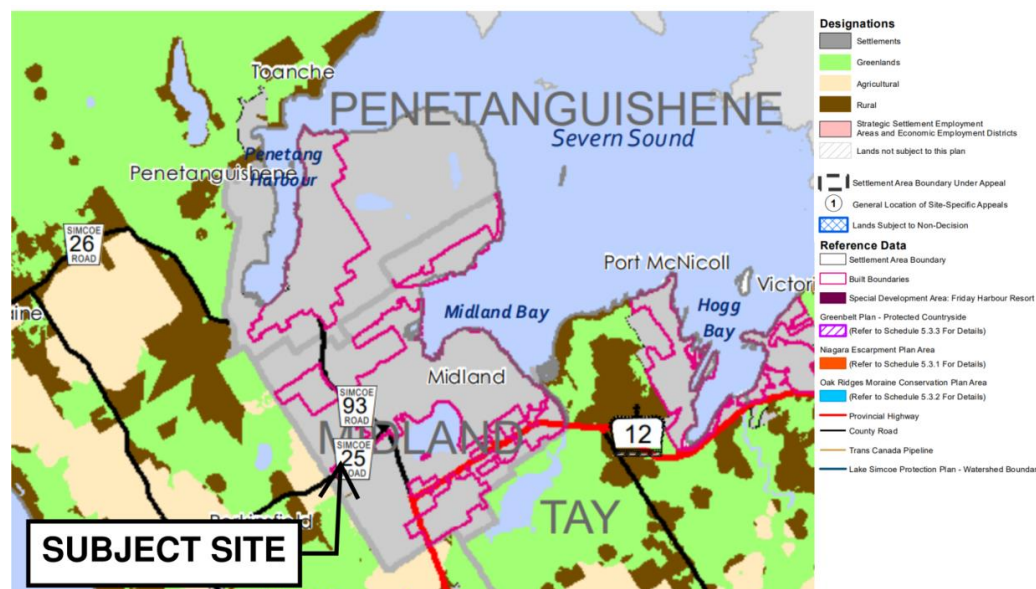
The subject site is located within a strategic growth area within a primary settlement area. The proposed development will support the achievement of complete communities within a primary settlement area and implement high quality

urban design which supports people living and working in the same community. As such, the proposed development conforms with Section 6 of the Growth Plan.

For these reasons set out in this section, the proposed development conforms with the Growth Plan.

## 4.3 COUNTY OF SIMCOE OFFICIAL PLAN

Within the County of Simcoe Official Plan (Office Consolidation February 2023), the subject site is located within the “Settlements” designation as shown in **Figure 7**. The Official Plan provides a policy basis for land use planning taking into consideration the economic, social, and environmental impacts of land use and development decisions. The proposed development will support the County’s objective and policies of Settlements by introducing a built form and density that will assist in the creation of a complete community where servicing exists. The County of Simcoe Official Plan guides growth and development to 2031.



**Figure 7: Excerpt of Schedule 5.1 – Land Use Designation (County of Simcoe Official Plan)**

It should be noted that the County of Simcoe is undergoing a Municipal Comprehensive Review (MCR). It will bring a new Official Plan into conformity with the Growth Plan and establish overall development and environmental management in the County through updated targets and objectives in order to meet a population of 555,000 and 198,000 jobs by 2051. The MCR is currently on hold due to legislative changes and current provincial initiatives. However, as part of the MCR, OPA No.7 was adopted by County Council on August 9, 2022 (awaiting MMAH approval). This OPA will implement growth management policies, including the 2051 forested population growth which projects a population of 24,290

residents in the Town of Midland (draft Policy 3.2.4).

Section 3 of the County of Simcoe Official Plan provides the County’s Growth Management Strategy, including population and employment projections and land use designations. Policy 3.1.1 states the following objective for the County’s planning strategy, “Direction of a significant portion of growth and development to settlements where it can be effectively serviced, with a particular emphasis on primary settlement areas”. The policy further requires local municipal official plans to direct most growth to settlement areas. As per Table 5.1 and Schedule 5.1 of the County of Simcoe Official Plan, Midland is considered a “primary settlement area”. Policy 3.1.1 notes that primary settlement areas will develop as complete communities. The proposed development conforms with Policy 3.1.1 as it supports the overall growth targets, as described below, and provides a range and mix of commercial and residential uses which contributes to the achievement of complete communities.

Section 3.2 includes population and employment projections for the County of Simcoe to 2031 with forecasted total population of 416,000 and total employment of 132,000. Table 1 of the County of Simcoe Official Plan distributes these targets to each local municipality, allocating a population of 22,500 residents and 13,800 employees for the

Town of Midland. The policy framework is used as a growth management framework and to inform the County's land budget process.

On March 23, 2021, Hemson provided a memo to summarize their updated residential land budget and Land Needs Assessment (LNA) for the County of Simcoe and its constituent lower-tier municipalities to 2031. The update incorporated all relevant data from the 2016 Census and land supply information updated to January 2020. Based on the 2031 targets, noted above, Hemson concluded that Midland had a shortfall of 166 units in the built-up area to achieve the projected 2031 growth. It should be noted that Hemson is also updating the LNAs as part of the MCR process and continues to note that Midland is short in achieving the units needed to meet the 2051 targets in the built-up area. Based on these findings, the Town needs new residential units to address this shortfall. As such, the proposed development will contribute 68 apartment units to the Town of Midland and help support the Town in addressing this shortfall.

Section 3.2 also provides the following applicable growth management policies:

- 3.2.3 *The majority of population and employment growth will be directed to settlement areas with particular emphasis on primary settlement areas. Municipalities with primary settlement areas will direct a significant portion of population and employment growth forecasted to the applicable primary settlement areas. A proportion of new growth will be accommodated through intensification according to the targets set out in Section 3.5. The primary settlement areas will develop as complete communities. Other settlement areas may over time develop towards becoming a complete community, where appropriate, based on the hierarchy described in 3.5.*
- 3.2.4 *The majority of population and employment growth will be directed to settlement areas with full municipal water services and municipal sewage services. Limited growth will be permitted in settlement areas that are serviced by other forms of water and sewage services with appropriate studies provided to support the servicing systems proposed and in accordance with Section 4.7 of this Plan.*
- 3.2.6 *The County as a whole will plan for and invest for a balance of jobs and housing to reduce the need for long distance commuting and promote alternative transportation choices and usage for people of all ages and abilities.*
- 3.2.7 *Within settlement areas, development may be approved in accordance with Section 3.5 of this Plan.*
- 3.2.12 *Local municipalities will delineate the boundaries of settlement areas in their official plans based on what is shown on Schedule 5.1 of this Plan, and establish land use designations and policies to ensure that new development occurring within these settlements is planned in a manner that:*
- a) Provides for a mix of land uses, including residential, employment, recreational and human services as appropriate based on the settlement hierarchy and role of each settlement area as determined by the local municipality;*
  - b) Provides an integrated composition of land use designations that considers how to enable people of all ages and abilities to safely and independently live, work and play in close proximity;*
  - c) Provides for enhanced transportation opportunities for pedestrians and cyclists;*
  - d) Provides for densities and land use patterns supportive of transit service where planned to be available in the future;*
  - e) Provides for a variety of housing types, including affordable housing; and*
  - f) Is phased according to the availability and provision of infrastructure and public service facilities and the phasing policies of this Plan.*
- 3.2.13 *Local municipalities will incorporate policies into their official plans to implement the policies of Section 3.5 of this Plan including phasing and other strategies to ensure logical and orderly progression of development within settlement areas and minimize partially developed communities and time the provision of infrastructure and public service facilities required to meet the current and projected needs.*

The subject site is located in the Town of Midland which is a designated primary settlement area. The proposed development represents intensification of the subject site and will support the Town in developing as a complete community. The proposed development can be served by existing municipal water and municipal swage services. The mixed uses and amenity area on the subject site will support people living, working and playing in the same community, and local transit is available within proximity to the site. The proposed apartment dwellings (and mix of unit sizes) will support the Town with providing a variety of housing types in which can meet the needs of varying household sizes and incomes. The proposed development also introduces residential units which are more affordable than traditional forms of housing (e.g., single-detached or semi-detached) which currently make-up the majority of the Town's supply. As such, the proposed development will conform with Section 3.2 of the Official Plan.

Section 3.3 sets out general development policies which apply in all land use designations within the County of Simcoe. The following policies are applicable to the proposed development:

*3.3.2 Subdivision of land by plan of subdivision or consent, or plans of condominium, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies.*

*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:*

*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)*

*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. 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.*

*3.3.19 Local municipalities are encouraged to establish stormwater management policies relating to development associated with new plans of subdivision and condominium and other large scale development in order to protect, improve or restore the quality and quantity of water resources and related natural heritage systems. The policies will consider the requirement for a Stormwater Management (SWM) Report to address the impacts of the development on: stormwater runoff volumes; water quality; erosion and sedimentation; and environmental features, including fish habitat.*

*Subject to Sections 3.4 to 3.9, adjacent to County Roads where applicants are proposing new plans of subdivision and condominium; the creation of more than five (5) new lots by consent; and other large scale commercial, industrial and institutional development, the County will require a supporting SWM Report. The SWM Report shall be prepared by a qualified professional engineer registered with the Association of Professional Engineers of Ontario to the satisfaction of the County and any other applicable authority. The*

*SWM Report shall be prepared in accordance with the Stormwater Management Planning and Design Manual (Ontario Ministry of Environment, 2003) and the Fish Habitat Protection Guidelines for Developing Areas (Ontario Ministry of Natural Resources, 1994) or their successors.*

*Stormwater Management Reports are to address the following:*

- *Control post-development run-off rates to the County right-of-way to the pre-development condition for the 1:2 year through 1:100 years design storm event or Hurricane Hazel storm (1954)/Timmins storm flooding hazard limit, whichever is greater;*
- *Site-specific assessment to determine whether equalization of run-off rates is actually possible and what the significance of changes in run-off rate would actually be on the particular surface water bodies which could be affected;*
- *maintain post development runoff water quality to meet applicable provincial/federal guidelines and standards for stormwater quality;*
- *All attempts should be made to maintain existing watershed boundaries and drainage patterns;*
- *Identify the erosion and sedimentation control measures required to be undertaken during construction to mitigate the potential negative impacts of the development;*
- *Describe how the stormwater plan will provide for the protection and maintenance of natural heritage systems, including fish habitat; and*
- *How the landscaping plans are recommended as part of the stormwater management plan as vegetation is considered as an important functional component in the design of stormwater management facilities.*

*3.3.20 The County shall require proponents of commercial, industrial, institutional, or residential (5 or more lots or units) development applications to undertake and implement a Traffic Impact Study (TIS) to the satisfaction of the appropriate road authorities when the proposed development is on or would affect County Roads as determined through pre-consultation with the County. The main purpose of the Traffic Impact Study is to examine the impact of traffic generated by the proposed development at its access, at nearby intersections and interchanges to determine any necessary highway design improvements required. The Traffic Impact Study will assess the existing traffic conditions and the traffic volumes generated by the proposed development at the date of opening, 5 and 10 years horizons beyond full build-out of the site.*

*For a site specific official plan amendment, a Traffic Impact Study is required as part of a complete application. For a draft plan of subdivision, a satisfactory TIS is required prior to draft plan approval.*

*Where a secondary plan or major development is proposed either adjacent to or in the vicinity of a Provincial Highway or County Road, a Transportation Study in accordance with Section 4.8 will be required. This study shall be circulated to the Province and/or County of Simcoe for review and approval.*

*The design and construction of the recommended improvements identified within the approved Traffic Impact Study will be included as a condition of access approval for the proposed development. For highway improvements required on County Roads, the applicant will be required to enter into a legal agreement with the County of Simcoe whereby the owner agrees to assume financial and other responsibility for the construction of all necessary highway design improvements which are directly attributable to the proposed development.*

The proposed development conforms with Policy 3.3.2 as it relates to a plan of condominium which implements residential development permitted in the subject site's designation. The EIS, prepared by WSP dated February 27, 2019, concluded that the existing development would not negatively impact the adjacent lands which are separated by Sundowner Road. Based on the findings of the previously completed EIS and the existing separation from the adjacent woodlands it is our opinion that the proposed development conforms with Policy 3.3.15. As per the completed SWM report prepared by WSP on October 2, 2023, the proposed development is supported by the proposed underground stormwater management chamber system and associated low impact development (LID) measures to effectively drain stormwater on site, therefore conforming with Policy 3.3.19. In addition, a TIS addendum to the approved May 22, 2019 TIS, prepared by WSP on October 4, 2023, concludes that the surrounding road network can accommodate the

2024 and 2029 projected traffic volumes generated by the minor increase in on-site generated trips from the proposed development. In terms of parking spaces, with the consideration of shared parking provisions, based on the TIS addendum, the proposed parking supply is sufficient for the subject site. As such, the proposed development conforms with Section 3.3.20.

As mentioned previously, the subject site is located within the Settlement designation of the County of Simcoe Official Plan. Section 3.5 of the Official Plan sets out objectives and policies related to settlements. Objectives of Settlements include:

- 3.5.1 *To focus population and employment growth and development within settlements, with particular emphasis on primary settlement areas, in accordance with the policies of this Plan.*
- 3.5.2 *To develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation, and other services.*
- 3.5.3 *To develop mixed use settlements as strong and vibrant central places and to create healthy settlements and communities that are sustainable.*
- 3.5.4 *To promote development forms and patterns which minimize land consumption and servicing costs.*
- 3.5.5 *To promote healthy, complete, and accessible urban and rural communities that are in proximity to amenities, support services, and transit.*

The proposed development will contribute to the overall population growth within the primary settlement area by adding 68 residential units. The proposed development represents a compact urban form which promotes the efficient use of land and infrastructure and minimizes land consumption and servicing costs. The ultimate development of the subject site will provide mixed uses to support the creation of healthy, sustainable communities which are in proximity to various amenities and services.

The following growth management policies are applicable to the proposed development:

- 3.5.7 *Primary settlement areas are settlement areas and are shown on Schedule 5.1.2 of this Plan. Primary settlement areas are larger settlements suitable for high intensification targets, public transit services, and high density targets for designated Greenfield areas and have full municipal water services and municipal sewage services. Primary settlement areas will develop as complete communities. Municipalities with primary settlement areas will, in their official plans, focus and direct a significant portion of its population and employment forecasted growth to the applicable primary settlement areas while considering growth in other settlement areas through local growth management studies as per Section 3.5.9. Municipalities with primary settlement areas will, in their official plans, identify primary settlement areas, identify and plan for intensification areas within primary settlement areas and ensure the development of high quality urban form and public open spaces within primary settlement areas through site design and urban design standards that create attractive, inclusive and vibrant places for residents of all ages and abilities that support walking and cycling for everyday activities and are transit-supportive.*
- 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.*
- 3.5.16 *The progression of development within a settlement area will be based on a sustainable and logical progression of development and in accordance with Provincial, County and local municipal official plan policies. Consideration will be given to the following matters when determining phasing of development:*
  - a) *The required infrastructure and public service facilities are approved and implementable in a timely and cost-effective manner;*

*b) The development promotes sustainability and energy efficient design and contributes to the achievement of a complete community, including the provision of a full range of housing types, and/or the provision of commercial and employment opportunities;*

*c) Priority given to infill and intensification proposals that utilize existing infrastructure and public service facilities;*

*d) Absorption rate of new construction in previous phases and the need for additional phases of development;*

*3.5.25 Intensification, or directing of development to the built-up area and serviced areas within settlement areas, contributes to a compact development form. Accordingly, it is a policy of this Plan that local municipalities will plan to achieve the following minimum percentages of all new residential units occurring annually to be developed within the built boundaries of settlement areas by the year 2015 and for each year thereafter:*

*Town of Midland: 40% intensification target*

*3.5.26 Each local municipality shall develop an intensification strategy and implement the strategy through its official plan in order to phase in and achieve the intensification targets in Section 3.5.25 of this Plan. Through the strategy, local municipalities shall promote and facilitate intensification and efficient use of land in built-up areas, identify intensification areas to support achievement of the intensification target, promote the development of mixed use areas within settlements, identify areas appropriate for revitalization and redevelopment, identify the type and scale of development appropriate for the intensification areas, identify means to mitigate the effects of intensification in intensification areas on stable residential areas including consideration of transitional densities, built form and land uses, identify means to protect stable residential areas outside of intensification areas, and develop cost-effective and land efficient development standards. The intensification strategy shall also identify a program for monitoring the achievement of the intensification targets in Section 3.5.25 and evaluate the ongoing feasibility of achieving the targets.*

The proposed development is permitted and encouraged within the primary settlement area by Town and County Official Plan policies. The subject site will be serviced by existing infrastructure and supports the achievement of complete communities by providing a development which allows residents to live, work and play in the same space. The proposed development will support the Town's minimum 40% intensification target by providing an additional 68 residential units to the Town's housing supply. Therefore, the proposed development conforms with these policies.

The following policies regarding settlements are applicable to the subject site:

*3.5.27 Settlements, and the downtowns and main streets of primary settlement areas, shall be promoted as focal points for residential, commercial, and institutional uses, through the following:*

- o Establishing safe and pleasant pedestrian environments which encourage movement by foot and bicycle and transit*
- o Development of attractive streetscapes*
- o Development of a range of housing types and costs*
- o Encouragement of opportunities for affordable and reliable transit access within communities and between communities for people of all ages and all abilities.*

*3.5.29 Settlement form and building design shall consider conservation in energy, water and wastewater management, the current use or eventual introduction of public transit, the integration of paths and trails, bicycle routes, a compact and convenient design which encourages walking, the incorporation of natural heritage features and areas, public safety including the impact on policing services, and the preservation of public access to shorelines.*

*3.5.30 Development within the built-up areas and designated Greenfield area of settlement areas may be of higher density to achieve the policy directives of this Plan but should be compatible with adjacent residential areas. The local municipalities may explore means to ensure compatibility through such measures as transitional densities, built form and land uses.*

The proposed residential units above the existing commercial plaza will support mixed use on the subject site and the transportation systems described in Section 2.2.1 of this Report. The proposed amenity space and landscaping will support providing an attractive streetscape. Technical studies have been conducted for the applications to support the



residential addition which consider energy, water and wastewater management, and the integration of amenity areas. The proposed development will be compatible with the surrounding uses and conforms with these policies.

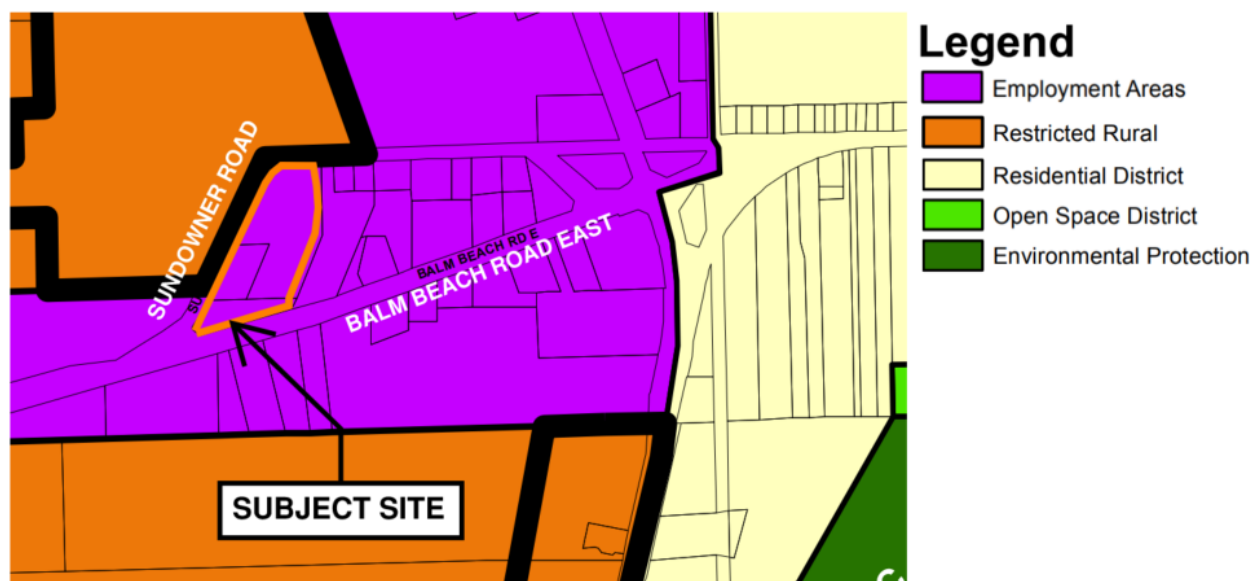
For these reasons, the proposed development conforms with the overall objectives of the County of Simcoe Official Plan.

## 4.4 TOWN OF MIDLAND OFFICIAL PLAN

The following sections provide a review of the previous Official Plan (Office Consolidation April 4, 2019) and new Official Plan (November 2019) policies. These policies are relevant to consider as they support the redesignation of the subject site without an OPA. A refinement to the Official Plan policy is required to remove the “Natural Heritage” designation and redesignate the entire site “Mixed Use Corridor”. Based on Policy 4.5.3.4(c) of the new Official Plan, this refinement to the “Natural Heritage” designation is minor and can be adjusted without an OPA, as confirmed by Town Staff per the Pre-Consultation comments received on June 26, 2023.

### 4.4.1 PREVIOUS OFFICIAL PLAN

Within the previous Official Plan, the subject site was designated as “Employment Area” shown in **Figure 8**.



**Figure 8: Excerpt from Schedule A - Official Plan Land Use (Town of Midland Official Plan, 2002)**

Section 3.1 of the previous Official Plan noted Employment Areas are intended to provide for business and commerce, industry, and compatible community and institutional uses. Section 3.1.3 outlined permitted uses of the designation including: industrial uses; commercial uses including retail, commercial and business uses; institutional and community service uses; and residential uses above the ground floor of commercial uses.

Section 3.1.5 of the previous Official Plan provided development policies applicable within the Employment Areas designation:

- 3.1.5
- a) *Building design, location and treatment should be complementary to surrounding uses. Buildings located adjacent to major transportation routes are expected to present a best face forward design approach, including landscaping, to heighten the aesthetic appeal of the location and the surrounding area.*
  - b) *Adequate parking and loading facilities will be provided on site. Shared access and parking for adjacent developments is encouraged, together with shared internal roadways, to reduce the need to use local streets.*
  - c) *Adequate visual screening between adjacent residential and open space uses shall be provided. Outside storage areas shall be fenced and screened so as to appropriately conceal the use from adjacent properties and streets.*
  - e) *Development within this designation should be subject to site plan control as set out in Section 8.8. Development or re-development of existing uses, which would result in a significant expansion of usable floor*

area, may be subject to site plan control. For the purpose of this section “significant expansion” is defined as an expansion of approximately 25% or greater of gross floor area coverage on the subject lot or 25% or 460 m<sup>2</sup> (4,950 sq. ft.) of the usable floor area of any building associated with the use. The above is the cumulative amount of development following the adoption of this Plan.

The existing development, which received site plan approval in September 2019, conformed with the previous objectives and policies for the Town’s Employment Areas designation. The commercial uses have been designed to be compatible to the surrounding uses, address the relationship to the surrounding road network, and provide adequate landscaping, parking and loading facilities. It should also be noted that the Employment Areas designation permitted residential uses above the ground floor of commercial uses.

#### 4.4.2 NEW OFFICIAL PLAN

In November 2019, Council adopted the new Official Plan. The new Official Plan redesignated the subject site from “Employment Areas” to “Mixed Use Corridor” and “Natural Heritage” to reflect the existing uses on the subject site, at the time of the Official Plan Review. The redesignations did not reflect what was approved on the subject site at the time. Since the adoption of the new Official Plan, the woodlands and single detached dwelling have been removed from the site and construction of the commercial buildings are either complete or are in progress.<sup>1</sup> The following sections are a review of the new Official Plan policies to support the designation of “Mixed Use Corridor” across the entire site to reflect the previously approved and proposed development.

##### 4.4.2.1 URBAN STRUCTURE

Currently, the subject site is located within the Town’s “Delineated Built Boundary” on Schedule A – Growth Areas. It is also designated as “Strategic Growth Area 1” and “Greenlands” as shown in **Figure 9**.

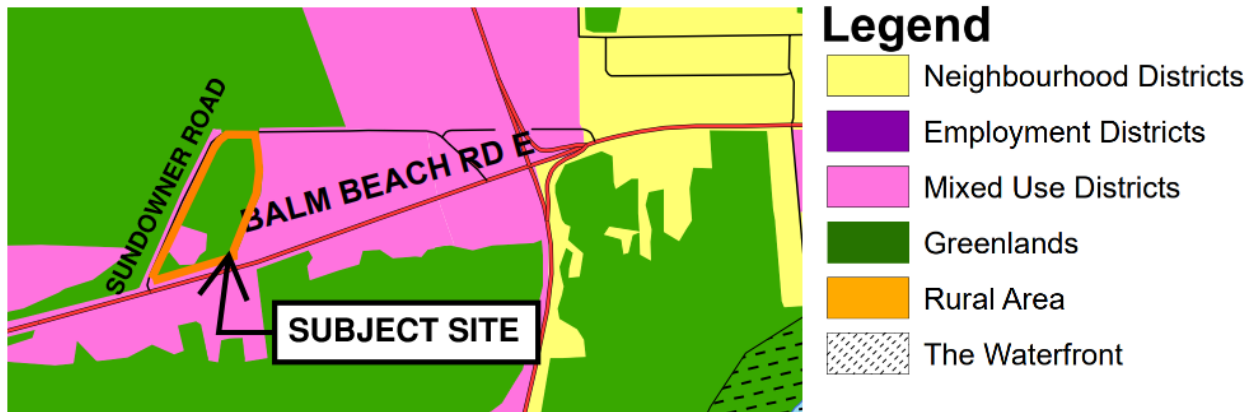


**Figure 9: Excerpt from Schedule A - Growth Areas (Town of Midland Official Plan, 2019)**

The Delineated Built Boundary defines the Delineated Built-Up Area and identifies the developed areas of the Town and lands that have been approved for development. The Official Plan indicates a 40% target for all new residential development on an annual basis to occur through intensification within the Delineated Built-Up Area (Policy 2.2(d)(i)). Greenlands consist of protected natural heritage systems and public parks and are generally not available for urban development at the time of the Official Plan (Policy 2.2(d)(ii)). Lastly, Strategic Growth Areas 1 consist of lands within the Delineated Built-up Area which have been identified to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form (Policy 2.2(d)(iii)).

Furthermore, the subject site is designated “Mixed Use Districts” and “Greenlands” in the Town’s Urban Structure, as shown in **Figure 10**. The adjacent lands consist of the Mixed-Use Districts designation. The Town’s Urban Structure forms the basis upon which Midland’s future growth is to be focused and accommodated (Policy 2.2(e)).

The Mixed Use Districts accommodate, and are planned to accommodate, a mixture of retail, service commercial, office, institutional and, in some cases, higher density residential land uses (Policy 2.2(f)(iii)).



**Figure 10: Excerpt from Schedule B – Urban Structure (Town of Midland Official Plan, 2019)**

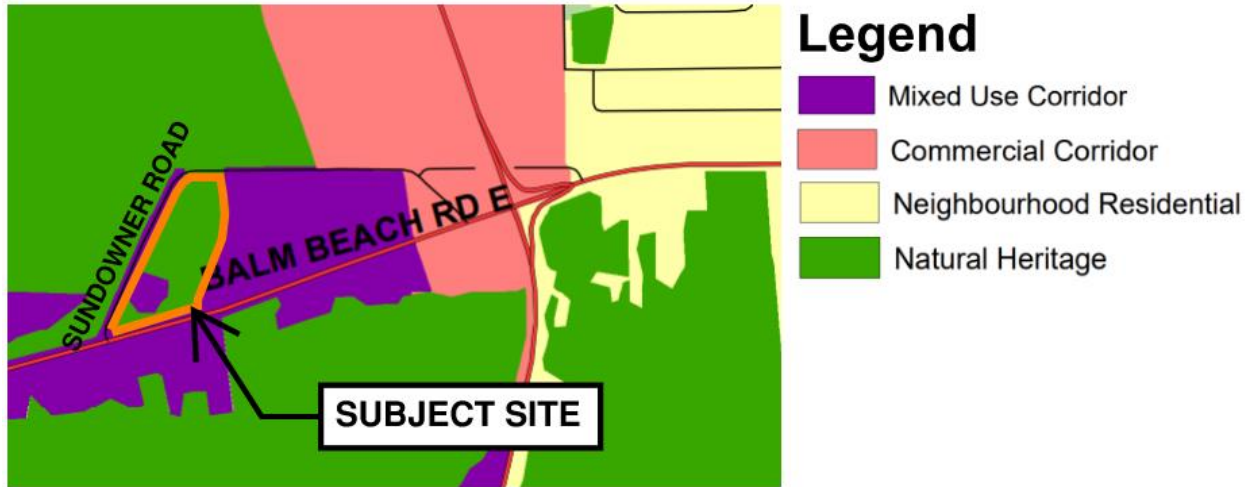
Section 3.0 of the Official Plan provides general development policies applicable to the entire Town. Section 3.1 sets out elements for a successful community, such as encouraging the development of a complete community that includes higher density-built forms and higher intensity of uses as a way of reducing land consumption and maximizing the efficiency and cost effectiveness of municipal service infrastructure (Policy 3.1.1(e)(ii)). Other objectives include, amongst others, promoting compatible development (Policy 3.1.1(f)(v)) and accommodating a range and mix of housing types (Policy 3.1.5). Section 3.2 of the Official Plan provides guidance towards housing within a successful community. Requiring a mix of housing types, sizes, and densities in new development and encouraging a mixture of tenures, unit sizes and affordability is noted as a way to accommodate changes in the community needs over time (Policy 3.2.3(b)(i)). Furthermore, the creation of residential uses above commercial uses within the Mixed Use Corridor designation is encouraged to achieve barrier-free, assisted and/or affordable housing objectives (Policy 3.2.6(d)).

As previously discussed, the subject site no longer contains woodlands that existed when the site was designated Greenlands. As such, the entirety of the subject site should be located within the Strategic Growth Area 1 and Mixed Use Districts to reflect both the existing and proposed development. The development will support the Town’s Urban Structure and provide intensification and higher-density mixed uses in a more compact built form. The proposed development will also conform to Section 3.1 and 3.2 of the OP.

It will support the objectives of a successful community providing the Town with a compatible development that supports a range and mix of housing. The proposed development includes an open amenity space which supports an efficient design and ensuring a healthy environment for the well-being of the residents and visitors. It aligns with the overall community through sustainability, resiliency and viability in relation to the existing built form in the vicinity.

#### 4.4.2.2 LAND USE DESIGNATIONS

The subject site is designated “Natural Heritage” and “Mixed Use Corridor” as shown in **Figure 11**. The entire site is proposed to be designated Mixed Use Corridor. A review of both designations is provided below.



**Figure 11: Excerpt from Schedule C – Land Use Map (Town of Midland Official Plan, 2019)**

#### MIXED USE CORRIDOR

Within the Town’s Mixed Use Districts, the subject site is partially designated Mixed Use Corridor. As stated previously, Mixed Use Districts have the potential to accommodate significant growth, in an intensified built form, with mid-rise and high-rise residential buildings and population related employment uses (Policy 4.4.1(a)). Mixed Use Districts are intended to be flexible and responsive to surrounding land use patterns and allow for a broad range of uses with different characteristics (Policy 4.4.1(b)). Objectives relevant to Mixed Use Districts include: accommodating growth in medium to high density built forms; ensuring necessary infrastructure is available to support development; and, requiring all development to be transit-supportive and incorporate high-quality design (Policy 4.4.1(c)).

Policy 4.4.5 of the Official Plan outlines policies related to the Mixed Use Corridor designation. Sites within the designation are intended to accommodate a mix of compatible land uses to support investment in transit and the achievement of a complete community. Policy 4.4.5(d) outlines the following permitted uses on lands designated Mixed Use Corridor:

- i. *Land uses lawfully existing on the date of the approval of this Plan;*
- ii. *Moderately scaled retail, service commercial uses and restaurants of all types, motor vehicle service centres and repair shops;*
- iii. *Commercial, medical, social service, administrative and institutional office uses of all types and scales;*
- iv. *Low and mid-rise residential uses, including above grade residential, live-work units and communal housing, which may include special needs housing and housing for seniors;*
- xiv. *Child care facilities;*
- xvi. *Parking facilities at-grade and/or structured;*

Furthermore, Policies 4.4.5 (g) to (p) set out applicable development policies within the Mixed Use Corridor designation. This includes:

- g) *Development in the Mixed Use Corridor designation shall generally be part of a comprehensively planned site, where a grouping of permitted uses function with some common parking and/or loading facilities and*

*shared ingress and egress. Freestanding buildings are also permitted on individual sites, provided they do not adversely affect access or traffic circulation within the broader Mixed Use Corridor designation.*

- h) Permitted office and residential uses shall be in stand-alone buildings, or in upper storeys of a mixed use building/development. They may be located on individual sites, or form part of a larger, comprehensively planned site.*
- i) Within the Mixed-Use Corridor designation, the minimum building height for new development or redevelopment should be 2 storeys, or 8 metres, whichever is greater. The maximum building height shall not exceed a height of 4.0 storeys or 16.0 metres, whichever is less.*
- k) When considering an application for a development or redevelopment within the Mixed Use Corridor designation, the following shall be considered:*
  - i. The landscape, built form and functional character of the surrounding community is enhanced;*
  - ii. No undue, adverse impacts are created on adjacent properties in the vicinity;*
  - iii. The natural heritage system and the key natural heritage features and ecological and hydrologic functions it incorporates are appropriately protected;*
  - iv. Identified on-site or adjacent cultural heritage resources are appropriately conserved;*
  - v. The height and massing of nearby buildings is appropriately considered and buffering and/or transitions in height and density to adjacent properties are implemented, where necessary;*
  - vi. At-grade uses may change over time. As a result, the floor-to-ceiling height of ground floors for all buildings should be sufficient to adapt to a range of permitted uses and shall generally be 4.5 metres;*
  - vii. On-site amenity space is provided and it is reflective of the existing patterns of private and public amenity space in the vicinity;*
  - viii. Streetscape patterns, including block lengths, setbacks and building separations are maintained;*
  - ix. Utility, infrastructure and transportation system capacity exists to serve the proposed development and there are no undue adverse impacts on the Town's sewer, water, storm water management and transportation systems; and,*
  - x. The conservation of identified heritage resources.*
- l) Development or redevelopment within the Mixed Use Corridor designation will have regard for an adjacent land use or area, with respect to existing built form, building mass, height, setbacks, scale, orientation, landscaping, and visual impact. As such, where a development in the Mixed Use Corridor designation abuts a residential use, or any lands within the Neighbourhood Residential designation, the Town shall ensure an appropriate transition between built forms and uses, and shall moderate the height of new development through the application of an angular plane, setbacks, step backs and/or landscape buffering requirements.*
- m) Adequate parking, loading and garbage collection/storage facilities for all permitted land uses shall be provided on the site. Front yard parking should not be permitted for new development or redevelopment. Parking and servicing areas should be located at the rear or side of the building and not visible from the street.*
- p) Policies for mid-rise residential development include:*
  - i. Mid-rise residential development may consist of a mix of triplexes, fourplexes, townhouses, street townhouses, apartments and similar multiple dwellings, or a mix of the above.*

The proposed development conforms with the general objectives and policies for the Town's Mixed Use Districts and the Mixed Use Corridor designation. The proposed residential addition to the development will positively contribute to the public realm and support a community friendly streetscape along Sundowner Road and Balm Beach Road East. The proposed development is a permitted use and will provide mixed use buildings on the subject site. The proposed

development will include one and two bedroom units which will support the Town's goals to provide for a range of housing types and unit sizes to accommodate changes in the community needs over time.

Policy 4.4.5(k) has been considered and will be addressed within the proposed development. There will be no adverse impacts created on adjacent properties. The proposed development will have regard for the surrounding land uses and incorporate an appropriate transition between uses through the use of setbacks and landscape buffering. Parking, loading and garbage storage facilities will be accommodated internally on site and screened so that they are not visible from the street. The proposed development will also include an amenity space located in the northern section of the subject site that will enhance the subject site by adding a recreational space for residents.

For the reasons outlined above, and review of Natural Heritage policies below, it is our opinion, as agreed with by Town Staff, that the proposed development should be redesignated as Mixed Use Corridor without an OPA per Policy 4.5.3.4 (c) of the Official Plan. The proposed development will conform with the Mixed Use Corridor designation policies.

## NATURAL HERITAGE

Within the Town's Greenlands, the subject site is partially designated Natural Heritage. Section 4.5 of the Official Plan sets out policies related to the designation which includes the Town's natural heritage features and parks. Policy 4.5.1(b) provides general objectives for the Greenlands which include maintaining biodiversity and providing for the long-term sustainability of the ecosystem by only approving developments that are consistent with the natural heritage policies of the PPS and the County's Official Plan, and protecting significant woodlands, amongst other objectives.

Policy 4.5.3 of the Official Plan outlines policies related to the Natural Heritage Designation. Sites within the designation have similar objectives of the Greenlands, in addition to ensuring that any development proposed within, adjacent to, or in proximity to the Natural Heritage designation is adequately studied through the Town's Environmental Impact Study (EIS) process as well as a Species at Risk Screen/Evaluation, as required (Policy 4.5.3(b)). Policy 4.5.3 (e) and (f) outlines the following permitted uses on lands designated Natural Heritage:

- e) *Permitted uses on lands designated Natural Heritage may include:*
  - i. *Conservation uses;*
  - ii. *Silviculture and woodlot management;*
  - iii. *Scientific research and education;*
  - iv. *Wildlife management activities;*
  - v. *Buildings or structures necessary for flood or erosion control;*
  - vi. *Existing agricultural uses; and/or,*
  - vii. *Existing lawful uses, restricted to the provisions of the applicable existing zoning as of the date of the approval of this Plan.*
- f) *The following uses, subject to the results of an Environmental Impact Study, may also be permitted on lands designated Natural Heritage:*
  - i. *Public or private trails and other associated passive recreational opportunities and facilities that do not require substantial site alterations; and/or,*
  - ii. *Buildings or structures appropriate and supportive of public or private trails and other associated passive recreational opportunities and facilities; and/or,*
  - iii. *The extension of municipal infrastructure, in accordance with the policies of this Section.*

The following Policies 4.5.3 (g) and (i) are applicable development policies within the Natural Heritage designation:

- g) *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) Where buildings, development and/or site alteration, including the removal or placing of fill of any kind, whether originating on the site or elsewhere, are proposed within the Natural Heritage designation, the Town shall require that an Environmental Impact Study be prepared that demonstrates that there will be no negative impacts on any natural heritage features or ecological and hydrologic functions.

The existing development is a permitted use within the Natural Heritage designation as it is considered an existing lawful use, per Policy 4.5.3(e)(vii). The zoning for the property permitted the use prior to the approval of the current Official Plan. The proposed development is not a permitted use as residential uses are not contemplated in the existing zoning for the subject site. An EIS, as described in **Section 5.1**, was previously prepared to support the existing development. A technical adjustment to the Official Plan will be required to remove the Natural Heritage designation on the subject site to reflect the site’s current conditions and permit the proposed development.

The lands across the road from the subject site, located on the west side of Sundowner Road, are also designated Natural Heritage. As such, Policy 4.5.3.1 has been reviewed below:

- a) *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.*
- b) *Adjacent lands are not identified on the Schedules of this Plan. Adjacent lands are defined as those lands which abut or are contiguous to the Natural Heritage designation identified on Schedule C – Land Use and as defined in the Ministry of Natural Resources and Forestry Natural Heritage Reference Manual by type of natural heritage feature, as follows:*

PPS Natural Heritage Feature Or Area	Adjacent Lands Width (distance from feature for considering potential negative impacts)
Significant habitat of endangered species and threatened species	120 m
Significant wetlands and significant coastal wetlands	120 m
Significant woodlands	120 m
Significant valleylands	120 m
Significant wildlife habitat	120 m
Significant areas of natural and scientific interest – life science	120 m
Significant areas of natural and scientific interest – earth science	50 m
Fish habitat	Inland lake trout lake (at capacity) on the Canadian Shield 300 m All other fish habitat 120 m

- c) *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. *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,*



- 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.*

As mentioned previously and described in **Section 5.1**, prior to the approval of the existing development on the subject site, an EIS was conducted on February 27, 2019. It was concluded that the existing commercial development would not negatively impact the site or adjacent lands. At the time, the subject site contained woodlands. Ultimately, the woodlands were removed based on the findings of the EIS and the existing development was granted site plan approval. The subject site and the adjacent lands are separated by Sundowner Road and, based on the findings of the previously completed EIS, it is WSP's opinion that the proposed development will support the Town's policies.

Given that the proposed development would require a boundary adjustment of the Natural Heritage designation which would result in the removal of the designation, Policy 4.5.3.4 has been reviewed below:

- a) *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.*
- b) *Minor refinements to the Natural Heritage designation on the Schedules to this Plan will be undertaken as part of the Zoning By-law conformity exercise, which may include alignment with property lines, more accurately identifying existing development/cleared building envelopes and regularizing the boundaries. This exercise may result in the Natural Heritage designation decreasing, being eliminated, increasing or remaining unchanged on any given property, depending upon the findings of the Zoning By-law conformity exercise.*
- c) *The Town may make minor amendments to the Schedules of the Official Plan if and when more detailed mapping for the Natural Heritage designation becomes available from any agency having jurisdiction or that the Town deems appropriate and/or through an Environmental Impact Study. Based on an assessment of impact by the Town, these minor adjustments to the Natural Heritage designation may not require an Official Plan Amendment.*

*If an Official Plan Amendment is deemed unnecessary by the Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, the adjacent land use designation as identified on Schedule C – Land Use, shall apply and the Town may amend the boundary of the Natural Heritage designation through an implementing Zoning By-law. Where no Official Plan Amendment is required, only Schedule C – Land Use is required to be amended;*

- d) *Where the boundaries of the Natural Heritage designation are in question through a development application, the Town shall consult with the County and any agency having jurisdiction or that the Town deems appropriate to determine the necessity for an Environmental Impact Study, a scoped Environmental Impact Study, and/or an Official Plan Amendment.*
- e) *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. *In flood-prone lands or steep slopes the works to overcome the environmental hazards will not transfer hazards to other areas;*
  - 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;*
  - 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.*

- 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.*

It is WSP's opinion, as agreed with by Town staff, that the proposed refinement to the Natural Heritage designation boundary is a minor adjustment, as per Policy 4.5.3.4(c), and does not require an OPA. The adjustment would reflect the removal of the woodlands on the subject site, which was approved as part of the site plan approval in 2019. As such, the adjacent land use designation will apply to the subject site (i.e., Mixed Use Corridor – see **Figure 11**). Based on our review of the Mixed Use Corridor policies above, it is WSP's opinion that the proposed development will conform to that designation's objectives.

Furthermore, since there is existing development on the subject site, Policy 4.5.3.5 has been reviewed below:

- b) *It is the intent of the Town to ensure that existing development rights on lands within the Natural Heritage designation are appropriately recognized, and that those existing rights are permitted within the designation, and are permitted to expand in accordance with the applicable zoning. As such, all legally existing development, as of the date of the approval of this Plan, permitted by the Zoning By-law that is within the Natural Heritage designation is deemed to be a permitted use.*
- c) *Where additional built form is proposed on lands within the Natural Heritage designation, or that include legally existing development, and no further planning approvals are required, the additional built form shall be permitted as-of-right.*
- d) *Where a land use change and/or additional built form is proposed on lands within the Natural Heritage designation that includes legally existing development, and where a Zoning By-law Amendment and/or Official Plan Amendment is required to facilitate that change in use or additional built form, an Environmental Impact Study shall be required to support the application.*

In order to permit the additional residential uses on the subject site, a ZBLA is required. It is WSP's opinion that the previously submitted EIS and fact that the subject site does not contain any natural heritage features, supports the removal of the Natural Heritage designation through a technical adjustment to the Official Plan without an OPA.

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## 4.5 ZONING BY-LAW 2004-90

The subject site is zoned “Highway Commercial (HC)” under the Town’s Zoning By-law 2004-90, as shown in **Figure 12**. It should be noted that the Holding “H” Symbol was removed on the subject site in 2019 as per By-law 2019-58.

A Zoning Conformity Matrix is enclosed with this submission and outlines compliance with applicable zoning provisions. Currently, an Apartment Building is not a permitted use within the HC Zone. The proposed amount of 395 parking spaces does not conform with the zoning requirement of 436 parking spaces. The reduction of parking spaces is justified by the completed TIS Addendum summarized in **Section 5.4**. The report concludes that the proposed parking supply is sufficient for the subject site.

As mentioned in **Section 3.3**, a ZBLA is required to permit these residential uses on the subject site and address the following site-specific standards:

- Re-zoning of the subject site from Highway Commercial (HC) zone to Highway Commercial Exception (HC-XX) Zone ;
- Amending the “Apartment Building” definition to permit apartment units above retail at grade;
- Permitting the “Apartment Building” use on Buildings C (700 Balm Beach Road E) and D (690 Balm Beach Road E);
- Permitting the “Child Care Centre” (Minor Variance Application A.14/2019, approved June 13, 2019) use on the subject site;
- Reducing the required minimum non-residential parking spaces to 290, including a buffer of 3 spaces. In actuality, 293 non-residential parking spaces provided. An additional exception is proposed to permit the 318 shared parking spaces to comprise 293 non-residential parking spaces plus 25 residential visitor spaces. The TIS Addendum concludes that this shared parking arrangement is reasonable as the site has a wide variety of land uses, it can be expected that the parking occupancy for each use will change through out the course of the days depending on the characteristics of each use.
- Amending the required amount of minimum loading spaces to 3 on the subject site (to reflect the 2019 approved site plan conditions).

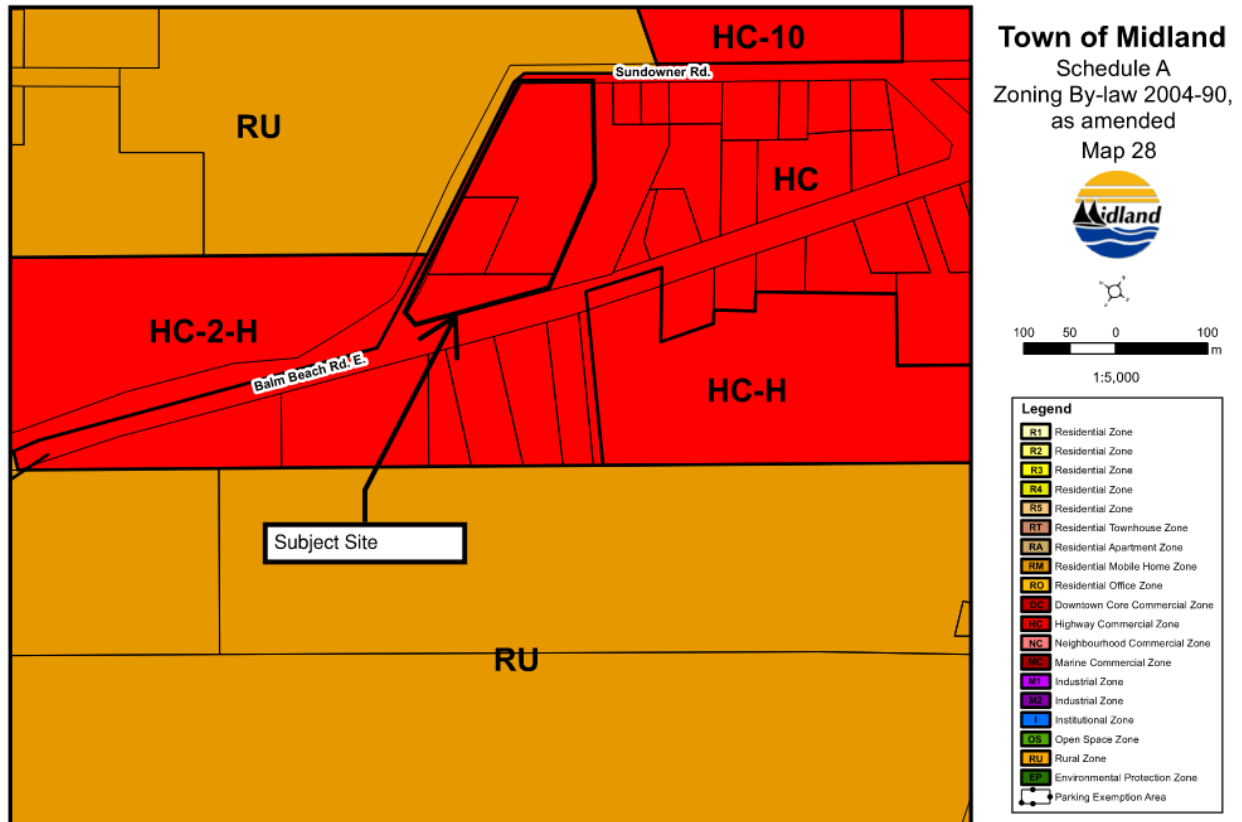


Figure 12: Schedule A, Zoning By-Law 2004-90 – Map 28 (Town of Midland, 2023)

# 5 SUPPORTING STUDIES

## 5.1 ENVIRONMENTAL IMPACT STUDY (2019)

WSP completed an Environmental Impact Study (EIS), dated February 27, 2019, in support of the previously approved Site Plan Approval (SPA-03-19) application mentioned in **Section 3.2** of this report. This study outlined the significance and functions of natural heritage on the subject site, assessed the potential impacts of the existing development on the natural heritage features (NHF) and provided recommendations for mitigative measures to help sustain and improve the form and function of natural features on the subject site.

The following table presents a summary of NHFs that were identified on or adjacent to the subject site.

FEATURE	PRESENT	COMMENT
Fish Habitat	No	There is no fish habitat on or within 120 m of the site.
Significant ANSI	No	There are no ANSIs on or within 120 m of the site.
Habitat for SAR	Yes	There is potential habitat for SAR Bats.
Significant Wetland	No	There are no wetlands on or within 120 m of the site.
Significant Wildlife Habitat (SWH)	No	SWH was not identified on or within 120 m of the site. (Bat habitat is under Habitat for SAR)
Significant Woodland	Yes	There are woodlands on or within 120 m of the site.
Significant Valleyland	No	There are no valleylands on or within 120 m of the site.
Sand Barrens, Savannas	No	Not applicable. There are no sand barrens or savannas within 120 m of the site.
Vegetation including mature trees	Yes	There are no rare vegetation species or vegetation types on site. There are mature trees on site.
Wildlife	Yes	Migratory birds will likely be present during nesting season. Common wildlife in the area may access the site during construction.
Species of Conservation Concern	Yes	Potential SAR bat
Hydrological Features	No	The site is not within the boundary of a Highly Vulnerable Aquifer area

At the time the EIS was completed, the Town's Official Plan Green Mapping (Schedule B, November 2017) identified the subject site as it contained part of a woodland. In addition, the subject site was found through online mapping to be located within the boundary of a continuous woodland area. However, during a site investigation in October 2018, it was observed that the subject site's woodland was no longer a continuous forest of significant size or connectivity. The forest had been altered by anthropogenic activities which included: the cutting down of a portion of the forest to provide for machinery access, the introduction of a cultural thicket (CUT) species, and the accumulation of brush piles and compacted trails throughout the site. These activities reduced the footprint of the forested community to approximately 1/3 of its original size.

The EIS also noted that the large adjacent forest, suspected to be significant woodland, located 10 m west of Sundowner Road, was expected to remain untouched and not be impacted by the proposed development. Given the size of the adjacent forest and that the majority of vegetation to be removed on the subject site was CUT, impacts caused by the subject site's proposed tree removal was expected to be minimal to the surrounding NHF.

The EIS noted that site development at the time may impact Species at Risk (SAR) bat day roosting habitat. However, mitigation measures, such as the timing of the vegetation removal, were recommended. There were no other impacts on or adjacent to the subject site expected for any other NHF.

Based on the existing development, the site conditions at that time and surrounding environmental context, the EIS found that, with mitigation, the existing development would not adversely affect the ecological integrity of the area and was considered feasible.

The woodland was removed in accordance with the EIS.

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## 5.2 STORMWATER MANAGEMENT REPORT (2023)

A Stormwater Management (SWM) Report update (dated October 2, 2023) was prepared by WSP in support of the proposed development applications. The SWM Report provides an update to the Report previously completed in 2019 in support of the five commercial buildings. The previous 2019 SWM Report proposed a SWM dry pond to detain stormwater runoff up to the 100-year event. In order to accommodate the amenity space for residents of the proposed development, the previously proposed SWM design has been revised to remove the SWM dry pond and instead incorporate an underground storage facility. The following is a summary of updates to the 2019 SWM Report:

- An underground chamber system – ADS StormTech MC-4500 chamber system, is proposed to replace the SWM dry pond and provide required quantity control.
- The infiltration trench north of the Building D has been removed. The void storage within the clear stone foundation of the proposed underground chamber system shall provide water balance benefits.
- The on-site LID measures, except above mentioned infiltration trench, shall remain as is.

Key components of the SWM plan are summarized below:

### **Water Balance**

Water balance issues will be addressed through LID measures such as infiltration trenches, french drains, permeable pavement and void storage volume within clear stone foundation the ADS StormTech MC-4500 chamber system, to enhance infiltration and groundwater recharge.

### **Water Quality**

Treatment Train Approach consisting of CB Shields and Stormceptor Unit (EFO10) is incorporated into the site plan to achieve Enhance Level of Protection or 80% TSS removal. The Isolator Row Plus (IR+) within the ADS StormTech MC-4500 chamber system shall provide further water quality enhancement.

### **Water Quantity**

The SWM dry pond shall be removed to provide space for the amenity area. An underground chamber system – ADS StormTech MC-4500 chamber system, is proposed to detain stormwater runoff and outlet structures are designed to control the post-development peak flow rates from the site to pre-development levels for 2-year up to 100-year storm events.

The SWM report demonstrates that the proposed SWM strategy will address stormwater management impacts from the project and will satisfy the intent of the Town of Midland's Engineering Development Design Standards.

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## 5.3 FUNCTIONAL SERVICING LETTER (2023)

A Functional Servicing Letter (dated: September 20, 2023) was prepared by WSP in support of the proposed development applications. The functional servicing letter provides an update to the Report previously completed in 2019 in support of the five commercial buildings. The purpose of this letter is to provide an outline of the water

distribution, sanitary drainage, storm drainage and site grading for the development, and demonstrate how the servicing conforms to the servicing and grading strategy outlined in the previously approved 2019 Functional Servicing Report.

The Letter concludes that the existing watermain to the subject site is adequate to support the domestic and fire water demand for the proposed development. The Letter summarizes WSP's SWM Report described above, concluding that the quantity and quality control measures demonstrate that the required targets are met or exceed. The Letter notes that the existing municipal sanitary sewer system has sufficient capacity to service the development. Lastly, the letter outlines grading design for the proposed development to comply with Town standards and ensure drainage is self-contained.

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## 5.4 TRAFFIC IMPACT STUDY ADDENDUM (2023)

A Traffic Impact Study (TIS) Addendum (dated: October 4, 2023) was prepared by WSP in support of the proposed development applications. The TIS Addendum provides an update to the previously completed TIS report in 2019 in support of the five commercial buildings. The purpose of the TIS Addendum is to:

- Forecast how much traffic the updated development proposal would generate;
- Evaluate the updated future total traffic conditions with the updated land use;
- Comment on how the proposed auto parking supply compares to the Town's By-law requirements with consideration of shared-use parking; and
- Complete a site plan review of the areas that have been modified since the original TIS.

The TIS Addendum concluded the following:

- Utilizing the same methodology from the 2019 TIS, the subject site is proposed to forecast 192 two-way trips in the a.m. peak hour and 236 two-way trips in the p.m. peak hour. This is an additional 28 in the a.m. peak hour and the removal of 12 trips less in the p.m. peak hour, relative to the May 2019 TIS. Even with the minor increase in site-generated trips during the morning peak hour, the 2024 and 2029 future total results continue to show that the surrounding road network can readily accommodate the future volumes.
- The proposed vehicular parking supply of 395 spaces is 41 spaces lower than the Town of Midland's Zoning by-law 2004-90 requirement of 436 parking spaces. However, when considering a shared parking provisions prevalent from other municipalities, WSP is of the opinion that the proposed parking supply is sufficient for the subject site. To facilitate the shared parking, a pool of 318 non-residential spaces should be signed and communicated to surrounding owners, residents, employees and visitors. A dedicated supply of 77 spaces is recommended for the residential use located in the immediate vicinity of Buildings C and D. The site plan review of the internal road network where there have been minor changes to the site layout indicate that the various design vehicles can continue to be accommodated.

In conclusion, the TIS Addendum supports the proposed development applications at the subject site.

## 6 CONCLUSION

The Client is proposing a development consisting of the addition of two residential floors above the commercial ground floors at 690 Balm Beach Road East (“Building C”) and 700 Balm Beach Road East (“Building D”). Currently each of the five buildings on the subject site is approved for one commercial-retail floor.

It is WSP’s opinion that the proposed development conforms with the policies and objectives of the Mixed Use Corridor designation from the Town of Midland Official Plan . The proposed development will accommodate a mix of uses on the subject site and support the growth targets within the Town of Midland. The proposed development is consistent with planning policies, as outlined in **Section 4**, and will achieve good planning, based on the following reasons:

1. The proposed development represents an efficient use of land by proposing a residential addition, in support of the Mixed Use Corridor designation, to existing commercial-retail, medical, office, childcare centre uses. It will also utilize existing and planned servicing in an efficient and cost-effective manner.
2. The proposed development is consistent with the Provincial Policy Statement (2020) by supporting the creation of a healthy, liveable and safe community through the proposed development that satisfies market demands and enables residents of Midland to access a range of housing options within Midland’s settlement area.
3. The proposed development is transit-supportive and proposes a built form which is located within walking distance to existing and planned transit routes, pedestrian and cycling networks and to other community amenities mentioned in **Section 2**.
4. The proposed development will contribute to the supply and mix of housing in the Town of Midland community which will improve housing accessibility and availability to existing and future residents with different housing needs.
5. The proposed development will conform with the policies of the Growth Plan (2020) and will facilitate desirable, compact intensification that can support the achievement of complete communities. The proposed development will also support the County in achieving population and employment targets.
6. The proposed development will conform to the policies of the Town of Midland and County of Simcoe Official Plan through the addition of residential uses in a mixed-use area in an established area of the Town with existing infrastructure and facilities. It will have regard to surrounding land uses with respect to existing built form, height and building mass; achieving a complete community. The proposed development will also support intensification targets set by County of Simcoe.
7. The proposed development is supported by the 2019 EIS, which addresses the woodland that was previously located on the subject site. It is also supported by the Stormwater Management Report (2023) that proposes an underground stormwater management chamber system to allow for sufficient landscaped area above to accommodate an amenity area to support the proposed residential uses.

For these reasons, the proposed development represents sound and good planning. Therefore, it is WSP’s professional opinion and recommendation that the Town of Midland should consider the approval of the ZBLA and Draft Plan of Condominium applications with support of a technical adjustment to the Official Plan for the redesignation of the subject site to Mixed Use Corridor.