NOTICE OF DECISION With Respect to an Official Plan Amendment

Subsection 17(35) and 21 of the <u>Planning Act</u>

A decision was made by the County of Simcoe, Director of Planning/Chief Planner under the delegated authority granted by County By-law No. 6984 on the date noted above, to approve Amendment No. 2 to the Official Plan for the Town of Midland, as adopted by Town of Midland By-law No. 2024-17.

Purpose and Effect of the Official Plan Amendment

The purpose of the Official Plan Amendment is to re-designate a portion of the subject lands on Schedule A – Growth Areas from Greenlands to Strategic Growth Areas 1. A portion of the subject lands is also proposed to be re-designated on Schedule B – Urban Structure from Greenlands to Mixed Use Districts. Lastly, a portion of the subject lands is proposed to be re-designated on Schedule C – Land Use from Natural Heritage to Mixed Use Corridor. The purpose of the amendment is to refine the boundary of the natural heritage designations to facilitate the future development of a portion of the subject lands with a mixed-use development.

The decision is consistent with Provincial policy statements issued under the Planning Act and conforms with Provincial and County plans. A copy of staff report PLN 2024-007 is attached.

Public Input in the form of oral and written submissions were received from the public and agencies. The effect of any comments are detailed in the associated staff report PLN 2024-007. The County is satisfied that these comments were considered prior to approval of Official Plan Amendment No. 2.

Associated File(s): The proposal is also subject to the following application(s) under the *Planning Act:* n/a

When and How to File an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the County Clerk no later than 20 days from the date of this notice, shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the County Clerk, at the address shown below and it must:

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal,
- (3) include a completed Tribunal Appellant Form (A1); and
- (4) be accompanied by the fee charged under the *Ontario Land Tribunal Act 2021* in the amount of \$1,100.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Please refer to the Tribunal website for the Appellant Form (A1) and more information on filing an appeal <u>https://olt.gov.on.ca/about-olt/</u>

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Simcoe to the Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Simcoe is final if a Notice of Appeal is not received on or before the last day for filing a notice of appeal (please refer to the Last Date of Appeal noted above).

Getting Additional Information

Additional Information about the application is available for public inspection during regular office hours at the County of Simcoe at the address noted below, from the office of the municipality noted above, or by contacting the County of Simcoe Planning Department at (705) 726-9300.

Mailing Address for Filing a Notice of Appeal

County Clerk 1110 Highway 26 Midhurst, ON L9X 1N6 <u>clerks@simcoe.ca</u>



County of Simcoe Planning Department 1110 Highway 26, Midhurst, Ontario L9X 1N6 Main Line (705) 726-9300 Toll Free (866) 893-9300 Fax (705) 727-4276 **simcoe.ca**



TO: DIVISION: DEPARTMENT:	Director of Planning/Chief Planner – Delegated Approvals Engineering, Planning and Environment Planning
REPORT #:	PLN 2024-007
REPORT DATE:	May 3, 2024
SUBJECT:	Request for Approval – Town of Midland Official Plan Amendment No. 2

Recommendation

That Official Plan Amendment No. 2 to the Town of Midland Official Plan, as adopted by Town of Midland By-law 2024-17, be approved; and

That Notice of Decision of Official Plan Amendment No. 2 to the Town of Midland Official Plan be provided in accordance with the *Planning Act*.

Executive Summary

The following provides a summary of the proposal:

Location: 9226 County Road 93

Applicant: MHBC Planning Inc. on behalf of Highway 93 (Midland) Investments Inc.
Proposal: To re-designate a portion of the subject lands on Schedule A – Growth Areas from Greenlands to Strategic Growth Areas 1. A portion of the subject lands is also proposed to be re-designated on Schedule B – Urban Structure from Greenlands to Mixed Use Districts. Lastly, a portion of the subject lands is proposed to be re-designated on Schedule C – Land Use from Natural Heritage to Mixed Use Corridor. The purpose of the amendment is to facilitate the future development of a portion of the subject lands with a mixed-use development.

County File:MD-OPA-24002Town File:D09 OPA-2023-01 (OPA 2)Related File:n/a

Background/Analysis

The subject lands are located in the northwest portion of the Town of Midland near the intersection of County Road 93 and Balm Beach Road East (County Road 25). The property is municipally addressed as 9226 County Road 93. Please see Schedule 1 for a Location Map of the subject lands.

The subject area is approximately 3.51 ha (8.67 ac) in size and is part of a larger parcel that is approximately 16.1 ha (39.8 ac) in size. The larger parcel contains a commercial plaza (Mountainview Mall), accessible in multiple locations on County Road 93 and on Sundowner Road. The subject areas is behind the commercial plaza with frontage on Sundowner Road. To the west of the subject area is predominantly rural and natural heritage lands. To the immediate south and north of the subject area is a variety of uses including additional commercial uses along County Road 93 and Balm Beach Road East (County Road 25), institutional uses (Georgian Bay General Hospital), and limited residential uses. A mixed-use development is currently being built out at 710 Balm Beach Road East. To the east of the subject area is along County Road 93, with predominantly residential uses farther to the east.

On behalf of the landowner, MHBC Planning Inc. submitted a site-specific Official Plan Amendment application to the Town of Midland on October 23, 2023 to re-designate a portion of the subject lands on multiple Official Plan Schedules. Specifically, Schedule A – Growth Areas proposes to re-designate a portion of the subject lands from Greenlands to Strategic Growth Areas 1, Schedule B – Urban Structure proposes to re-designate a portion of the subject lands from Greenlands to Mixed Use Districts, and Schedule C – Land Use proposes to re-designate a portion of the subject lands from Natural Heritage to Mixed Use Corridor. The collective purpose of these amendments is to create land use permissions for the subject lands to be developed with a future mixed-use development. Future development applications will be required to sever the subject area from the commercial area, establish new zoning permissions for the subject lands, and to create a development plan for the subject lands (i.e. plan of subdivision, site plan approval, etc.).

The statutory public meeting was held on January 10, 2024 and Council for the Town of Midland adopted Official Plan Amendment No. 2 on February 28, 2024. County Planning staff received the adoption record from the Town on March 13, 2024.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides guiding policies on a variety of land use planning matters across the province such as directing population and employment growth to designated settlement areas and promoting efficient land use and development patterns. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.2 provides several development objectives that land use patterns within settlement areas are to strive towards. These include, but are not limited to, the efficient use of land and resources and the efficient use of existing or planned infrastructure and public service facilities. It concludes by stating that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with Policy 1.1.3.3, where this can be accommodated.

Policy 1.6.6.2 states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and

minimize risks to human health and safety. It goes on to say that within settlement areas with existing municipal water services and municipal sewage services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services. Section 2.1 provides overarching policies related to the protection of these features from development and site alteration, including within the features themselves as well as on adjacent lands to these features.

Specifically, Policy 2.1.5 lists a number of natural features and areas where development and site alteration is not permitted unless it has been demonstrated that there will be no negative impacts to the features or their ecological functions.

Policy 2.1.8 extends these protections to lands that are adjacent to natural features and areas identified in Policies 2.1.4, 2.1.5, and 2.1.6 of the PPS. Specifically, it states that development and site alteration is not permitted on lands adjacent to the features identified in the above-noted policies unless the ecological function of the lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions.

In the Town of Midland, the subject area is adjacent to a major retail development and is within walking distance of transit stops for local and regional transit routes. The future mixed-use development on the subject area is to be connected to municipal water and municipal sewer services. An Environmental Impact Statement (EIS) was undertaken which did not identify any key natural heritage features on the subject area but did note an observation of species at risk (SAR) and the potential for significant wildlife habitat. The portion of the subject area that would provide potentially suitable habitat for the observed SAR species was assessed to be too small to provide significant habitat for the species. A significant woodland was identified on the adjacent lands to the west. To minimize any potential impacts of the future mixed-use development on this feature, a buffer will be established along a portion of the western property boundary.

The proposed amendment is consistent with the Provincial Policy Statement, 2020.

Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow: A Growth Plan for the Greater Golden Horseshoe includes policies and population and employment forecasts, which provide guidance to upper and lower-tier municipalities on how they can best manage future growth in a broader regional context. Of note, Policy 2.2.1.2 details, generally which areas within settlement areas are to be the focus of future growth. Specifically, this policy states that the vast majority of growth will be directed to settlement areas that have a delineated built boundary, existing or planned municipal water and wastewater systems, and can support the achievement of complete communities.

Policy 2.2.5.3 directs retail and office uses to locations that support active transportation and have existing or planned transit.

Policy 2.2.5.15 states that the retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities. Policy 6.3.5 states that any lands that are designated for agricultural uses or rural uses in a lower-tier official plan as of January 20, 2017 can only be re-designated for the purposes of development within a settlement area subject to the policies in subsection 2.2.8.

County Planning staff acknowledge that the subject lands are currently designated for natural heritage uses in the Town of Midland Official Plan. However, this designation was not based on a site-specific EIS or natural heritage evaluation (NHE). An EIS was undertaken in support of the proposed amendment which did identify limited key natural heritage features on the subject and adjacent lands. The EIS also concluded that future development of the subject lands could occur without causing negative impacts to the features present or their ecological functions. Therefore, County Planning staff consider the effect of the Official Plan Amendment as a refinement of the existing mapping contained within the Town of Midland Official Plan. In consideration of the information obtained through the site specific review, the proposed mixed-use designation is an appropriate designation for the subject area and therefore that the proposed amendment is not subject to Policy 6.3.5 outlined above.

It should also be noted that the subject lands contain a decommissioned septic system that was once connected to Mountainview Mall. The subject lands are now serviced by both municipal water and sewer services. The subject lands are within the delineated built boundary in the Town of Midland and future development of the lands will contribute to the achievement of a complete community. There are also local and regional transit stops for local regional transit routes within 500 m of the subject lands. As such, the proposal appears to support many other objectives of building complete communities as noted in the Growth Plan.

The proposed amendment conforms to the Growth Plan, 2020.

County of Simcoe Official Plan, 2023

The subject lands are designated Settlements on Schedule 5.1 to the County of Simcoe Official Plan. Objectives of this designation include focusing population and employment growth within settlements, and to promote development forms and patterns which minimize land consumption and servicing costs. The County Official Plan contains policies that direct the vast majority of population and employment growth to settlement areas, specifically Primary Settlement Areas. The Town of Midland is identified as a Primary Settlement Area on Schedule 5.1.2 of the County Official Plan.

The natural heritage policies of the Provincial Policy Statement noted above are mirrored by Policy 3.3.15 of the County Official Plan.

The County Official Plan also contains phasing policies for development within settlement areas. Specifically, Policy 3.5.15 states that the progression of development within a settlement area will be based on a sustainable and logical progression of development and be in accordance with Provincial, County, and local municipal official plan policies. In this regard it goes on to provide a number of matters that are to be considered when determining the phasing of development, including that:

• 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 provision of commercial and employment opportunities; and

• Priority given to infill and intensification proposals that utilize existing infrastructure and public service facilities; and

Further to the above, Policy 3.5.26 of the County Official Plan states that settlements, and the downtowns and main streets of Primary Settlement Areas, shall be promoted as focal points for residential, commercial, and institutional uses by among other things:

- Establishing safe and pleasant pedestrian environments which encourage movement by foot, bicycle, and transit;
- Development of attractive streetscapes; and
- Development of a range of housing types and costs

The servicing policies noted in the Provincial Policy Statement section are mirrored in Section 4.7 of the County Official Plan. Specifically, that within settlement areas, municipal water services and municipal sewage services are the preferred form of servicing.

The proposed amendment will not have any negative impacts on natural heritage features on the subject or adjacent lands, subject to the recommended mitigation measures being implemented. The future development of the subject lands will occur in proximity to transit stops for local and regional transit routes and a potential on-street cycling route. The future development would also be connected to municipal water and sewer services.

The proposed amendment conforms to the County of Simcoe Official Plan, 2023.

Comments Received

During public consultation, comments were received from external commenting agencies. External comments were received from the Severn Sound Environmental Association (SSEA) and the Simcoe County District School Board (SCDSB). Two separate comment letters were received from the SSEA; one related to source water protection and the other related to natural heritage. The comments related to surface water protection advised that the property is within the Wellhead Protection Area Q1 and Q2. They also advised that for any future applications, if the total amount of new impervious surface being added to the property is greater than 500 square metres, a hydrogeological study would be required. The SSEA's natural heritage letter provided commentary on species at risk, significant wildlife habitat, significant woodlands on the adjacent lands, and proposed mitigation measures. Notably, the SSEA's comments regarding the woodlands recommended a larger buffer area than what was recommended by the EIS. They also recommended extending the period of time where vegetation removal would not be permitted on the subject area to avoid any potential impacts to species at risk that may be present. County Planning staff expect that these matters will be addressed through future planning applications on the subject lands.

Due to the limited information available regarding the future development of the subject lands, the SCDSB's comments were limited to a request the sidewalks be included throughout the proposed development to facilitate heavy foot traffic areas and promote safe active transportation. They also requested that the applicant consider how students requiring busing will be accommodated on site.

County Planning staff have reviewed the written submissions received from external agencies regarding the Amendment and are satisfied that these comments were considered and addressed prior to recommending approval of OPA No. 2.

<u>Summary</u>

County Planning staff recommends approval of Official Plan Amendment No. 2 to the Town of Midland Official Plan, as adopted by Town of Midland By-law No. 2024-017, given the reasons outlined in this report which include:

- Consistency with the Provincial Policy Statement;
- Conformity with the Growth Plan for the Greater Golden Horseshoe; and
- Conformity with the goals, objectives, and general intent of the County of Simcoe Official Plan

Financial and Resource Implications

There are no financial implications associated with this Item, however, if the County's decision is appealed to the Ontario Land Tribunal (OLT) there may be legal costs associated with that process. As per County of Simcoe By-law No. 6894, the Chief Planner, the General Manager – Engineering, Planning & Environment, and County Solicitor may enter into negotiations, attend hearings and execute such documents as may be necessary to resolve disputes and OLT appeals with those parties insofar as the County's position remains consistent with the Provincial Policy Statement, conforms with the applicable Provincial policies, and conforms with the County of Simcoe Official Plan.

Relationship to Corporate Strategic Plan

No direct relationship to corporate strategies.

Reference Documents

There are no reference documents associated with this Item.

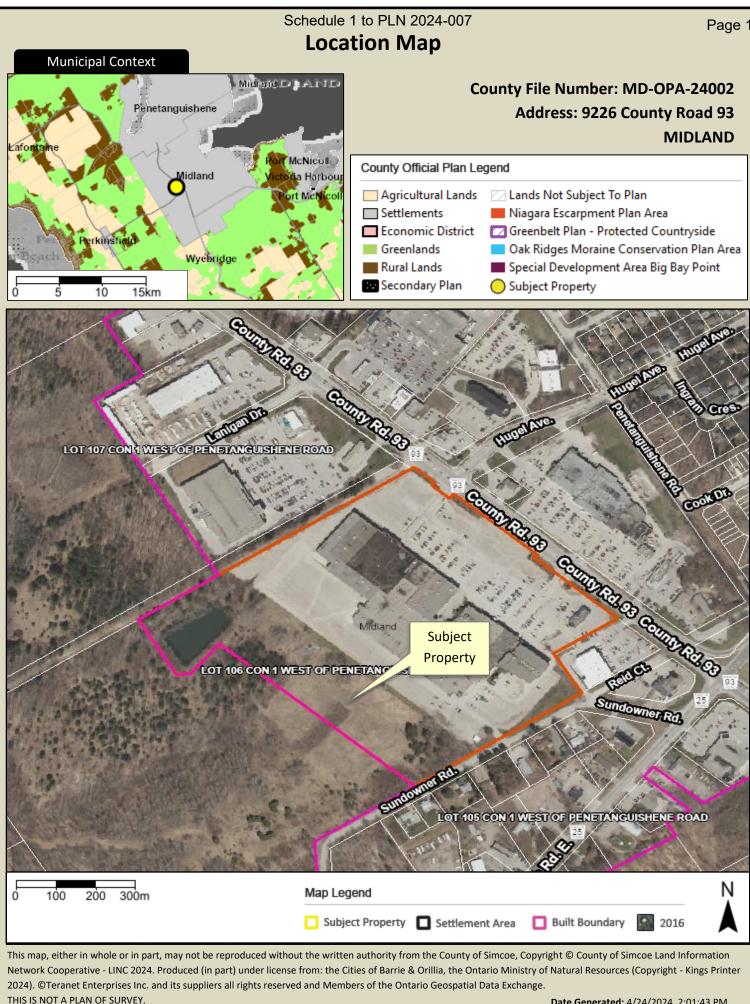
Attachments

Schedule 1 – Location Map Schedule 2 – Town of Midland OPA No. 2, as adopted

Prepared By Calvin Dempster, RPP, Planner III

Reviewed By n/a

Delegated Approval as per Bylaw 6984	Date
Nathan Westendorp, Director, Planning/Chief Planner	May 13, 2024



Date Generated: 4/24/2024, 2:01:43 PM

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2024-17

A By-law to adopt Amendment No. 2 to the Town of Midland Official Plan

WHEREAS the Council of The Corporation of the Town of Midland passed By-law No. 2019-59 on the 20th day of November, 2023, adopting the Town of Midland Official Plan; and

AND WHEREAS the County of Simcoe approved the Town of Midland Official Plan, on the 11th day of August, 2023 per Schedule 3 to Item CCW 2020-252; and

AND WHEREAS the Council of the Corporation of the Town of Midland has initiated and approved Amendments to the Official Plan; and

AND WHEREAS the Council of The Corporation of the Town of Midland deems it expedient to amend the Official Plan for the Town of Midland pursuant to the authority given to it under Sections 17 and 21 of the *Planning Act*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

- 1. That the attached text which constitute Amendment No. 2 to the Official Plan for the Town of Midland is hereby adopted.
- 2. That the Clerk is hereby authorized and directed to make application to the County of Simcoe for approval of Amendment No. 2 to the Town of Midland Official Plan.
- 3. That this By-law shall come into force and effect on the final passage thereof.

1

PASSED AND ENACTED THIS 28TH DAY OF FEBRUARY, 2024.

THE CORPORATION OF THE TOWN OF MIDLAND CERTIFIED TO BE A TRUE COPY OF:

1

THE CORPORATION OF THE TOWN-OF MIDLAND

RESOLUTION DATED BY-LAW NO. 2024-17 DATE FEB 28,2024 OTHER NIA # OF PAGES DATE MARCH 08,2024

SIGNATURE

BILL GORDON - MAYOR

SARAH CATHCART- DEPUTY CLERK

AMENDMENT NO. 2

TO THE

OFFICIAL PLAN

FOR THE

TOWN OF MIDLAND

RESPECTING 9226 COUNTY ROAD 93



CERTIFIED that the attached is a true copy of Official Plan Amendment No. 2 as enacted and passed by the Council of the Corporation of the Town of Midland on the 28th day of February, 2024.

SARAH CATHCART- DEPUTY CLERK

AMENDMENT NO. 2

TO THE

OFFICIAL PLAN

FOR THE

TOWN OF MIDLAND

The attached explanatory text constituting Amendment No. 2 to the Official Plan for the Town of Midland, was prepared and adopted by the Council for the Corporation of the Town of Midland by By-law 2024-XX in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, Chapter P.13, on the 28th day of February, 2024.

ÉILL GORDON - MAYOR

CORPORATE SEAL OF MUNICIPALITY

SARAH CATHCART - DEPUTY CLERK

AMENDMENT NO. 2 TO THE OFFICIAL PLAN

FOR THE TOWN OF MIDLAND

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THE CONSTITUTIONAL STATEMENT

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

PART A – **THE PREAMBLE** consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART B – THE AMENDMENT sets out the actual Amendments to the Town of Midland Official Plan including the specific policies and Map Schedule changes.

PART C – THE APPENDICES consist of information pertinent to this Amendment in the form of background information. This section does not constitute part of the actual Amendment.

3,

PART A – THE PREAMBLE

TITLE

The title of this Amendment is "Amendment No. 2 to the Official Plan for the Town of Midland", hereinafter referred to as Amendment No. 2.

PURPOSE

The purpose of Amendment No. 2 is to redesignate a portion of the subject property from 'Greenlands' to 'Strategic Growth Areas 1' (Schedule A – Growth Areas), from "Greenlands' to 'Mixed Use Districts' (Schedule B – Urban Structure), and from 'Natural Heritage' to 'Mixed Use Corridor' (Schedule C – Land Use).

LOCATION

The subject property is legally described as the East Part Lot 103, Concession 1 (formerly Tay) now Town of Midland. The portion of the subject property effected by the redesignation is the southwest limits of the property, with a frontage of approximately 97 metres along Sundowner Road and an approximate area of 4.6 hectares.

BASIS

The Town of Midland Official Plan cane into effect on August 11, 2020 save an except for the outstanding site-specific appeals to the Ontario Land Tribunal.

The proposed amendments are to redesignate a portion of the subject property from 'Natural Heritage' to 'Mixed Use Corridor' (Schedule C – Land Use), from "Greenlands' to 'Mixed Use Districts' (Schedule B – Urban Structure) and 'Greenlands' to 'Strategic Growth Areas 1' (Schedule A – Growth Areas) to facilitate future mixed-use residential commercial development.

The Town will at the time of its next housekeeping to the Zoning By-law, place a holding provision on the subject lands to ensure that an archaeological study has been completed and that the recommendations of the Environmental Impact Study be incorporated when a formal development application is submitted to the Town for consideration.

PART B – THE AMENDMENT

INTRODUCTION

All of this part of the Amendment, entitled Part B – The Amendment, consisting of the following text and map Schedules "A", "B" and "C" constitutes Amendment No. 2 to the Official Plan for the Town of Midland.

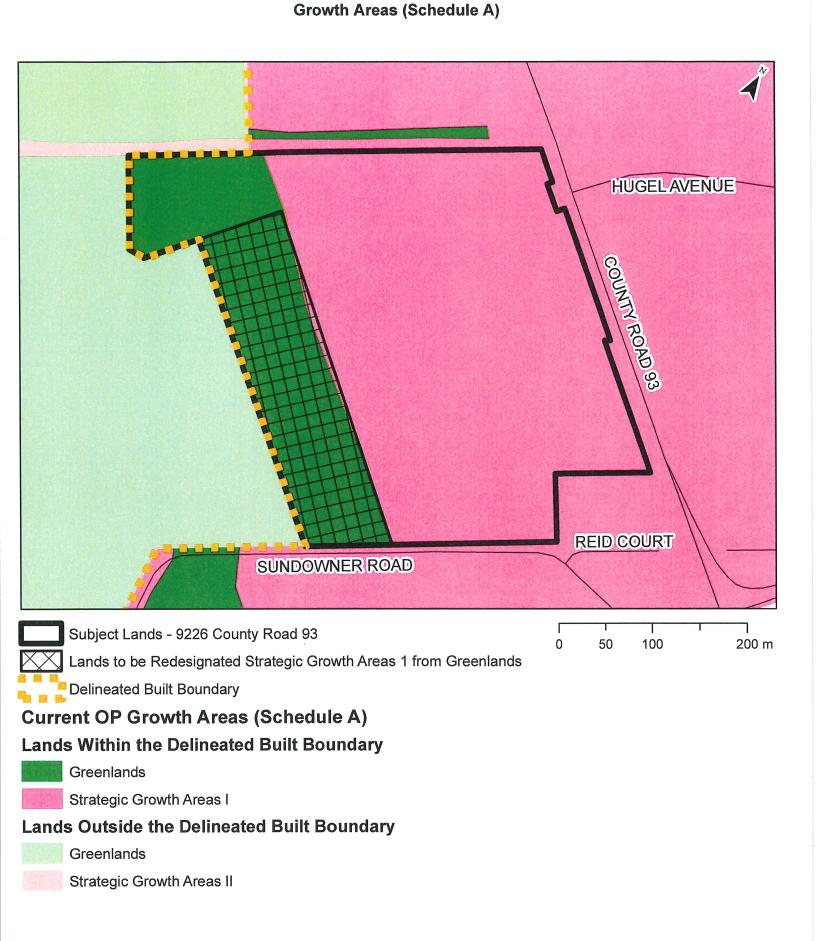
DETAILS OF THE AMENDMENT

The Town of Midland Official Plan is hereby amended as follows:

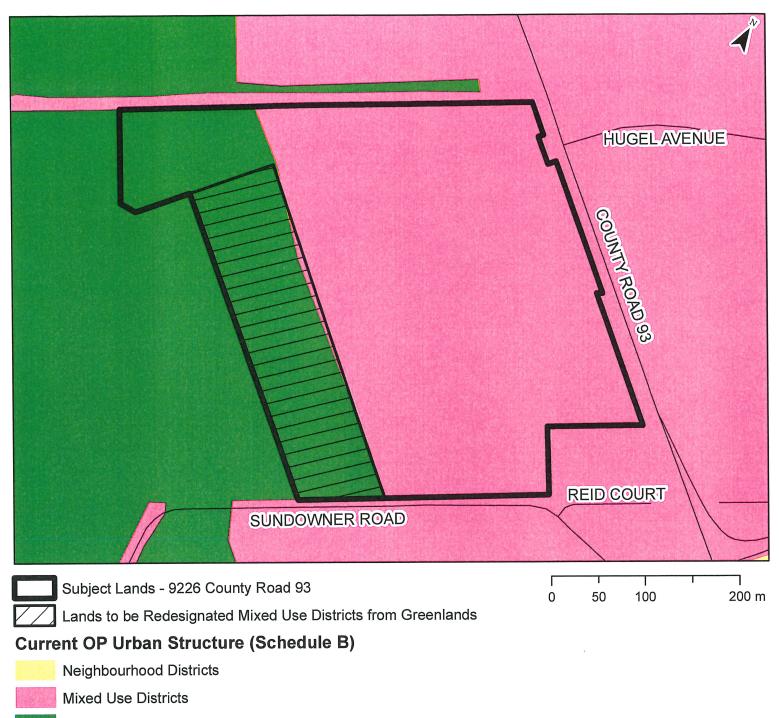
- 1. Schedule "A" –**Growth Areas** for the Town of Midland Official Plan is hereby amended by redesignating part of the lands described as Lot 106, Concession 1 (formerly Tiny) now Town of Midland from the "Greenlands" designation to the "Strategic Growth Areas 1" designation as shown on Schedule "A" to this amendment.
- 2. Schedule "B" –**Urban Structure** for the Town of Midland Official Plan is hereby further amended by redesignating part of the lands described as Lot 106, Concession 1 (formerly Tiny) now Town of Midland from the "Greenlands" designation to the "Mixed Use Districts" as shown on Schedule "B" to this amendment.
- 3. Schedule "C" –Land Use for the Town of Midland Official Plan is hereby further amended by redesignating part of the lands described as Lot 106, Concession 1 (formerly Tiny) now Town of Midland from the "Natural Heritage" designation to the "Mixed Use Corridor" as shown on Schedule "C" to this amendment

IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan for the Town of Midland, as amended from time to time, regarding the implementation and interpretation of the Plan shall apply in regard to this Amendment. Schedule 2 to PLN 2024-007 Schedule "A" – Amendment No. 2



Schedule 2 to PLN 2024-007 Schedule "B" – Amendment No. 2 Urban Structure (Schedule B)



Greenlands

Schedule 2 to PLN 2024-007 Schedule "C" – Amendment No. 2 Land Use (Schedule C)



PART C – THE APPENDICES

- 1. Minutes of the Public Meeting
- 2. Staff Planning Report CSR-2024-01
- 3. Staff Planning Report CSR-2024-24