

# Planning Justification Report: Official Plan Amendment



Johndec Properties Inc.

P/N 3626 | August 2, 2024

County of Simcoe

Town of Midland

72 Penetanguishene Road, Midland

Part Lot 108, Concession 1

**SBA** Skelton Brumwell  
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ENGINEERING PLANNING ENVIRONMENTAL CONSULTANTS

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### Draft Official Plan Amendment

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# Planning Justification Report

## Official Plan Amendment

### 72 Penetanguishene Road, Midland

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## 1.0 Introduction

This Planning Justification Report has been prepared on behalf of Johndec Properties Inc. (“the client”) in support of a proposed Official Plan Amendment to redesignate the Site from its current “Natural Heritage” designation, to a “Neighbourhood Residential” designation (also referred to as the “proposal” and/or “proposed redesignation”). This Official Plan Amendment reflects the restoration of the “Residential District” designation formally applied to the lands under the former Official Plan, which has since been changed as a result of the adoption and approval of a new Official Plan. The client’s property, which is the subject of this Planning Justification Report, is located at 72 Penetanguishene Road in the Town of Midland (referred to as “the Site” and/or “the subject lands”).

Skelton Brumwell & Associates Inc. (“SBA”) has been retained to prepare this Planning Justification Report, which includes a description of the Site and the proposal, an analysis of the planning policy, and an opinion with respect to the proposal. Included in this report is the analysis of the planning policy contained within the *Provincial Policy Statement* (“PPS”), *Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”), *County of Simcoe Official Plan* (“County Official Plan”), *Town of Midland Official Plan* (“Town Official Plan” and/or “the new Official Plan”), and the *Town of Midland Zoning By-law* (“Town Zoning By-law”), with respect to the proposed redesignation.

This Planning Justification Report has been prepared on behalf of the client in support of the proposal and meets the requirements of the *Planning Act*. It relies on the findings of the Environmental Impact Study (“EIS”) which has been prepared in support of this application to identify and assess any potential impacts to ecological and natural heritage features located within the Site and adjacent lands. Importantly, both of these reports prepared in support of the application take into consideration policy 4.5.4.1 of the new Official Plan, which respects “the development rights established by the existing zoning applicable” and establishes that a significant degree of development rights exist on the lands given its previous residential designation. Importantly the lands are also within the built boundary of Midland. These factors have a significant influence on the resulting analysis of the implications of the proposed redesignation with respect to potential impacts to natural heritage features and functions and the appropriateness of restoring the previous designation.

## 1.1 The Site and Surrounding Environment

The subject lands are located at 72 Penetanguishene Road in the Town of Midland, County of Simcoe. The approximately 2 ha regular shaped property is entirely wooded and is located within the urban area of the Town with large lot rural residential uses to the north and west, a residential subdivision to the east, and the Monsignor Castex Catholic School and Georgian Bay General Hospital to the south.

As shown in Figure 1, below, the Site is located at the very northern end of Penetanguishene Road (which terminates before reaching the Site), and the very western end of Victoria Street. Both of these roads are classified as Collector Roads. The contiguous woodland area is bordered by two high traffic urban roads, being County Road 93 located approximately 300 m west of the Site, and Vindin Street (arterial road) located approximately 250 m north of the Site. Vindin Street is also a designated truck route. There is currently no legal vehicle access into the property, however there is a roading/servicing corridor adjacent to the Site's eastern boundary which enables a future roading extension of Penetanguishene Road. A multi-use bi-directional path is also proposed within this area, extending north from Penetanguishene Road to Vindin Street.

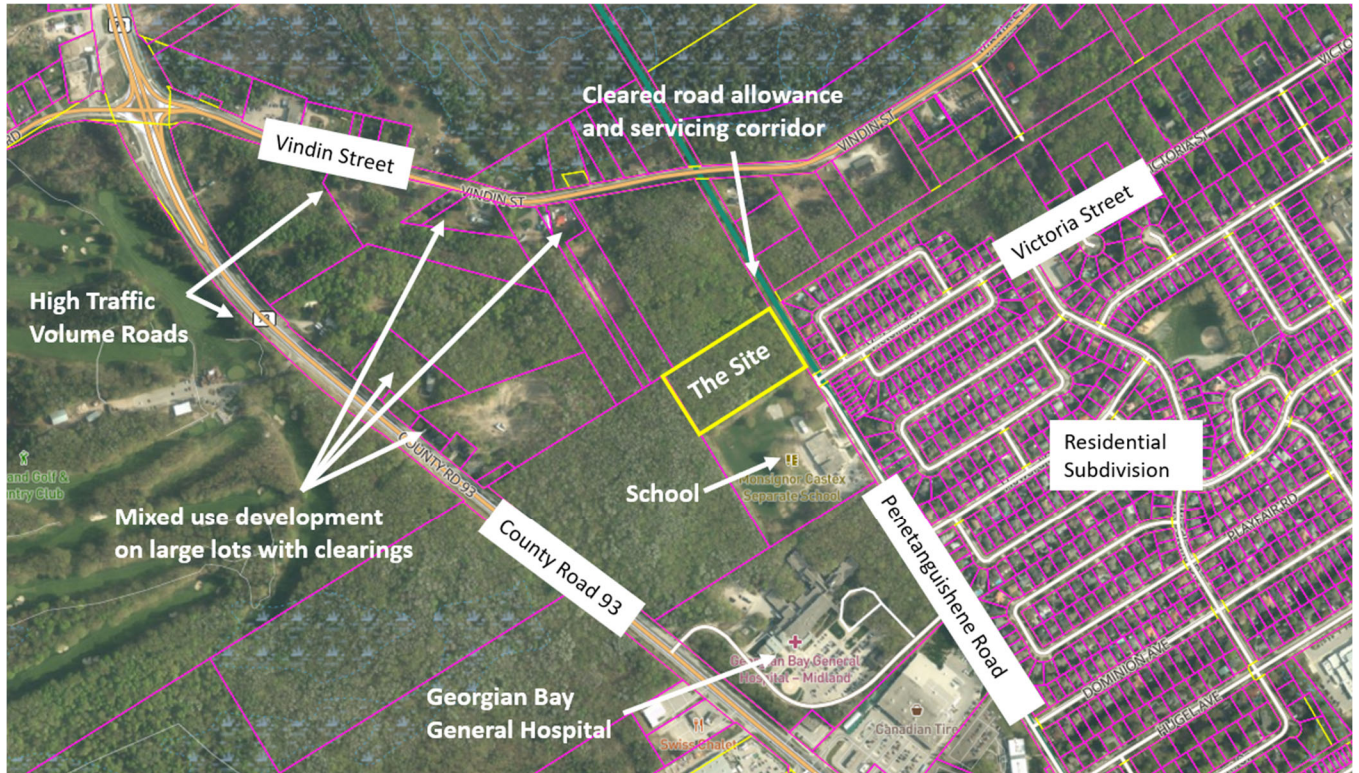


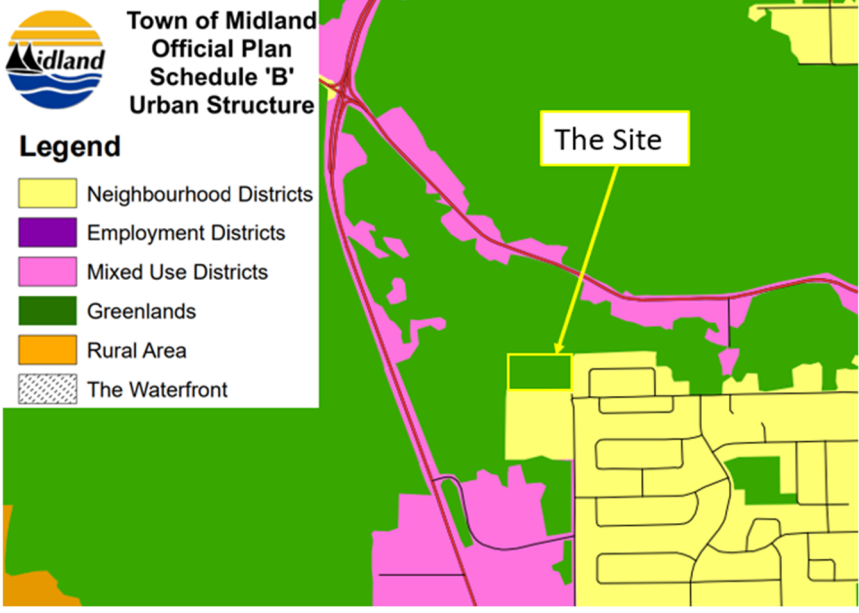
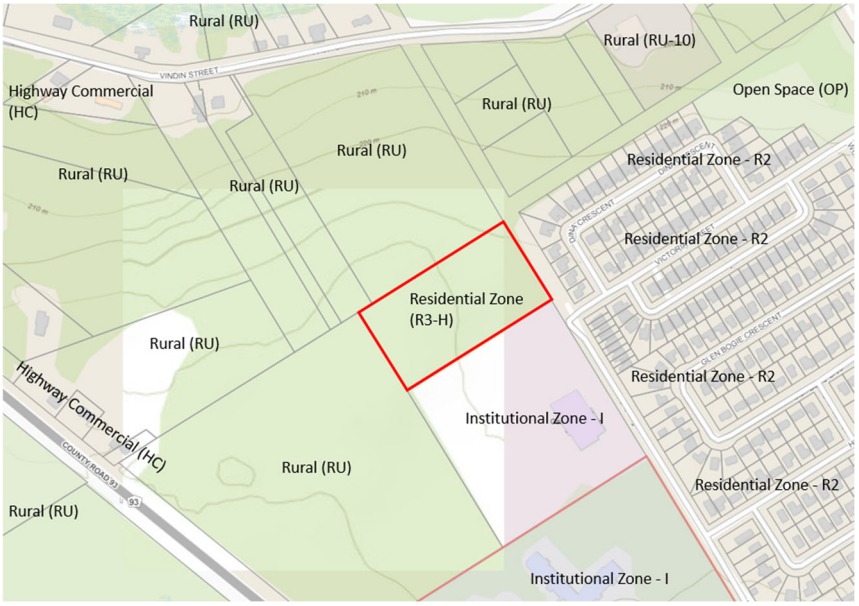
Figure 1: The Site and surrounding environment.

The current land use designation and zoning relevant to the Site in terms of the Town Official Plan and the Town Zoning-bylaw, is outlined in Table 1, below. Of note (and as will be discussed later in this report), according to the Town Official Plan, the Site is currently designated as ‘Natural Heritage’ under Schedule C (‘Land Use’), and is within the ‘Delineated Built Boundary’ of Midland under Schedule A (‘Growth Areas’). The Town’s Zoning By-law also indicates the Site has a ‘Residential 3 (R3)’ zoning, which is a zoning suitable for residential development.<sup>1</sup>

Table 1: Land Use Classification of the Site.

Planning Document	Classification	Map
Town Official Plan Schedule C, Land Use	<p>The Site is designated ‘Natural Heritage’.</p> <p>Lands to the immediate north and west are designated as ‘Natural Heritage’.</p> <p>Lands to the immediate east and south are designated as ‘Neighbourhood Residential’.</p>	
Town Official Plan Schedule A, Growth Areas	<p>The Site is situated inside the ‘Delineated Built Boundary’.</p>	

<sup>1</sup> The zone includes a ‘Holding (H)’ provision. It’s removal (by way of a zoning by-law amendment) would be undertaken as part of a future application(s) related to the actual development of the subject lands.

<p>Town Official Plan Schedule B, Urban Structure</p>	<p>The Site is identified as 'Greenlands' and is bordered by lands identified as 'Neighbourhood Districts' to the immediate east and south.</p>	
<p>Town Zoning By-law Zoning Maps</p>	<p>The Site is Zoned 'Residential 3 (R3)' with a 'Holding (H)' provision.</p> <p>Immediately east are residential zoned properties.</p> <p>South is the institutional zone (school and hospital).</p> <p>North and east is predominantly 'Rural (RU)' zone, with some 'Highway Commercial (HC)' zoned properties along the roading corridor.</p>	

## 1.2 Overview of the Proposal

As portrayed in Figure 2, below, the old Official Plan designated the Site as 'Residential District', indicative of the Site being within the urban boundaries of the Town of Midland. The implementation of the new Official Plan, approved in November 2019 as a result of the Town's Official Plan review and conformity update, changed this designation to 'Natural Heritage'. However, importantly, the new Official Plan recognizes the Site as being within the 'Delineated Built Boundary', indicative of the site's urban setting.

The client seeks the restoration of the residential designation to the property. To facilitate this redesignation, an amendment to the Town’s Official Plan is required to change the subject lands current ‘Natural Heritage’ designation, to a ‘Neighbourhood Residential’ designation. It is noted this application relates to the re-designation of lands only; no physical development is proposed at this time. The re-designation will enable the potential subsequent site alteration and development of the subject lands, to be authorized by way of a future potential application.



Figure 2: Old Official Plan designation (left), and the New Official Plan designation (right) and 'delineated built boundary' classification (bottom).

### 1.3 Required Applications

The following applications are required by the Town of Midland under the *Planning Act* to authorize the proposed redesignation:

- An Official Plan Amendment to the Town of Midland, specifically Schedule A (Growth Areas), Schedule B (Urban Structure), and Schedule C (Land Use), is amended as follows:
  - Lands located in Part Lot 108, Concession 1 (Midland) are:
    - Removed from the ‘Greenlands’ classification as shown on Schedule “A”.
    - Reclassified from ‘Greenlands’ to ‘Neighbourhood Districts’ as shown on Schedule “B”; and



- Redesignated from the ‘Natural Heritage’ designation to the ‘Neighbourhood Residential’ designation as shown on Schedule “C”.

## 1.4 Technical Reports

As required by the *Planning Act* applications, technical studies were undertaken to assess the potential impact of the proposed redesignation on the surrounding environment, and have been used to inform conformity with the relevant planning policy, as assessed within this Planning Justification Report. These documents are listed in Table 2 below.

Table 2: Technical reports supporting the application.

Report	Author	Date
Planning Justification Report	Skelton Brumwell & Associates Inc.	30 July 2024
Environmental Impact Study	Skelton Brumwell & Associates Inc.	30 July 2024

The need for an EIS arises due to the current ‘Natural Heritage’ designation of the subject lands. Skelton Brumwell & Associates Inc. has been retained to prepare the EIS, which includes a description of the subject lands and the proposed redesignation, analysis of the environmental planning framework, the results of background research and field investigations, an assessment of impacts, proposed mitigation, and an opinion with respect to the proposed natural heritage policy compliance of the proposed Official Plan amendment.

A summary of the conclusions reached as a result of the EIS investigations is provided below, and will be expanded on further within section 2.0 of this report. To summarize, background research and field investigations by SBA were used to inform the EIS. Through this research, it was concluded that there are no significant wetlands, permanent or intermittent streams, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat, or significant areas of natural and scientific interest on the subject lands. An endangered species, Red-headed Woodpecker, was observed on adjacent lands, however, the EIS considers that the proposed redesignation would not result in any impacts to this species, and that compliance with the Endangered Species Act requirements would be more suited at a later date when site alteration and development of the lands is proposed.

## 2.0 Policy Context and Analysis

In Ontario’s hierarchical, policy-led planning system, planning proposals must be consistent with and conform to a variety of legislation and policy documents, including the *Planning Act*, the *PPS*, the *Growth Plan*, the *Greenbelt Plan*, The *Oak Ridges Moraine Conservation Plan*, the *Niagara Escarpment Plan*, and other strategies and agreements, as applicable geographically.

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

## 2.1 Planning Act, RSO 1990

The *Planning Act* is provincial legislation which sets out the basis for land use planning in Ontario. Planning decisions must have regard for matters of provincial interest set out under Section 2 of the Act. Those considered most relevant to the application are set out below, followed by an assessment against those relevant provisions:

- (a) *the protection of ecological systems, including natural areas, features and functions;*
- (h) *the orderly development of safe and healthy communities;*
- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*

As has been previously stated, the requirement for an EIS arises due to the 'Natural Heritage' designation under the new Official Plan. As detailed in section 1.4 of this report above, it was concluded that there are no significant wetlands, permanent or intermittent streams, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat, or significant areas of natural and scientific interest on the subject lands, however, acknowledged that an endangered species, Red-headed Woodpecker, was observed on adjacent lands.

The Site was formerly designated for residential development under the old Official Plan. The new Official Plan also acknowledges the Site is within the Built Boundary of the Town. The Site is within an urban setting, as indicated by section 1.1, with a school and hospital to the south, large residential subdivision to the east and south east, and the closest road corridors (Penetanguishene Road and Victoria Street) both identified as Collector Roads. A servicing / road corridor has also been identified directly in front of the Site (adjacent to its eastern boundary). The Site is therefore clearly within an urban setting, and therefore is an appropriate location for future residential development.

The proposal appropriately addresses the relevant matters of provincial interest of the *Planning Act*.

## 2.2 Provincial Policy Statement, 2020

The PPS is issued under Section 3 of the *Planning Act*, and it contains overall policy directions on matters of provincial interest related to land use planning and development. All Official Plans and amendments thereto must be consistent with the PPS. The PPS is divided into three broad sections: Building Strong and Healthy Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

As the proposal involves redesignating the subject lands from Natural Heritage to Neighbourhood Residential (with no physical development proposed), and is not subject to any natural or manmade hazards, it is considered those policies relevant to the protection of natural heritage and ecological values, and management of land use and development patterns, are of most relevance. These policies are set out and assessed, below.

## Building Strong and Healthy Communities

<b>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</b>	
1.1.1.a	<i>Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.</i>
1.1.1.c	<i>avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i>
1.1.1.d	<i>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</i>
<b>Settlement Areas</b>	
1.1.3.1	<i>Settlement areas shall be the focus of growth and development.</i>
<b>Housing</b>	
1.4.3(c)	<i>By 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</i>

These policies are focused around ensuring development is appropriately located. The proposed redesignation is considered locally appropriate because;

- It remains within the delineated built boundary of the Town of Midland and is able to be supported by municipal services;
- It represents a return of the former residential designation applied under the old Official Plan;
- Is located within an existing urban setting, as already described in section 1.1 of this report; and
- Is an area earmarked for potential development (being within a 'Settlement Area' in accordance with the County Official Plan, and the 'delineated built boundary' in accordance with the Town's Official Plan). The major determinant for its potential redesignation is based on whether the future development would impact on Natural heritage and ecological features valued by the Province (assessed further in the below sections of this report).

## Wise Use and Management of Resources

Natural Heritage	
2.1.1	<i>Natural features and areas shall be protected for the long term.</i>
2.1.2	<i>The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</i>
2.1.4	<i>Development and site alteration shall not be permitted in:</i> <ul style="list-style-type: none"><li><i>a) significant wetlands in Ecoregions 5E, 6E and 7E1; and</i></li><li><i>b) significant coastal wetlands.</i></li></ul>
2.1.5	<i>Development and site alteration shall not be permitted in:</i> <ul style="list-style-type: none"><li><i>a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;</i></li><li><i>b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);</i></li><li><i>c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);</i></li><li><i>d) significant wildlife habitat;</i></li><li><i>e) significant areas of natural and scientific interest; and</i></li><li><i>f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)</i></li></ul> <p><i>unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</i></p>
2.1.6	<i>Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</i>
2.1.7	<i>Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.</i>
2.1.8	<i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</i>

As identified in the above policies, development and site alteration are not permitted in significant wetlands, fish habitat and the habitat of endangered and threatened species except in accordance with provincial and federal requirements. The PPS does permit development and site alteration in other natural heritage features and adjacent to all natural heritage features where it has been demonstrated that there will be no negative impacts on them or their ecological functions. Therefore, where such features are located on a property or adjacent lands, further study is required to determine the potential impacts as well as outline mitigation measures to ensure that no loss of significant features or functions occurs. Additionally, the PPS indicates that the diversity of natural features in an area, the natural connections between them, ecological function of the area, and the biodiversity of the area should be maintained or restored, and improved, where possible.

As has already been stated, the EIS prepared in support of this application confirms that there are no significant wetlands, permanent or intermittent streams, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat, or significant areas of natural and scientific interest on the subject lands. A Red-headed Woodpecker (endangered species), was observed on

adjacent lands, however, recent breeding bird surveys have failed to re-locate this species on the subject or adjacent lands and the EIS points out that the proposed redesignation would not result in any impacts to this species given no physical development is being currently proposed and that any potential impact can be appropriately addressed at the time development is proposed.

Overall, the proposed redesignation is appropriate as being situated within the built up area of the community and protective of valued natural heritage and ecological features, and as such, remains consistent with the applicable policies of the PPS.

## 2.3 Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan is a long-term regional plan issued under the Places to Grow Act, 2005 to provide a framework for building strong, healthy communities, managing growth, protecting resources, and managing risks associated with natural hazards and climate change. The Growth Plan builds on the PPS to provide more detailed policies affecting the Greater Golden Horseshoe and to support a coordinated, integrated approach to planning. Applications must conform with the Growth Plan.

The Growth Plan is divided into four broad sections; Where and How to Grow, Infrastructure to Support Growth, Protecting What is Valuable, and the Simcoe Sub-Area.

A key component of the Growth Plan is the direction of growth to settlement areas that have a delineated built boundary and existing or planned municipal water and waste water systems, particularly where the settlement area can support the achievement of complete communities.

These policies are set out in Section 2.2 Policies for Where and How to Grow.

### Where and How to Grow

#### Managing Growth

- 2.2.1 1. *Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.*
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:*
    - iv. *delineated built-up areas;*
    - v. *strategic growth areas;*
    - vi. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
    - vii. *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;*
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;*

- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

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#### Delineated Built-up Areas

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- 2.2.2     2. *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*
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.*

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#### Housing

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- 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;*
  - b) *identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
  - c) *align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;*
  - d) *address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and*
  - e) *implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*
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.*

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 redesignation of the subject lands responds directly to these policy directions.

The lands are situated in a fully serviced settlement area that has a delineated built-up boundary. The lands themselves are within the delineated built-up boundary. The lands can provide an appropriate location for intensification and the provision of housing supply and housing choices. The lands are located in proximity to various community services and commercial areas.

Key provisions of the Growth Plan regarding natural heritage fall under Section 4, “Protecting What is Valuable”. Those provisions of Section 4 considered most relevant to the proposal are set out and assessed below.

### **Protecting What is Valuable**

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#### Natural Heritage

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##### 4.2.2.3 *Within the Natural Heritage System for the Growth Plan:*

- a) *new development or site alteration will demonstrate that:*
  - i. *there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*
  - ii. *connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
  - iii. *the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;*

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##### 4.2.2.6 *Beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:*

- a) *will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and*
- b) *may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.*

The Growth Plan identifies a provincial natural heritage system and establishes additional development constraints and buffer requirements for natural heritage features. It provides clear direction with respect to the prevention or restriction of development (which is inclusive of land use change, as is being proposed) with respect to their potential impacts on key natural heritage features, key hydrologic features or their functions, other natural features, and connectivity between these systems within the provincially identified natural heritage system. This provincially identified system does not extend into settlement areas.

Inside settlement areas the Growth Plan, in Policy 4.2.2.6 stipulates that these locally identified systems will continue to be protected in a manner that is consistent with the PPS.

The Growth Plan therefore does not introduce any additional restrictive policies with respect to the protection of natural heritage features and ecological systems, and as such, the applicable Provincial

policies are those set out in the PPS, as assessed in section 2.2 above. As previously indicated the subject lands do not contain natural heritage features of significance.

The Growth Plan's policy direction with regard to promoting intensification within delineated built-up areas and providing a range of housing choices suggest that returning the lands to their prior designation to support residential growth is warranted and provides for better conformity to the intent of the Growth Plan.

## 2.4 County of Simcoe Official Plan, 2023

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

According to the County Official Plan, the subject lands are designated as 'Settlement Area'.

It is considered that policy 3.8.17 of the County Official Plan is of most relevance to the proposal. This policy is copied below:

*Within settlement areas, all lands shall be deemed to be Settlement designation in this Plan. Local municipal official plans are required to identify and map natural heritage features and areas within settlement areas and provide policy direction in accordance with Section 3.3.15 i) and ii). Local municipal official plans may also map other natural heritage systems and provide policy direction related to those systems within settlement areas.*

County Greenlands do not extend into settlement areas. Simcoe Interactive mapping similarly does not indicate the presence of any natural heritage features on the subject lands or on adjacent lands. The lands, being situated within a settlement area, lie outside the proposed refined Natural Heritage System for the Growth Plan as mapped by the County of Simcoe.

As stipulated in the above policy, the County encourages local municipalities to identify local natural features and areas in addition to Greenlands and those areas are subject to the local municipal Official Plans. The municipal policies applicable to natural heritage features and functions are therefore those that are set out in the Town of Midland Official Plan. Those policies are identified and assessed in section 2.5 of this report, below.

Although there is currently no road frontage onto Penetanguishene Road, it is acknowledged that this road is classified under the County Official Plan as a 'County Road'. The main function of County Roads is to provide for through traffic movements between activity areas across the County and external to the County, and Section 4.8 of the County Official Plan includes policies intended to protect this transportation function. The proposed re-designation has no detrimental impact to the continued functioning of this road corridor.

## 2.5 Town of Midland Official Plan, 2019

The local Official Plan is the local planning document which provides a vision, land uses, and policies to direct growth and development at the lower-tier municipal level. It refines the direction of the upper-tier plan and includes matters of local planning interest. The new Official Plan was adopted in November 2019, and replaces the April 2019 version of the old Official Plan.



Under the new Official Plan, the lands are within the ‘Delineated Built Boundary’ (Schedule A), classified as ‘Greenlands’ (Schedule B) and designated as ‘Natural Heritage’ (Schedule C). It is proposed to redesignate these lands to ‘Neighbourhood Residential’, which is consistent with the previous ‘Residential District’ designation under the old Official Plan.

### 2.5.1 Context

One of the key determinants of whether an area within the ‘Delineated Built Boundary’ is suitable for development, is ensuring that the type of development is compatible and in keeping with the desirable character of the surrounding area. The Site is located within an urban setting, as has already been described in section 1.1 of this report. The proposed designation is Neighbourhood Residential’, which is the same designation as the properties to the immediate east and south, and that of the residential subdivision area located along Penetanguishene Road and Victoria Street. The proposed redesignation is therefore compatible with its surroundings.

The other key determinant, and of particular relevance given the Site’s current ‘Natural Heritage’ designation, involves analyzing whether development on the Site would impact on Natural Heritage features within the Site or adjacent lands that are valued by the Province and Town. This is determined by way of the preparation of an EIS. The new Official Plan policies relevant to Natural Heritage, and conclusions reached in the EIS, are analyzed in the section 2.5.3 of this report.

### 2.5.2 Existing Use Rights

Also of relevance to the redesignation, and also relying on the conclusions of the EIS are the policies for exceptions related to the ‘Greenlands’ classification, and major boundary adjustments, which are copied below:

#### Exceptions – Existing Lots of Record

4.5.4.1 *For an existing vacant lot of record, the Town will respect the development rights established by the existing zoning applicable to the subject property, as of the date of the approval of this Plan. In addition, the Natural Heritage designation is identified as a Site Plan Control Area. All new development within the Natural Heritage designation on an existing lot of record will be required to obtain Site Plan Approval prior to obtaining a building permit. For the purposes of this policy, new development only includes development permitted by existing zoning on an existing vacant lot of record. Site Plan Approval, and the required Environmental Impact Study, will identify a building envelope based on the least intrusive location, unless the entire property is covered by a key natural heritage feature.*

*Site Plan Approval within the Natural Heritage designation may include:*

- i. The determination of the least intrusive location for the building envelope that preserves the key natural features and ecological and hydrologic functions on the property, through an Environmental Impact Study. The Town, in consultation with the County and any agency having jurisdiction or that the Town deems appropriate, has the discretion to scope the Environmental Impact Study, as appropriate; and,*
- ii. A Species At Risk Screening/Evaluation exercise in consultation with Ministry of Environment, Conservation and Parks, which may determine that an Overall Benefit Permit from the Ministry of Environment, Conservation and Parks Minister is required. In the case of the construction of a single detached house*

*and/or accessory buildings on an existing vacant lot of record, approval of Site Plan Control may be delegated to staff.*

*In the case of the construction of a single detached house and/or accessory buildings on an existing vacant lot of record, approval of Site Plan Control may be delegated to staff.*

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#### Significant Boundary Changes

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4.5.3.4(e) (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:*

and (f)

- 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.*

The new Official Plan recognizes the development rights applicable to the Site based on its previous residential designation. It establishes that the lands should not be considered as non-developable and that a significant degree of development rights exist on the lands in accordance with the Official Plan. The considerations for an EIS seeking a redesignation of those lands should incorporate appropriate consideration for the implications of those development rights.

In addition, the new Official Plan contains a specific policy which supports amendments to official plans for the adjustment of the Natural Heritage designation boundary. Such an application (as is being proposed) needs to be supported by an EIS, and that EIS would need to determine that there would be no negative impact on key natural heritage features and their ecological and hydrologic functions as a result. The new Official Plan policies relevant to Natural Heritage, and conclusions reached in the EIS, are analyzed below.

### **2.5.3 Environmental Impact Statement**

Having established the existing development rights applicable to the subject lands, and having determined that boundary adjustments of the Natural Heritage designation is potentially supported by the new Official Plan, the remaining determinant which would potentially enable the proposed re-designation is reliant on the conclusions of the EIS. This involves determining, through an investigation of existing information and the observation and analysis of site conditions, whether or not significant, or key, natural heritage features or functions occur on the lands or adjacent lands; whether or not the proposed re-designation would detrimentally impact those features or functions; and, what measures are required, if any, to avoid impact to significant features and functions. The

below policies of the new Official Plan articulate this requirement and is followed by an assessment against those policies:

Development Policies	
4.5.3(g)	<i>The biodiversity, ecological and hydrologic function and connectivity of the Natural Heritage designation shall be protected, maintained, restored or, where possible, improved for the long-term, recognizing linkages between and among natural heritage features and ecological and hydrologic functions. Development and site alteration will not be permitted within the Natural Heritage designation, nor within significant portions of the habitat of endangered species and threatened species, where identified.</i>
Species at Risk	
4.5.3(k)	<i>All buildings and development and/or site alteration in the Town must be evaluated in the context of the Endangered Species Act (ESA). A Species at Risk Screening/Evaluation may be required as part of any application for development and/or site alteration. The terms of reference and scope shall be determined in consultation with the Town, the County and any agency having jurisdiction or that the Town deems appropriate, and in consideration of the context of the subject property and adjacent lands, and the type of development application</i>
Policies for Adjacent Lands	
4.5.3.1(a)	<i>Adjacent lands, as defined by the Province, are those areas which, if developed or are subject to site alteration, have a reasonable probability of creating negative impacts on adjacent natural heritage features and/or ecological and hydrologic functions within the Natural Heritage designation. Development and site alteration shall not be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated through an Environmental Impact Study and it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. The intent of recognizing adjacent lands in this Plan is to trigger the requirement for the preparation of an Environmental Impact Study in support of applications for development.</i>
4.5.3.1(c)	<i>The following policies must be read in conjunction with the policies of the land use designation that is identified for any specific site, on Schedule C - Land Use:</i> <ul style="list-style-type: none"><li><i>i. Prior to any lands being considered for development, redevelopment or site alteration, within any area identified as subject to the adjacent lands policies, an Environmental Impact Study is to be undertaken by the proponent in accordance with Town requirements; and,</i></li><li><i>ii. Subject to the conclusions and requirements of the Environmental Impact Study, the lands may be developed in accordance with the permitted uses and development policies of the land use designation for the site that is identified on Schedule C - Land Use. Any changes to the extent of the developable land area, restrictions on any permitted land use and/or any required impact mitigation requirements identified in the Environmental Impact Study shall be identified, implemented, regulated or otherwise secured to the satisfaction of the Town.</i></li></ul>

The EIS concluded that there are no significant wetlands, permanent or intermittent streams, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat, or significant areas of natural and scientific interest on the subject lands or adjacent lands. An endangered species, Red-headed Woodpecker, was observed on adjacent lands, however, more recent breeding bird

surveys have not indicated the presence of this species on the subject or adjacent lands. Additionally, the EIS points out that the proposed redesignation would not result in any impacts to this species, and that compliance with the Endangered Species Act requirements would be more appropriately addressed at a later date when site alteration and development of the lands is proposed. As a result of site investigations, the EIS also states that there is no definitive connectivity or linkages within the subject property, no evidence of wildlife trails, no riparian corridor features, and that the Site and adjacent lands do not contain significant wildlife habitat features because of the limited size of the woodland, lack of interior habitat, lack of any wetlands and riparian areas and a high degree of urban development influence.

#### **2.5.4 Concluding Statement**

Based on the EIS, and when viewed in conjunction with the PPS and new Official Plan policies outlined above, it can be concluded that the proposed redesignation is consistent with the outcomes sought under the new Official Plan and that re-designation of the lands is warranted.

## **2.6 Town of Midland Zoning By-law, 2024**

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

The Town's Zoning By-law indicates the Site has a 'Residential 3 (R3)' zoning, which is a zoning suitable for residential development. The zone also includes a 'Holding (H)' provision and its removal would require a zoning by-law amendment application.

As previously indicated within this report, no physical development is proposed as part of this application. The removal of the 'Holding (H)' provision would be undertaken as part of a future application related to the actual development of the subject lands. An analysis against the relevant standards of the Town Zoning By-law would also be undertaken at this time.

### 3.0 Conclusion

The proposal involves an Official Plan Amendment to Schedule C to redesignate the Site located at 72 Penetanguishene Road, Midland, from its current “Natural Heritage” designation, to ‘Neighbourhood Residential’. This redesignation concurrently requires amendments to the Schedule A and B maps to reclassify the lands from ‘Greenlands’ to ‘Neighbourhood Districts’ (under Schedule B), and removal of the Greenlands classification (under Schedule A). This Official Plan Amendment reflects the restoration of the residential designation formally applied to the lands under the old Official Plan, which has since been changed as a result of the Town’s Official Plan review and conformity update.

The assessment within this report relies on the findings of the EIS which concludes that there are no significant wetlands, permanent or intermittent streams, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat, or significant areas of natural and scientific interest on the subject lands. Although an endangered species, Red-headed Woodpecker, was observed on adjacent lands, there are no impacts associated with the proposed redesignation and compliance with the Endangered Species Act can be established at the time of site alteration and development of the lands.

Policy 4.5.4.1 of the new Official Plan has a significant bearing on the conclusions reached within both the Planning Justification Report and the EIS. This policy respects “the development rights established by the existing zoning applicable” and establishes that a significant degree of development rights exists on the lands given its previous residential designation.

Overall, it is concluded that the proposed redesignation is consistent with the natural heritage policies of the Provincial Policy Statement, and conforms to the County of Simcoe and Town of Midland Official Plans, and as such, should be approved.

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

per:



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



Craig Mathieson, BUbPlan(Hons)  
Senior Planner

# Appendix A

Draft Official Plan Amendment

**AMENDMENT NO. \_\_\_\_**  
**TO THE TOWN OF MIDLAND OFFICIAL PLAN**

**Schedule A maps - Removal of 'Greenlands' classification**

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

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

**This Amendment applies to:**

**Part Lot 108, Concession 1**

**In the Town of Midland**

**County of Simcoe**

**AMENDMENT NO. \_\_**  
**Town of Midland Official Plan**  
**Table of Contents**

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1.0 Reports and Technical Materials	
• Planning Justification Report by Skelton Brumwell & Associates (July 2024)	
• Environmental Impact Study by Skelton Brumwell & Associates (April 2024)	



**THE CORPORATION OF THE TOWN OF Midland**  
**BY-LAW NO. \_\_\_\_\_**

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

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

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.

THE CORPORATION OF THE TOWN OF MIDLAND

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk

**AMENDMENT NO. XX**  
**TO THE TOWN OF TOWN OF MIDLAND OFFICAL PLAN**

**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 Amendment.

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

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

## **PART A - THE PREAMBLE:**

### **1.0 PURPOSE**

The purpose of this Official Plan Amendment is to redesignate the Site from its current “Natural Heritage” designation, to a “Neighbourhood Residential” designation. This Official Plan Amendment reflects the restoration of the residential designation formally applied to the lands under the old (April 2019 version) Official Plan, which has since been changed as a result of the Town’s Official Plan review and conformity update.

### **2.0 LOCATION**

The subject lands are located at 72 Penetanguishene Road in the Town of Midland, County of Simcoe. The approximately 2 ha regular shaped property is entirely wooded and is located within the urban area of the Town with large lot rural residential uses to the north and west, a residential subdivision to the east, and the Monsignor Castex Catholic School and Georgian Bay General Hospital to the south. The Site is located at the very northern end of Penetanguishene Road (which terminates before reaching the Site), and the very western end of Victoria Street.

### **3.0 BASIS**

According to the Town Official Plan, the Site is currently designated as ‘Natural Heritage’ under Schedule C (‘Land Use’), and is within the ‘Delineated Built Boundary’ under Schedule A (‘Growth Areas’). One of the key determinants of whether an area within the ‘Delineated Built Boundary’ is suitable for development, is ensuring that the type of development is compatible and in keeping with the desirable character of the surrounding area. The other key determinant, involves analyzing whether development on the Site would impact on Natural Heritage features within the Site or adjacent lands.

The Site is located within an urban setting, as described in section 2.0 above. The proposed designation is ‘Neighbourhood Residential’, which is the same designation as the properties to the immediate east and south, and that of the residential subdivision area located along Penetanguishene Road and Victoria Street. The proposed redesignation is therefore compatible with its surroundings.

The Environmental Impact Study concluded that there are no significant wetlands, permanent or intermittent streams, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat, or significant areas of natural and scientific interest on the subject lands or adjacent lands. An endangered species, Red-headed Woodpecker, was observed on adjacent lands, however, the Environmental Impact Study considers that the proposed redesignation

would not result in any impacts to this species, and that compliance with the Endangered Species Act requirements would be more suited at a later date when site alteration and development of the lands is proposed. The proposed redesignation is therefore protective of Natural Heritage features and their ecological functions.

Policy 4.5.4.1 of the new Official Plan also has a significant bearing on the conclusions reached within both the Planning Justification Report and the Environmental Impact Study. This policy respects “the development rights established by the existing zoning applicable” and establishes that a significant degree of development rights exists on the lands given its previous residential designation.

Considering the conclusions reached within the Environmental Impact Study, and assessment against relevant planning policy contained within the Planning Justification Report, it is concluded that the proposed redesignation is consistent with the natural heritage policies of the Provincial Policy Statement, and conforms to the County of Simcoe and Town of Midland Official Plans.

## **PART B - THE AMENDMENT**

### **1.0 INTRODUCTION**

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

### **2.0 DETAILS OF THE AMENDMENT**

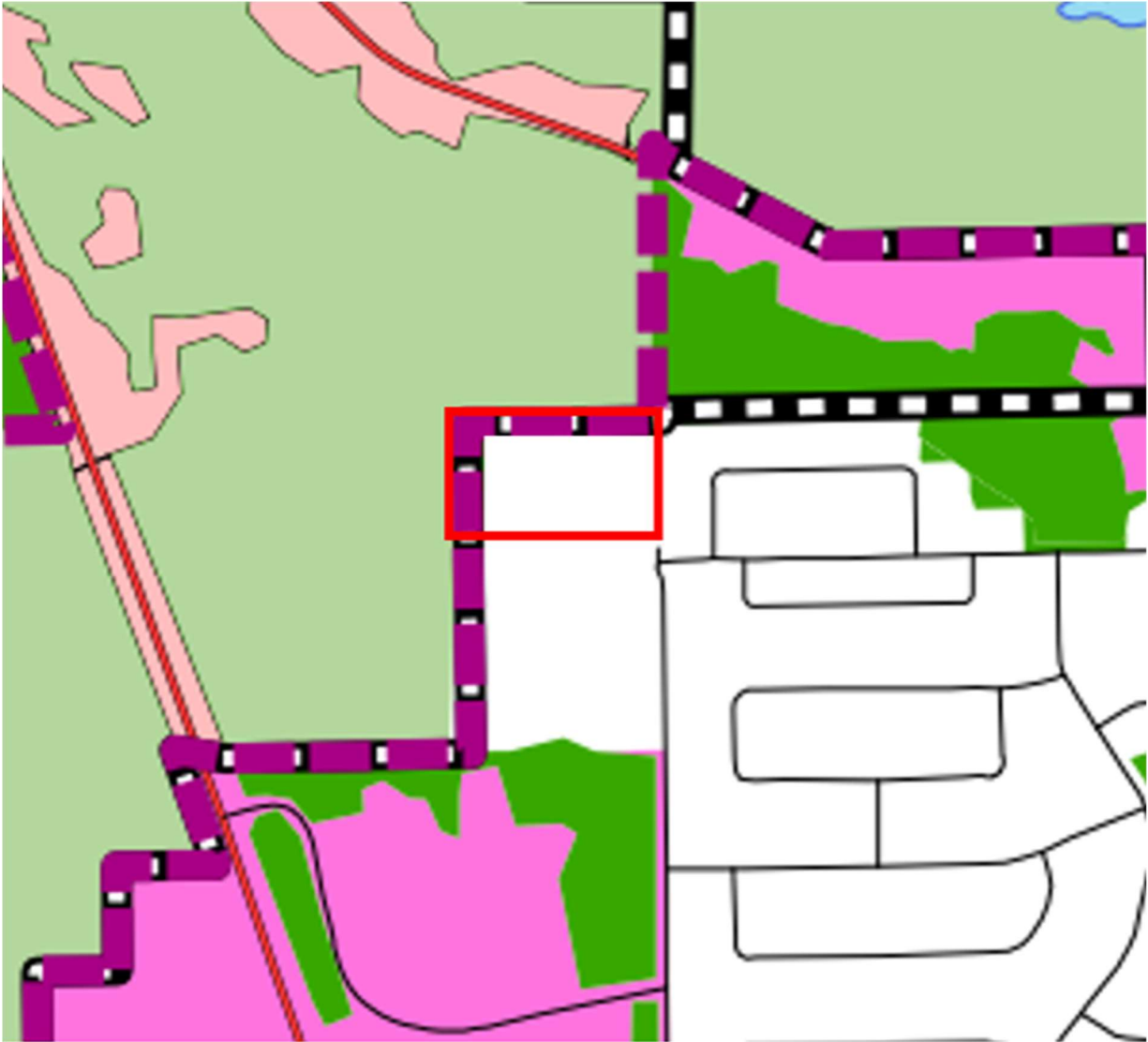
The Town of Midland Official Plan, specifically Schedule A, Growth Areas, Schedule B, Urban Structure, and Schedule C, Land Use, is amended as follows:

1. Lands located in Part Lot 108, Concession 1 (Midland) are:
  - a. Removed from the 'Greenlands' classification as shown on Schedule "A" attached hereto and forming part of this Amendment.
  - b. Reclassified from 'Greenlands' to 'Neighbourhood Districts' as shown on Schedule "B" attached hereto and forming part of this Amendment.
  - c. Redesignated from the 'Natural Heritage' designation to the 'Neighbourhood Residential' designation as shown on Schedule "C" attached hereto and forming part of this Amendment.

### **PART C - THE APPENDICES**

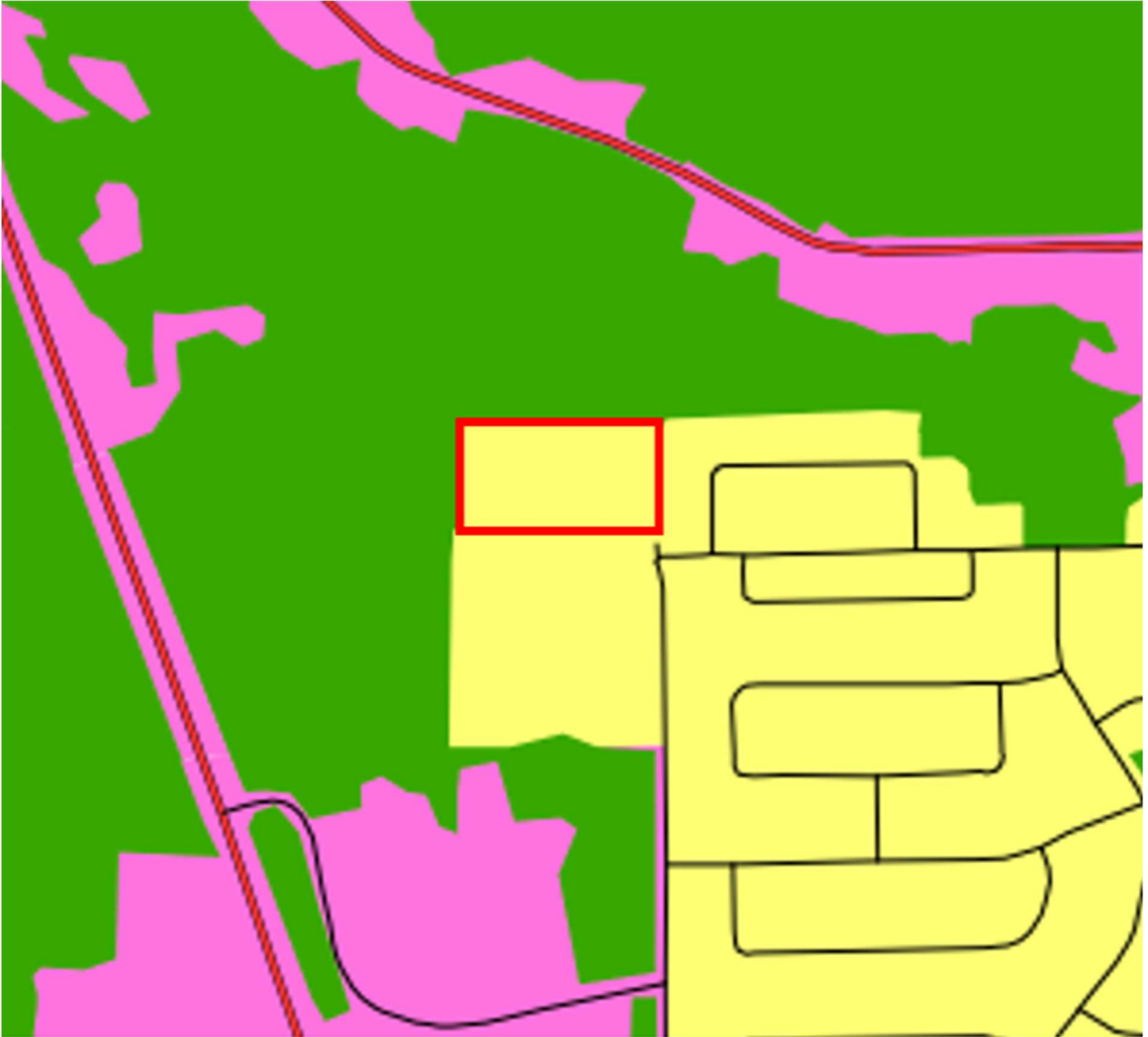
The Appendices do not constitute part of the Amendment but are included as supporting information.


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



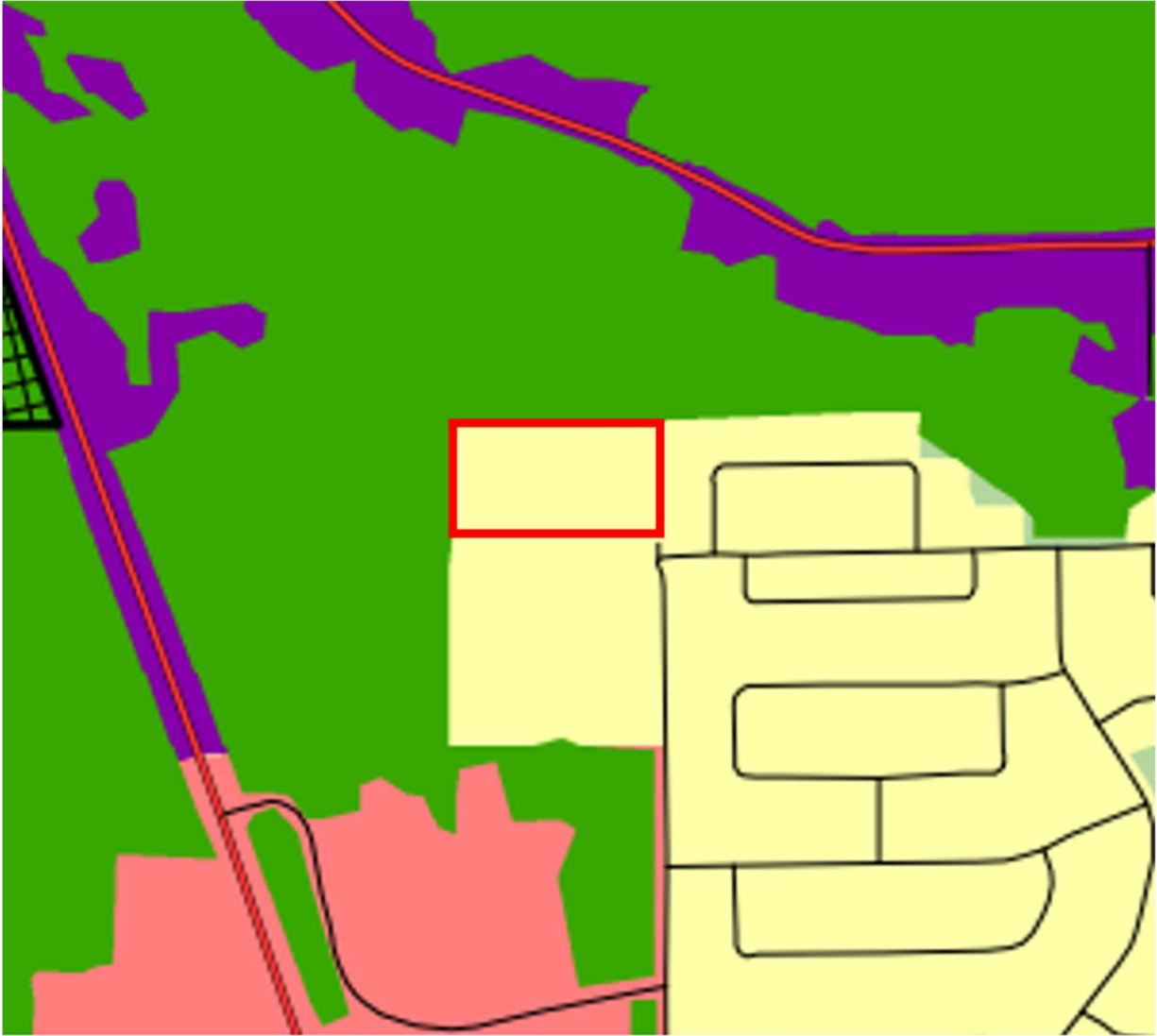
 Lands where 'Greenfields' classification is to be removed


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



 Lands to be reclassified to 'Neighbourhood Districts'

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



 Lands to be redesignated to to 'Neighbourhood Residential'