



CORPORATE REPORT
The Corporation of the Town of Wasaga Beach
Meeting Date: 8/22/2024

DATE: 8/7/2024

SUBJECT: Zoning By-law Amendment File No. Z07/20 - Wasaga Riverwoods Homes Inc.

CONTACT: Matt Ellis, Senior Planner

REPORT NUMBER: 2024/08/22-19

RECOMMENDATION:

1. **THAT** the report titled: Zoning By-law Amendment File No. Z07/20 – Wasaga Riverwoods Homes Inc., to the Council meeting of August 22, 2024, be received; and
2. **THAT** Council enact a Zoning By-law Amendment (Z07/20) for Wasaga Riverwoods Homes Inc. as recommended in this report.

EXECUTIVE SUMMARY:

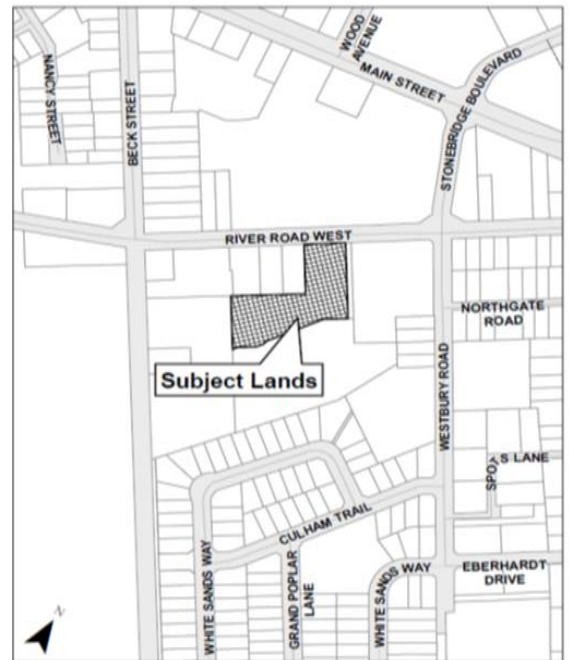
- **Application: Zoning By-law Amendment File No. Z07/20**
Applicant: Wasaga Riverwoods Homes Inc.
Agent: Loft Planning Inc. c/o Kristine Loft
Subject Lands: Block 196, Plan 51M-914 and Part 1, Plan 51R-39252 (municipal address not yet assigned)
- **A Zoning By-law Amendment application has been submitted by the applicant to re-zone the lands from the current Downtown Core Type Two Hold (*DC2-H*) into a Downtown Core Type Two Hold Exception (*DC2H-2*) zone to increase the maximum height of a proposed apartment building from four to five storeys, as well as restrict the permitted uses on a portion of the subject lands zoned Environmental Protection Exception Six (*EP-6*) zone to Conservation Uses and Passive Recreation Uses.**
- **The requested relief is to facilitate the development of a proposed residential apartment building (condominium) consisting of five storeys and 70 dwelling units.**
- **It is the opinion of Planning Staff that the proposed Zoning By-law Amendment is consistent with or conforms to the applicable Provincial, County and Town of Wasaga Beach land use planning policies and design guidance, including the Town's Official Plan and Urban Design Guidelines and supports good planning for the subject lands.**

SUBJECT PROPERTY:

The subject property is an irregularly-shaped site that consists of two parcels that total approximately 0.986 hectares (2.44 acres) in area with a frontage of approximately 69.32 metres (227 feet) along River Road West. The property is currently vacant with the majority of it forested. The property is not yet municipally addressed and is legally described as Lot 27, CONCESSION 8, BLOCK 196, PLAN 51M-914 and PART 1 in PLAN 51R-39252, Former Township of Flos, Town of Wasaga Beach. For reference, a location map is shown as **Figure 1**. The subject property is bordered by:

- River Road West to the north;
- A three storey condominium apartment building to the east;
- Vacant Town-owned lands to the south, and
- Vacant privately-owned lands to the east

Figure 1- Site Location Map



Other nearby land uses include mixed density residential uses, a variety of retail uses, a campground, medical uses, a daycare and Town of Wasaga Beach Fire Hall One. The subject property is also located approximately 84 metres from an east-bound transit stop and approximately 140 metres from a west-bound transit stop on Wasaga Beach Transit Route 2.

The subject property is designated as Downtown Core and Residential in the Town's Official Plan, and located within the Downtown Core Type 2 Hold (DC2H), Residential Type 3-Exception 30 Hold (R3H-30) and Environmental Protection Exception 6 (EP-6) Zones in Town of Wasaga Beach Comprehensive Zoning Bylaw 2003-60.

The subject lands are regulated by the Nottawasaga Valley Conservation Authority (NVCA).

BACKGROUND:

The lands were subject to a previous development proposal consisting of 22 three-storey Townhome dwelling units, as part of a development known as "Wasaga Beach Village - Phase Three". Official Plan Amendment OPA 33 to re-designate the northerly portion of the parcel from the Tourism Commercial designation to the Residential Designation was adopted in October 2013. By-law 2013-92 to re-zone the parcel to the Residential Type 3 Hold-Exception 30 (R3H-30) and the Environmental Protection-Exception 6 (EP-6) Zones to facilitate this development was passed in November 2013. The "Wasaga Beach Village – Phase 3" townhouse development concept ultimately never materialized.

A few years later, and upon the completion of the Downtown Development Master Plan (DDMP),

Town Council adopted Official Plan Amendment 52 (OPA 52) on June 26, 2018 to incorporate the policies of the DDMP and re-designate the portion of the property that would accommodate the proposed development to the Downtown Core designation. By-law 2018-57 was also passed on this date to re-zone the same lands from the R3H-30 Zone to the current Downtown Core Mixed-Use Type 2 Hold (DC2H) Zone.

The County of Simcoe approved OPA 52 on October 30, 2018, which allowed OPA 52 and Bylaw 2018-57 to come into effect.

CURRENT PROPOSAL:

The proposed development consists of an “L-shaped” building with the longest side running parallel to River Road West and a shorter side running parallel to the adjacent residential building at 16 Westbury Road. The proposed development was initially applied for as an 86-unit/six storey residential building with tenure to be a condominium that included a total of 107 parking spaces. At the time, the proposed development required applications for an Official Plan Amendment, Zoning Bylaw Amendment, Plan of Condominium and Site Plan Control. In support of the applications, the Applicant has submitted the following materials for review and approval:

- Archeological Assessment (Phase 1 and 2);
- Architectural Plans, including overall Site Plan, Elevation Plans, Building Section Plans,
- Floor Plans;
- Detailed Design and Stormwater Management Report;
- Detailed Engineering Plans;
- Environmental Impact Study;
- Landscaping Plan and Landscaping Details;
- Lighting Plan;
- Planning Justification Report;
- Shadow Study;
- Traffic Impact Study; and
- Tree inventory and Tree Preservation Plan

The Planning Department deemed the applications complete on January 5, 2021 and a Public Meeting, as required under the *Planning Act*, was held virtually via Zoom on March 11, 2021.

In consideration of comments from surrounding landowners, Planning staff requested the Applicant consider reducing the height/scale of the development and/or re-orientating the proposed building footprint to address concerns of surrounding landowners and help mitigate negative impacts on the physical relationship between the proposed development and adjacent properties. A third submission was received on November 2, 2022 and the proposed development has been reduced to five storeys and 70 units as well as a parking lot that consists of 99 parking spaces (including five parking spaces for persons with disabilities and 11 spaces for visitors). Based on the third submission Planning staff determined the previously applied for Official Plan Amendment is no longer required due to: 1) the building being reduced to five storeys in height, and 2) the resultant

density being reduced to 72 persons per hectare. The Applicant, through their Agent, has chosen to keep their application for an Official Plan Amendment open (but held in abeyance) until Council has considered the Zoning By-law Amendment.

The applicant is proceeding with the Zoning Bylaw Amendment application at this time to increase the maximum permitted height of the proposed building in the DC2 zone from four storeys to five storeys, while respecting the applicable angular plane requirements. The current EP-6 zone within the south-westerly portion of the subject lands is proposed to be amended to limit permitted uses to conservation uses and passive outdoor recreation uses.

It is noted the current R3-30 (H) zone that applies to a small triangular-shaped portion at the rear of the property reflects zoning passed by a past Town Council to facilitate a previous development proposal on the property that was never initiated. The current R3-30 (H) zone is no longer relevant or necessary and is, therefore, being deleted and rezoned to the DC2-2 zone. This R3-30 zone will be “reserved” for future use in the Town’s Zoning By-law. The revised development plans are appended to this report as Attachment 1.

A Plan of Condominium and Site Plan Control application are expected to be filed and reviewed at some later date.

A copy of the proposed Zoning By-law Amendment pertaining to the subject lands is appended as Attachment 2 to this report.

CONSULTATION:

A Public Meeting was held on March 11, 2021. Town Planning Staff and Loft Planning (the Agent) delivered brief presentations to Council regarding the proposed development. Each iteration of subsequent submission materials for the proposed development were circulated to external agencies and Town Departments, as applicable at the time, on the following dates:

- January 7, 2021 (first submission);
- February 4, 2022 (second submission);
- October 24, 2022 (third submission);
- March 20, 2023 (fourth submission), and;
- May 22, 2024 (fifth submission).

The Town received a petition from the residents of the adjacent apartment building at 16 Westbury Road after the Public Meeting. Comments from residents were generally focused on impacts to surrounding property values, impacts to wildlife and adjacent wetland areas from tree removal, density, loss of privacy, impacts from increased traffic and noise and impacts during the construction period of the proposed development.

To mitigate potential impacts and other comments from the adjacent landowners, the Applicant revised their development plans by reducing the proposed height from six storeys to five storeys,

increasing the side yard setback of the fifth storey facing the adjacent apartment building to the east (commonly referred to as a “step-back”), reducing the size of the parking area, adding tree plantings along the east side of the proposed building, and by adding a fence along the east side of the proposed parking lot. Planning staff circulated the revised development plans to concerned surrounding landowners once received.

Planning staff also received comments from the following public agencies/departments:

- Bell Canada
- Canada Post
- County of Simcoe
- Enbridge Gas
- Ministry of Environment Conservation and Parks (MECP)
- Nottawasaga Valley Conservation Authority (NVCA)
- Simcoe County District School Board (SCDSB)

All written submissions and oral submissions made at the Public Meeting, and those provided thereafter, have been taken into consideration as part of this recommendation report.

A detailed comment/response matrix that summarizes the themes of the comments received before, during and after the Public Meeting is appended to this report as Attachment 3.

LEGISLATION AND POLICY REVIEW:

Planning Act, R.S.O. 1990, c. P.13

The Ontario *Planning Act* (the “*Planning Act*”) establishes the authority for the Province to issue policy statements that articulate matters of provincial interest for use in guiding municipal land use planning decisions. It also outlines the framework through which municipalities may develop Official Plans and Zoning By-laws and consider planning applications (e.g. in conformity with Provincial policies and applicable upper-tier policies), and articulates the processes through which a proponent can propose the development of lands (ex. conforming to applicable policies, consulting with the public).

Under the *Planning Act*, this proposed Zoning By-law Amendment is required to be consistent with policy statements issued under the *Act*, and is required to conform with applicable Provincial plans (e.g. “Growth Plan”) currently in effect, or not conflict with them, as the case may be.

Section 2 of the *Planning Act* requires that regard must be had for matters of Provincial interest. These matters include the protection of ecological systems, the efficient use of energy and water, orderly development of safe and healthy communities, adequate provision of a full range of housing, and the appropriate location of growth and development, among other matters.

With regard to orderly development of safe and healthy communities, the Town's Public Works/Engineering Department indicated that, with the exception of some minor/technical matters that can be addressed during the detailed site plan design phase, all previous comments from the Public Works/Engineering Department have been addressed.

Some of the background materials that have been submitted in support of the application include an Environmental Impact Study, Stormwater Management Report and Traffic Impact Study were submitted in support of the application. Detailed engineering drawings will be required as the project advances towards site plan approval. It is further noted that, through review of previous submissions for this application, the applicant has completed substantial consultation with the Ministry of Environment and Parks (MECP) and the Nottawasaga Valley Conservation Authority (NVCA) regarding possible impacts to Species at Risk habitat and wetland areas. Furthermore, a permit from the NVCA in accordance with the *Conservation Authorities Act* is required prior to development occurring on the subject lands.

Based on its independent analysis of the proposed development, Planning staff is satisfied that it meets the Provincial interests stated in Section 2 of the *Planning Act*.

Provincial Policy Statement, 2020

Section 3 of the *Planning Act* requires that regard must be had for policy statements issued under the *Act*. These policy statements are the *Provincial Policy Statement, 2020 (PPS)* and the *Growth Plan for the Greater Golden Horseshoe*. The Provincial Policy Statement 2020 (PPS), provides detailed policy direction on matters of Provincial interest related to land use planning and development throughout the Province of Ontario. Policies in the PPS, 2020 are comprised of three main sections:

- Building Strong, Healthy Communities
- Wise Use and Management of Resources
- Protecting Public Health and Safety.

Summary statements of these sections and associated comments from Planning staff are provided below.

1.0 Building Strong Healthy Communities

“Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, livable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”

Staff Comment: The proposed development is located within the Town's Settlement Area boundary (which happens to coincide with its municipal boundary), an area which the PPS states shall be the focus for the majority of growth/development. The subject lands are an appropriate location for higher density development as they are within 80-100 metres (262-328 feet) of two Wasaga Beach Public Transit stops and proximity to numerous community uses (emergency services, medical centre, mixed use retail including grocery store, Town Hall and an elementary school. The design of the proposed development would make for an efficient use of the available land, while protecting adjacent environmental features.

2.0 Wise Use and Management of Resources

"Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits".

Natural heritage features shall be protected for the long-term. Development and Site Alteration are not permitted within areas containing Significant Wetlands. Significant Wetlands are identified as such by the Ministry of Natural Resources and Forestry (MNRF), using evaluation procedures that are established by the Province and amended from time to time. The subject lands contain an unevaluated wetland and the Town-owned parcel further to the south contains a Significant Wetland.

Development and Site Alteration is not permitted within Significant Woodlands, Significant Wildlife Habitat and Significant Areas of Natural and Scientific Interest (ANSIs) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The southerly portion of the subject lands, towards the rear of the site, contains a portion of the Provincially-significant Wasaga Dunes Life Science ANSI, which is primarily associated with the Wasaga Beach Provincial Park and adjacent lands located to the south of River Road West.

Staff Comment: An Environmental Impact Study (EIS) by Riverstone Environmental Solutions Inc. was included in the initial submission of the application in February 2020 and most recently revised for the third submission in September 2022. It includes a number of recommendations to mitigate any adverse impacts to wetland areas, woodland areas, Significant Wildlife Habitat and the Wasaga Dunes Life Science ANSI, that are located within the subject lands as well as on the adjacent lands to the south. The full list of recommendations in the EIS are appended to this report as Attachment 4. The EIS was reviewed by the NVCA and comments from the NVCA were received on March 12, 2021. Specifically regarding the EIS, the NVCA commented on four key matters: Area of Natural Scientific Interest (ANSI), Significant Wildlife Habitat, Provincially Significant Wetland and the Unevaluated Wetland.

Planning staff summarizes the NVCA's comments regarding each area below:

Area of Natural Scientific Interest (ANSI)

The ANSI designation along the rear (south) portion of the subject lands recognizes the unique and significant attributes of the inland parabolic dune complex associated with the Wasaga Beach Provincial Park and on the adjacent lands to the south. Based on the data contained in the report, the NVCA generally accepts the conclusion that the proposed development is unlikely to negatively impact the form/function of the ANSI, as the subject lands do not contain the defined landform characteristics and ecological features that generally characterize the ANSI. The NVCA agrees with the EIS that negative impacts to the ANSI can be avoided with the implementation of applicable mitigation measures.

Significant Wildlife Habitat

NVCA staff generally accept the rationale given in the EIS and anticipate that adverse impacts to Significant Wildlife Habitat can be avoided through a mitigation program.

Provincially Significant Wetland

The NVCA noted the proposed development would afford a setback of at least 30 metres (100 feet) from the nearest mapped limit of the Provincially Significant Wetland on the Town-owned parcel to the south.

Unevaluated Wetland

According to NVCA staff in 2021, the un-evaluated wetland which occupies approximately 0.3 hectares (0.74 acres) within the front (north) portion is relatively small in area, has a demonstrated lack of significant ecological function and is, based on applicable regulations at that time, not necessarily eligible for inclusion into the Provincially Significant Wetland (PSW) on the adjacent lands to the south. At the time of those comments, NVCA staff confirmed they are open to the concept of authorizing removal of this wetland, subject to mitigation through a standard offsetting plan in accordance with applicable policy. The NVCA has since accepted an ecological offsetting plan that would offset the expected impacts to this wetland from the proposed development.

In consideration of the above, Planning staff view natural heritage issues as they pertain to the proposed development as having been appropriately addressed.

3.0 Protecting Health and Safety

"Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together”.

Staff Comment:

The subject lands do not contain any areas designated as Natural Hazards in the Official Plan.

Planning staff are satisfied that the proposed development conforms to the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The *Growth Plan for the Greater Golden Horseshoe, 2020* ('Growth Plan') builds upon the policy foundation established under the PPS and provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth in the Greater golden Horseshoe region of Southern Ontario. The *Growth Plan* directs growth to Settlement Areas and prioritizes intensification so that land and existing infrastructure is used efficiently.

Concentrating development in Settlement Areas creates a focus for investment, transit and public service facilities to support a more diverse range and mix of housing options. All land use planning decisions within the Growth Plan area must conform to the policies of the *Growth Plan*. Within the framework of the *Growth Plan*, the Town of Wasaga Beach is considered as a Settlement Area and located within the Simcoe Sub-Area.

Section 2.2.1 of the *Growth Plan* provides policy direction related to growth management. Under this section, growth is directed to Settlement Areas which:

“...have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities.”

In this regard, complete communities are intended to provide a range and mix of housing options and compact built form, while expanding access to transportation options, public service facilities, and other basic needs. The proposed development is located within a built boundary of a Settlement Area, will be serviced with municipal water and sewer, is located along a public transit route and is located in proximity to a variety of services.

Section 6 of the *Growth Plan* provides further policy direction for municipalities within the Simcoe Sub-area regarding the achievement of complete communities, encourages a high-quality of built-form. This section generally defers the allocation of residential and employment growth to the County of Simcoe Official Plan.

The proposed development conforms to the policies of the *Growth Plan* as it is located within the Built Boundary of a Settlement Area in proximity to public transit stops, schools, existing public/private service facilities and other community amenities. The proposed building would provide a compact form of development, which contributes to the provision of a mix and variety of housing options, is an efficient use of land and available municipal services, and promotes a vibrant public realm with the protection of open space/natural habitat areas.

Based on 2021 census data, the proposed development would result in a density of 191.2 people per net hectare (based on an average of 2.3 people per dwelling), which would assist the Town in meeting its intensification target in the Simcoe County Official Plan that is discussed in further detail in the following section.

Planning Staff are satisfied that the proposed development conforms to the policies of the *Growth Plan*.

Simcoe County Official Plan (2023):

The *Simcoe County Official Plan* (SCOP) represents the vision for land use and development patterns across the County and further implements the direction of the *Growth Plan* with respect to establishing minimum intensification targets for lower-tier municipalities. The SCOP provides a policy framework with which development applications under the *Planning Act* must conform. In the framework of the SCOP, the subject lands are located within the Built Boundary of an identified Settlement Area, as per Schedule 5.1 of the SCOP. The following constraints are also identified for consideration in the development of the lands:

- The subject lands are located within 100 metres of a Provincial Significant Wetland on the adjacent lot to the south, as per Schedule 5.2.2
- The southern portion of the subject lands is located within an *Area of Natural and Scientific Interest (ANSI)* associated with the broader Wasaga Beach Provincial Park further to the south, as per Schedule 5.2.3
- The subject lands are located within a Wellhead Protection Area, as per Schedule 5.2.4
- The subject lands are located within the area of a Highly Vulnerable Aquifer, as per Schedule 5.2.5
- The subject lands are located within a Significant Groundwater Recharge Area, as per Schedule 5.2.6

Comments received from the County of Simcoe noted the presence of an unevaluated wetland on the subject lands as well as a Provincially Significant Wetland within 120 metres of the proposed development. The comments from the County of Simcoe state;

“...the Ministry of Natural Resources and Forestry (MNRF) has mapped an unevaluated wetland on the subject lands and a Provincially Significant Wetland is located within 120

metres of the proposed development. Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (PPS policy 2.1.5). Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with federal requirements (PPS policy 2.1.7, SCOP 3.3.15)”.

As discussed earlier in this report, the EIS submitted with the applications was reviewed and accepted by the NVCA. Specifically, the NVCA agreed with the conclusions of the EIS that negative impacts to the ANSI and Significant Wildlife Habitat can be avoided with the implementation of appropriate mitigation measures. Furthermore, the proposed development would afford a setback of at least 30 metres from the Provincially Significant Wetland on the adjacent parcel to the south and the NVCA has accepted an ecological offsetting plan regarding the unevaluated wetland on the subject lands.

The proposed development conforms to the policies of the *SCOP* as the subject lands are located within a Built Boundary of a Settlement Area. The proposed residential uses are permitted and, as mentioned earlier, would assist the Town in meeting its intensification targets as stated in the *SCOP*. Specifically, 20% of new development is to be located within the Town’s built up area. Furthermore, the proposed development conforms to the policy directions of achieving a complete community, providing a range and variety of housing types at an appropriate density, while remaining compatible with existing development in the area and respecting natural heritage features on the site.

Planning Staff are satisfied that the proposed development conforms to the policies of the Simcoe County Official Plan.

Town of Wasaga Beach Official Plan (2004):

The Town of Wasaga Beach Official Plan (WBOP) articulates the local vision for land use and development patterns within the Town. The *WBOP* stipulates a policy framework that development applications under the *Planning Act* within Town boundaries must comply with. The subject lands are located within the Town’s delineated built-boundary.

Through Official Plan Amendment (OPA) 52, the portion of the subject lands that would accommodate the proposed development is designated as Downtown Core, per Schedule “A-10” of the *WBOP*. The remainder of the subject lands is designated Residential, per Schedule “A-7” of the *WBOP*. As it relates to the proposed development, the following sections apply:

- Section 4 (General Development Policies)
- Section 13 (Natural Heritage)

- Section 22 (Downtown Wasaga Beach)

Although a small portion of the lands is located within the Residential designation of the Official Plan, the Residential policies contained in Section 5 of the WBOP are not germane, as the proposed building and the majority of the associated parking area is located within the portion of the property that is designated as Downtown Core.

In addition to the land use designations outlined above, the subject lands are also located within a source water protection area, per Schedule “G” of the WBOP. Source Water Protection policies, as they relate to the proposed development, are discussed in the Section titled “Source Water Protection Policy Review” of this report.

A review of applicable policies in Sections 4, 13 and 22 of the WBOP, is provided in the following sub-sections.

General Development Policies

The General Development policies in Section 4.0 of the WBOP guide all development in the Town to ensure that new development is compatible with surrounding land uses and appropriate at the proposed location. Several policies are applicable to the proposed development.

- a) As stated in Policies 4.3, 4.4, 4.11 and 4.20, various planning, engineering and environmental studies may be required to confirm the suitability of a given site for the proposed development.

Staff Comment: Several background studies, as mentioned earlier in this report were submitted in support of the proposed development. Such studies include an Archeological Assessment, Detailed Design and Stormwater Management Report, Environmental Impact Study; Planning Justification Report and Traffic Impact Study that Town staff and applicable approval authorities have reviewed accordingly.

- b) Policies 4.6 and 4.23 state that new development shall have regard for healthy community standards and the needs for seniors and people with disabilities, in accordance with Provincial legislation.

Staff Comment: Based on the Site Plan of the proposed development, as provided in **Attachment 1**, the site has generally been designed to meet the accessibility needs of future residents. Although some of the proposed parking spaces need to be re-designed to meet Accessibility for Ontarians with Disability Act (AODA) requirements, Planning staff has determined this re-design can be addressed at the time the Site Plan Control application is considered.

- c) As mentioned in Policy 4.22, the Town has an interest in ensuring that all development and redevelopment meets a high quality of design relating to built form and meets all requirements of applicable Provincial legislation. As it relates to the proposed development, urban design guidelines may be implemented that seek to identify the Town's overall design goals and core principles, including:
- a. environmental sustainability;
 - b. healthy communities;
 - c. transit supportive planning and design;
 - d. high quality streetscapes, neighbourhoods, communities and individual developments;
 - e. preservation and enhancement of the natural environment;
 - f. safety;
 - g. urban design guidelines and/or control.

Staff Comment: The proposed building is a compact form of development that would result in less environmental impacts such as deforestation than if the same number of dwelling units of a less compact type of housing were being proposed. The building will also comply with the Downtown Wasaga Beach Urban Design Guidelines. The subject lands are also located approximately 84 metres from an east-bound transit stop and approximately 140 metres from a west-bound transit stop along Wasaga Beach Transit Route Two. Lastly, the westerly portion of the subject lands would not be developed and are indicated on the Site Plan as a "nature reserve".

Natural Heritage

The Natural Heritage System in the Town is described in Section 13.2.1 as a diverse and environmentally complex system which includes Provincially Significant Wetlands, Areas of Natural and Scientific Interest (ANSIs), fish habitat, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitats, a significant parabolic dune system, and significant woodlands. As discussed earlier in this report, the subject lands contains an unevaluated wetland and part of the Wasaga Dunes Life Science ANSI (in the southerly portion).

The adjacent lands to the south also contains a Provincially Significant Wetland, designated in the *WBOP* as Natural Heritage-Category 1, within 120 metres of the proposed development.

Where a development proposal may have the potential to cause negative impacts to significant habitat of endangered species and threatened species and where a recovery/management plan has been prepared, the Town may implement, as conditions of approval, the relevant habitat protection sections in the area to which the development

proposal applies.

- d) Regarding habitat of endangered and threatened species, Policy 13.4.9.2.d states, *“where a development proposal may have the potential to cause negative impacts to significant habitat of endangered species and threatened species and where a recovery/management plan has been prepared, the Town may implement, as conditions of approval, the relevant habitat protection sections in the area to which the development proposal applies”*.

Staff Comment: An Environmental Impact Study (EIS) for the proposed development was completed by Riverstone Environmental Solutions Inc. The mitigation measures outlined in the EIS and authorization from the Ministry of the Environment, Conservation and Parks (MECP) will be required as conditions of site plan approval at a later stage.

- e) Regarding lands adjacent to Natural Heritage System Category 1 Lands (in this case, Provincially Significant Wetlands) and within/ adjacent to an ANSI, Policies 13.4.10.1.a and 13.4.10.2.c mention that development may proceed, subject to the completion of an Environmental Impact Study (EIS) to the satisfaction of the Town and applicable approval agencies. The EIS shall demonstrate that the proposal will not negatively impact the viability of the habitat, natural heritage features or ecological value and functions for the area under review.

Staff Comment: Regarding the Provincially Significant Wetland (PSW) on the adjacent parcel to the south, Section 4.2.1 (page 14) of the EIS concludes, *“...given the location of the PSW in relation to the subject property, direct impacts to this feature are unlikely as a result of the proposed development; however, there is the potential for indirect effects”* (Riverstone, 2022).

The mitigation measures that Riverstone recommends to address these indirect effects will be included in the conditions of site plan approval at a later stage.

- f) Regarding lands within or adjacent to significant wildlife habitat, Policy 13.4.10.3.c states,

“Development may be permitted on lands situated adjacent to and within significant wildlife habitat subject to the completion of an Environmental Impact Study to the satisfaction of the Town and applicable approval agencies. The study shall demonstrate that the proposal will not negatively impact the viability of the habitat or the ecological value and functions for which the area is identified.

The study should generally contain the following information:

- i) *An assessment of the extent and characteristics of the habitat area that may be affected;*

- ii) *An analysis of the potential impact of the proposal on the viability of the habitat area;*
- iii) *A strategy whereby the design, construction and operation of the proposal will maintain the environmental quality of the habitat and preserve the viability of the affected habitat area; and,*
- iv) *A method for the replacement or compensation for any used or converted portions of the significant wildlife habitat which will, generally be equal to the ecological functions of the areas converted from the former natural habitat use”.*

Staff Comment: In March 2021, the NVCA found the EIS completed by Riverstone Environmental Solutions Inc. to be in general conformity with the natural-heritage policies of the PPS, subject to mitigation measures as recommended in the EIS being implemented. The recommended mitigation measures contained in the EIS will be implemented through the conditions of site plan approval at a later stage.

- g) Regarding lands within or adjacent to significant woodlands, in accordance with Policy 13.4.10.4.f, development may be permitted, subject to the completion of an EIS to the satisfaction of the Town and applicable approval agencies that demonstrates the development would not negatively impact the natural features of their ecological functions of the area under review. If negative impacts to environmental or ecological features are anticipated, appropriate mitigation measures, including but not limited to adequate buffers shall be determined in the EIS.

Staff Comment: The EIS completed by Riverstone Environmental Solutions Inc. notes that no significant woodlands were found on the property.

- h) As the proposed development relates to the unevaluated wetland on the subject lands, in accordance with Policy 13.4.10.7.c the Town may require the completion of an EIS to the satisfaction of the Town and applicable approval agencies prior to the development being considered for approval.

Staff Comment: Further to the EIS completed by Riverstone Environmental Solutions Inc., offsetting measures to compensate for the removal of the unevaluated wetland within the subject lands have also been accepted by the NVCA.

Downtown Wasaga Beach

As mentioned earlier, the subject lands are located within Downtown Wasaga Beach and are designated as Downtown Core in the *WBOP*. The vision for the Downtown Core, as stated in Policy 22.3.1.2, is:

“The Downtown Core will become the centre of Wasaga Beach’s year round residential population and serve as the community’s social gathering place - a place to live, work, learn and play. The Downtown Core is characterized by a concentration of employment uses, retail space and residential units in a compact mixed-use form that will create the critical mass of people and uses to create a vibrant and successful core. The Downtown Core is walkable in scale where the majority of daily trips can be undertaken on foot or on bicycle. While placing an emphasis on the pedestrian, the Downtown Core will also be a multi-modal hub”.

Staff Comment: The proposed development is consistent with the vision stated above, as it consists of a compact form in proximity to a variety of commercial uses and community amenities and is transit-friendly.

High Density residential uses, including apartment buildings, are included in the list of permitted residential uses within the Downtown Core designation, as provided in Policy 22.4.1.1.

Official Plan policies that specifically apply to the proposed development within the Downtown Core are primarily focused on land use/built form and urban design. A summary of these policies is provided below:

Land Use and Built Form Policies

- a) New development shall ensure that proper building frontage, per the policies of this Plan and the regulations in the Zoning By-law, is maintained and that the proposed uses do not negatively impact the planned function of the area (Policy 22.4.1.2.a)

Staff Comment: The proposed development maximizes the frontage of the subject lands with the building oriented towards River Road West, which promotes a pedestrian-oriented streetscape. The proposed use is consistent with the vision of the Downtown Core, which includes residential uses in a compact form that helps to create the critical mass of residents that are required to ensure a successful Downtown. Therefore, Planning staff conclude the proposed development does not negatively impact the planned function of the surrounding area.

- b) New development should generally conform to the intent of the Town’s approved Downtown Urban Design Guidelines (Policy 22.4.1.2.b).

Staff Comment: As mentioned previously, the proposed development complies with the Town’s Downtown Urban Design Guidelines.

- c) The height and massing of the building shall have regard to the height and massing

of the buildings on any adjacent property and may be subject to additional setbacks, height restrictions, or landscaping to provide an appropriate transition (Policy 22.4.1.2.d).

Staff Comment: Based on a side-by-side comparison of the height of the proposed condominium building and that of the building on the adjacent property to the east, Planning staff opinion is the anticipated impact of the additional height for the fifth storey (beyond the maximum permitted height of four storeys in accordance with Comprehensive Zoning Bylaw 2003-60) is minimal. Planning staff notes the mechanical penthouse on the roof of the proposed condominium building is exempt from the height requirements of Comprehensive Zoning Bylaw 2003-60. Also, in addition to the increased setback (step-back) of the fifth storey, as mentioned earlier in this report, the mechanical penthouse is setback a further 6.8 metres (22 feet) from the majority of the fifth storey along the easterly side of the building.

Based on the landscaping plan and associated details, appended to this report as **Attachment 1**, a total of three Colorado Spruce trees and four Skyline Honey-Locust trees are to be planted within the easterly side yard of the subject lands, between the proposed condominium building and the building on the adjacent property to the east. According to comments from the applicant's consulting team provided as part of the fourth submission, the said Skyline Honey-Locust trees were selected,

“...for their spreading and oval growing habit. Since coniferous trees typically have a pyramidal growing habit, the Honey Locusts will be more effective at screening upper level balconies while still allowing some sunlight to penetrate to the lower floors. The branching structure of these trees will still provide some screening and without completely blocking out sunlight during the winter months”.

As such, the proposed landscaping within the east yard of the subject lands should effectively mitigate impacts to residents of the building on the adjacent property to the east.

- f) For residential units, the development shall be adequately serviced by parks and school facilities (Policy 22.4.1.2.f).

Staff Comment: Planning staff notes that comments of no objection from the Simcoe County District School Board (SCDSB) dated January 22, 2021 were received. Regarding parks, Planning staff note the proposed development consists of a private playground in the south-easterly corner of the subject lands and a trail link to the forested area/trail network on the Town-owned lands to the south. Parkland dedication in the form of cash-in-lieu will be addressed as part of the site plan approval in the future.

- g) All required parking shall be provided on the site or in a shared facility having adequate capacity within 150 metres of the subject lands. Appropriate parking standards shall be established in the Zoning Bylaw (Policy 22.4.1.2.g).

Staff Comment: The proposed development includes 99 total vehicular parking spaces and 18 bicycle parking spaces, in compliance with the parking requirements of Comprehensive Zoning Bylaw 2003-60.

- h) Development incorporating apartments, townhouse dwellings and similar residential buildings may be required to provide on-site recreational facilities or amenities such as private open space or playground equipment (Policy 22.4.1.2.h).

Staff Comment: The proposed development consists of a total of 646 square metres (6,953 square feet) of common amenity area, which includes a playground area of 140 square metres (1,507 square feet) in the south-easterly corner of the subject lands, in compliance with Comprehensive Zoning Bylaw 2003-60. Therefore, the proposed development complies with this policy.

- i) For developments with a potential to impact the traffic patterns of the area, a traffic impact study shall be provided by the proponent identifying the adequacy of the road network to accommodate the expected traffic flows (Policy 22.4.1.2.i)

Staff Comment: A Traffic Impact Study (TIS) completed by JD Northcote Engineering Inc. was submitted with the first submission when the proposed development was based on a total of 86 units. Town Public Works/Engineering Staff found that report acceptable. Therefore, the proposed development complies with this policy.

- j) Development proposals shall contribute to increasing the number of affordable rental and ownership housing units within the Town. Where feasible, market rental housing units are encouraged to provide a broad range of housing opportunities in the Downtown (Policy 22.4.1.2.I).

Staff Comment: The proposed development would add to available housing options in the surrounding area and introduce a compact form of housing that is typically more affordable than the predominant form of housing in the general area that consists of single-detached, semi-detached and townhouses. Furthermore, the proposed development is located on Wasaga Beach Transit Route Two and within walking distance of several community amenities which could contribute to lower costs for future residents to complete daily errands. Therefore, the proposed development is consistent with this policy.

m) Development proposals shall complement higher density housing forms and recognize the different tenures, including market rental housing units, needed in the Town as a whole (Policy 22.4.1.2.m)

Staff Comment: The proposed development would break from the predominant lower-density forms of housing found elsewhere in the general area, and would complement those higher density housing that are found on surrounding properties. Therefore, the proposed development is consistent with this policy.

n) Development shall be sensitive to existing, lower-density development. As such, the height, density and massing of the development shall be compatible with the adjacent low density residential uses through the use of appropriate transitions including but not limited to lower building heights, additional setbacks and buffers, building treatments, location of parking, and landscaping (Policy 22.4.1.2.n).

Staff Comment: The proposed building is situated closer to the east side of the subject lands (with the proposed driveway entrance on the west side of the building) to help lessen the impact to future development on the smaller adjacent property to the west.

The proposed landscaping within the easterly side yard of the subject lands, as discussed earlier, should mitigate privacy impacts for residents of the building on the adjacent property to the east.

Regarding parking, a proposed tight board fence that is 1.75 metres (5.74 feet) in height on top of a retaining wall that is 1.6 metres (5.5 feet) in height would be installed along the easterly side of the parking lot as well as to the east of the proposed hydro transformer at the rear of the building. This is expected to mitigate impacts, such as noise and emissions from vehicles in the parking lot as well as noise from the hydro transformer to the rear of the proposed building for the residents of the building on the adjacent property to the east. Fencing can be further refined as part of the Site Plan Control process.

Based on the above, the proposed development complies with this policy.

o) The design and positioning of new buildings shall have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets and have regard for the Downtown Urban Design Guidelines. In reviewing proposed developments, access to sunlight for adjacent properties shall be maximized to enhance the potential for energy conservation and the amenity of residential areas and parks and open space areas, such as parkettes and outdoor plazas.

The Town shall require Shadow Studies to determine potential impact on adjacent uses, amenity areas, and public streets (Policy 22.4.1.2.p).

Staff Comment: The proposed building is situated as close to the front (north) lot line as possible to reduce impacts from shadows for residents of the building on the adjacent lot to the east. The side yard setback for the fifth floor and mechanical penthouse of the proposed building were also increased to reduce shadow impacts. The Town of Wasaga Beach Standards For Shadow Studies, appended to this report as **Attachment 5** require analysis conducted at hourly intervals before and after 12:00 pm (noon), including one hour after sunrise and one hour before sunset on March 21st (spring equinox), June 21st (summer solstice), September 21st (fall equinox) and December 21st (winter solstice). Based on the shadow study included in the fourth submission, noticeable daytime shadows from the proposed building would be limited to the northerly portion of the building on the adjacent lot to the east at the following times:

- After 3:00pm (15:00) on March 21st;
- After 5:00 pm (17:00) on June 21st;
- After 3:00 pm (15:00) on September 21st , and;
- After 2:00 pm (14:00) on December 21st.

The shadow study is appended to this report as **Attachment 5**.

p) All parking shall be provided at the rear of buildings with driveway access and/or pedestrian passageways being provided from side streets (Policy 22.4.1.2.s).

Staff Comment: The parking area of the proposed development is to be located to the rear of the building. As the subject lands do not consist of frontage along any side streets, such vehicular and pedestrian is not possible for the proposed development. Vehicular access for the proposed development is limited to one driveway entrance adjacent to the westerly side lot line of the subject lands. The Traffic Impact Study included in the first submission was accepted by Public Works and Engineering Staff based on the proposed access at this location.

Source Water Protection Policy Review

Schedule 'G' of the Official Plan identifies areas within the Town that are subject to source water protection policies, including Wellhead Protection Areas and Highly Vulnerable Aquifers. The policies under Section 18 are intended to protect these areas to ensure sustainable management of the quantity and quality of ground water and surface water within the Town for existing and future water consumption needs of residents and businesses.

Within these areas, land uses that pose high risk to the management of water resources are prohibited or restricted. Examples of such land uses include auto wrecking yards, petroleum product refining, sewage treatment lagoons, various manufacturing uses, and other uses that have

the potential to cause adverse effects on groundwater and surface water. Planning staff note that residential uses are not considered to pose a risk to water resources.

Town Engineering staff have reviewed and expressed no concern with regard to Source Water Protection. Planning Staff are satisfied that the proposed development conforms to, and is consistent with, the direction of the source water protection policies of the Official Plan.

Town of Wasaga Beach Zoning By-law 2003-60:

The portion of the subject lands where the proposed development is located is currently zoned Downtown Core Type Two Hold (DC2H) in Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended. A small triangular-shaped portion towards the rear is currently zoned Residential Type Three Exception 30 Hold (R3-30H) and the south-westerly portion of the subject lands are zoned Environmental Protection Exception 6 (EP-6).

Increase to Maximum Permitted Height

To facilitate the proposed development, the submitted Zoning By-law Amendment proposes to re-zone the subject lands to a DC2-2 exception zone to increase the maximum permitted height from four storeys to five storeys as stated in 26.3.2- Table Six (Zone Provisions for Mixed Use and Transition Zones) of Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended. The holding “H” zone symbol will be maintained on the subject lands. This holding zone will remain until such time as the property owner had entered into a site plan agreement with the Town.

Planning staff notes, as part of this amendment, the current R3-30H zone at the rear of the subject lands, as this zone would no longer be relevant. This zone will be replaced with the DC2-2 exception zone; and the R3-30 zone provisions deleted from the Comprehensive Zoning By-law 2003-60 and reserved for future use.

Restricted Uses, Environmental Protection Exception Six Zone

The above-mentioned Zoning Bylaw Amendment would also restrict the permitted uses in the EP-6 zone to conservation and outdoor recreation uses. From a Zoning Bylaw perspective, this would ensure the area of the subject lands that are zoned EP-6 are utilized as a “nature reserve” as stated on the development plans, appended to this report as **Attachment 1**. The area of the EP-6 zone represents approximately 33% of the total area of the subject lands.

All other provisions of the Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended are to remain.

CORPORATE IMPLICATIONS:Financial Implications:

Not applicable.

Term of Council Priorities:

In consideration of the Term of Council Priorities (TOCP's), it is the opinion of Planning Services staff that none of the TOCP's are specifically applicable to the proposed development.

CONCLUSION:

Authored by:

Matt Ellis, BES, MCIP, RPP
Title

Appendices:

Attachment 1 – Revised Development Plans
Attachment 2 – Proposed Bylaw 2024-xx
Attachment 3 – Comment/Response Matrix
Attachment 4 – Environmental Impact Study (EIS) Recommendations
Attachment 5 – Shadow Study