



SHAPING GREAT COMMUNITIES

August 29th, 2023

File No. 17201

Aird & Berlis LLP
Brookfield Place
181 Bay Street, Suite 1800
Toronto, ON
M5J 2T9

Attn: Honourable Peter Van Loan, P.C., K.C.
Partner

Dear Sir:

**Re: Sifton Properties Limited
305 King Edward Street, Paris
Planning Justification Letter Report
Requested Modification to County of Brant Official Plan (ERO No. 019-7246)**

This letter provides planning justification for a request from Sifton Properties Limited (“Sifton”) to the Minister of Municipal Affairs & Housing (“MMAH”) to modify the County of Brant (“County”) Official Plan (“New County OP”) posted to the Environmental Registry of Ontario for comment until September 3, 2023. This requested modification reflects the agreed settlement with the County that the parties intend to present to the Ontario Land Tribunal (“OLT”) on September 25, 2023.

BACKGROUND:

The Sifton lands were included in the Paris Urban Boundary in the 2000 Council-approved Brant County Official Plan. The subsequent 2012 Official Plan identified the Town of Paris as being a “Primary Urban Settlement Area”. The Sifton lands are identified as being within the “Primary Urban Settlement Area” and are designated “Urban Residential” on Schedule A-1 of the in force and effect 2012 County Official Plan.

In February 2020, Sifton submitted applications for Zoning By-law Amendment and Draft Plan of Subdivision after engaging in pre-application discussions with the County beginning in 2017. On October 1, 2021, Sifton filed appeals to the OLT based on the County’s failure to make decisions on the applications within the statutory timeframes. A resolution has been reached on those appeals between Sifton, the County and other parties, and a Settlement Hearing is scheduled for September 25, 2023, for the OLT to render decisions on the Zoning By-law Amendment and Draft Plan of Subdivision applications.

Recent provincial policy and legislative changes since the 2020 applications were filed and appealed, mandate a mix and greater density of residential and commercial uses. As such, a

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revised proposal was submitted to the County in June 2023, following a Pre-Application Consultation meeting to incorporate a mixed-use high density residential designation on Block 24 in the draft plan of subdivision. That revised submission was made by way of an Official Plan Amendment (“OPA”) to the 2012 County OP to allow the proposed mixed-use high density residential uses by way of Site-Specific Policy Area (“SSPA-X”). In addition, the OPA proposed a “Natural Heritage System” designation at the south end of the Sifton lands, in response to County Staff comments received on the 2020 ZBA and Subdivision Applications.

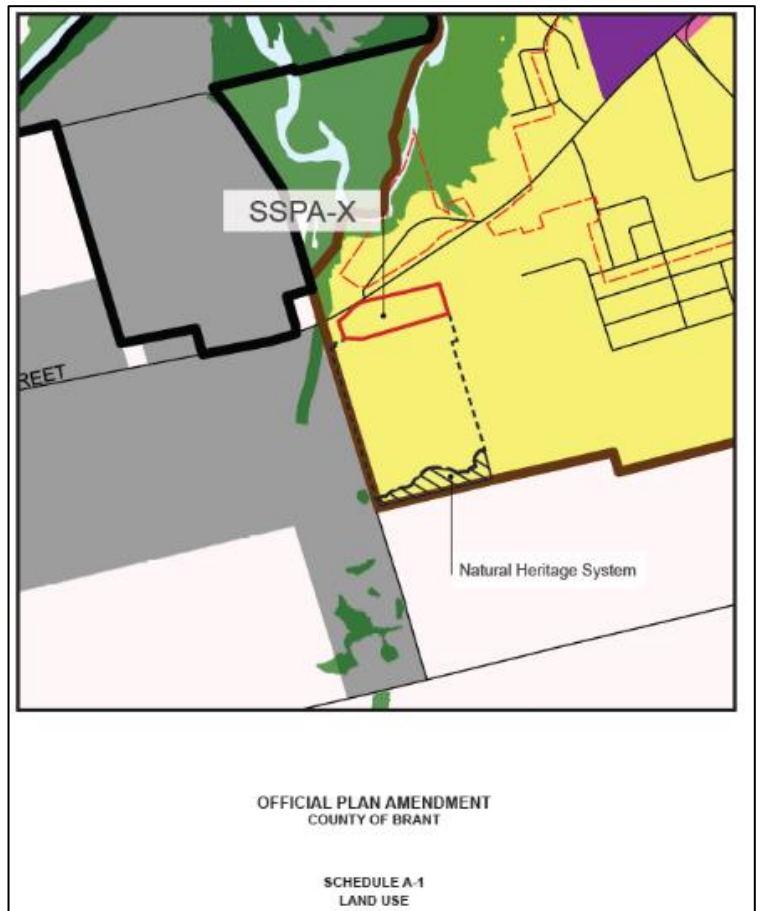
In the 2012 County OP, Policy 3.4.6 High Density Residential includes density and locational provisions, requiring among other matters, that high density residential uses *“shall have frontage on an urban arterial road as designated on Schedule B”*, whereby King Edward Street is designated as an Urban Collector roadway - not an Urban Arterial roadway. Specifically, the 2023 OPA proposed a Site and Area Specific Policy (“SSPA-X”) applicable to Block 24 to permit:

- high density residential uses along an Urban Collector roadway;
- a maximum building height of 7 storeys; and
- a maximum of 500 sq.m. of Commercial Gross Floor Area

and corresponding changes to Schedule A of the 2012 County OP as per the inserted graphic.

NEW COUNTY OF BRANT OFFICIAL PLAN:

The New County OP (May 2023) before MMAH for approval, proposes to designate Block 24 as “Neighbourhoods.” That designation permits Low-Rise and Mid-Rise development; the latter with a maximum building height of six (6) storeys (Policy 1.1, Page 5-2).

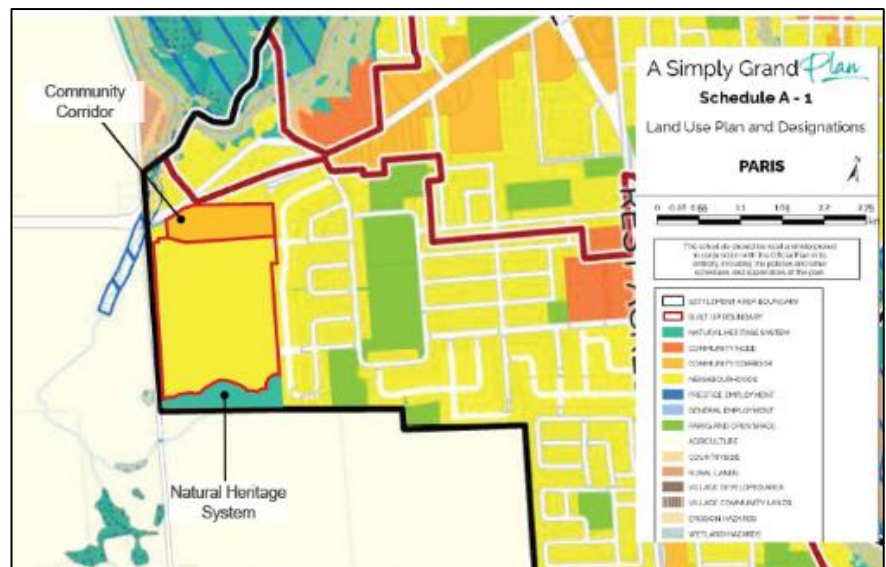


The “Community Corridor” designation in the New County OP is requested to apply to Block 24 by way of MMAH modification.

Policy 1.2 of New County OP indicates that the “Community Corridor” designation *“is generally located along arterial or collector roads, focusing on the efficient movement of people and goods between community nodes. These corridors are intended to act as a linear focus for mixed-use development and a shared space between automobiles, public transit and active transportation. . . . Subject to the policies in this Plan and any applicable implementation By-laws or guidelines, the following uses are generally supported on lands designated as Community Corridor on Schedule A of this Plan:*

- Residential uses in low-rise, mid-rise, and high-rise development including additional residential units, home-based businesses, and home industries.
- Institutional, commercial accommodation, office and community uses in low-rise and mid-rise development.
- Seasonal, interim and tourism uses.”

Specifically, the request to MMAH is to modify Schedule “A” of New County OP to apply the “Community Corridor” designation to Block 24 in the subdivision, and the “Natural Heritage System” designation to the south portion, per the inserted graphic. The implementing Zoning By-law Amendment before the OLT provides the maximum building height limits and maximum commercial gross floor area contemplated in the 2023 OPA.

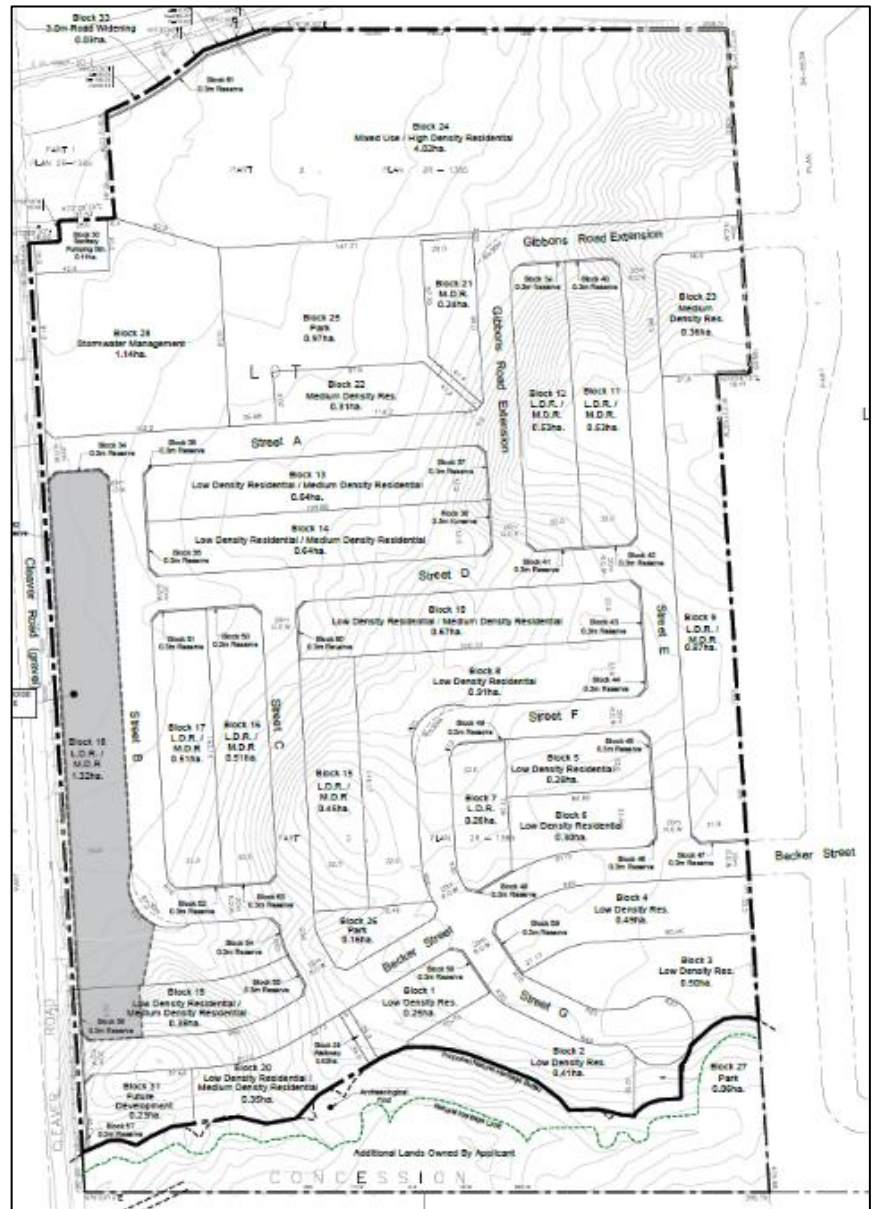


PLANNING JUSTIFICATION:

The northern-most block in the subdivision (Block 24) is proposed to be developed into mixed-use high density residential uses. The Block has frontage on King Edward Street, designated in the New County OP as an “Urban Arterial” roadway. Approximately, 405 residential units are proposed to be developed which may take the form of townhouses, stacked townhouses and/or apartments. Additionally, a minimum amount of neighbourhood commercial uses is proposed to be permitted to provide convenience goods and services to the neighbourhood. To provide for these uses, the request is to designate the block in the New County OP as “Community Corridor”. The following is the planning justification for the requested change.

The requested MMAH modification to the New County Official Plan is appropriate and desirable. King Edward Street is a major roadway in the Town of Paris, providing direct connection to the downtown to the east, and vehicular connectivity to the Rest Acres Road corridor with north/south access to employment areas, Highway 403 and the City of Brantford to the south. King Edward Street functions as an Urban Arterial roadway as Brant County Highway No. 2. It was decommissioned as Ontario King’s Highway No. 2 in the early 1990s that extends across Ontario from the City of Windsor to the Town of Gananoque.

The New County OP is consistent with the provincial policy statements issued under Section 3 of the Planning Act to provide a common planning framework for Ontario. The policies include planning for residential and employment growth to 2051 to occur within the Designated Greenfield Areas (“DGA”)



of the “Primary Settlement Area” of the Town of Paris. The New County OP indicates the DGA is “required to accommodate the majority of forecasted growth . . . shall be planned, designated, zoned, designed, and implemented in a manner that supports the achievement of complete communities. The County of Brant has established a minimum density target that is not less than 50 residents and jobs combined per hectare in the D.G.A.” (New County OP, Policy 1.1 – The Urban System).

Complete communities are mixed-use neighbourhoods that offer goods and services for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities.

Block 24 proposes a mix of residential forms including multiple residential typologies; townhouses, stacked townhouses and/or apartments, as well as a limited amount of neighbourhood commercial retail/service uses (i.e. maximum of 500 sq. m. Gross Floor Area). The commercial uses will be accessible to the broader subdivision within a 10-minute walkshed. The multiple residential uses will be serviced by Brant Transit with good connectivity to the broader community goods and services in Downtown Paris via King Edward Street. These proposed uses assist in fulfilling the requirement for complete communities in conformity with the provincial policies and the New County OP.

The Proposed Development meets the greenfield density targets established by the Province of Ontario. To calculate density, the County of Brant’s average number of persons per unit calculations from the 2019 Development Charges Background Study was used. Those numbers are averaged over a 20-year period. In total, with Block 24 mixed-use high density residential uses, 1,522 people are anticipated to reside in the subdivision. That population equates to an overall density of 63.7 persons per hectare, achieving the minimum of 50 persons per hectare of the New County OP and the Provincial directives.

The requested modification to the New County OP, would also designate the area to the south of the proposed draft Plan of Subdivision “Natural Heritage System”. This modification is agreed to by the County Environmental Planning:

“Environmental Planning has reviewed the proposal. Staff are appreciative of the efforts of the applicant to designate significant wildlife habitat in the south part of the subdivision as part of the Natural Heritage System. Subject to designation of the Natural Heritage System, staff have no objection to the proposed Official Plan Amendment.” (County of Brant, Environmental Planning Comments, July 14, 2023).

The proposed modification to the New County OP is consistent with, and in conformity with the Provincial Policy Statement (“PPS 2020”) and the Growth Plan for the Greater Golden Horseshoe (2020) (“Growth Plan 2020”), respectively.

Consistency with Provincial Policy Statement (2020):

Section 1.1.1 of the PPS (2020) seeks the establishment of “*healthy, livable, and safe communities*” through:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types . . . , employment (including . . . commercial), and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and*
- h) promoting development and land use patterns that conserve biodiversity.*

The Proposed Modification is consistent with Section 1.1.1 of the PPS. The Proposed Development is within the designated urban boundary, adjacent to the Grandville Subdivision. The subdivision will connect into adjacent road, water and sanitary servicing infrastructure making efficient use of municipal services. The proposed development will provide for a mix of residential unit types and commercial uses as a complete community and provide protection of natural heritage features.

Section 1.1.3.2a) of the PPS directs that land use patterns in settlement areas are to be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation; and,*
- f) are transit-supportive, where transit is planned, exists or may be developed.*

The Proposed Modification is consistent with Section 1.1.3.2 of the PPS. The proposed development is:

- an efficient use of land and is planned to be serviced by municipal infrastructure;
- provides for residential growth to meet the community's growth management expectations;
- is designed for pedestrians and alternative modes of transportation for neighbourhood commercial goods and services without impacting the planned function of downtown Paris, thereby minimizing greenhouse gas emissions; and
- provides opportunities for public transit through logical street layout and design to be integrated into the community.

The Proposed Modification is consistent with Section 1.1.3.4 of the PPS (2020) directing the promotion of appropriate development standards “*which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety*”. Further, Section 1.1.3.6 identifies that new development in designated growth areas “*should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities*”.

The Proposed Development is consistent with Sections 1.1.3.4 and 1.1.3.6 of the PPS in that Block 24 is a compact mixed-use development adjacent to the existing built-up area. The Proposed Development will intensify the Site within the Primary Urban Settlement Area of Paris as identified in the Official Plan. The development does not pose a risk to public health or safety.

The Proposed Modification is consistent with Section 1.2.6 of the PPS (2020) requiring new land uses to be compatible with surrounding and planned uses. Section 1.2.6.1 states:

- 1.2.6.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*
- 1.2.6.2 *Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*
 - a) *there is an identified need for the proposed use;*
 - b) *alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
 - c) *adverse effects to the proposed sensitive land use are minimized and mitigated; and*

- d) *potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

The PPS definition of “Major Facilities” includes “resource extraction activities”. A Land Use Compatibility Study, Air Quality, Noise & Vibration, prepared by SLR Consulting (June 14, 2023), provides mitigation, and staging of development recommendations that are incorporated into the proposed Draft Plan of Subdivision and Zoning By-law amendment. Those mitigation and staging recommendations, provisions and measures have been agreed to by the adjacent aggregate operator in the Settlement of the OLT appeals. The Proposed Modification is consistent with Section 1.2.6 of the PPS.

The Proposed Modification is consistent with the Natural Heritage directives of Section 2.1 of the PPS (2020). Specifically, development and site alteration are not permitted within significant wildlife habitat or adjacent areas. The Boulder Creek Environmental Impact Study prepared by AECOM Canada Ltd. (June 2023) is the basis for the request for Minister’s Modification to the County of Brant Official Plan to designate a portion of the Sifton lands as “Natural Heritage Area”. This designation includes the natural heritage core feature and recommended buffer, the limits of which have been agreed to and supported by the County and agencies.

Conformity with the Growth Plan (2020):

The Growth Plan builds on the policy directives contained in the PPS (2020) and is intended as a policy framework for achieving strong and prosperous communities by managing growth in the Greater Golden Horseshoe (“GGH”) Region. The policies contained in the Growth Plan (2020) guide land uses, transportation and infrastructure with the goal of enhancing the quality of life of residents. All decisions made within the GGH that affect planning matters are to conform to the policies of the Growth Plan. The Proposed Modification is in conformity with the Growth Plan.

At the core of the Growth Plan are guiding principles for building compact, vibrant and complete communities; planning and managing growth to support a strong, competitive economy; and optimizing the use of existing or planned infrastructure to support growth in a compact and efficient form.

The Proposed Modification is in conformity with the growth management directives of the Growth Plan. Section 2.2.1 directs that most growth shall occur within settlement areas that have delineated boundaries, have existing or planned water and wastewater systems, and can support achieving complete communities. Section 2.2.1.1 and Schedule 3 of the Growth Plan provides population forecasts for municipalities subject to the Growth Plan. For Brant County, the residential population target is 59,000 people for 2051.

The Site is located within the Primary Settlement Area of the Town of Paris, required to accommodate the majority of forecasted growth (New County OP, Policy 1.1 – The Urban System).

The Proposed Modification and Development will contribute to meeting the Growth Plan's population targets. The 2021 Census states that the current population of Brant County is 39,474 persons. The Proposed Development will provide housing for approximately 1,522 persons at full buildout. The Paris Master Servicing Plan has been prepared and approved to define the servicing infrastructure required to accommodate such growth on full municipal services.

The Proposed Modification will facilitate an efficient use of land and providing housing supply and choice within Paris and the County, contributing to a complete community including the provision of a limited amount of neighbourhood commercial uses (i.e. maximum of 500 square metres of Gross Floor Area). The multiple residential uses will support the planned function of downtown Paris as the centre of commerce through a growing residential population (i.e. consumers), and existing and planned employment uses in the Highway 403 corridor to the south.

Block 24 will be designed to contribute to a vibrant and active public realm along King Edward Street. Opportunities for multi-use community trail connections, and urban design measures will provide connectivity for alternative modes of transportation to create an attractive and integrated mixed-use multiple residential block at the westerly entrance to the Town of Paris.

The Proposed Modification is in conformity with the Designated Greenfield Policies of the Growth Plan (2020). The New Brant County OP, Policy 1.1 requires a density target of 50 residents and jobs per hectare, in conformity with the Growth Plan target. The Proposed Development will accommodate an overall density of 63.7 people per hectare, achieving the minimum density target.

The Proposed Modification is in conformity with the policy directives of the Growth Plan (2020) for the coordination of infrastructure to accommodate growth. Section 3.2 requires "*planning for new or expanded infrastructure will occur in an integrated manner, including evaluations for long-range scenario-based land use planning . . .*" The 2016, Paris Master Servicing Study identified municipal water, sanitary and stormwater management infrastructure required to support planned urban growth in the Town of Paris. A Preliminary Servicing Design Report and Stormwater Management Report, prepared by Development Engineering Limited (June 16, 2023), confirms the municipal infrastructure requirements to be constructed to facilitate the Proposed Development anticipated in the Master Plan.

It is concluded that the Proposed Modification is consistent with the PPS (2020) and is in conformity with the Growth Plan (2020) and will assist the County in achieving the policy directives of the Province of Ontario.

Implementing Zoning By-law:

The Amending Zoning By-law implementing the Official Plan designations and the Proposed Modification that apply to the Site has been agreed to by the County of Brant and Sifton. That By-

law is appended to this letter. It proposes to implement the requested Modification to the New County OP, by applying the Residential Multiple High Density and Natural Heritage zones as follows:

(A) Block 24:

Residential Multiple High Density Holding (RM3-X(H)) and Holding 2 (RM3-X(H2)) zones:

- (1) Permitting the following additional uses:
 - a. Convenience Store
 - b. Day Care
 - c. Dry Cleaning and Laundromat
 - d. Financial Institution (maximum floor space area of 250 square metres)
 - e. Florist Shop
 - f. Mobile Refreshment Cart
 - g. Museum
 - h. Office, Business/Professional
 - i. Personal Service Establishment
 - j. Pharmacy (maximum floor space area of 250 square metres)
 - k. Retail Store
 - l. Studio

The combination Gross Floor Area of all additional permitted uses shall not exceed 500 square metres.

- (2) Maximum Building Heights to be in accordance with Schedule “B” whereby a Land Use Compatibility Study (SLR Consulting) recommended building heights of 2, 3, 4, 6 and 7 storeys across Block 24 to meet MECP Noise Guidelines for an adjacent gravel pit operation. By-law includes the definition of Building Height.
- (3) Holding Provision (H) only to be lifted upon the completion and approval by the County of Brant of a subsequent Noise Impact Study for Block 24, with Building Heights and Noise Mitigation measures to be incorporated into the detailed design to be implemented through a Site Plan Control Application.
- (4) Holding Provision 2 (H2) only to be lifted upon the completion of the construction and implementation of the recommendations of the April 2023 Boulder Creek Environmental Impact Study and Environmental Implementation Plan.

(B) Natural Heritage Area:

Natural Heritage NH Zone shall only permit Wildlife Conservation.

CONCLUSION:

For all of these reasons, it is considered appropriate to modify the New County of Brant Official Plan – “A Simply Grand Plan”. Applying the “Community Corridor” designation to Block 24, and the “Natural Heritage Area” designation on the south portion of the Sifton lands reflects the settlement with the County of the Zoning By-law Amendment and Draft Plan of Subdivision applications. The designations are consistent with the Provincial Policy Statement (2020) and in conformity with the Growth Plan (2020), and New County OP policies to create mixed-use high density residential uses in the context of a complete community, to achieve minimum density targets and conserve natural heritage areas.

The requested modification to the New County OP by the Minister of Municipal Affairs and Housing constitutes good planning and is in the public interest.

Sincerely,
GSP Group Inc.

A handwritten signature in black ink, appearing to read "Chris Pidgeon". The signature is fluid and cursive, with the first name "Chris" and last name "Pidgeon" clearly distinguishable.

Chris Pidgeon, MCIP, RPP
Principal Planner

c.c. Phil Masschelein – VP Sifton
Andrea Skinner / Matthew Helfand / Peter Van Loan – Aird & Berlis LLP

Enclosures