



Planning Services Report

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| Report To: | Planning and Development Committee | | |
| Date of Meeting: | May 15, 2017 | | |
| Report Number: | PSD-036-17 | Resolution: | PD-100-17 |
| File Number: | COPA2016-0001 | By-law Number: | |
| Report Subject: | Region of Durham Post Circulation Comments on Amendment No. 107 to the Clarington Plan | | |

Recommendations:

1. That Report PSD-036-17 be received for information.

Report Overview

The Region of Durham has issued a Post Circulation Letter on Official Plan Amendment No. 107. Staff have worked closely with Regional staff in the review process which has included full circulation to agencies and provincial ministries.

Although a large number of modifications are proposed, for the most part they are not substantive changes. Four deferrals are proposed, two related to the classification of roads, which will be resolved through either the Durham Transportation Master Plan update or the Longworth Avenue Environmental Assessment. Hamlet extensions have been deferred for more detailed study and the Courtice Waterfront Park has been deferred at the Municipality's request. The expansion of Orono has been refused but policies will be put in place to provide for consideration of this in the context of the next Regional Official Plan update.

For the most part, staff are satisfied with the input in this final stage of the Official Plan Review. The Director of Planning will be responding to the proposed changes as outlined in this report and finalize any other items with the Region.

1. Background

The Official Plan Review led to Council's adoption of Official Plan Amendment No. 107 (OPA 107) on November 1, 2016. Immediately after, OPA 107 was sent to the Durham Region for approval. During the last few months, staff have been working with the Regional Planning staff to address any issues raised and clarify the adopted amendment.

Regional approval of OPA 107 is delegated to the Regional Commissioner of Planning and Economic Development. Prior to final approval, the Region circulates the Council adopted OPA 107 to various Provincial ministries, Regional departments and external agencies. The different comments are then consolidated and reviewed to determine conformity with Regional and Provincial policies. In addition, the Region has received letters and met with private landowners and they have been having ongoing discussions with Clarington staff. The outcome of this process is what is called the Post Circulation Comments letter which was received by the Municipality on May 5, 2017.

2. Post Circulation Comments

- 2.1 The Post Circulation Comments letter (see Attachment 1 to this report) includes 3 attachments. The first attachment is a table that describes the proposed modifications, deferred decisions and refusals to the Council adopted OPA 107. The next two attachments are the correspondence received from the Agencies and landowners. These attachments are available in the Planning Services Department or at: <http://www.claringtonopreview.ca/>.
- 2.2 The majority of the comments from the Region regarding the Council adopted OPA 107 are positive and supported by staff. Comments have been provided in three categories:

- **Modifications** – proposed changes to the policies and maps in the adopted Official Plan.
- **Deferred Decisions** – decisions on the proposed changes that can likely be supported later after further study (e.g. changes to the road network that are being received through the Durham Transportation Master Plan).
- **Refusals** – a decision to refuse a proposed change to the Official Plan.

Modifications

2.3 The modifications generally fall into four categories:

- Housekeeping changes – adding cross-reference, correcting cross-references, minor wording changes.
- Clarification Changes – changes that either clarify the intent, provide for consistency through the document or address specific issues with a policy.
- Conformity Changes – changes requested by the Province to more closely implement Provincial Policy. Not all of the Province's proposed changes were incorporated; the Region has determined in most instances that OPA 107 satisfactorily implemented Provincial policy.
- Other Substantive Changes – significant changes to the policies adopted by Council. The substantive changes are related to Hamlets and Orono, which are discussed below.

2.4 With these changes, staff's opinion is that the modifications were generally appropriate, except as noted below.

Deferred Decisions

2.5 The Region deferred making a decision on four matters in order that more technical information may be available or other policy processes like the Regional Transportation Master Plan are concluded.

2.6 Deferral 1 – Road Network

Many of OPA 107 changes to the road network system also require amendments to the Regional Official Plan. While the Region agrees in principle with most of the changes proposed, a decision cannot be made since it would not conform with the Regional Official Plan. The soon to be completed Region of Durham Transportation Master Plan will confirm this and lead to Regional Official Plan amendments.

2.7 Deferral 2 – Road Network in Maple Grove Area

Proposed changes to the road network around Maple Grove have been deferred until the Municipality completes the Longworth Avenue Extension Municipal Class Environmental Assessment.

2.8 Deferral 3 - Hamlet Expansions

The Region is deferring a decision on the expansion of hamlet boundaries until more detailed information is prepared by the landowners that would meet the requirements of the Greenbelt Plan and the Regional Official Plan. This includes studies of such matters as hydrogeology, impact of development on existing wells, suitability of soil conditions for private sewage disposal systems, surface drainage and hamlet character. Accordingly, the Region of Durham is proposing a modification (Modification 80) below.

“A new Section 12.4.6 is hereby added as follows:

12.4.6 Notwithstanding policy 3.4.3.2 of the Greenbelt Plan, minor rounding-out of the hamlet boundaries of Leskard, Newtonville, Kendal, Hampton, Maple Grove and Solina may be permitted in accordance with the relevant policies of the Greenbelt Plan and the Durham Regional Official Plan, subject to the completion of appropriate studies to justify and establish the limits of such rounding-out.”

The net result is that the one-time rounding out of hamlets under the Greenbelt Plan is preserved and can be implemented through an individual decision on each hamlet when a proponent (or the Municipality) has justified, through the appropriate studies that the Hamlet may expand.

Staff agree with deferral and related modification with the exception of Leskard and Maple Grove. The Leskard expansion was only to recognize one existing lot. There is no reason a landowner would undertake this type of study only to be “officially” recognized as part of the hamlet. Similarly, in Maple Grove the hamlet expansion was only to recognize the Durham Regional Police East Division and Forensics facilities. The Region should either approve or refuse this boundary expansion and eliminate the reference to Leskard and Maple Grove in the modification.

2.9 Deferral 4 – Courtice Waterfront Park

As discussed at the Council meeting of October 31 and November 1, 2016, the objection of Mr. Kirk Kemp with respect to the Community-Wide Park designation on the Courtice waterfront was parked at the Municipality’s request reading the Region to defer making a decision on this matter.

Refusals

- 2.10 The Region of Durham has refused the Orono Urban Area boundary expansion at this time. Orono is considered an Urban Area under the Provincial Growth Plan and as a result, as noted in the Post Circulation letter, Urban Boundary expansions must first occur through a Regional Official Plan Amendment process. While it has refused the expansion, the Region has recognized that an expansion should be explored through the next comprehensive review of the Durham Region Official Plan. The additional policies added to the Official Plan in support of Orono are contained in Attachment 2 to this report. Modification 126 adds policies to recognize Orono as Special Study Area No. 5. In addition, an existing policy (7.3.3) has been modified to specifically recognize the need for services and infrastructure to support the economic development of Orono (Modification 43). There are additional policies that call for the Municipality to prepare an economic development strategy for Orono. (Modification 44).
- 2.11 There are three modifications to the road network that essentially restore the road classification in the existing Official Plan. They should correctly be considered refusals. These were:
- Deletion of a Type C Arterial Road at the north limits of Bowmanville east of Liberty (Modification 198).
 - Redesignation of Aspen Spring Drive from a Collector Road to a Type C arterial (Modification 199).
 - Redesignation of Brookhill Boulevard from a Collector Road to a Type C arterial (Modification 200).

These modifications are in areas where Secondary Plans will be prepared or updated. The transportation network can be addressed in more detail through these studies and amendments required at that time.

Regional Official Plan Deferral No. 4

- 2.12 In 1993, the Province deferred the approval of proposed to be designated Industrial on the east side of 35/115 in Orono. This area currently includes Ell-Rod Custom Millwork. The Region will be requesting the Province to lift this deferral coincident with the approval of OPA 107.

3. Next Steps

Through the resolution adopting OPA 107 on November 1, 2016, Clarington Council authorized the Director of Planning Services to take all steps to finalize OPA 107.

At this time, as the Director of the Planning Services, I will respond to the Region of Durham Planning Department to advise of our concurrence with the Modifications,

Deferrals and Refusal outlined the Post Circulation Comments letter except as noted in this report and address any other issues that arise.

Upon receipt, it is our understanding that the Commissioner will approve OPA 107 as provided for in the Post Circulation Letter. A Notice of Decision will be given to those people who have requested such notice from the Region.

Should no appeals be received within the 20 day appeal period, OPA 107 will come in to full force and effect. We anticipate that any appeals will be limited in scope.

It should be noted that the Municipality also has the opportunity to appeal the decision of the Region if we cannot agree to the changes but Planning staff do not foresee the need for such an appeal.



Submitted by:

David J. Crome, MCIP, RPP
Director of Planning Services



Reviewed by:

for: Curry Clifford, MPA, CMO,
Interim CAO

Staff Contact: Lisa Backus, Sr. Planner, 905-623-3379 ext. 2414 or lbackus@clarington.net

Attachment 1 Post Circulation Letter from Roger Saunders, Region of Durham Director of Planning dated May 5, 2017

Attachment 2 Orono Support Modifications

DJC/tg



May 5, 2017

Ms. Anne Greentree
Municipal Clerk
Municipality of Clarington
40 Temperance Street, 2nd Floor
Bowmanville, ON L1C 3A6

Dear Ms. Greentree:

**Re: Post Circulation Comments on Amendment No. 107 to the
Municipality of Clarington Official Plan**
File No.: COPA-2016-001, Municipality of Clarington Conformity
Amendment

The Regional
Municipality
of Durham

Planning and Economic
Development Department

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Brian Bridgeman, MCIP, RPP
Commissioner of Planning
and Economic Development

The Region's review of Amendment No. 107 to the Municipality of Clarington Official Plan, as adopted by Clarington Council on November 1, 2016, is now complete. This review included consultation with public bodies, adjacent municipalities and Regional Departments. The adopted Amendments have been assessed for conformity with the Durham Regional Official Plan and Provincial Plans and policies.

Overview

Amendment No. 107 proposes comprehensive changes to the policies in the Municipality of Clarington's Official Plan. The Amendment addresses conformity to the Provincial Greenbelt Plan, Provincial Growth Plan for the Greater Golden Horseshoe and the Regional Official Plan. Overall, the Amendment has incorporated growth management and intensification policies in the Municipality's urban areas while promoting greater protection to natural heritage features and their functions in the rural area.

There was also several redesignations of employment land within the Courtice and Bowmanville Urban Areas. Some of the redesignations apply to properties that are designated "Living Areas" in the Regional Official Plan (ROP). Therefore, the effect of these redesignations conform to the ROP.

All of the employment land related redesignations were addressed in Clarington's "Employment Lands" background study. The study identified that Clarington has an adequate supply of employment lands for future use. As such, the Region accepts Clarington's employment land redesignations as appropriate.

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Overall, regional involvement in the process of preparing the Amendment, and the cooperation and assistance of Municipal staff has resulted in a document that raises relatively few fundamental issues.

The review did identify specific areas of the Amendment that must be modified to clarify the intent of the Amendment or to address specific issues. In addition, certain amendments proposed must have the decisions deferred pending additional work being undertaken by the Municipality or other on-going exercises being concluded. The proposed modifications and deferral of decisions to the Amendment are contained in Attachment 1 to this letter. The majority of the changes are housekeeping annotation corrections and minor modifications requested by Clarington staff. Particular modifications and deferrals include the following:

Modifications

Transportation

There was a few technical modifications to the Transportation Schedules of the Official Plan to bring this Plan into conformity with the Regional Official Plan.

Deferred Decisions

Transportation

A decision on a number of transportation re-designations shall be deferred at this time, pending the completion of the Region's Transportation Master Plan (TMP) and implementing Regional Official Plan Amendment (ROPA).

Certain transportation re-designations within the Hamlet of Maple Grove are also proposed to be deferred pending the completion of the Longworth Avenue Extension Municipal Class Environmental Assessment.

Hamlets

A new policy is proposed to address the provision of Hamlet rounding-out. The related mapping changes are deferred, allowing Clarington to complete the appropriate studies to justify the rounding-out of specific hamlets.

Other

The Municipality of Clarington has asked the Region to defer a decision on the "Municipal Wide Park" symbol located at the Courtice Waterfront on Land Use Schedule 'A2'. It is anticipated that this deferral will be resolved through a future Planning Act application to identify the appropriate use of these lands.

Refusal

Orono Urban Area

The proposed expansion of the Orono Urban Area boundary to the west is refused. This boundary expansion goes beyond the limits of the Urban Area Boundary for Orono in the ROP and therefore cannot be approved. Any and all urban boundary expansions were established through Regional Official Plan Amendment No. 128, which did not include an expansion to the Orono urban area, as proposed. Additional urban boundary expansions will be considered by the Region through its' next municipal comprehensive review that will bring the ROP into conformity with the amended Growth Plan for the Greater Golden Horseshoe.

Regional Official Plan Deferral No. 4

This area has been deferred in the ROP since the Plan was approved by the Province in 1993. Through the process of approving ROPA 128, the Province agreed to withdraw Deferral No. 4 through Clarington's Greenbelt Plan conformity exercise. Accordingly, the Region will request the Province to lift the deferral coincident with the Region's approval of Amendment 107.

Responses from Agency Circulation and the Public

For your information, Attachment 2 contains a copy of all comments and responses received from agencies circulated a copy of Amendment No. 107. Attachment 3 includes a copy of all submissions received from members of the public.

Next Steps

Please review the matters raised in this letter and the proposed modifications and deferrals contained in Attachment 1 and provide us with your response respecting concurrence with each proposed change.

If you have any questions, please contact Heather Finlay, Senior Planner, Lino Trombino, Manager or myself. We would be pleased to meet and review our comments with you if you wish.

Yours truly,



Roger Saunders, MCIP, RPP
Director of Planning

- Attachments:
1. Proposed Modifications and Deferrals
 2. Responses from Agency Circulation
 3. Public Submissions

cc: David Crome, Municipality of Clarington, Planning Services (all attachments)
Mark Christie, Ministry of Municipal Affairs (all attachments)
Chris Jones, CLOCA (attachment 1)
Greg Wells, GRCA (attachment 1)
Jasmine Gibson, ORCA (attachment 1)

Orono Support Modifications

1.1 Modification #43

Amend AA #226 to add a new bullet point to the list which states “investment in downtown Orono.

So the policy reads,

~~7.3.2~~ 7.3.3 The Municipality shall seek the assistance of other levels of government to ensure essential business services and infrastructure are available to meet the economic development objectives of the Municipality, including:

- higher education facilities;
- high calibre ~~electronic~~ telecommunications and communications network;
- ~~tollfree telephone service to Toronto~~
- sufficient and reliable electric power and natural gas, including the refurbishment and expansion of the Darlington Nuclear Generating Station;
- expansion of quality health care facilities;
- **investment in downtown Orono;**
- water supply and sanitary sewer services;
- Regional road and Provincial highway construction including appropriate widenings and new interchanges; and
- improvements to the public transit system, including the timely extension of the GO Rail Lakeshore East line.”

1.2 Modification #44

Add a new Actual Amendment number after #235 to add a new instruction and new Sections 7.3.12 and 7.3.13.

So the instruction and the policies read,

“Sections 7.3.12 and 7.3.13 are hereby added as follows:

7.3.12 The Municipality, together with the Orono Business Improvement Area, the Region of Durham, and with the assistance of other levels of government, will prepare an economic development strategy for Orono that will not only serve the needs of the business community and its residents, but will also help achieve a complete and sustainable community in Orono.

7.3.13 The economic development strategy will support Orono as a centre serving the needs of its urban area residents and the surrounding rural population. The strategy will:

- a) promote the Orono downtown businesses;
- b) promote development or redevelopment of the employment lands;
- c) increase housing options to meet the needs of all residents throughout all stages of their lives; and
- d) encourage government services to locate in the downtown of Orono.”

1.3 Modification #126

Insert a new Actual Amendment number after AA #481 to add a new Section “17.6 – Special Policy Area No.5 – Orono”.

“New Section 17.6 is added as follows:

17.6 Special Study Area No. 5 – Orono

17.6.1 Orono is identified as a Special Study Area for the purpose of a possible future Urban Boundary expansion. Notwithstanding Section 17.1, development in Orono shall be governed by the land use designations and all applicable policies of this Plan.

17.6.2 Urban Area expansions in Orono may be considered through the next comprehensive review of the Durham Region Official Plan, subject to the following matters being addressed and evaluated:

- a) the availability of municipal services and an analysis of alternative servicing strategies, including the possible extension of lake-based sanitary sewer and water supply services to Orono;
- b) the amount and rate of development that has occurred in both the urban and rural areas of Clarington;
- c) the supply of different housing types to give consideration to a variety of housing needs; and
- d) the need for economic support for the downtown area of Orono.

17.6.3 Expansion to the Orono Urban Boundary beyond that shown on the Land Use Schedule shall only occur in accordance with Section 23.17.6 and after the Durham Regional Official Plan recognizes the Urban Area expansion.”