



Staff Report

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Report To: Joint Committees

Date of Meeting: May 8, 2023

Report Number: PDS-033-23

Submitted By: Carlos Salazar, Director of Planning and Development Services

Reviewed By: Mary-Anne Dempster, CAO

By-law Number: 2023-032

File Number: PLN 42

Resolution#: JC-049-23

Report Subject: Initiating Clarington's Official Plan Review

Recommendation:

1. That Report PDS-033-23, and any related delegations or communication items, be received for information;
2. That the Special Meeting of Council to initiate the update to the Official Plan be held on June 27, 2023, and advertised in accordance with the provisions of the Planning Act to hear submissions from the public on this matter; and
3. That all interested parties listed in Report PDS-026-23 and any delegations be advised of Council's decision.

Report Overview

The Clarington Official Plan is our main policy document that establishes the long-term vision for our Municipality, manages growth and development, and guides capital investment decisions now and into the future.

Municipalities are required to update their Official Plans every five years. The Clarington Official Plan was last updated in 2018, and is due for a review to:

- Ensure the vision for the Municipality continues to meet the community's evolving needs;
- Align with recent changes in provincial policy and legislation; and
- Conform to the new Durham Regional Official Plan.

A Special Meeting of Council is required to initiate an Official Plan Review.

The funding to undertake the Official Plan Review was approved as part of the Planning and Infrastructure Department budget for 2022. Now that Durham's new Regional Official Plan is nearing completion, the timing is right to commence the review of our Official Plan.

The purpose of this report is to initiate the process to update the Clarington Official Plan, through an Official Plan Review under Section 26 of the Planning Act. A Special Meeting of Council will be scheduled for June 27, 2023, to discuss the revisions that may be included as part of the Review and hear from members of the public.

1. Background

What is an Official Plan?

- 1.1 An Official Plan is a strategic planning document that establishes a policy framework to guide the physical, social, environmental, and economic development of a municipality to ensure land and resources are used efficiently and sustainably, and to protect for public health and safety.
- 1.2 The Official Plan is a document that outlines possibilities and sets aspirations for what we want our Municipality to become. It affects every resident, business, and landowner in Clarington. Council decisions about development applications, neighbourhood needs and functions, and capital investments are required to align with the Official Plan.
- 1.3 Specifically, the Official Plan directs:
 - Which forms of housing and densities are appropriate in certain locations (e.g., major transit station areas, along major roads, within existing neighbourhoods);
 - How to support economic development, attract investment, and generate local jobs;
 - Where and how environmental features are to be protected and buffered;
 - How to preserve our agricultural land base in the long-term and support agricultural industry and local food production;

- Which roads need to be widened to accommodate growth and how they are to be designed for pedestrians, bicycles, public transit, and private vehicles;
- Where parks, trails and recreation spaces will be located and how they will be connected;
- How the Municipality will invest in community spaces, facilities, and services; and
- How to zone property, regulating how each property can be used and developed.

Clarington is growing and evolving

- 1.4 Our communities are not static, and we need to ensure our Official Plan is updated regularly to remain relevant and keep pace with Clarington's evolving needs.
- 1.5 Currently at approximately 107,000 residents, Clarington has been the fastest growing Municipality in Durham Region between 1996 and 2021. Strong population growth and increasingly diverse population demographics are expected to continue over the next 30 years to reach our 2051 forecast of 221,000 people and 70,300 jobs, representing increases of 110 percent and 135 percent, respectively (Figure 1).

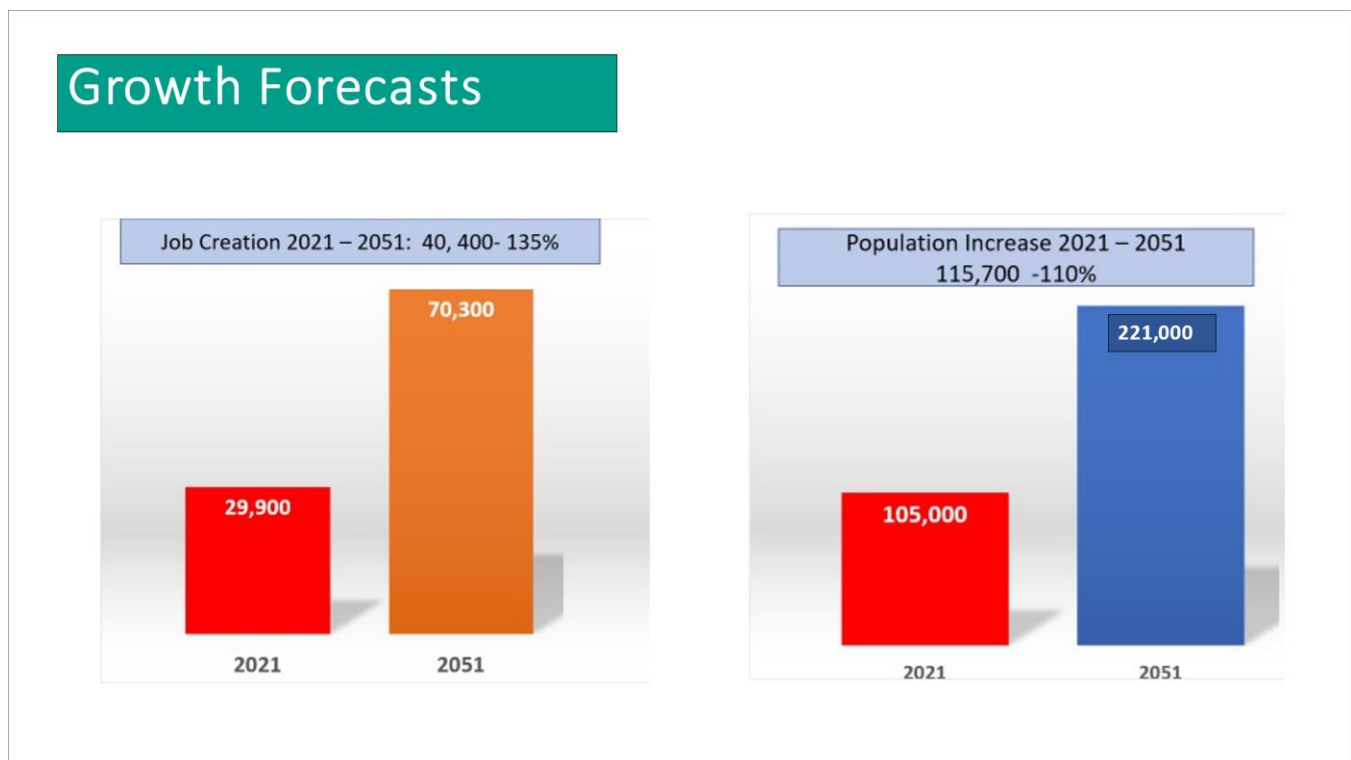


Figure 1: Growth Forecasts for Clarington, 2021-2051

- 1.6 New areas of development and redevelopment to accommodate and service Clarington's growing population will bring higher-density neighbourhoods (e.g., major transit station areas) and built forms (e.g., high-rise apartments) that function differently and have different needs than the traditional low-density, ground-related residential neighbourhoods that have comprised much of Clarington's past growth.
- 1.7 As Clarington is expected to become home to an additional 115,000 residents, and support 40,000 new jobs, it is essential that we plan for our future growth in a way that is thoughtful, appropriate, and supports the values of our residents and businesses.

2. Updating the Official Plan

- 2.1 Clarington's current Official Plan was last updated in 2018 and has a planning horizon of 2031.
- 2.2 The Official Plan has a vision that focuses on:
- Each of our urban and rural communities building on their individual character while fostering a common economic base and collective image; and
 - A Clarington where people, businesses and governments work together to balance growth with protection, management and enhancement of rural landscapes, cultural heritage, and natural resources in a manner that emphasizes high quality design in place making.
- 2.3 This vision will continue to guide Clarington's growth and development. However, it is time to update the Official Plan to ensure it continues to (i) align with Clarington's Strategic goals to foster engaged communities, support environmental sustainability, and support responsible growth of housing and employment opportunities (ii) meet the evolving needs of our residents and businesses, and (iii) conform to applicable provincial and regional policies and plans.

Ensure the Clarington Official Plan continues to meet local needs

- 2.4 Since the time of the last Official Plan update in 2018, the Municipality has either completed or is undertaking various initiatives that will inform the Official Plan Review to make sure the update to the Plan aligns with the Municipality's needs current and long-term needs. These include:
- Clarington Strategic Plan
 - Clarington Economic Development Strategy, 2022
 - Development Charges Background Study, 2020
 - Clarington Waterfront Strategy Update (ongoing)
 - Active Transportation Master Plan (commencing shortly)
 - Parks, Recreation, and Culture Master Plan (commencing shortly)

Provincial Policy and Legislation is Changing

- 2.5 The Clarington Official Plan must conform with provincial legislation and planning documents. Since the last update, there have been numerous significant changes to provincial legislation and policy affecting land use planning in Clarington, including but not limited to:
- Provincial Policy Statement, 2020
 - A Place to Grow: Growth Plan, 2020
 - Amendments to the Planning Act (e.g., Bill 109 (More Homes for Everyone Act, 2022) and Bill 23 (More Homes, Built Faster Act, 2022))
 - Amendments to the Development Charges Act and Ontario Heritage Act

2.6 In November 2022, the Province passed Bill 23 (More Homes, Built Faster Act, 2022) introducing significant and sweeping changes to Ontario’s land use planning framework and municipal processes that need to be implemented through the Official Plan Review. These changes have substantial impacts on how municipalities plan for and finance growth and development in support of healthy and sustainable communities. Specifically, the changes implemented through Bill 23:

Table 1: Changes to be Implemented through the Update to the Official Plan as a result of Bill 23

Mandatory Land Use Permissions to Enable Increased Density	Within one year of the Bowmanville and Courtice Major Transit Station Areas being approved by the Province, Clarington’s Official Plan and Zoning By-law must be updated to include minimum heights and densities for the areas.
	The Official Plan must be updated to align with the new permissions for permit as-of-right, up to three residential units on an urban residential lot, and to remove certain parking requirements and direction on minimum unit sizes.
Parkland Requirements and Development Charges	Bill 23 reduced alternative parkland dedication rates by half and allows landowners to identify land they intend to provide for parkland, including allowing for encumbered parkland/strata parks, and privately owned publicly accessible parks. These changes affect how Clarington is able to plan for, acquire and fund parkland for the community, and must be implemented as part of the Official Plan Review.
	New reductions to and exemptions from development charges for affordable and attainable housing will require consideration manage this revenue decrease to ensure communities continue to be planned with the supportive spaces and services they require.
Restricting Site Plan and Urban Design Tools	The Official Plan update will consider how to continue to encourage high quality urban design as an integral component of great place-making and community-building.
Cultural Heritage Conservation	Changes to the Ontario Heritage Act implemented higher threshold criteria, making it more difficult to protect cultural heritage resources. The Official Plan update will consider policies and tools that can be used to support the conservation of Clarington’s cultural heritage.
Municipal Planning Framework	Durham Region has been identified as an upper-tier municipality without planning responsibilities (see subsection 2.11, below)
Natural Heritage and the Role of Conservation Authorities	The Review will look at how to best align with the changes to provincial natural heritage policies and wetland policies, while continuing to plan for and protect natural heritage features and functions. This will include how to compensate for the substantial removal of Conservation Authorities’ natural heritage expertise from the development approvals process.
Application Processing and Timelines	Updates to policies relating to complete applications, study terms of reference, and pre-consultation will be considered to address changes to the development approvals process implemented through Bill 109.

- 2.7 More recently on April 6, 2023, the Province released a new draft Provincial Planning Statement and proposed Bill 97 (Helping Homebuyers, Protecting Tenants Act, 2023). Both documents are currently posted on Environmental Registry of Ontario for review and comment. The approval of the proposed Provincial Planning Statement would eliminate the Growth Plan and the existing Provincial Policy Statement, 2020. Staff will be reporting on this matter in a separate report in advance of the Province's commenting deadline. These changes would also have to be considered as part of our Official Plan Review.

Durham Region has completed a new Regional Official Plan

- 2.8 Section 27 of the Planning Act requires Clarington to amend its Official Plan to conform to upper-tier official plans within one year of the upper-tier official plan coming into effect.
- 2.9 Durham Region has almost completed its Envision Durham Official Plan Review exercise and is expected to adopt the new Regional Official Plan on May 17th, after which it will be sent to the Province for review and approval.
- 2.10 The Region's new Official Plan establishes population and employment targets for Clarington to the year 2051, identifies urban expansion areas for the 2051 planning horizon, and delineates Major Transit Station Areas in Courtice and Bowmanville. Our Official Plan must be updated to appropriately consider and incorporate these growth allocations.
- 2.11 Staff notes as part of the Planning Act changes introduced through Bill 23, Durham Region will eventually become an upper-tier municipality without planning responsibilities, at which time the Regional Official Plan would be assumed by Durham's area municipalities. These changes are not expected to come into force until winter 2024 at the earliest, however staff will consider their impact as part of the Official Plan Review.

The Planning Act has requirements for municipalities to update Official Plans

- 2.12 In addition to the considerations noted above, subsection 26 (1) of Planning Act requires municipalities to update their Official Plans no less frequently than every five years to ensure they conform to provincial plans, have regard for matters of provincial interest, and be consistent with provincial policy statements.
- 2.13 To initiate an Official Plan Review, subsection 26(3) of the Planning Act directs Council to (i) consult with the Region of Durham as the approval authority and other public agencies, and (ii) requires that Council hold a 'special meeting' open to the public to discuss the revisions that may be required as part of the Official Plan Review.

3. Official Plan Review Process

Special Meeting of Council

- 3.1 It is recommended that the required Special Meeting be held on June 27, 2023, in the Council Chambers at the Municipal Administrative Centre (MAC). This meeting will be open to the public. As required by the Planning Act, the meeting will be advertised a minimum of six weeks in advance through the local newspapers, the website, Planning and Infrastructure Services e-newsletter, and through the Municipality's social media channels.
- 3.2 To assist the public in preparing their submissions, staff will prepare an introductory discussion paper outlining key issues and the general scope of the review. The discussion paper will be released at least two weeks prior to the Special Meeting.

Scope of work to be considered

- 3.3 The above provides a general outline of the legislative requirements that govern the review of municipal Official Plans.
- 3.4 An Official Plan Review is a large undertaking, consisting of a wide variety of components and issues, including growth management, natural heritage, rural and agricultural systems, employment areas, and servicing and transportation infrastructure. Consulting services will be required assist with the scope work required to complete the Review.
- 3.5 Staff is drafting a Terms of Reference for the Official Plan Review that will identify the process and work program to retain the necessary consulting services. The draft Terms of Reference would be revised as necessary in accordance with comments received at the Special Meeting of Council.

4. Public Engagement Considerations

- 4.1 Community and stakeholder engagement through out the Official Plan Review is essential to updating the Clarington Official Plan in a way that successfully captures the needs and desires of the community.
- 4.2 The holding of a Special Meeting of Council to discuss what might be required as part of our Official Plan Review and hear from residents and stakeholders on the matter represents the first opportunity of many that will be part of a comprehensive consultation program for this project.

5. Financial Considerations

- 5.1 Funding for the Official Plan Review was approved as part of the 2022 Planning and Infrastructure Department budget and has been carried forward for use in completing this project.

6. Concurrence

- 6.1 This report has been reviewed by the Deputy CAO/Treasurer who concurs with the recommendation.

7. Conclusion

- 7.1 The purpose of this report is to initiate the process to update the Clarington Official Plan, through an Official Plan Review under Section 26 of the Planning Act. A Special Meeting of Council will be scheduled for June 27, 2023, to discuss revisions to the Clarington Official Plan that may be required as part of the Review.
- 7.2 To assist the public in preparing their submissions, staff will prepare an introductory discussion paper outlining key issues and the general scope of the review, to be released approximately two weeks prior to the Special Meeting.

Staff Contact: Sarah Allin, Principal Planner, sallin@clarington.net or 905-623-3379 ext. 2419 or Lisa Backus, Manager, Community Planning, lbackus@clarington.net or 905-623-3379 ext. 2413.

Interested Parties:

List of Interested Parties available from Department.