

## MINISTRY STAFF REPORT

Planning System: Growth Plan, PPS, 2005

File Number(s): 18-OP-0012-128  
Upper-Tier: Durham Region  
Applicant: Durham Region  
Date Adopted by Council: June 3, 2009  
Related Files: 18-DP-0012-08002 (Growing Durham Study)  
PPS Issues: Yes  
Other Provincial Plans: Growth Plan (Conformity Exercise), Greenbelt Plan, Central Pickering Development Plan, Lake Simcoe Protection Plan

---

### RECOMMENDATION:

To approve the Regional Official Plan Amendment No. 128 (“ROPA 128”) as provided in the attached Decision.

Pursuant to section 35 of the *Planning Act*, the Minister may approve, modify and approve as modified or refuse to approve part or parts of the plan. The attached Decision page proposes that the Minister modify and approve as modified the majority of ROPA 128, and refuse certain urban boundary expansions and employment land conversions. A decision has yet to be rendered on certain parts of ROPA 128 in order to allow time for the Region to reassess certain forecast numbers, intensification targets and associated land needs.

### PROPOSAL:

The purpose of Regional Official Plan Amendment 128 (ROPA 128) is to incorporate changes resulting from a review of the Durham Regional Official Plan (“ROP”) that was initiated in accordance with Section 26(1) of the *Planning Act*. The amendment also intends to bring the ROP into conformity with the Growth Plan.

ROPA 128, which was adopted by Regional Council on June 3, 2009 by By-law #32-2009 was submitted to the Ministry of Municipal Affairs and Housing (“MMAH”) for review and approval on June 16, 2009.

### BACKGROUND:

The Region of Durham has undertaken its municipal official plan review to ensure that the policies of the Durham ROP are up to date with provincial planning policy and legislation. The majority of ROPA 128 focuses on the municipal conformity exercise necessary to implement the Growth Plan in Durham Region. The Growing Durham Study is the Region’s background study in support of this

initiative and its recommended directions have been used as a basis to develop ROPA 128.

In August 2007, the Region initiated a *Growth Plan Implementation – “Growing Durham” Study*, to complete the growth management component of the ROP review and retained a consultant team to assist with this exercise. The study was undertaken in five phases, including background reports released at key stages and involved an analysis of the demographic, policy and general infrastructure implications of growth within Durham. This analysis formed the basis for the development of alternative growth scenarios and a recommended preferred growth option for Durham. The *Recommended Growth Scenario and Policy Directions Final Report* was released November 18, 2008 and was endorsed by Planning Committee on November 25, 2008. These recommendations informed the development of ROPA 128.

On February 24, 2009, the Region released a proposed amendment to the Durham ROP to incorporate the recommended directions from the *Growth Plan Implementation “Growing Durham” Study* for public and agency consultation.

On June 3, 2009, Regional Council adopted ROPA 128 (by By-law #32-2009) incorporating the policy directions of the Growing Durham Study which is intended to implement the Growth Plan in Durham Region. All lands located in the Region of Durham are subject to the amendment.

On March 12, 2010, MMAH released a draft decision to the Region with proposed modifications to ROPA 128 for Council’s consideration.

Following the release of the draft decision, meetings have occurred with Provincial and Regional staff to discuss the proposed modifications. Significant efforts were made to resolve and come to agreement on the vast majority of issues, including certain substantive issues.

On June 23, 2010, Regional Council considered the Provincial draft decision dated March 12, 2010 and informed the ministry that as a result of additional information received from the Province (further to discussions to resolve issues) a minimum of 97 (86%) out of a total of 113 proposed modifications are expected to be dealt with in a manner that is acceptable to the Region.<sup>1</sup>

Through continued discussions with Regional staff, consensus was received on the majority of modifications which are provided in the Minister’s Decision. However, certain fundamental issues relating to Growth Plan and Central Pickering Development Plan (“CPDP”) compliance remained outstanding. These issues have been addressed through the Minister’s modifications in the Minister’s Final Decision, to ensure conformity with the Growth Plan and CPDP.

---

<sup>1</sup> Durham Addendum Report No.: 2010-P-43, June 8, 2010, page 2..

In accordance with Sections 17 and 26 of the *Planning Act*, the Minister of MMAH or their delegate is the approval authority for the amendment.

### **CONSULTATION/CIRCULATION:**

ROPA 128 was circulated to the following One-Window partner ministries and agencies: Ministries of Infrastructure (Mol), Natural Resources (MNR), Environment (MOE), Ministry of Agriculture, Food and Rural Affairs (OMAFRA), Ministry of Transportation (MTO), Metrolinx, Toronto and Region Conservation (TRCA), Central Lake Ontario Conservation (CLOCA), Lake Simcoe Region Conservation (LSRCA) and Ganaraska River Conservation (GRCA). It was also circulated to adjacent upper-tier and single-tier municipalities for cross-jurisdictional matters.

MMAH and MEI have provided written comments and held extensive discussions with Regional staff and consultants throughout all phases of the Growing Durham Study, at the draft ROPA stage and after adoption of ROPA 128. **Appendix A** provides a chronology of the One-Window comments provided.

### **Aboriginal Engagement and Consultation**

As part of the review of ROPA 128, MMAH recognized the duty of the crown to engage with First Nations on matters which might adversely impact their Aboriginal treaty rights, or interests.

As a result, MMAH undertook engagement and consultation with the following First Nations: Mississaugas of the New Credit, Mississaugas of Scugog Island, Huron-Wendat, Hiawatha, Curve Lake, Chippewas of Mnjikaning (Rama), Chippewas of Georgina Island, Beausoleil and Alderville.

As part of the engagement, the Ministry sent a letter on July 16, 2009 to the above-noted First Nations and provided a copy (hardcopy and digital CD) of ROPA 128 and followed up with a telephone call(s). MMAH also sent a follow-up letter on March 18, 2010 which included a copy of the draft decision and information on the proposed modifications to assist the First Nations in their review.

Chippewa of Rama First Nation acknowledged receipt of the MMAH letter but did not provide specific comments.

### **Submissions from the Public**

Since ROPA 128 has been before the Ministry for approval, the Ministry has received submissions from the public. The majority of the submissions were site specific in nature, some specific to on-going OMB hearings, others regarding specific mapping matters. Comments were received expressing concern over the

proposed North East Pickering new growth area, the scale of the proposed urban boundary expansions, the Growing Durham land budget methodology, concern for requirements for watershed planning prior to development in the new growth areas, concern over more enhanced requirements for minimum density targets along corridors and within nodes, concerns regarding permitted uses in employment areas and concerns regarding the regional structure and which growth areas are more feasible from an infrastructure and servicing perspective. All of the submissions received have also been shared with the Region and, where appropriate, have been addressed in the Minister's Decision.

## **MINISTRY ASSESSMENT:**

The following assessment is based on a review of the *Planning Act*, Provincial Policy Statement, 2005 ("PPS"), *Places to Grow Act, 2005* and Growth Plan, *Ontario Planning and Development Act, 1994* and Central Pickering Development Plan ("CPDP"), *Lake Simcoe Protection Act, 2008* and Lake Simcoe Protection Plan, and the Growing Durham Study reports.

### **Overall Assessment**

The majority of ROPA 128, subject to the modifications provided in the Decision document, is consistent with the PPS and conforms with the Growth Plan, CPDP and LSPP, and as such; those policies and related mapping should be approved as modified.

The amendment is a significant policy document for Durham's future as it represents the Region's Growth Plan conformity exercise of which Durham is an integral component of the Province's vision for providing a more sustainable and efficient pattern of growth management in the Greater Golden Horseshoe ("GGH").

ROPA 128 includes many policies which will help the Region achieve the Growth Plan and CPDP visions. The ROPA includes policies which provide guidance on appropriate densities and built form in centres and corridors to support existing and planned transit infrastructure, promote intensification and efficient use of the Region's land supply and provide greater clarity and direction for planning Greenfield areas, including Living and Employment Areas.

Overall, ROPA 128 contains many progressive policies which implement the Growth Plan. These include:

- incorporating policies to promote the development of complete and healthy sustainable communities;
- strengthening policies to protect Employment Areas from conversion to non-employment uses;
- clarifying the suite of uses permitted within Employment Areas;

- adding growth management policies to incorporate the minimum 40 per cent intensification target within the Region’s built-up area and minimum Designated Greenfield Area (“DGA”) density target;
- clarifying that the growth management objectives are to be achieved on a Region-wide basis;
- adding policies to include density, built form and floor space index targets for Urban Growth Centres, Regional Centres, Waterfront Places and Regional and Local Corridors;
- providing direction for area municipal official plans to include policies for the phasing of development in Centres, Corridors and Waterfront Places to ensure the implementation of the higher density form and function targets of the ROP;
- requiring the preparation and/or updating of watershed plans prior to considering new secondary plans;
- incorporating a definition and policies supporting food security; and
- adding policies for performance measurement/monitoring of key growth management objectives.

### **Minister’s Decision - Process**

The Region adopted ROPA 128 pursuant to the provisions of section 26 of the *Planning Act*, which represents the Region’s determination that this amendment constitutes a five-year review of their Official Plan. As such, the ROPA is not exempt from Ministerial approval.

The *Planning Act* outlines certain standards for amendments adopted under section 26. The amendment is required to:

- ensure it conforms with provincial plans or not conflict with plans, as applicable
- have regard to matters of provincial interest as detailed in section 2 in the *Planning Act*
- be consistent with the policy statements issued under section 3 of the *Planning Act*

When adopting an Official Plan amendment under section 26, Council must hold a special meeting to discuss the revisions that may be required, and must consult with the approval authority and with other public bodies. Regional Council held the special meeting of Council on March 24, 2009. Throughout the review process regional staff and provincial staff met to resolve issues and concerns, resulting in agreement on 86% of the proposed modifications provided to the Region in the draft decision.<sup>2</sup>

---

<sup>2</sup> Durham Addendum Report No.: 2010-P-43, June 8, 2010, page 2.

Pursuant to section 35 of the *Planning Act*, the Minister may approve, modify and approve as modified or refuse to approve part or parts of the plan. The attached Decision page proposes that the Minister modify and approve as modified the majority of ROPA 128 and also to withhold its decision on portions of the ROPA. The following identifies key modifications which result in the deletion/refusal of certain portions of the ROPA and explains the reasons for them, and explains the nature of certain modifications.

### **Minister’s Decision –Deletions/Refusals**

#### **Delete/Refuse Certain Urban Boundary Expansions and Employment Land Conversions**

- North East Pickering Expansion
- Courtice Employment Area (Clarington) Expansion
- Conlin Road and Anderson Street employment land conversion (Whitby)
- Certain isolated Employment Area expansions in Pickering and Oshawa
- Special Study Area 2 (Clarington)

The Growth Plan states that a settlement area boundary expansion may only occur as part of a municipal comprehensive review where it has been demonstrated that sufficient opportunities through intensification and existing designated lands to accommodate the Schedule 3 forecasted growth are not available within the Region of Durham and within the area municipalities to accommodate allocated growth (Policy 2.2.8.2).

The amendment proposes expansions to the Region’s Urban Area boundaries to implement the results from the Growing Durham Study Final Report (dated November 18, 2008) land needs analysis, which concluded that an additional **gross 2,868 hectares** (“ha”) of land would be required to accommodate forecasted growth to 2031. This is a perplexing figure given that the growth forecast for Durham Region to 2031 is 960,000 people and 350,000 jobs<sup>3</sup> whereas the Region’s 2021 forecasts were 968,500 people and 459,700 jobs<sup>4</sup>, at which time the Region proposed to accommodate this growth within the existing urban boundary and the recommended growth scenario implemented by ROPA 128 also plans for compact and structured growth within the existing Regional urban boundary.

The amount of future urban land for expansions is broken down as: 1,631 ha in new Living Areas, 351 ha in new Nodes and Corridors, and 886 ha in new Employment Areas. The future urban land need is being implemented through proposed urban boundary expansions that are reflected on Schedule ‘A’ – Regional Structure to ROPA 128.

---

<sup>3</sup> Schedule 3, Growth Plan.

<sup>4</sup> Durham ROP, June 5, 2008 consolidation, Policy 3.3.5.

**Appendix B** provides detailed analysis of the growth forecast. The primary concern with this methodology is that the Region is asking the Province to approve urban boundary expansions, which would result in providing a surplus of 36,128 units for Durham Region. This surplus could accommodate 75,000 to 100,000 more people within the Region. Refusal of these expansions is in conformity with the Growth Plan, which directs that sufficient lands are to be made available to accommodate need not exceeding a 20-year horizon based on population and employment forecasts as provided in Schedule 3 of the Growth Plan, and further, urban expansions are to be permitted only where it has been demonstrated that sufficient opportunities do not exist within the existing urban area. The Growing Durham study acknowledges that there is current supply in both the built-up area and the designated Greenfield areas, however, that supply is either not in the right location due to distinct market characteristics between the area municipalities or not marketable (i.e. is medium to high-density). There are no provisions in the Growth Plan or the PPS that permits the discounting of existing and designated supply in order to justify new Greenfield growth elsewhere.

Additionally, the Region's analysis has utilized the following factors which result in a significant overestimation of the Region's land budget:

- has excluded existing designated and approved residential lands near existing or planned infrastructure, particularly in Oshawa and Clarington from the available supply to 2031.<sup>5</sup>
- used an employment growth forecast which projects 25,000 jobs more than the 350,000 jobs forecast in Schedule 3 of the Growth Plan and based its land budget on the higher employment forecast<sup>6</sup>;
- has utilized an employment growth forecast of 16,500 jobs for Seaton whereas the CPDP requires 35,000 jobs, thus creating implications on employment land needs elsewhere. It is important to note that throughout the Growing Durham Study and until the recommended amendment was released on May 19, 2009, the Province was of the understanding that the Study was utilizing the CPDP forecasts for Seaton in all growth scenarios being examined as this was noted in the Study. In addition, the proposed amendment dated February 24, 2009 includes a note in Policy 7.3.3 stating, "the population and employment forecasts for Pickering include an allocation of 70,000 people and 35,000 jobs for Seaton, in accordance

---

<sup>5</sup> Section 4.3, Table 9, Recommended Growth Scenario and Policy Directions, Final Report – November 18, 2008, Region's Discussion Paper responding to Province's May 25, 2009 letter from July 15, 2009 meeting and Memorandum from Urban Strategies and Watson and Associates dated September 3, 2009 entitled, "Implications of Province's Direction Regarding Durham ROPA 128".

<sup>6</sup>Section 3.1.2, Recommended Growth Scenario and Policy Directions, Final Report – November 18, 2008 and ROPA 128, Policy 7.3.4.

with the Central Pickering Development Plan”.<sup>7</sup> This note was not part of the adopted amendment.

- This proposal undermines the realization and implementation of Seaton within the 2031 planning horizon, which conflicts with a Provincial Plan, and undermines a Provincial project wherein significant provincial investment and coordination between the Province, Region and City of Pickering has occurred.
- A detailed study and analysis has yet to be completed regarding sewage, water, transportation infrastructure and their related costs to inform the Region’s consideration of its recommended growth scenario in ROPA 128.

Proposed urban boundary expansions included lands in North East Pickering, north Whitby, lands between Ajax and Whitby (including a previously deferred area in Whitby), north Oshawa (including removal of the Minister’s 1993 deferral for Columbus known as Deferral 12), lands in Clarington (east of Courtice Road, and a small expansion to Bowmanville and Orono (which also is removal of the Minister’s 1993 deferral for East Orono known as Deferral 4) and certain isolated Employment Area expansions in Pickering and Oshawa.

Together, the proposed urban expansions are of significant scale, result in a dramatic change to the regional structure, and are based on a methodology that is not consistent with the policies of the PPS and Growth Plan.

Based on the Region’s Land Budget analysis, to accommodate the forecasted population, a total of 159,976 housing units are required, and this is consistent with the January 2005 report prepared by Hemson Consulting called “the Growth Outlook for the Greater Golden Horseshoe” prepared for the former Ministry of Public Infrastructure Renewal (now Ministry of Infrastructure) wherein housing growth forecast for Durham Region ranged from 172,000 to 186,000 housing units between 2001 and 2031. Presently, through development in the built-up area and in existing designated Greenfield area, there is a supply of approximately 159,156 units (this supply includes lands within Columbus, which are presently lands that have been deferred from approval since 1993 and are still considered to be new Greenfield area and not existing designated supply); as such, there is a small deficit of 820 units, plus the allocation for Columbus.

Based on the Provincial review, there is justification for limited growth. For the following reasons, the expansion and conversion of lands proposed for West Whitby between Ajax and Whitby (including the deferred lands) for both Employment Area and Living Area is appropriate:

- The major natural heritage and water resource systems have already been identified and are protected by the Greenbelt Plan, these lands are

---

<sup>7</sup> Section 3.31, Durham Staff Report 2010-P-42, June 8, 2010, Scenario Evaluation and Recommended Preferred Growth Scenario Working Paper, June 13, 2008, pg. 42 and Policy 7.3.3, Proposed Amendment to the Durham ROP, dated February 24, 2009.

- considered “whitebelt” and have been contemplated by the Province for future urbanization;
- These lands are contiguous to the existing urban area and are accessible for servicing with marginal extension of services;
  - Through the completion of the 407 East EA and associated highway north-south connections, it has been determined that this area will be in close proximity to the future highway and north-south link, which is a key factor for locating new employment lands;
  - As noted above, there is room for marginal growth within the Region; this growth is compatible with the surrounding area.

### **North East Pickering Expansion**

As noted in the letter that accompanied the Minister’s draft decision dated March 12, 2010, expansion of North East Pickering is not supported, for the following reasons:

- North East Pickering is not contiguous to the Region’s current urban area boundary or a sequential extension of growth;
- Urbanization of these lands would substantially alter the Region’s current and long-standing regional structure shown in the Durham ROP, which is composed of the Whitby/Oshawa/Courtice urban area as the focal point of the Region, the Pickering/Ajax urban area as the western anchor of the Region and the Bowmanville/Newcastle Village urban area as the eastern anchor of the Region<sup>8</sup>;
- Urbanization of these lands is not consistent with the Region’s recommended growth scenario vision of ‘reinforcing existing communities’ which was predicated on the basis of reinforcing the Region’s existing community structure along the east-west Lake Ontario shoreline municipalities, and a nodes and corridors urban structure to support intensification, more compact, transit-supportive densities and more efficient and cost-effective infrastructure.

In addition, the majority of lands in North East Pickering are subject to the provisions of Ontario Regulation 102/72, which was established in 1972 to restrict land uses adjacent to the proposed Pickering airport. Although the airport has not been constructed, the federal government, through Transport Canada, has not authorized repealing the regulation, as a future airport on the lands has yet to be determined. Furthermore, the majority of the lands are within the 30 NEF/NEP noise contour proposed for the future airport. The PPS prohibits development of sensitive land uses (i.e. residential development) within this contour.

As a result, North East Pickering cannot be justified through the Growing Durham Study, is a premature urban area boundary expansion, and the Minister’s

---

<sup>8</sup> Durham ROP, June 8, 2009 consolidation, Policy 7.2.1.

Decision refuses this urban area expansion. The Prime Agricultural Areas and Major Open Space Areas designation of these lands is retained and this proposed urban area boundary expansion is deemed refused in the Minister's Decision.

### **Employment Land Need Analysis**

The land budget similarly overestimates the need for employment lands. Factors that lead to this overestimation include:

- Use of a vacancy factor for employment lands. The Region is utilizing a factor of 7.5% of total employment land supply (occupied and developable) to account for long-term vacancy. The Provincial Projection Methodology Guideline does not support the use of vacancy factors when dealing with long-term planning horizons;<sup>9</sup>
- As noted below, by reducing the Region's employment forecast to conform to the Growth Plan Schedule 3 forecast of 350,000 jobs, Employment Area land needs, according to the Region's analysis, are reduced by **364 ha** from 886 to 522 gross ha.<sup>10</sup>
- By allocating the 35,000 jobs to Seaton in accordance with the CPDP to 2031 rather than the 16,500 jobs allocated by the Region, that removes an additional 18,500 jobs from other parts of the Region.<sup>11</sup> As such, area municipal forecasts and mapping changes are required to recognize the reallocation of jobs.

### **Courtice Employment Area Expansion**

At the time of adoption of ROPA 128, Regional Council added an urban area expansion on the east side of Courtice Road in Clarington and these lands were added to the employment lands supply (approximately 292 ha). The Growing Durham Study did not identify a need for additional Employment Areas in Clarington, based on the 375,000 employment forecast. Therefore, associated job numbers have not been provided in either the staff report or the forecast table to ROPA 128 to justify this urban expansion. Regional Council, in their response to the Minister's draft decision, acknowledges that there is no empirical justification for the expansion and accepts the removal of these additional Employment Area lands from Schedule A.<sup>12</sup> Consequently, the Final Decision deletes the proposed employment area designation and deletes the urban boundary expansion. This deletion is deemed refused in the Minister's Decision.

---

<sup>9</sup> Provincial Projection Methodology Guideline, "A Guide to Projecting Population, Housing Need, Employment and Related Requirements", Queen's Printer for Ontario, 1995.

<sup>10</sup> Section 3.4 and Attachment 2, Mod No. 67 a), Durham Report No.: 2010-P-42, June 8, 2010 and Memorandum from Urban Strategies and Watson and Associates dated September 3, 2009 entitled, "Implications of Province's Direction Regarding Durham ROPA 128".

<sup>11</sup> Durham has only allocated 16,500 of the 35,000 jobs intended for Seaton to Pickering's employment allocation.

<sup>12</sup> Section 3.5, Durham Report No.: 2010-P-42, June 8, 2010.

### **Employment land Conversions**

Schedule 'A' – Map 'A4' of ROPA 128 proposes to redesignate approximately **61 hectares** of land from "Employment Areas" to "Living Areas" in Whitby in the vicinity of Conlin Road and Anderson Street. These lands are adjacent to lands at the northwest corner of Anderson Street and Conlin Road comprising 25 hectares which were converted through Regional Council's adoption of ROPA 114 and are the subject of an appeal by MMAH, which is currently before the Board. Map 'A4' to ROPA 128 designates the 25 hectare parcel of land as 'Living Area'. This matter shall be addressed at the Board. In the meantime, the Decision retains the 'Employment Areas' designation on Map 'A4' for the lands and refuses the 'Living Areas' designation.

The additional lands ("three corners") proposed to be converted in ROPA 128 were not recommended for conversion through the Growing Durham Study.<sup>13</sup>

As is the case with the land converted by ROPA 114, these additional conversions are also not supported as the lands form part of a significant employment area; are strategically located adjacent to the future Highway 407 East Link, and benefit from buffers such as the natural major open space corridor to the south and west, the hydro corridor, future highway corridor and employment lands to the north, and employment lands to the east. These lands have also been designated as part of the Region's Greenfield employment land supply awaiting the 407 East Link which is a key economic driver for the Region in terms of providing economic opportunities. A site-specific appeal dated March 25, 2010 to ROPA 128 was made for the additional three corners from the failure of MMAH to give notice of a decision within 180 days after the day ROPA 128 was received from the Region of Durham, in accordance with the *Planning Act*.

Given that this matter is now before the OMB (Case No. PL100386), the Minister's Decision is withheld for the proposed employment land conversions. It is MMAH's planning position that these lands remain designated 'Employment Area' and the proposed employment land conversion is not supported.

Conversely, the conversion of Employment Area lands to Living Area in north Oshawa is supported. These lands were originally so designated on the assumption that they would be aligned with the extension of the 407 East, however, the alignment as shown in the approved EA occurs north of the subject area, and therefore they are no longer as well suited for employment use. As such, the conversion is approved in the Minister's Decision.

### **Certain Isolated Employment Area expansions in Pickering and Oshawa**

The regional structure in ROPA 128 proposes certain urban boundary expansions for "Employment Area" in Pickering and Oshawa. As noted above,

---

<sup>13</sup> Growing Durham, Recommended Growth Scenario and Policy Directions – Final Report, November 18, 2008, p. 26-27 and Growing Durham, Scenario Evaluation and Recommended Preferred Growth Scenario Working Paper, June 13, 2008, p. 36.

given the adjustments to the land budget for Seaton, the refusal of the 25,000 additional jobs and removal of the vacancy factor, there is little or no justification for additional employment lands. Furthermore, while contiguous to the current urban area boundary, the resulting urban structure and pattern differs from the current regional structure as they are small expansions proposed only for employment uses and do not constitute complete communities with a mix of people, services, housing and jobs as envisioned by the Growth Plan. Further, these new Employment Areas are proposed as narrow intrusions of areas to be redesignated from Prime Agricultural Areas shown on Schedule 'A' and result in a checker board urban form rather than a planned regional structure. The Minister's Decision refuses these urban area boundary expansions and retains the Prime Agricultural Areas designation on these lands.

### **Special Study Area 2 (Clarington)**

Schedule 'A' – Map 'A5' contains a Special Study Area 2 adjacent to Newcastle; however these lands are outside the urban area boundary, are designated "Prime Agricultural Areas" and are not required as part of the Region's land supply to 2031. Section 12 of the Durham ROP provides that Special Study Areas designated on Schedule 'A' require further study, after which appropriate designations shall be adopted by amendment to the Plan. Any redesignation of the lands for urban uses would require a regional official plan amendment to include the lands within the urban area boundary.

Both the PPS and Growth Plan direct that official plans shall designate lands to accommodate land need for up to 20 years. Identifying future urban areas beyond that horizon is inconsistent with and does not conform to provincial policy. With respect to special study areas or future urban growth areas, the Growth Plan requires that municipalities will undertake *municipal comprehensive reviews* prior to implementing any settlement area boundary expansions and the results of these reviews will be implemented through an official plan amendment(s). The special study area approach is not in keeping with this policy framework. Therefore, the Decision refuses Special Study Area 2.

### **Delete Additional Employment Forecast to Conform to the Growth Plan**

The population and employment forecasts contained in Schedule 3 of the Growth Plan for the Region of Durham are to be used as the basis for planning and managing growth (Growth Plan Policies 2.2.1.1 and 2.2.6.1). The employment forecast contained in Schedule 3 of the Growth Plan allocates 350,000 jobs to the Region of Durham to the year 2031. The analysis for ROPA 128 is based on an employment forecast in excess of the Growth Plan by 25,000 jobs. The rationale for this increase is the Region's desire to achieve a target of 1 job for every 2 persons in the 2026-2031 time horizon which has been included in the Durham ROP. Presently, the Growth Plan assumes a ratio of 1 job for every 2.7 or 2.8 persons. However, the decision does not modify such references as they are targets the Region aspires to achieve and are not actual growth forecasts and the Growth Plan permits/encourages municipalities to achieve greater

density. However, it is important to note that the employment forecast must not exceed that of Schedule 3 to the Growth Plan, as the Growth Plan forecasts are to be used as the basis to justify the land need.

ROPA 128 includes a Policy 7.3.4 which includes the Region's additional 25,000 jobs employment forecast. Since Durham is required to use the employment forecast contained in Schedule 3 of the Growth Plan, the proposed Decision modifies ROPA 128 by deleting Policy 7.3.4 and all cross-references thereto. Durham Region in its response to the draft decision accepts that the employment forecast be adjusted by the removal of the additional 25,000 jobs.<sup>14</sup>

### **Minister's Decision Withheld – Non-Decisions**

#### **Non-Decision - Certain Urban Boundary Expansions**

- North Whitby
- North Oshawa
- Columbus (deferred area)
- Clarington (Courtice) Living Area
- Clarington (Bomanville) Living Area
- East Orono (Clarington) deferred area
- The proposed employment land conversion (Whitby) as it relates to the three corners in the vicinity of Conlin Road and Anderson Street subject to OMB Case No. PL100386. (See 'Employment Land Conversions' above).

There are several urban boundary expansion proposals for which a decision is being withheld. As noted above, the Columbus deferral area (Deferral 12) was not recognized as an urban expansion in the Growing Durham Study. Rather, the study treated Columbus as part of the Region's existing designated Greenfield area land supply and accordingly assigned a supply of housing units to it. As has been stated several times already, the land budget needs to be revisited and there needs to be a significant reduction in the urban area boundary expansions proposed. Decisions need to be made as to how much land is still required, if any, and if so where is the most appropriate place for growth. As per the above, Provincially, we have identified areas where new Growth is not appropriate as it is premature at this time; however, there may be an opportunity to receive municipal input as to the priority growth areas for the Region based on further analysis and a land budget that is consistent with and conforms to the PPS and Growth Plan. As such, a decision on the expansion areas proposed in north Whitby, north Oshawa, Columbus, and Clarington is withheld.

---

<sup>14</sup> Section 3.4 and Attachment 2, Mod No. 19, Durham Report No.: 2010-P-42, June 8, 2010.

### **East Orono Employment Area Expansion (deferred area)**

ROPA 128 includes an Employment Area expansion in East Orono in Clarington and removal of the 1993 Ministers deferral identified as Deferral 4 to the Durham ROP. ROPA 128 proposes to designate the lands “Employment Areas” and expand the urban boundary.

Orono is located within the Protected Countryside of the Greenbelt Area and is subject to the policies of the Greenbelt Plan. It is identified as Town/Villages in the Greenbelt Plan and subject to section 3.4, Settlement Areas policies.

MMAH understands that the East Orono expansion is proceeding under Policy 3.4.4 of the Greenbelt Plan for municipally initiated settlement area expansion proposals where a municipality had initiated the consideration of a settlement area expansion prior to the effective date of the Greenbelt Plan (December 16, 2004).

While acknowledging the principle of the expansion may proceed under Section 3.4.4, it is unclear if there has been adequate background work completed on the consideration of such expansion to satisfy this policy and it is noted that the Growing Durham Study does not provide a rationale/justification for it.

Further, as per the PPS, expansion of settlement areas is to be integrated with analysis and planning for servicing and further information is required in relation to the status and provision of sewer and water. Therefore, approval of this expansion should be deferred and Deferral 4 remains in place for the proposed Employment Area expansion and further discussion should occur.

### **Non-Decision - Population, Employment and Household Forecasts for Lakeshore Municipalities**

The population, employment and households table is derived from the Growing Durham Study. As noted above and in **Appendix B**, the Ministry has identified a number of concerns with this study. Consequently, the forecasted numbers cannot be approved until these concerns are addressed. Principal concerns include:

- the study’s refusal to allocate 35,000 jobs to the Seaton area, as contemplated in the CPDP, and
- current employment forecast for Pickering, when providing 35,000 jobs to Seaton would result in an employment growth to only approximately 720 jobs for the whole Downtown Pickering Urban Growth Centre, which would not be consistent with the Growth Plan policy requiring 200 residents and jobs combined per hectare<sup>15</sup>
- The study’s assumption that Pickering’s land supply is going to grow to include lands in North East Pickering.

The study only acknowledges 16,500 jobs for Seaton. Studies to support Seaton, suggest that of the 35,000 jobs contemplated in the Plan, 22,000 are to

---

<sup>15</sup> Section 2.2.4, Urban Growth Centres, Growth Plan, pg. 16.

be for employment land employment. To address the Seaton employment lands shortfall by taking jobs from the proposed new employment areas in Pickering, it results in the conclusion that no new employment lands in Pickering are required to 2031. Regional staff and consultants have also confirmed through their own analysis that the employment lands in North East Pickering cannot be justified if their land budget utilizes the Growth Plan and CPDP forecasts.<sup>16</sup>

In order to correct for the Pickering forecasts, all of the forecasts for all of the Lakeshore municipalities must be adjusted. Similarly, adjustments to the figures in the table are required to reflect the urban structure that is being approved, in part through this decision and a revised land budget which will inform the urban structure. In the meantime, a footnote has been added to the table to ensure that future versions of this table will properly acknowledge the population and employment expectations of the CPDP.

The forecast for the northern municipalities are in keeping with the existing patterns of growth for those areas, which are in the Greenbelt, where urban boundary expansions are not permitted unless otherwise stated through the conclusion of the 10-year Greenbelt Plan review; as such, those forecasts can be approved.

#### **Non-Decision - Intensification Table**

ROPA 128 includes growth management policies (new Policy 7.3.10) which commit the Region to the intensification and density targets of the Growth Plan. The Growth Plan requires that by the year 2015 and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper-tier municipality shall be within the built-up area (Policy 2.2.3.1). It is acknowledged that the Growing Durham Study and ROPA 128 attempt to demonstrate that the Region will achieve the Region-wide intensification target of 40% set out in the Growth Plan. In order to meet this target, 49,699 units are allocated to intensification in the built-up area between 2015 and 2031 for Durham as a whole and these units have been further allocated to the area municipalities (See Schedule E – Table ‘E9’ to ROPA 128).

The concept of allocating specific intensification targets to each municipality to ensure Growth Plan objectives are met is supported. However, given that this table is derived from figures provided in the Population, Employment and Households table, the individual figures, by association with that table referenced in the non-decision above, must also be identified as a non-decision. In the meantime, new policy through **Modification #80** has been added to the Plan to provide a strategy for achieving intensification.

---

<sup>16</sup> Memorandum from Urban Strategies and Watson and Associates dated September 3, 2009 entitled, “Implications of Province’s Direction Regarding Durham ROPA 128”.

## **Minister's Decision - Modifications**

### **Growth Management Policies**

Policy 7.3.10 (b) of ROPA 128 states that greenfield areas in the Lake Ontario Shoreline municipalities will be developed at a minimum gross density of 50 persons and jobs combined per hectare. However, the Growth Plan requires that density target be measured Region-wide and not just apply to the Region's urban Lake Ontario shoreline municipalities. Durham staff/consultants have confirmed that the greenfield density target has been measured Region-wide as the Growth Plan requires that the designated Greenfield area of each upper-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per gross hectare (Policy 2.2.7.2) and that the density target will be measured over the entire designated Greenfield area.

**Modification #22** was made to clarify that this is a Region-wide target and further to express that the Region will work with the area municipalities to define appropriate sub-targets to ensure that the minimum overall is achieved.

The housing mix based on 1997 - 2006 housing completions consists of 81.8% single family, 15.6% multiples, and 2.5% apartments.<sup>17</sup> Furthermore, the Growing Durham Study indicates that: "During the past five years (2002-2006), the Region averaged just over 5,000 housing units per year, of which approximately 81% of these units were low-density (single-detached and semi-detached). The remaining 19% of recent housing completions were comprised of 16% medium-density (town homes), and 2% high-density (apartments)."<sup>18</sup>

Given this historical trend towards predominantly low-density development, policy 7.3.10 was further modified (**Modification #22**) by adding a fourth objective which reads that the urban areas shall be planned to achieve: "orderly and sequential build-out, by ensuring that registration of new phases of Greenfield development is permitted only when at least 75% of registered Greenfield development is built." This policy was inserted as a result of the recognition that the current development practice in Durham Region has been to plan for a mix of residential densities; however the higher density development has yet to be built, before new low density development is permitted. This trend is evident in the Region's land budget analysis wherein large historical surpluses of medium and high density development are shown.

The objective to encourage, promote and facilitate more medium and high density development in the Region is supported by the May 2010, Durham

---

<sup>17</sup> Table C-1, Forecast Housing Unit Mix, Growing Durham – Recommended Growth Scenario and Policy Directions, Final Report, November 18, 2008, Appendix C.

<sup>18</sup> Growing Durham, Growth Plan Implementation Study, Phase 1 & 2, May 27, 2008, p. 40.

Region report “Durham Region Housing Review” which made the following key observations:

"As a result of declining family size and changing family composition, it is anticipated that housing needs will shift towards smaller households as families become more diverse and, on average, reflect fewer persons per household." (p. 16)

"A higher proportion of non-family households, and increases in the percentage of persons living alone in those households, will likely have implications on the demand for smaller residential units in the future." (p. 17)

"The changing composition of family and non-family household groups toward smaller average household sizes will increase the demand for a wider variety of unit types in the housing market." (p. 17)

"Given these household characteristics, immigrants generate demand for more flexibility in housing form, such as larger multi-family houses, duplexes, and apartments. Although immigrants have represented a relatively low percentage of Durham’s population since 1986, it is anticipated that as the Region’s population grows into the future, recent immigrants will have an increasingly identifiable influence on housing demand." (p. 19)

It is important to note that this report is the first in a series in developing a housing strategy for the Region which, when completed, will assist with planning policy development for the ROP.<sup>19</sup> The observations, to date, demonstrate the importance of holding off on urban boundary expansions and monitoring changes to market trends.

With respect to Regional and Local Centres and Corridors, ROPA 128 provides density targets. **Modifications #36 to 40** indicate that these targets are minimum and that they “shall”, not “should”, be implemented. This minor policy modification will assist the Region in ensuring that the desired intensification and resulting urban form is being achieved prior to permitting new urban boundary expansions.

Furthermore, a policy is being inserted in the Plan which directs that where a municipality initiates a review and update of a secondary plan, it shall consider the growth management objectives of the ROP (**Modification #79**) As well, policies are being inserted regarding the potential review of draft plans and plans of subdivision to ensure that growth management objectives are being met (**Modification #93**). These enhanced policies will ensure that growth is directed

---

<sup>19</sup> Durham Region Housing Review , Durham Region, May 2010, P. iii.

to existing urban areas and that new Greenfield communities are more compact in form to optimize the Region's land base and provide for mixed-use, transit-supportive communities and utilization of existing infrastructure prior to the consideration of any new urban area expansions.

### **Employment Areas**

Overall, the ministry is supportive of the proposed policies for employment areas, including planning for an overall employment density for Employment Areas of 27 jobs/gross ha (37 jobs/net ha).

Residential uses are not permitted in Employment Areas; however the Region is permitting other *sensitive uses* as an exception (Policy 8C.2.2). *Sensitive uses* are defined in ROPA 128 as, "uses such as residences, senior citizen homes, elementary & secondary schools, day care facilities, provincial hospitals, places of worship and other similar institutional uses, and recreational uses which are deemed by an area municipality to be sensitive."

*Sensitive uses* such as those defined by the Region should not be located within Employment Areas and should be directed to Durham's Living Areas which are intended to provide community infrastructure, services and amenities for Durham's communities and where its residents reside.

Through further discussion with Regional staff, it was agreed that whereas certain sensitive uses, such as residential, senior citizen homes, elementary and secondary schools, and places of worship shall not be permitted, some flexibility could be made to permit uses such as provincial hospitals and recreational uses within these employment areas, subject to criteria. This resolution is reflected in **Modification #52**.

It is also noted that the list of permitted uses in Employment Areas focuses on uses that require separation from sensitive uses and access to high order transportation facilities. The list of permitted uses also includes 'offices' and 'business parks'. **Modification #51** qualifies that offices and business parks are encouraged to locate along Regional Corridors. This modification, addresses those situations where employment areas and such corridors overlap. By providing this policy direction, those employment uses that are high in jobs are directed to areas that are serviced by transit. Furthermore, **Modifications #57 and 58** were made wherein they re-instate policies of the ROP that were proposed to be deleted. These policies provide greater direction regarding business parks and ensure that Employment Areas do not detract from the 'major office' share of employment growth intended for the downtown Oshawa and downtown Pickering Urban Growth Centres and the Region's hierarchy of centres and corridors, in accordance with the Growth Plan policies and the Region's urban structure.

### **Future Growth Areas (Schedule 'F') Beyond 2031**

The PPS and Growth Plan direct that land should be made available through intensification and redevelopment, and if necessary, designated growth areas, to accommodate range and mix of employment, housing and other land uses to meet projected needs for a time horizon of up to 20 years. The Growing Durham Study goes beyond the 2031 planning horizon established by the Growth Plan, to identify future land needs to the 2056 time horizon. ROPA 128 includes a Policy 13.2.4 and Schedule 'F' – Specific Policy Area D, Potential Future Growth Areas to reflect the Region's long-range potential urban structure to 2056. The proposed schedule and policy are deleted from ROPA 128.

The primary rationale cited in the Growing Durham Study for this approach is to plan for long-term growth, and particularly long-term infrastructure planning and investment (i.e. protection of employment lands along the proposed Highway 407 and proposed 407/401 links). While recognizing the Region's long-range planning efforts and desire to protect employment areas for longer-term uses, the Region and Province have agreed that, in place of Schedule 'F' and its associated policies, a policy can be included that identifies the Region's intent to protect strategic lands for future Employment Areas, in strategic locations with access to transportation facilities.

Recognizing the importance of identifying certain strategic lands for employment uses, once they become part of the urban area, a new policy is being inserted which reads as follows (see **Modification #86**):

“The Region recognizes the long-term economic importance of designated Employment Areas and associated highway infrastructure for employment uses. Subject to Policy 7.3.11 and a *comprehensive review* of this Plan, lands in the vicinity of associated highway infrastructure should be designated for employment purposes that rely on this infrastructure once they are deemed to be within the Urban Area.”

This policy is consistent with the Growth Plan Policy 2.2.6 while still ensuring that lands are not designated beyond the 20 year planning horizon in accordance with both the PPS and Growth Plan.

### **Central Pickering Development Plan (“Seaton”)**

The Central Pickering Development Plan (“CPDP”) is a geographic-specific provincial plan prepared under the provisions of the *Ontario Planning and Development Act, 1994* and was released on May 3, 2006. The CPDP establishes a comprehensive new vision for Central Pickering: that of a sustainable urban community in Seaton integrated with a thriving agricultural community in the Duffins Rouge Agricultural Preserve and an extensive Natural Heritage System. The CPDP is a complementary element of the Province's Growth Plan and therefore forms a key consideration for ROPA 128 and Durham's growth management exercise within the Growth Plan horizon to 2031.

The CPDP articulates that the majority of the detailed land use planning for the Seaton community is to be addressed through the neighbourhood plans at the city level. However, there are certain growth management objectives and policies to be realized that will frame the community, which are appropriate to incorporate in the Durham ROP:

- plan for a community that will accommodate 70,000 residents and 35,000 jobs;
- establish and recognize the natural heritage system and provide policies for its management and protection;
- recognize and protect the employment lands in Seaton;
- amend the urban area boundary around Green River to reflect the urban area boundary of the Seaton community.

As such, a new section was introduced in the Durham ROP that is dedicated to the implementation of the CPDP (see **Modification #91**). The policies provided address matters such as:

- defining the permitted uses in the provincially held natural heritage system;
- cross referencing certain Regional policies that are important for the development of Seaton;
- recognizing the on-going work being undertaken by the City of Pickering in undertaking neighbourhood plans and the Province (ORC) undertaking an implementation plan, and;
- providing direction regarding key transportation facilities.

Other changes that were made relate to the mapping, wherein the Seaton Boundary is appropriately recognized and the area is identified as “Specific Policy Area.”

### **Duffins Rouge Agricultural Preserve**

The Duffins Rouge Agricultural Preserve is to be retained for long-term agricultural uses. The Duffins Rouge Agricultural Preserve is part of the Prime Agricultural area of Durham, Part B, Items 246 and 249 provide direction with respect to the Preserve.

### **Greenbelt Plan**

Durham Region undertook its Greenbelt conformity amendment through ROPA 114; those provisions of the amendment are currently in effect. ROPA 114, however, did not include relevant policies regarding infrastructure. As such, the modification in Part B, item 235 is now being inserted in the ROPA.

### **Lake Simcoe Protection Plan**

The Lake Simcoe Protection Plan (“LSPP”) was released June 2, 2009 and established under the authority of the *Lake Simcoe Protection Act, 2008*. The LSPP generally applies to the *Lake Simcoe watershed* which is defined in the Act

as Lake Simcoe and the parts of Ontario, the water of which drains into Lake Simcoe. A portion of Durham Region lies within the Lake Simcoe watershed (Uxbridge, Scugog, and Brock Township).

The effective date of the LSPP is June 2, 2009 and according to the transition rules, the LSPP applies to ROPA 128 as it was adopted on June 3, 2009. The Region has committed to undertaking a future, more fulsome, conformity amendment with respect to this Plan. In the interim, the policy provided in Part B, item 230, is being inserted in the Plan as a place holder policy. This policy acknowledges the LSPP and the future conformity amendment.

### **Minor and Technical Modifications**

The proposed Decision includes a number of minor and/or technical modifications to ensure consistency with the PPS, conformity with the Growth Plan and CPDP and/or to clarify implementation matters and to implement recent provincial legislation such as the *Green Energy and Green Economy Act, 2009*.

### **Durham Requested Modifications to ROPA 128**

In addition to the ministry's proposed modifications, the Region has requested a number of minor revisions to text and two (2) transportation schedules for the purposes of:

- clarifying the intent of the policy;
- correcting typographical or reference errors; and
- minor revisions to accurately reflect connections with the technically preferred route alignment of the Highway 407 right-of-way.

These requested changes have been reviewed and are part of the Final Decision.

### **ENVIRONMENTAL BILL OF RIGHTS REVIEW:**

Date of Notice Proposal: July 20, 2009 (EBR Registry Number: 010-7296)

Date of expiration of Notice of Proposal on EBR: August 19, 2009

No Comments were received.

**CONCLUSION**

ROPA 128, subject to the modifications, properly reflects and is consistent with the PPS, conforms with the Growth Plan and CPDP and should be approved in part. Specific urban area boundary expansions should be deleted/refused and others deferred at this time, and a decision regarding certain tables should be deferred pending receipt of new information.

Prepared by:

Recommended by:

*Original signed by*

*Original signed by*

\_\_\_\_\_  
Louis Bitonti, MCIP, RPP  
Senior Planner

\_\_\_\_\_  
Sybelle von Kursell, MCIP, RPP  
Team Lead, Senior Planner

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by:

*Original signed by*

\_\_\_\_\_  
Mark Christie  
Manager, Community Planning and Development

Date: \_\_\_\_\_

## **Appendix A**

### **Chronology of Provincial Comments:**

- Comments dated April 12, 2006 on the Recommended Directions Report re: Population, Employment and Urban Land Components
- Comments dated August 29, 2006 regarding the “Future Growth Areas (Schedule F)”
- Comments dated March 3, 2008 on the Draft Phase 1 & 2: Summary of Initial Understanding and Analysis Report (dated December 21, 2007 and released January 8, 2008)
- Comments dated August 29, 2008 on the Final Phase 1 & 2: Summary of Understanding and Initial Growth Assessment Report (dated May 27, 2008) and (Final) Scenario Evaluation and Recommended Preferred Growth Scenario Working Paper (dated June 13, 2008 – as revised on June 3, 2008 by Planning Committee)
- Comments dated November 24, 2008 on the Draft Recommended Growth Scenario and Policy Directions Report (dated September 23, 2008)
- Comments dated May 25, 2009 on the proposed ROPA which was released on February 24, 2009
- ROPA 128 was adopted by Regional Council on June 3, 2009 and submitted to the Ministry for review and approval by letter dated on June 15, 2009
- On March 12, 2010, a draft Decision with proposed modifications to ROPA 128 was released for Regional Council’s consideration.

## Appendix B

### **Provincial Concerns with Growing Durham Study**

The following are key issues relating to ROPA 128 which were raised in the Draft Decision dated March 12, 2010 and in prior provincial correspondence. The Region's response is also noted.

- Employment Forecast and Employment Land Needs - Durham utilizes a 2031 employment forecast of 375,000 jobs which is 25,000 jobs greater than the forecast in Schedule 3 of the Growth Plan. ***The Region has agreed with the removal of the additional 25,000 jobs and related employment land supply.***<sup>20</sup>
- Additional Employment Lands Included Without Justification – ROPA 128 proposes an urban expansion for additional employment area in Courtice (Clarington) which was never contemplated in the Growing Durham study land budget analysis. ***The Region has agreed with the removal of the Courtice Employment Area expansion.***<sup>21</sup>
- Central Pickering Development Plan - The Region has allocated 16,500 jobs to Seaton whereas the Central Pickering Development Plan is planned to accommodate 35,000 jobs. By not acknowledging the planned employment supply, the Region is prematurely adding new employment lands. It also undermines or slows the development of the Seaton community and development of the Provincial employment lands. ***The Region does not agree with CPDP's planned employment forecasts for Seaton's employment area and maintains that 16,500 jobs for Seaton is appropriate.***<sup>22</sup>
- Use of a Vacancy Factor for Employment Lands – The Region uses a factor of 7.5% of total employment land supply to account for long-term vacancy. The Provincial Projection Methodology Guideline does not support the use of vacancy factors when dealing with long-term planning horizons. ***The Region maintains the employment land vacancy factor.***<sup>23</sup>
- Certain existing designated and approved residential lands have been excluded from the land supply analysis – The Region's analysis has excluded some existing designated and approved lands within all of the Lakeshore municipalities from the available land supply within the 2031 timeframe. Of particular note is Oshawa and Clarington, wherein Oshawa's planned supply of medium and high-density units, within the built-up area and low-density

---

<sup>20</sup> Durham Report No.: 2010-P-42, June 8, 2010, Section 3.4, p. 5 and Section 3.29, p. 13.

<sup>21</sup> Durham Report No.: 2010-P-42, June 8, 2010, Section 3.5, p. 5.- 6.

<sup>22</sup> Durham Report No.: 2010-P-42, June 8, 2010, Section 3.31, p. 14,

<sup>23</sup> Growing Durham, Phase 1&2: Summary of Understanding and Initial Growth Assessment, May 27, 2008, Section 4.4.2, p. 64.

units in the Greenfield areas, are discounted and lands designated low density, in the built-up area of Clarington, are similarly discounted.<sup>24</sup> All lands currently designated for development need to be included within the land supply budget prior to considering additional urban expansions. As a result, the new Living Area required to 2031 is overestimated. ***The Region has only agreed to recognize the surplus Greenfield Living Area in Oshawa and is recommending that this existing supply be addressed in Oshawa by maintaining the northern portion of Columbus as deferred. The resolution of the Clarington existing supply remains outstanding.***<sup>25</sup>

- Infrastructure and Fiscal Analysis – The Region has not undertaken a detailed analysis of financial implications of the various growth scenarios with respect to the provision of infrastructure. This analysis was originally not part of the Growing Durham Study; however the scope of the study was expanded to undertake an analysis of the infrastructure and fiscal impact analysis of the preferred growth scenario. ***The Region has initiated this study but it has not been completed.***<sup>26</sup>
- Future Growth Areas (New Living and Employment Areas to 2056) – Durham is proposing to identify new Living Area and Employment Area lands beyond the 2031 timeframe established by the Growth Plan to identify future land needs to the 2056 time horizon. While MMAH/MEI are supportive of the Region's long-range planning efforts and committed to working with the Region to protect employment areas for longer-term use, the designation of lands for a time horizon exceeding 20 years is not supported. ***The Region has agreed to the removal of the Future Growth Areas (Schedule F) and accepts a proposed provincial policy that identifies the Region's intent to protect strategic lands for future Employment Areas in strategic locations with access to transportation facilities.***<sup>27</sup>
- Overestimation of the Region's Land Needs and Unsatisfactory Methodology
- Both MMAH and MEI have been consistent in their comments to the Region that the land budget overestimates the amount of land needed to accommodate the Growth Plan forecast and that it is based on assumptions inconsistent with the Growth Plan's policies.
- The scale of the proposed Urban Area expansions, and resulting urban form and densities will undermine the Growth Plan's policy objective of creating

---

<sup>24</sup> Section 4.3, Table 9, Recommended Growth Scenario and Policy Directions, Final Report – November 18, 2008, Region's Discussion Paper responding to Province's May 25, 2009 letter from July 15, 2009 meeting and Memorandum from Urban Strategies and Watson and Associates dated September 3, 2009 entitled, "Implications of Province's Direction Regarding Durham ROPA 128".

<sup>25</sup> Durham Report No.: 2010-P-42, June 8, 2010, Section 3.32, p. 14.

<sup>26</sup> Durham Report No. 2008-J-18, June 10, 2008

<sup>27</sup> Durham Report No.: 2010-P-42, June 8, 2010, Section 3.7, p. 6.

complete, compact communities and optimizing the existing land supply to make efficient use of existing land and infrastructure and ensuring that orderly and sequential growth occurs.

- The Growing Durham Study and resulting land budget methodology is unclear and difficult to follow as the empirical analysis changes from one report to another and the numbers are inconsistent. The Final Report dated November 18, 2008 does not provide a clear land budget methodology as to how the Region addresses the Growth Plan forecasts, intensification and density targets and still concludes a need for additional land, when there is a significant existing supply of designated and available Greenfield area within the current Urban Area boundary.
- The Growing Durham Study, recommended growth scenario and resulting ROPA 128 was premised on compact and structured growth within the existing Regional Urban Area boundary but contrary to this underlying principle the recommended growth scenario identifies a need for **2,868 hectares** of future urban land by 2031.<sup>28</sup>

### Current Situation

- **Durham currently has approximately 6,760 hectares of approved, vacant and designated Greenfield area land, not including the Seaton urban area to accommodate the Growth Plan forecasts to 2031.**<sup>29</sup>
- In 2006 prior to the release of the Growth Plan, Durham's own planning staff reviewed the effects of the proposed Growth Plan on its population, employment and urban land needs. The Region evaluated its Living Areas using an intensification rate of 20% and based on this, a shortage of 2,890 hectares of Living Area land was expected by 2031. The report concluded that: "If a 40% intensification rate is used, as proposed in the Growth Plan, the Region as a whole will not require additional Living Area land until 2031."<sup>30</sup>
- This conclusion is consistent with reading of the present consolidation of the Durham ROP wherein the population and growth forecasts to 2021 exceed that which is contemplated in ROPA 128. The employment forecast to 2021 was 459,000 jobs whereas the current forecast is 350,000. As such, it is difficult to understand why expansions would be required now when current supply appeared to be sufficient to accommodate a much higher employment growth.

---

<sup>28</sup> Growing Durham Final Report – November 18, 2008, pg. 50

<sup>29</sup> Attachment 1 to the Memorandum from Durham Regional Planning staff responding to the May 25, 2009 letter from Provincial staff.

<sup>30</sup> Recommended Directions Report for Population, Employment and Urban Land, Durham Planning Department, January 2006, pg. 11.

- A concern consistently raised by the Province is the Growing Durham Study land need calculation for future Living Areas (proposed new designated Greenfield Areas) was based on an assumed unit mix of 70% low-density, 20% medium-density and 10% high-density units per hectare. It has always been a concern that the proposed mix of single detached housing (70%) in the future Living Areas appears high to achieve a compact, transit-supportive form even though the Region says that the overall housing unit mix across the Region to the year 2031 was adjusted to 50% low-density units, 25% medium density and 25% high density units.<sup>31</sup>
- The Base Case Scenario used at the outset of the Growing Durham Study and carried forward throughout the study was based on a traditional “market-influenced” growth forecasting and analysis. As a result, MMAH has consistently raised concerns as to how this scenario would contribute to accommodating projected growth based on the growth forecasts, intensification and density targets and policies of the Growth Plan and outcome of land needs when it is based on a market-driven land use planning approach.<sup>32</sup>
- The Growing Durham Study has tried to address the challenge of shifting Durham Region from a predominantly low-density housing market (currently approximately 80%) of the housing market to a more compact and balanced form to meet the density targets and vision of the Growth Plan. Due to historical development patterns and a lack of regional policies, there is a surplus supply of existing medium and high-density units across the Region. The Region has tried to “best-fit” the mix by allocating more low-density units to existing Greenfield areas and new growth areas to satisfy local market demands which inevitably increase the allocation of housing units. The approach the Region is taking is to facilitate a gradual shift in the variation of housing units is incremental. Greater effort is required by the Region to expedite the shift in the variation of housing types and to address its historical supply of medium and high density units which have not been realized.
- Further to above description of the Region’s approach, the Growing Durham land needs analysis indicates housing demand for approximately 161,000 units. They are broken down as follows:

---

<sup>31</sup> Growing Durham Final Report – November 18, 2008, pg. 28

<sup>32</sup> Growing Durham Study, Phase 1 and 2 Reports: Summary of Initial Understanding and Initial Analysis, December 21, 2007.

59,124	Built-Up Area (Intensification)
<u>100,850</u>	Greenfield
159,974	Urban Units <sup>33</sup>
2,000	Rural Units
161,974 Total Units Allocated (Demand)	

**The Province in its May 25, 2009 letter advised the Region that preliminary analysis by MMAH/MEI indicates that there are sufficient designated and approved opportunities available to accommodate most of the forecasted growth within the built-up and existing designated greenfield areas.<sup>34</sup>**

**The Region's analysis of available land supply confirms the potential to accommodate 159,156 units in the currently designated Urban Areas of the Region.** However, the Region advises the supply of new development provides an overall unit mix of 38% (60,730) low-density units, 28% (44,526 medium-density units) and 34% (53,900) high-density units. The Region's view is that this would result in an unreasonable shift in housing form over 20 years. It also differs from Durham's proposed new housing mix from 2006 to 2031 of 50% (79,888) low-density units, 25% (40,494) medium density units and 25% (40,494) high density units. However, the Region is not taking into consideration the current supply of low density in existence which had been approved and built with the expectation that corresponding planned medium and high density development would also be built. Although the ratio of new low, medium and high density development would appear to show a dramatic shift in development, in relation to existing built units, the ratio for existing development to 2031 would continue to show predominance of single detached housing, with an upswing in medium and high density to catch-up with density from 20 years ago.

Finally, as noted above, there is still a significant existing supply of planned but yet undeveloped low density units (60,730) in the built-up areas and designated Greenfield areas available, so there is no medium to long-term shortfall of this type of housing form.<sup>35</sup>

---

<sup>33</sup> Region's Discussion Paper responding to Province's May 25, 2009 letter from July 15, 2009 meeting.

<sup>34</sup> Province letter dated May 25, 2009 and Growing Durham Study, Phase 1 and 2 Reports: Summary of Initial Understanding and Initial Analysis, Final, May 27, 2008.

<sup>35</sup> Region's Discussion Paper responding to Province's May 25, 2009 letter from July 15, 2009 meeting.