



The Regional Municipality of Durham
To: The Planning Committee
From: Commissioner of Planning
Report No.: 2009-P-42
Date: May 19, 2009

SUBJECT:

Growth Plan Implementation “Growing Durham” Study – Adoption of Amendment No. 128 to the Durham Regional Official Plan, File: D12-05

RECOMMENDATIONS:

- a) THAT the amendment to the Durham Regional Official Plan, to incorporate the policy directions of the Growing Durham Study and other related matters, be adopted as Amendment No. 128 as shown in Attachment 1 to Commissioner’s Report No. 2009-P-42;
- b) THAT the necessary by-law be passed and the adopted Amendment be forwarded to the Ministry of Municipal Affairs and Housing for approval;
- c) THAT the “Notice of Adoption” be sent to the Minister of Municipal Affairs and Housing, the area municipalities, all persons or public bodies who made submissions or requested notice on this matter and any other person or public body as prescribed by the Planning Act; and
- d) THAT the Province be requested to consider the following to assist municipalities with the challenge of implementing the Provincial Growth Plan:
 - i) The Province must provide fiscal incentives to shift market/consumer preferences to more compact denser forms of housing. Planning tools such as community improvement incentives that put a significant burden on municipalities is not sufficient;
 - ii) The Province must thoroughly examine the regulatory barriers that may be inherent in the building code, the Planning Act - which allows the practice of single use zoning, and the role of the Ontario Municipal Board in considering NIMBY responses to desired forms of development;

- iii) Other barriers that may be inherent in/to the development industry, such as the financing policies of lending institutions, and any other players that may be a factor in delivering the form of development, must also be examined;
 - iv) The Province should also consider means of assisting the area municipalities in preparing the detailed local plans through financial incentives and regulatory relief that for example will limit appeals;
 - v) For success, the Province must ensure that sufficient funding is available to municipalities for the infrastructure needed to sustain the nature of growth contemplated. The Province must also provide an effective suite of tools including improved cost recovery under the Development Charges Act and a streamlined environmental assessment process; and
 - vi) The Province must commit to ensuring that Durham gets its share of jobs and economic opportunities by assisting the Region in its marketing efforts and by supportive initiatives that will assist in making Employment Lands shovel ready; and
- e) THAT a copy of Commissioner's Report No. 2009-P-42 be forwarded to the Minister of Municipal Affairs and Housing, Minister of Energy and Infrastructure and the Durham area municipalities.
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REPORT:

1. PURPOSE

- 1.1 The purpose of this report is to seek Council's adoption of an amendment to the Durham Regional Official Plan (ROP) to incorporate the policy directions of the Growing Durham Study and other related matters (refer to Attachment 1 – under separate cover).
- 1.2 The Recommended Amendment implements "Directions" of the Growing Durham Study endorsed by Planning Committee on November 25, 2008, and

responds to input received on the Proposed Amendment, released on February 24, 2009.

- 1.3 For convenience, the Recommended Amendment has been consolidated into the text of the ROP (refer to Attachment 2 – under separate cover). The consolidation illustrates the additions and deletions that are recommended.

2. CONSULTATION

- 2.1 On February 24, 2009, the Proposed Amendment to the Durham Regional Official Plan, incorporating the Policy Directions of the Growing Durham Study and other related matters, was released and the public consultation period, extending to March 31, 2009, was initiated. The consultation process was a key component of the Growing Durham Amendment. The insightful feedback received from municipalities, agencies and the public, was very helpful in the formulation of the Recommended Amendment.
- 2.2 Seven Public Information Open House Sessions were held across the Region from March 3 to 23, 2009. Attendees were given the opportunity to review the Growing Durham Study background materials, the Proposed Amendment and other supporting information, and ask questions of Regional staff. Approximately 140 people participated in the Public Information Open House Sessions.
- 2.3 A statutory public meeting (Planning Act) for the Proposed Amendment was held on March 24, 2009 (15 delegations heard).

3. SUBMISSIONS ON THE PROPOSED AMENDMENT

- 3.1 Over 100 submissions, each presenting multiple comments, were received from the area municipalities, other agencies and the public. A summary of the comments received, along with staff responses, are included in Attachment 3. The complete submissions are available on the Region's website at www.durham.ca/growthplan or upon request from the Planning Department. It should be noted that as of the preparation of this report, no comments have been received from the Province.

- 3.2 Overall, the submissions were generally supportive of the policy component of the Proposed Amendment. The majority of the revisions that have been incorporated into the Recommended Amendment are minor in nature and generally serve to strengthen or clarify the policy. The main policy direction/intent of the Proposed Amendment is maintained.
- 3.3 There were a few concerns expressed with the inclusion of the northeast Pickering lands in the 2031 urban area. Submissions questioned the need for: expanding into the area; watershed plans and an agricultural assessment as a prerequisite to designating land for development; and a fiscal analysis to inform selection of a growth scenario. Specific technical responses are provided in Attachment 3 (under separate cover).
- 3.4 As noted in 1.2, the Recommended Amendment implements the Directions of the Growing Durham Study endorsed by Planning Committee on November 25, 2008. This was the culmination of a process that involved the consideration of alternative Growth Scenarios authorized by Council on April 16, 2008, two identifying growth for northeast Pickering. Planning Committee, in open sessions, subsequently considered an evaluation of the scenarios; authorized consultation on the scenarios; held a public meeting on the scenarios and finally endorsed the preferred scenario, referred to as “the Balanced Growth Approach”, recommended by the consultant on November 25, 2008. Based on the forecasts presented by the consultant, there is a need for 2,868 ha of new urban land to accommodate growth in Durham to 2031. The selected scenario directs 1,234 ha of that growth to Pickering. Northeast Pickering is considered to be a logical, sequential extension of growth, as it is the next available location in the City, after Central Pickering.
- 3.5 With respect to the requirement for a watershed plan, the Recommended Amendment requires that, among other matters, a complete and up to date watershed plan be considered in the preparation of secondary plans by the area municipalities. Secondary plans are a prerequisite to development of parcels of land 20 ha or larger. This approach is unprecedented in the Region and will ensure that any lands sensitive to development are identified and protected as the area is urbanized.

- 3.6 An agricultural assessment was not part of the scope of the Growing Durham Study. However, substantial work was undertaken through the Rural/Agricultural component of the ROP Review and Amendment 114 that confirmed that the majority of the non-urban lands in the Region, outside of the Oak Ridges Moraine are Prime Agricultural Areas as defined by the Provincial Policy Statement (i.e. Class 1-3 soils in areas predominated by agriculture). As such, further prioritizing localized areas for their agricultural importance would serve little purpose when candidate areas for potential urban expansion were being considered. The loss of any agricultural lands, while not desired, is necessary to accommodate the future growth in population and jobs in the Region. Balanced growth, intensification and orderly and sequential expansion were determining factors for the areas of potential urban expansion.
- 3.7 With respect to the fiscal impact study, this aspect was originally removed from the scope of the Growing Durham Study when it was authorized by Council in May 2007. However, on October 8, 2008 Council authorized the assessment of the infrastructure and fiscal Implications of the preferred growth scenario. The work is underway and is expected to be complete in 2010.

4. RECOMMENDED AMENDMENT TO THE ROP

- 4.1 The Recommended Amendment to the ROP (Attachment 1), as annotated in the applicable ROP text (Attachment 2), implements the recommended policy directions from the Growing Durham Study. The amendment also addresses a number of “housekeeping” changes identified during the policy formulation exercise. Further additions/revisions were completed in response to submissions received through the consultation on the Proposed Amendment.
- 4.2 Key revisions to the Proposed Amendment include the following:
- Incorporating food security policies;
 - Incorporating minor changes to the population, household and employment forecasts as a result of updated information received from the Growing Durham Study consultant;

- Clarifying that the growth management objectives are to be achieved on a Region-wide basis;
- Requiring phasing strategies through secondary plans where area municipal official plans propose to designate land up to the time frame of the Regional Official Plan;
- Requiring a secondary plan for the development of greenfield Living Areas greater than approximately 20 ha;
- Revising the requirements of secondary plans to include the implementation of a complete and up-to-date watershed plan; an assessment of how the growth will affect the natural, cultural and built environments; and an assessment of transportation needs;
- Revising the policies related to the form and function of Urban Growth Centres, Regional Centres and Local Centres to allow more flexibility for implementation at the local level;
- Recognizing density, housing form and floor space index targets for Urban Growth Centres, Regional Centres, Waterfront Places, and Regional and Local Corridors as overall, long-term density targets;
- Clarifying that Regional Corridors are an overlay of the underlying designation (e.g. Living Areas or Employment Areas);
- Adding a policy that area municipal official plans will 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;
- Modifying the approach for directing how area municipal official plans must address development in new greenfield Living Areas, by allowing greater flexibility to address the growth management objectives of the ROP;
- Allowing retail commercial uses on Taunton Road, opposite the airport in the City of Oshawa;
- Removing specific policies related to business park as they are a permitted Employment Area use;
- Adding a policy that area municipal official plans will include policies for the phasing of development on large parcels of land within Employment Areas to ensure the implementation of the growth management targets of the ROP;

- Clarifying the policies related to development in the vicinity of Transportation Hubs and Commuter Stations to provide greater flexibility for implementation in area municipal official plans;
- Adding a Regional Centre in northeast Pickering;
- Exchanging Living Areas along the 401-407 Link north of Dundas Street with Employment Areas in the vicinity of Conlin Road and Anderson Street in Whitby;
- Adding Regional Corridor designations along:
 - Brock Street from the downtown Whitby (Brock/Dundas) Regional Centre to Victoria Street in Whitby;
 - Courtice Road from Hwy 2 to Hwy 401 in Clarington; and
 - Kingston Road through the Major Open Space designation in Ajax; and
- Adding future interchange symbols for Cochrane Street in Whitby and Townline Road in Oshawa along Highway 407.

5. CHALLENGES TO IMPLEMENTATION

- 5.1 The Growing Durham Study indicated that there will be challenges to implementing the Growth Plan in the Region. The growth scenario implemented by the Recommended Amendment, calls for considerable intensification in the existing built up area and a shifting of the market from predominantly low density housing, to more intensive forms. This is a significant shift from past growth patterns and will be a challenge to achieve. With the approval of the Growing Durham Amendment, the onus will be on Durham's area municipalities for implementation. Detailed Plans for Centres, Corridors, Waterfront Nodes and transit stations will have to be prepared to guide local council decisions. Of course, the Region as the approval Authority for these plans will work with the area municipalities to assist in their conformity endeavours. Municipalities should not be required to face this challenge alone.

- 5.2 **The Province must provide fiscal incentives to shift market/consumer preferences to more compact denser forms of housing. Planning tools such as community improvement incentives that put a significant burden on municipalities is not sufficient.**
- 5.3 **The Province must thoroughly examine the regulatory barriers that may be inherent in the building code, the Planning Act - which allows the practice of single use zoning, and the role of the Ontario Municipal Board in considering NIMBY responses to desired forms of development.**
- 5.4 **Other barriers that may be inherent in/to the development industry, such as the financing policies of lending institutions, and any other players that may be a factor in delivering the form of development, must also be examined.**
- 5.5 **The Province should also consider means of assisting the area municipalities in preparing the detailed local plans through financial incentives and regulatory relief that for example will limit appeals.**
- 5.6 The Region will also be challenged to ensure that the necessary infrastructure is in place. As previously noted, an assessment of the infrastructure and fiscal implications of the growth scenario was authorized by Council and is currently underway. Delivering water, sewer, transportation, including transit and other Regional services to support growth as envisioned in the Growing Durham amendment, will be essential.
- 5.7 **For success, the Province must ensure that sufficient funding is available to municipalities for the infrastructure needed to sustain the nature of growth contemplated. The Province must also provide an effective suite of tools including improved cost recovery under the Development Charges Act and a streamlined environmental assessment process.**

5.8 Another key to Durham's long term success is achieving the ratio of one job for every 2 residents. The Growing Durham Study contemplates increased employment densities. A more diverse employment base is needed. Key economic initiatives such as UOIT/Durham College, Clarington Energy Park, Darlington Nuclear and the highway 407 extension are key to evolving Durham's economy. Durham is doing and will continue to do its share.

5.9 **The Province must commit to ensuring that Durham gets its share of jobs and economic opportunities by assisting the Region in its marketing efforts and by supportive initiatives that will assist in making Employment Lands shovel ready.**

6. **ADDITIONAL CONSULTATION/NOTICE OF MEETING**

6.1 An additional Public Open House is scheduled for May 11, 2009 to allow the public the opportunity to obtain information on the Recommended Amendment as revised and to ask questions of Regional staff. This meeting will be held at Regional Headquarters from 7:00 p.m. – 9:00 p.m. in Room LL-C.

6.2 The public can also address Planning Committee regarding the Recommended Amendment on May 19, 2009.

6.3 Written notification of the meeting time and location of Planning Committee and Council were sent to all who made oral or written submissions or requested notification, in accordance with Regional Council procedure.

6.4 The recommendation of the Planning Committee is scheduled to be considered by Council on June 3, 2009. If Council adopts the amendment, it will be forwarded to the Minister of Municipal Affairs and Housing for approval.

7. **CONCLUSION**

7.1 The Recommended Amendment is the result of a comprehensive process with extensive public and agency consultation. The comments received on

the Proposed Amendment have been helpful in refining the Recommended Amendment. It is recommended that:

- Amendment No. 128 be adopted and the necessary by-law be passed;
- The necessary by-law be passed and the adopted amendment be forwarded to the Ministry of Municipal Affairs and Housing for approval; and
- The “Notice of Adoption” be sent to the Minister of Municipal Affairs and Housing, the area municipalities, all persons or public bodies who made submissions or requested notice on this matter and any other person or public body as prescribed by the Planning Act.

7.2 It is further recommended that the Province be requested to assist municipalities with the challenges of implementing the Provincial Growth Plan, as indicated in Section 5 of this report.



A.L. Georgieff, M.C.I.P., R.P.P.
Commissioner of Planning

RECOMMENDED FOR PRESENTATION TO COMMITTEE

Garry H. Cubitt, M.S.W.
Chief Administrative Officer

- Attachments:
1. Regional Official Plan Amendment No. 128
(previously distributed under separate cover)
 2. Annotated Consolidation of Regional Official Plan Amendment No. 128 **(previously distributed under separate cover)**
 3. Comment and Responses Summary
(previously distributed under separate cover)