



The Regional Municipality of Durham
To: The Planning Committee
From: Commissioner of Planning
Report No.: 2010-P-43
Date: June 8, 2010

This is an Addendum Report to Commissioner's Report No. 2010-P-42

SUBJECT:

Regional Official Plan Amendment No. 128 – Province's Draft Decision, File: D12-05

RECOMMENDATIONS:

- a) THAT Commissioner's Report No. 2010-P-43 be submitted to the Ministry of Municipal Affairs and Housing as supplemental to Commissioner's Report No. 2010-P-42, forming part of the Region's formal response on the draft decision to Regional Official Plan Amendment No. 128, issued on March 12, 2010;
 - b) THAT a copy of Commissioner's Report No. 2010-P-43 be forwarded to the Durham area municipalities.
-

REPORT:

- 1.1 The purpose of this report is to recommend certain revisions to the recommended Regional responses to the Ministry of Municipal Affairs and Housing's (MMAH) draft decision on Regional Official Plan Amendment No. 128 (ROPA 128), as a result of further information that was received from the Province after the writing of early release Report No. 2010-P-42.
- 1.2 The Province has indicated agreement with the recommended Regional position on nine additional proposed modifications and are prepared to accept six others, subject to minor revisions to wording. Accordingly, it is recommended that the responses to modifications outlined in Attachment 1 to this report, replace the correlating responses included in Attachment 2 to Commissioner's Report No. 2010-P-42.

- 1.3 In addition, after further discussion with area municipal staff, it is recommended that the response to proposed modification 42, Policy 8C.2.1 be revised to request the Province to withdraw the component of the modification that would delete “service industries” as a permitted use in Employment Areas (refer to Attachment 1, Modification No. 42). Service industries include such uses as plumber shops, machine shops, electrician shops and courier depots and are appropriate uses to locate Employment Areas without the same restrictions that are placed on personal service uses through Policy 8C.2.11.
- 1.4 It is also recommended that an additional modification be added to clarify that the intent of Policy 8C.2.17 f) is not to require area municipal official plans include landscape standards, rather that local plans provide for landscaping standards to be prepared for Employment Areas (refer to Attachment 1, “Add Mod”).
- 1.5 As a result of the additional information received from the Province in conjunction with the revisions to the Region’s responses to the draft decision recommended herein, a minimum of 97 (86%) of the proposed modifications are expected to be dealt with in a manner that is acceptable to the Region.

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

Attachment: 1. Supplemental Summary of MMAH Draft Proposed Modifications to ROPA 128, Including Responses

**SUPPLEMENTAL SUMMARY OF
MMAH DRAFT PROPOSED MODIFICATIONS
TO ROPA 128, INCLUDING RESPONSES**

Mod. No.	Policy No.	Proposed Modification	Response
24 f)	7.3.12	<p>k) for Urban Areas located within the Protected Countryside of the Greenbelt Plan Area, the environmental assessment in support of expanded sewage and water services must be completed or approved prior to amending the Urban Area boundary, and the boundary expansion must not extend into the Greenbelt Natural Heritage System;</p> <p>for Urban Areas located within the Protected Countryside of the Greenbelt Plan Area, at the 10-year Greenbelt Plan review period, modest Urban Area expansions may be possible, provided the boundary expansion:</p> <ul style="list-style-type: none"> i) is on full municipal water and sewerage services and the environmental assessment in support of expanded sewage and water services must be completed or approved prior to amending the Urban Area boundary; ii) would not exceed the assimilative and water production capacities of the local environment as determined on a watershed or subwatershed basis; iii) complies with any applicable watershed plan; iv) does not extend into the Greenbelt Natural Heritage System; v) appropriately implements the requirements of any other provincial and municipal policies, plans, strategies or regulations, including requirements for assessment of 	<p>Refer to similar responses on proposed new Policy 5.3.23, above regarding the verbatim inclusion of Provincial policy provisions in the ROP.</p> <p>The proposed modification is a direct quote of Section 3.4.2.5 of the Greenbelt Plan and was appropriately dealt with through ROPA 114 as approved.</p> <p>It is requested that the proposed modification be withdrawn.</p> <p>However, it is agreeable to include a general reference to the 10-year Greenbelt Plan review provision for Urban Area expansions in the additional policy requested in the response to proposed modification 24 d); and to revise Policy 7.3.12 to read as follows:</p> <p>“for Urban Areas located within the Protected Countryside of the Greenbelt Plan Area, subsequent to the 10-year Greenbelt Plan review, the environmental assessment in support of expanded sewage and water services must be completed or approved prior to amending the Urban Area boundary, and the boundary expansion must not extend into the Greenbelt Natural Heritage System, and the expansion is subject to the relevant provisions of the Greenbelt Plan;”</p>

Mod. No.	Policy No.	Proposed Modification	Response
		need, locational and similar considerations;	
25 a)	7.3.13	<p>Regional Council The Region may consider amendments to an area municipal official plan to designate a supply of land for <i>development</i> up to the time frame of this Plan, including expansion to urban area boundaries, provided that the amendment:</p> <p>d) includes a phasing strategy for the urban area through secondary plans; includes a phasing and intensification strategy for the urban area through secondary plans which shall specifically:</p> <ul style="list-style-type: none"> i) be based on the growth management objectives of Policy 7.3.10; ii) permit intensification generally throughout the built-up area to meet intensification targets; iii) identify intensification areas to support achievement of the intensification target; iv) recognize Urban Growth Centres, Regional and Local Centres, Corridors, Waterfront Places and Transportation Hubs and Commuter Stations as a key focus for development to accommodate intensification; v) facilitate and promote intensification; vi) identify the appropriate scale of development in intensification areas; vii) plan for a range and mix of housing, taking into account affordable housing needs; 	<p>The proposed modification to include provisions that address an intensification strategy is acceptable however, as written the policy can be misconstrued to imply that the intensification strategy is to be implemented through the secondary plan process, which is not the case. Secondary plans apply to greenfield areas while intensification applies to existing built areas. As such, the concepts need to be separated to avoid confusion.</p> <p>To address the Province's proposed modification, it is requested that the following phrase be added to the end of introductory sentence of sub-section d), "in <i>greenfield areas</i> and an <i>intensification</i> strategy in <i>built-up areas</i>", so that as modified the subsection will read as follows:</p> <p>"includes a phasing strategy for the urban area through secondary plans in <i>greenfield areas</i> and an <i>intensification</i> strategy in <i>built-up areas</i>";".</p> <p>It is requested that the following subsections be added after subsection 7.3.15 g) and the remaining subsections be renumbered accordingly:</p> <ul style="list-style-type: none"> "h) the provision of a range and mix of housing, taking into account affordable housing needs; i) the permission of secondary suites; j) the provision of a diverse and compatible mix of land uses, to support vibrant neighbourhoods, providing high quality public open spaces with site

Mod. No.	Policy No.	Proposed Modification	Response
		<p>viii) encourage the creation of secondary suites throughout the built-up area within the Region;</p> <p>ix) plan and design all intensification areas to provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods, provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places, support transit, walking and cycling and achieve an appropriate transition of built for to adjacent areas;</p>	<p>design and urban design standards that create attractive and vibrant places, support transit, walking and cycling and achieve an appropriate transition to adjacent areas;”</p> <p>It is further requested that the following be added as a new policy after Policy 7.3.16:</p> <p>“Area municipal <i>intensification</i> strategies for <i>built-up areas</i> shall be based on the following:</p> <ul style="list-style-type: none"> a) the growth management objectives of Policy 7.3.10; b) <i>intensification</i> in appropriate locations throughout the built-up area; c) the identification of <i>intensification areas</i>; d) the recognition of Urban Growth Centres, Regional and Local Centres, Corridors, Waterfront Places and Transportation Hubs and Commuter Stations as the key focus for <i>intensification</i>; e) the identification of the appropriate scale of development in <i>intensification areas</i>; f) the provision of a range and mix of housing, taking into account affordable housing needs; g) the permission of secondary suites; h) the provision of a diverse and compatible mix of land uses, to support vibrant neighbourhoods, providing high quality public open spaces with site

Mod. No.	Policy No.	Proposed Modification	Response
			<p>design and urban design standards that create attractive and vibrant places, support transit, walking and cycling and achieve an appropriate transition to adjacent areas; and</p> <p>Despite the <i>intensification</i> objectives herein, new or intensified <i>development</i> shall only permitted in accordance with approved <i>floodplain Special Policy Area</i> provisions in an area municipal Official Plan.</p>
39	8C.1.3	<p>Regional Council The Region shall discourage the consumption of Employment Area lands intended for industrial uses by retail commercial uses. Major retail uses are not permitted in designated Employment Areas. Ancillary retail is permitted subject to being integrated with and accessory to the primary use.</p>	<p>The proposed modification serves to remove a broad policy direction and replace it with a more detailed provision that is out of context. Section 8C.1 provides the general policy basis for the more detailed policies to follow. The proposed provisions are covered in Policies 8C.2.11 and 8C.2.13. However, it is recognized that the policy may be strengthened to provide more strict direction related to the permission of personal service and retail uses in Employment Areas.</p> <p>It is requested that the modification be modified to read as follows:</p> <p>“The Region shall protect Employment Areas from consumption by personal service and retail uses.”</p>
41	8C.1.6	<p>Regional Council The Region shall promote the beautification and greening of Employment Areas, particularly those adjacent to major transportation routes and the development of transit supportive, compact urban form.</p>	<p>It is not clear what is meant by the “greening of Employment Areas”. However, the concept of developing transit supportive, compact form along Regional Corridors in Employment Areas is consistent with other policy directions in the ROP.</p> <p>Generally the proposed modification is acceptable, however to provide greater clarity it is requested that that</p>

Mod. No.	Policy No.	Proposed Modification	Response
			<p>the words “beautification and greening” be deleted and that the policy be rephrased to read as follows:</p> <p>The Region shall promote sustainable design and the development of transit supportive, compact urban form and minimize surface parking in Employment Areas, particularly along Regional Corridors.</p>
42	8C.2.1	<p>Employment Areas, as designated on Schedule 'A', shall be used for are set aside for uses that by their nature may require access to highway, rail and/or shipping facilities, separation from sensitive uses, or benefit from locating close to similar uses. Permitted uses may include manufacturing, assembly and processing of goods, services service industries, research and development facilities, warehousing, offices, business parks, limited personal service uses, hotels, storage of goods and materials, retail warehouses, freight transfer and transportation facilities. Such uses shall be designated in appropriate locations in the respective area municipal official plans, in accordance with the provisions of this Plan. Rural Employment Areas, as designated on Schedule 'A', shall be developed in accordance with the provisions of Sub-Section 9B. For the Seaton Community, identified as Special Policy Area “A” on Schedule ‘A’ – Map ‘A4’, major offices and business parks are also permitted on the lands designated as Employment Areas in accordance with the Central Pickering Development Plan.</p>	<p>The proposed modification to add “access to highway, rail and/or shipping facilities,” in the first sentence is acceptable.</p> <p>The proposed modification to delete “service industries” is not acceptable since uses related to trades (e.g. plumbers shop, machine shop, electrician shop) are appropriate to locate in Employment Areas and should be should be treated differently than personal service uses that are dealt with in Policy 8C.2.11.</p> <p>It is requested that the proposed modification be withdrawn.</p> <p>The deletion of “offices and business parks” is unacceptable. To delete these uses from the Employment Areas designation is inconsistent with the definitions for Employment Areas in both the PPS and Growth Plan. Therefore there does not appear to be any basis for the proposed modification. This is also inconsistent with the inclusion of a specific provision that permits major offices and business parks in the Seaton Employment Areas.</p> <p>The deletion of offices will also have implications on the need for Employment Area lands and other overall</p>

Mod. No.	Policy No.	Proposed Modification	Response
			<p>density requirements, since they generally have a higher employee density than other Employment Area uses.</p> <p>It is requested that the proposed modification be withdrawn.</p> <p>However, it is agreeable to include the following sentence after the third sentence:</p> <p><i>“Offices and business parks are encouraged to locate along Regional Corridors.”</i></p> <p>To provide further clarity to the intent of the third sentence it is requested that the words “designate in” be replace with “directed to”; and that the words “by designation” be added after “appropriate locations”, so that as modified the sentence will read as follows:</p> <p><i>“Such, uses shall be directed to appropriate locations by designation in the respective area municipal official plans, in accordance with the provisions of this Plan.”</i></p> <p>Consistent with other responses related to Seaton it is requested that the sentence related to Seaton be withdrawn from this proposed modification and added to proposed modification 59, Policy 13.2.1.</p> <p>In conclusion, it is requested that the policy be modified to read as follows:</p> <p><i>“Employment Areas, as designated on Schedule 'A', are set aside for uses that by their nature may require access to highway, rail and/or shipping facilities, separation from sensitive uses, or benefit from locating</i></p>

Mod. No.	Policy No.	Proposed Modification	Response
			<p>close to similar uses. Permitted uses may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices, business parks, hotels, storage of goods and materials, freight transfer and transportation facilities. Such, uses shall be directed to appropriate locations by designation in the respective area municipal official plans, in accordance with the provisions of this Plan. Office buildings and business parks are encouraged to locate along Regional Corridors. Rural Employment Areas, as designated on Schedule 'A', shall be developed in accordance with the provisions of Sub-Section 9B.”</p>
51 b)	8C.2.17	<p>g) policies to provide for a range of parcel sizes and particularly larger parcels together with policies for maintaining large parcels in Employment Areas.</p>	<p>The concept of including a policy to encourage flexibility to respond to market demand for Employment Area lands is acceptable. However, it is requested that the policy be modified to read as follows:</p> <p>“policies to encourage a range of parcel sizes, in particular larger parcels, to provide opportunities for market choice.”</p>
Add Mod	8C.2.17 f)		<p>It is requested that a modification be included to add the words “policies for” to the beginning of the subsection to clarify that the intent is not to require area municipal Official Plans to include standards, rather policies to provide for landscaping standards.</p> <p>As amended the sub-section will read as follows:</p> <p>“policies for landscaping standards.”</p>

Note:

Words and numbers with a ~~single strike through~~ indicate items recommended for deletion; and words & numbers in **red** indicate recommended additions through ROPA No. 128 as adopted by Regional Council on June 3, 2009.

Words and numbers with a ~~double strike through~~ indicate items to be deleted; and words & numbers in **blue** indicate additions proposed in the MMAH draft Decision.

Words in **green** indicate additions/revisions requested to the proposed modifications.