



# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Commissioner of Planning and Economic Development  
Report: #2018-COW-93  
Date: May 2, 2018

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**Subject:**

“Envision Durham”. The Municipal Comprehensive Review of the Durham Regional Official Plan, File D12-01

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**Recommendations:**

That the Committee of the Whole recommends to Regional Council:

- A) That authorization to proceed with the Municipal Comprehensive Review of the Durham Regional Official Plan, outlined in Report #2018-COW-93, be provided; and
  - B) That a copy of Report #2018-COW-93 be forwarded to Durham's area municipalities, conservation authorities and the Ministry of Municipal Affairs
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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to introduce Council to the proposed Municipal Comprehensive Review (MCR) of the Regional Official Plan (ROP), and to request authorization to proceed. “Envision Durham, 2041 – Our Region. Our Plan. Our Future” (or “Envision Durham”) is a key strategic opportunity to plan for fundamental change, by replacing the current ROP and establishing a progressive and forward-looking planning vision for the Region to 2041.
- 1.2 The ROP is Council's core planning document that guides Regional decision-making on long term growth and development. The ROP provides policies to ensure an improved quality of life and secure the health, safety, convenience and well-being of the present and future residents of the Region. It establishes the Region's goals and

directions for land use planning and development based on a well-defined structure of urban areas and rural settlements, a system of connected environmental features, extensive and productive agricultural areas, a variety of major open spaces and a comprehensive, integrated and multi-modal transportation network. The document includes policies that support a growing and diversifying Regional economy, intensification based on an urban structure of vibrant centres and corridors, and seeks to protect and enhance important natural heritage features.

1.3 The Region is entering a period of significant growth and change. By 2041, the Region is forecast to accommodate a population of 1.19 million residents, and 430,000 jobs. This represents nearly a doubling of the Region's 2016 population of nearly 650,000, and a more than doubling of the Region's nearly 196,700 jobs. In addition, there will be:

- an increasing need to accommodate an aging population;
- a heightened expectation to address climate change;
- a growing demand to improve mobility options;
- a focus on intensification within existing communities;
- a need for measures to improve the viability of rural settlements;
- planning approaches that further support the agricultural sector; and,
- a need to further facilitate the development of high quality job opportunities through various measures across the Region.

## **2. Background**

2.1 Durham has a long history of sound land use planning. The Region's first ROP was adopted by Regional Council in July 1976, and approved by the Province in March 1978. The original ROP was replaced in June 1991, and subsequently approved by the Province in November 1993. The basic framework of the ROP has not changed in 25 years.

2.2 The last MCR culminated in Regional Official Plan Amendments #114 (ROPA 114) and #128 (ROPA 128), which implemented the Greenbelt Plan, 2005 and the Growth Plan, 2006 respectively, amongst other key policy initiatives. ROPA 114 was adopted by Regional Council in November 2006. The majority of ROPA 114 was approved by the Ontario Municipal Board (OMB) in June 2008. ROPA 128 was adopted by Regional Council in June 2009, and was subsequently approved by the OMB in January 2013.

2.3 Under the Planning Act, there is a legislative requirement to review the existing ROP

every five years (i.e. in 2018).

2.4 On July 1, 2016, Bill 73, the Smart Growth for Our Communities Act, 2015, came into force and effect. Key changes to the Planning Act which will have an impact on the conduct of the MCR include:

- New official plans must be reviewed and revised, as necessary, within 10 years of coming into effect;
- A new two-year prohibition on applications seeking an amendment to a new official plan, from the date that any part of the new plan coming into effect. Exceptions to this two-year prohibition period will be permitted only by Council resolution;
- Requirement for official plans to contain policies related to the built environment;
- Appeals of official plans/OPAs that implement certain provincially-approved matters are not allowed, including for the following matters:
  - Boundary of a vulnerable area as defined in Clean Water Act, 2006;
  - Boundary of Lake Simcoe watershed;
  - Boundary of the Greenbelt Area, Protected Countryside or a specialty crop area as designated by the Greenbelt Plan;
  - Boundary of the Oak Ridges Moraine Conservation Plan Area;
  - Forecasted population and employment growth in accordance with the Growth Plan for the Greater Golden Horseshoe;
  - Forecasted population and employment growth in lower-tier official plan in accordance with an allocation in the upper-tier municipality's official plan that has been approved by the Minister;
  - Boundary of an area of settlement in lower-tier official plan to reflect the boundary set out in the upper-tier municipality's official plan that has been approved by the Minister;
- Removal of the ability to appeal second unit policies at time of an Official Plan update; and
- Removal of the ability for an appellant to appeal an entire Official Plan.

2.5 On December 12, 2017, Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017, came into force and effect. Bill 139 changed the provincial land use planning appeals system through, amongst other matters: establishing a new two-stage appeals process for Official Plans and amendments; creating a new Local Planning Appeals Tribunal (LPAT) and new statutory rules for the conduct of hearings; sheltering municipally initiated Official Plans and Amendments that require

the Minister's approval.

2.6 Since the approval of ROPA 128, there have also been a number of significant Provincial policy initiatives that will directly affect the MCR exercise, including:

- An updated Provincial Policy Statement, 2014 (PPS);
- The enactment of Amendment #2 to the Growth Plan, 2006 which provided population and employment forecasts to 2041;
- Significant amendments to the Planning Act through Bill 73 and Bill 139;
- New Source Water Protection Plans; and
- The completion of the coordinated Provincial review and updating of Ontario's Provincial Plans:
  - Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan);
  - Greenbelt Plan, 2017; and
  - Oak Ridges Moraine Conservation Plan, 2017 (ORMCP).

2.7 The completion of various provincial mapping amendments, including changes to the Agricultural System mapping, Natural Heritage System mapping and changes to the Greenbelt Plan boundaries that will need to be incorporated through this process into the ROP.

2.8 The Planning Act requires the Region to undertake a Provincial Plan conformity exercise to amend the ROP to ensure that it:

- Conforms with Provincial Plans or does not conflict with them;
- Has regard to matters of Provincial interest; and
- Is consistent with Provincial Policy Statements.

This MCR will constitute a Provincial Plan conformity exercise and five-year review of the ROP, satisfying these legislative requirements.

2.9 The Minister of Municipal Affairs is the approval authority for the MCR. Once a draft of the ROP is completed, the Province requires that it be forwarded to the Province not less than 90 days prior to Notice being given for the statutory public meeting. Once a new ROP is adopted by Council, the Province will have 210 days to render its decision.

### **3. Components of Envision Durham**

3.1 Envision Durham will represent a comprehensive review of the ROP, addressing a variety of strategic land use planning and development matters, including:

- Achieving conformity with the updated Provincial Plans and policies, including:
  - Allocation of the Region’s population and employment forecasts to each area municipality to 2041;
  - A Regional urban land budget in accordance with the standardized Land Needs Methodology;
  - Planning that achieves the prescribed increased density requirements within Strategic Growth Areas, including Urban Growth Centres and Major Transit Station Areas;
  - Planning for employment growth within community areas and employment areas to the Growth Plan horizon;
  - Planning that achieves the prescribed higher Designated Greenfield Area density targets;
- Responding to climate change and incorporating sustainability provisions;
- Implementing key policy directions of the Transportation Master Plan 2017, including policies supporting transit supportive development and active transportation;
- Supporting rural communities, including an examination of agricultural land use permissions;
- Policies to further support the provision of affordable housing, including various planning policy recommendations from At Home in Durham, the Region’s Housing Plan; and
- Addressing other ROP policies and initiatives to shape orderly growth and development in the Region, including an examination of relevant existing and emerging land use planning and development issues.

### **Provincial Studies and Guidance Documents**

3.2 In order to demonstrate conformity with provincial policies, the Growth Plan requires upper- and single-tier municipalities to undertake background studies through the MCR process. The MCR must therefore include the following major studies and strategies:

- Urban Land Needs Assessment;
- Intensification Strategy;
- Employment Strategy; and
- Housing Strategy.

Existing Watershed Plans may also need to be updated.

3.3 The Province has produced a suite of draft guidance documents to assist municipalities with meeting Provincial requirements. The following guidance documents have been released for public review and comment:

- Land Needs Assessment methodology;
- Low Impact Development stormwater management;
- Community emissions reduction planning;
- Watershed Planning in Ontario;
- Natural Heritage System implementation;
- Agricultural System implementation;
- Agricultural Impact Assessment;
- Application of the Intensification and Density Targets; and
- The MCR Process.

Of these support materials, only guidance on the implementation of the Natural Heritage System and Agricultural System have been finalized at this time.

3.4 The draft technical guidance on the application of the intensification and density targets is intended to support municipalities with the implementation of the new targets for planning under the Growth Plan, including:

- Planning for increased intensification of 50 per cent of all residential development occurring annually within the designated built boundary, until 2031; increasing to 60 per cent post 2031;
- Planning for increased density in the Designated Greenfield Area (i.e. urban lands outside of the built boundary) of 60 residents and jobs per hectare, until 2031; increasing to 80 residents and jobs combined per hectare for any new lands designated in the ROP after July 1, 2017;
- Planning for increased densities in Employment Areas, to be determined through a Regional Employment Strategy, in consultation with the area municipalities;
- Planning for an Urban Growth Centre density of 200 residents and jobs combined per hectare, for each of Downtown Oshawa and Pickering City Centre; and
- Planning for Major Transit Station Area (MTSA) densities of 150 residents and jobs combined per hectare along priority transit corridors, e.g. existing GO Train station areas in Pickering, Ajax, Whitby and Oshawa.

3.5 The draft technical guidance on the MCR process is intended to support municipalities with implementing the policies of the Growth Plan through a MCR. It

provides some guidance on some of the more iterative components of the Growth Plan conformity, such as the sequencing of analysis related to the land needs assessment, and allocating updated forecasts and establishing targets for lower-tier municipalities.

- 3.6 The information, technical criteria, and approaches presented in both draft guidance documents support, and in many cases reiterate, the Growth Plan policies as they exist. The documentation serves to confirm the work planning for the MCR that is already underway, and in this regard Regional staff are informed by these additional guidance materials, but do not have any specific comments on these documents.

### **Regional Initiatives**

- 3.7 There are numerous Regional strategies and plans that have been endorsed by Council since the last ROP. These strategies and plans will help to inform the MCR, and are expected to contribute to the development of supportive planning policies. These strategies and plans include:

- Durham Region Strategic Plan 2015-2019;
- Durham Community Climate Change Local Action Plan (2012);
- Durham Community Climate Adaptation Plan (2016);
- At Home in Durham, Durham Region Housing Plan 2014-2024;
- The Affordable and Seniors' Housing Task Force (2017);
- Health Neighbourhoods initiative (updated July 2016);
- Transportation Master Plan (2017);
- Economic Development Strategy and Action Plan 2017-2021;
- Development Charge Background Study and By-law (2018); and
- Water and Wastewater Master Planning (ongoing).

The MCR process will seek to incorporate the relevant policies and directions from these documents from the standpoint of Regional land use planning and development policy.

## **4. Initial Preparation**

- 4.1 In preparation for the MCR, the Planning Division held an internal staff workshop in November 2017 to highlight potential themes, issues and approaches for the MCR. A project framework was subsequently developed based on the following themes:

- Agriculture/Rural System;

- Environment/Greenlands System;
- Climate Change/Healthy Neighbourhoods;
- Transportation System;
- Housing;
- Growth Management; and
- Communication and Outreach.

### **Initial Stakeholder Engagement**

- 4.2 Envision Durham will rely upon early, extensive and meaningful consultation with both internal and external stakeholders. The following describes the initial discussions that have taken place in preparation for the MCR. It also highlights the need to ensure that an engaging public and stakeholder consultation process takes place through this MCR process.
- 4.3 The Region hosted a workshop in January 2018 with the Durham Region and area municipal Planning Commissioners/Directors to begin the conversation. The workshop identified some high level issues that may be anticipated in each of the area municipalities, and articulated the desire for early and frequent consultation. As a result of this workshop, the group committed to meet regularly; and that an area municipal working group be established as an early component of the MCR work program.
- 4.4 Since January 2018, Planning staff met with Regional staff from other internal departments to provide an introduction to the scope of the MCR. The purpose of these meetings was to seek opportunities for alignment with other related corporate plans and initiatives, and to highlight potential issues.
- 4.5 Since this project will deal with the Regional implementation of updated Provincial Plans and policies, the Region will require timely and meaningful input from the Province at key points in the review process. In this regard, Regional Planning staff met with Provincial staff in March 2018 with regard to their participation in the MCR, and to confirm their commitment to timely and continuous involvement and feedback.
- 4.6 These discussions have served to build enthusiasm for the project, and identify alignments with other complementary Regional initiatives anticipated over the timeframe of the MCR process.

## **5. Engaging Consultation Process**

- 5.1 A coordinated approach consisting of early and regular consultation with the area

municipalities will be integral to planning for Growth Plan conformity. For example, population and employment growth forecasts and allocations, identifying Strategic Growth Areas, delineating Major Transit Station Areas, and input into the Employment Strategy will be needed.

5.2 A robust and comprehensive community consultation program will be integral to this MCR process, and the use of digital engagement tools, including a project website, social media and surveys, and attendance at in-person community events will form part of the MCR engagement strategy.

5.3 The following groups are among those who will be consulted as part of the planned outreach program:

- Area municipal staff;
- Provincial staff;
- Conservation Authorities;
- Staff from other Regional departments;
- Area municipal councils;
- Public;
- Regional Advisory Committees, including but not limited to the Durham Agricultural Advisory Committee (DAAC), Environmental Advisory Committee (DEAC), Active Transportation Committee (DATC), and Regional Roundtable on Climate Change (DRRCC);
- School boards;
- First Nations and Metis;
- Durham Economic Development Partnership, Business Advisory Council Durham (BACD), Spark Centre, etc.;
- Stakeholders, i.e. landowners, Building Industry and Land Development Association (BILD), and others as required; and
- Business community, i.e. local Boards of Trade and Chambers of Commerce.

5.4 Where appropriate, relevant portions of the MCR public consultation program may be coordinated with other anticipated corporate public consultation initiatives, including future updates to the Water and Wastewater Master Plan, Housing Plan, and the Corporate Strategic Plan.

## **6. Timing for Envision Durham**

### **Legislated Timeframe**

- 6.1 The Places to Grow Act, 2005 indicates that official plans must be amended to conform to an applicable growth plan (in this case, the Growth Plan for the Greater Golden Horseshoe, 2017) within three years of the effective date. The Act also provides that the Minister of Municipal Affairs can establish an alternative timeframe for conformity.
- 6.2 To coordinate the timeframe for municipal implementation of the Growth Plan, 2017 with legislated timeframes for implementation of the updated Greenbelt Plan (2017) and ORMCP (2017), the Minister has established July 1, 2022 as the alternative date for upper and single-tier official plans to be brought into conformity with the Growth Plan.
- 6.3 Lower-tier official plans will rely on the direction provided through upper-tier official plans. As a result, the Minister established an alternative date for lower-tier municipal conformity to be within one year of the applicable upper-tier official plan taking effect (i.e. July 1, 2023).

#### **Targeted Timelines**

- 6.4 In order to meet the legislated timeframes, it is recommended that Council authorize the commencement the Regional MCR process at this time. Due to the scope of work, the MCR process is anticipated to be completed by early 2022 (refer to Attachment 1 for a schematic timeline of the MCR).
- 6.5 Background technical work, including initial data collection and study preparation, is underway. Consulting assignments, studies and data analysis will take place over the next two years (2018 – 2019) that will result in the release of Discussion Papers to help inform and solicit public and stakeholder feedback.
- 6.6 Reporting on policy proposals is anticipated by 2020 and, following additional consultations and feedback, a draft ROP is expected to be presented to Council by early 2021. Council adoption and Provincial approval would follow, in advance of the July 2022 conformity target.
- 6.7 The MCR will result in a new ROP with a planning horizon to 2041. A “repeal and replace” approach is planned, given the age of the existing plan, the scope of the update and the suite of policy matters that must be examined. By taking this approach, the Planning Act would not require another statutory review until 10 years after the new ROP comes into effect (i.e. by 2032).

## **7. Consulting Services and Budgetary Considerations**

- 7.1 The majority of the work required to complete the MCR will be undertaken by Regional staff. However, due to the scope of work required for this exercise, consulting services will also be required for specific components including facilitation and online presence services; growth management related studies required to satisfy increased intensification and greenfield density requirements; an employment strategy; and related elements visualization and case studies to demonstrate optimization of the urban land supply.
- 7.2 Through previous Business Planning and Budget processes, funding has been set aside for commencement of the MCR. At present, there is approximately \$500,000 in non-departmental funds available. Additional costs associated with the MCR exercise will be included in future Business Planning and Budget processes.
- 7.3 Any contracts for consultant services will follow the Consultant, Professional and Architectural Services Consulting Procedure, and be the subject of future reports, as required.

## **8. Conclusion and Next Steps**

- 8.1 Initiating “Envision Durham, 2041” will begin the MCR process to replace the existing ROP with a progressive and forward-looking planning vision for the Region to 2041.
- 8.2 The MCR process will update existing ROP policies and initiatives, review relevant emerging land use planning and development issues, and will constitute the Region’s Provincial Plan conformity exercise. The Region is expected to review and update the ROP to conform to the amended Provincial Plans by July 2022.
- 8.3 It is recommended that authorization to proceed with the MCR be provided. A copy of this report will also be forwarded to Durham’s area municipalities, conservation authorities and the Ministry of Municipal Affairs for their information.

## **9. Attachments**

Attachment #1: Schematic Timeline

Respectfully submitted,

Original signed by

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B.E. Bridgeman, MCIP, RPP  
Commissioner of Planning and  
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Recommended for Presentation to Committee

Original signed by

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G.H. Cubitt, MSW  
Chief Administrative Officer

