



To: Mayor and Members of Council
From: David J. Crome, Director of Planning Services
Date: October 31, 2016
RE: Official Plan Amendment 107 - Responses to October 24, 2016 Committee Requests File Number: COPA 2016-0001

Further to the Planning and Development Committee Meeting on October 24, 2016, this memo has been prepared in response to the Committee's requests and to clarify concerns that were raised.

This memo also contains some proposed minor modifications to the resolution in report PSD-060-16 and suggests policy changes by Staff to Amendment 107 that was presented on October 24, 2016 based on further discussions.

For the purposes of voting this evening, I suggest that Council review and vote on the modifications as numbered below.

1. Municipal Hazardous Waste Depot Policy

Council Request:

"Incorporate a policy into the new Official Plan that requires a Municipal Hazardous Waste Depot to be located in Employment Areas."

Staff Comments:

Clarington is underserved for both Municipal Hazardous Waste drop-off and drop-off for other diversion programs. Further, the Region's current plan with the proposed MHSW is to potentially expand in the future to an eco-station, accepted MHSW and other divertible waste. As such, this new policy should take this more fulsome desired service level into account.

A Municipal Hazardous and Special Waste Depot is a type of waste transfer station under the terminology of the Clarington Official Plan. Since there is a broad range of transfer stations, the Plan currently restricts this to General Industrial Areas. (See Section 3.7.17 Item 127 of OPA 107 on page 33) This assumed a very industrial type of facility with large bins, sorting facilities and outdoor storage.

With a Regional MHSW depot, there is a sense of a smaller facility designed more for residents than waste company operations. It is still appropriate in an employment area, particularly if future uses would expand to the eco-station concept with white goods and other additional products with more of an outdoor storage component would be considered.

Modification 1

Add a new policy 3.7.20 to the Waste Management sub-section Section 3.7 as follows:

3.7.20 The Municipality supports the establishment of a Regionally-owned waste transfer station in Clarington to provide equitable access to Clarington residents for the drop-off of municipal hazardous and special waste, and reusable and recyclable waste. The development of the Regionally-owned waste transfer station should be located in the Light Industrial or General Industrial designation and shall:

- a) be subject to site plan control for the development of the site and any future amendments;
- b) generally locate outdoor storage at the rear or interior side yard of the property to minimize visual impacts on surrounding land uses and provide appropriate screening, buffering and/or containment through the use of berms, landscaping, fencing or any other mitigative measures in accordance with Section 5 of the Plan;
- c) strictly prohibit the outdoor storage of hazardous waste or any non-hazardous waste that may have an adverse impact on the surrounding area or the environment;
- d) prepare, maintain and adhere to an Emergency Management Plan, approved by the Municipality prior to commencement of site operations; and
- e) ensure there is no adverse impact on the surrounding area, including traffic, litter, noise and dust.

2. Martin Road Woodlot

Council Request:

“That, prior to the October 31, 2016 Council meeting, Staff be directed to attend the designated woodlot on Martin Road properties to determine the impact of the Emerald Ash Borer to this woodlot.”

Staff Comments:

Staff attended 34, 38 and 42 Martin Road on October 28, 2016 with the Terrestrial Resource Analyst of the Central Lake Ontario Conservation Authority. 46 Martin Road was observed from this site visit as well.

As way of background, to be included in the natural heritage system as a significant woodland, the feature must be at least one hectare in size and be considered a forest community. Based on the aerial photography and the Ecological Land Classification (ELC) identification code, the woodlot on the subject properties met this criteria.

Upon further review of the identified woodlot on the property in consultation with the Central Lake Ontario Conservation Authority, it was determined that the current ELC code and size requires adjustment. The area includes manicured lawn under the trees which would not meet the densities required to be a forest community. It is heavily culturally influenced. Primarily, the trees observed on the 3 properties were Manitoba maple with some planted Norway maple, Buckthorn and the occasional Ash tree. The community would be classified as a Cultural Woodland and the extent of it is smaller than currently mapped as a forest community.

Modification 2

Remove the Martin Road woodlot from the Natural Heritage System and therefore should not be identified as Environmental Protection Area on the Land Use Map.

3. Recyclables In Multi-Residential Buildings

Council Comment:

“Incorporate a policy into the new Official Plan that encourages all new multi-residential buildings to provide, and design their buildings to accommodate, waste diversion services for building occupants.”

Staff Comments:

Ontario Regulation 103/94 related to Industrial, Commercial and Institutional Source Separation Programs requires that the owner of all multi-unit residential buildings that contain six or more dwelling units implement a source separation program for the waste generated at the building. A source separation program is defined in the legislation as being “a program to facilitate the source separation of waste for reuse or recycling.”

The Region also requires source separation for pick-up at multi-residential buildings.

Planning services currently require source separation facilities for multi-residential buildings through the site plan process. Any official plan policy would be supportive. However to be more specific, a new subsection could be added to policy 5.5.1.

Modification 3

Add to the sub-list for 5.5.1 the following subsection f) and renumber accordingly:

- f) promotes the reduction, reuse and recycling of waste, with particular attention to multi-residential housing forms, which meets applicable Provincial standards and has given consideration to the Region’s waste collection design and servicing requirements.

4. Review of Bowmanville East Landowners Group Submission

Staff met with the representatives of the Bowmanville East Landowners Group (BELG) and Medallion Developments, who provided a revised list of changes to the Secondary Plan policies. The proposed policy changes discussions revolved around:

- a) Developers groups initiating the Secondary Plan process;
- b) Clarification on details of what a developer group “request” would trigger in terms of a municipal process;
- c) Recovery of study costs from non-participating landowners and cost sharing with the Municipality;
- d) An explicit policy that the Municipality would collaborate with developers groups;
- e) That the 75% of land ownership requirement should be changed to “majority”.

After further discussion with representatives from BELG/Medallion and review of the policies in the recommended OPA 107, in staff’s view for the most part the policies are sufficient to cover the areas that need to be addressed by an Official Plan.

To begin with, the policies already have moved way further into procedural issues than is customary in an official plan. The other Durham municipalities have minimal or no specific policies.

The ability for landowners to fund a Secondary Plan brings with it the obvious understanding that there would be cooperation, consultation, public input, etc. These are matters that are worked out in the Terms of Reference and the cost-sharing agreement referenced in Policy 23.3.8 (Item 653 on page 156).

It is anticipated that when a development group comes forward and make a request to Council to initiate a secondary plan, Council would refer this matter to staff for discussions on the terms of reference, process and funding. Staff would ultimately bring back a recommendation to Council at a public meeting. Ultimately Council would have to determine whether to proceed. It is anticipated that there would be multiple types of potential arrangements given the scope of the Secondary Plan areas, potential related issues and the status of the available Development Charge funds on hand. However, given the number of Greenfield developers that want to proceed, Greenfield Neighbourhoods would likely be fully or largely developer funding.

Modification 4

To clarify that the threshold of 75% for the landowners group is approximate, the word “generally” should be inserted after the words “landowners group”.

Modification 5

There is some confusion over the applicability of Section 23.3.7 towards Secondary Plan preparation when it was intended to apply to capital works within a Secondary Plan Area. It is recommended that this Section be moved to the Implementation Section 23.12 on “Capital Works

and Development Charges”, renumbered 23.12.4 and that the subsequent policies be renumbered accordingly.

Modification 6

During the preparation of a Secondary Plan, there will be a lead to determine road alignment and design among other things. In many circumstances it would be efficient to integrate the Environmental Assessment process so that both are done contemporaneously.

Add a new subsection n) to Policy 23.3.10 as follows:

- n) An integrated Environmental Assessment for municipal public works as may be appropriate;

5. Highway 2 Development as a Priority

Committee raised concern about focusing intensification along Highway 2 and other major corridors. The policies in OPA 107 give priority to the Regional Corridors for intensification. Regional Corridors include:

- In Courtice: Highway 2, Courtice Road (South of Highway 2), Bloor Street;
- In Bowmanville: King Street;
- In Newcastle: has none.

Recommended Amendment Item 146 as detailed on page 36 of Attachment 3 to Report PSD-060-16, regarding Priority Intensification Areas reads as follows:

“146. 4.3.5 The Priority Intensification Areas have been identified as the primary locations to accommodate growth and the greatest mix of uses, heights and densities. Priority Intensification Areas include:

- Urban and Village Centres;
- Regional and Local Corridors;
- Courtice and Bowmanville Transportation Hubs;
- Port Darlington and Port of Newcastle Waterfront Places.”

No modifications are proposed as staff believe that this is addressed in the above policy.

6. Regional and Local Corridor Commercial Policies

At the Committee Meeting, the Local Corridor Policies were discussed in relation to a proposed designation for a neighborhood commercial center in Newcastle along Highway 2 west of Ruddell Road. Under OPA 107, Regional Corridors could have 50% of the ground floor of mixed use buildings for commercial uses and in Local Corridor only 20% of the ground floor of mixed use building, could be commercial. Staff’s concern has been to protect the integrity and viability of Urban Village and Neighbourhood Centres. In further review, Staff considers that store size would be a better measure and not restrict the viability of a mixed use project by the limitation of ground

floor uses. In other words, in both cases, the ground floor could comprise of 100% commercial uses.

Modification 7

Amend policies 10.6.6 and 10.6.7 (Amendment item 309) to remove the restriction of non-residential floor area as a percentage of ground floor but add a store size limit of 600 square meters of gross leasable area on Regional Corridors and 300 square meters of gross leasable area on Local Corridors.

7. Small Landscape Businesses in the Rural Designation


In discussion with Fourteen Estates' consultant Carolyn Molinari, there was an error discovered in Section 13.5.7, part of Amendment item 392 (page 96). There is a distinction between landscape industry uses and small scale landscape industry uses and the phrase regarding horticulture use applies to landscape industry uses. The policy relevant to landscape industry was inadvertently carried forward for small scale landscape industry uses.

Modification 8

Remove the words "where the predominant use of land is horticulture" in Section 13.5.7.

13.5.7 Landscape industry uses, which consist of businesses associated with horticulture, are encouraged to locate on lands designated as Industrial. However, small scale landscape industry uses, ~~where the predominant use of land is horticulture~~, may be permitted on lands designated as Rural through a site specific zoning by-law amendment, subject to the requirements of Section 13.5.2 and the following:

Yours truly,

A handwritten signature in purple ink, appearing to read "David", is written over a large, light purple rectangular stamp or watermark.

David

cc. Department Heads
June Gallagher