

## Planning Services Report

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<b>Report To:</b>	Planning and Development Committee		
<b>Date of Meeting:</b>	October 24, 2016		
<b>Report Number:</b>	PSD-060-16	<b>Resolution:</b>	
<b>File Number:</b>	COPA 2016-0001, PLN 38	<b>By-law Number:</b>	
<b>Report Subject:</b>	<b>Recommended Official Plan Amendment No. 107 (OPA 107) - Clarington Official Plan Review</b>		

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### Recommendations:

1. That Report PSD-060-16 be received;
2. That pursuant to:
  - a. The Provincial Policy Statement 2014;
  - b. The Provincial Greenbelt Plan (Greenbelt Plan);
  - c. The Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan);
  - d. Amendments 114 and 128 to the Durham Regional Official Plan;
  - e. The environmental policies and watershed studies of the Central Lake Ontario Conservation Authority, the Ganaraska Region Conservation Authority and the Ministry of Natural Resources; and
  - f. The Municipality's Official Plan Review process;

That Official Plan Amendment 107 (OPA 107), be adopted by Council to update the Clarington Official Plan and bring it into conformity with Provincial and Regional Planning documents noted above;

3. That the Director of Planning Services be authorized to finalize the form and content of OPA 107 resulting from Council's consideration, public participation, agency comments and technical considerations;
4. That OPA 107 be forwarded to the Region of Durham for adoption;

5. That the Region of Durham be requested to initiate amendments to the Durham Regional Official Plan, as necessary to implement OPA 107;
6. That upon adoption by Council, the Clarington Official Plan be implemented by Staff as Council's Policy on all land use and planning matters and be implemented through the capital budgets;
7. That all interested parties listed in Report PSD-060-16 and any delegations be advised of Council's decision by the Department.

## Report Overview

On May 30, 2016, Official Plan Amendment 107 was released for public review and comment. Following the release, a Statutory Open House was held on June 28, 2016; approximately 100 people attended. A Statutory Public meeting was held on September 12, 2016 and 33 presentations were made before the Planning and Development Committee of Council. Since then, Staff received 86 written submissions and have met with approximately 20 parties since then.

The purpose and effect of the draft Official Plan Amendment No. 107 is to bring the Clarington Official Plan into conformity with the Provincial Policy Statement 2014, the Province's Growth Plan and Greenbelt Plan and the Regional Official Plan. It also implements the directions from various Municipal studies and reviews including the discussion papers on the Natural Heritage System, Parks, Open Space and Trails, Countryside, Growth Management, and Intensification. The comprehensive review of the Official Plan has been undertaken by the Municipality as required by Section 26 of the Planning Act. The Amendment applies to all lands within the Municipality of Clarington.

The Official Plan is the policy document that guides decisions about managing growth, creating sustainable transportation choices, fostering job creation and investment, protecting the natural environment, and mitigating the impacts of climate change.

The full recommended Official Plan Amendment 107 is provided under separate cover and posted on the project website ([www.clarington.net/ourplan/](http://www.clarington.net/ourplan/)). Changes made to the Clarington Official Plan will be shown within the document as strikeouts and underlines for ease of reference and review.

## 1. Purpose of Report

- 1.1 This report concludes the preparation of an updated Clarington Official Plan to bring it into conformity with the Provincial Policy Statement (2014), the Provincial Greenbelt Plan (Greenbelt Plan), the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan), Amendments 114 and 128 to the Durham Regional Official Plan (Durham Regional Official Plan Review) and the environmental policies and watershed studies of the Central Lake Ontario Conservation Authority, the Ganaraska Region Conservation Authority and the Ministry of Natural Resources. This report recommends that Council adopt Official Plan Amendment 107 (OPA 107), as contained in Attachment 3.
- 1.2 Contained in this report is a summary of the comments received since the release of the Draft Official Plan Amendment 107 in May 2016, with staff responses.

## 2. Public Participation Process

- 2.1 The Clarington Official Plan Review process has included extensive public participation. The process was initiated with a statutory public meeting. The public participation process included nine discussion papers, 20 council reports and two Official Plan Amendments. 460 people and businesses took part in community surveys and more than 600 people attended workshops, public information sessions and statutory public meetings. In addition, Staff met with many individuals, community groups, and Committees of Council and received a total of over 300 written submissions throughout the process.
- 2.2 Over the course of the review, Staff continuously met with the community interest groups and with committees of Council:
- Agricultural Committee
  - Heritage Committee
  - Clarington Board of Trade
  - Newcastle and District Chamber of Commerce
  - BIAs (Bowmanville, Newcastle, Orono)
  - BILD – Durham Chapter
  - Durham Home Builders Association

Also during the preparation of the Parks, Trails and Open Space Discussion Paper, 62 sports, leisure and cultural groups participated.

- 2.3 The Municipality also developed a website for the project, [www.Clarington.net/ourplan](http://www.Clarington.net/ourplan). All the discussion papers, council reports and other background information have been posted on the website as it became available. The people visiting the website are from various locations internationally, from California to Andhra Pradesh. Within Canada, the local Durham Area to Markham, Mississauga, Toronto, Kingston, London, Oakville, Barrie and Peterborough. This shows that there is possibly a wide range of people, internationally and locally, who have a vested interest in Clarington's growth and development. Since the release of draft OPA 107, there have been 5,700 unique visits to the site (from May 30, 2016 to October 14, 2016).
- 2.4 The releases of the technical discussion papers, the proposed changes to the Official Plan, and the draft OPA 107 were all accompanied by public information centres. A Statutory Open House and a Public Meeting were also held for the release of the draft OPA 107. The Municipality posted weekly advertisements in the local newspapers three weeks prior to the date of the event. All the notices of the meetings were also posted on the Official Plan Review website, the Planning Department's e-Update newsletter and on the Municipality's main website.

- 2.5 As part of the Official Plan Review process, Staff undertook special projects that included additional public participation. The Courtice Main Street project was also part of the Official Plan Review, this initiative culminated with the adoption of the Courtice Main Street Secondary Plan which is being implemented through the proposed Zoning By-law and the Community Improvement Plan. The public participation for this project included workshops, public information sessions, and a Statutory Public Meeting.
- 2.6 Since the release of the draft OPA 107 in May, Staff have met with many residents and the development industry and addressed numerous enquiries over the phone and at the counter.

### **Proposed Clarington Official Plan (2015)**

- 2.7 On March 30, 2015, Planning Staff released a “redline” version of the proposed changes to the Official Plan. The intent was to provide the public with an opportunity to review and comment on the proposed changes before Staff prepared the Draft Amendment. All participants on the interested parties list received notices of the four open houses held in 2015. The Open houses were located in Courtice, Bowmanville, Newcastle and Solina. A total of 84 participants attended these sessions.
- 2.8 The public was also notified through newspaper advertisements in the Orono Weekly Times and Clarington This Week, tax bill advertisements, Social Media (Twitter), and at a number of information booths at Clarington’s community events, including the Orono Fair, Apple Fest, and the Clarington Home Show.
- 2.9 In addition to printed media, website and other social medial tools, and throughout the process, residents, consultants and other member of the public registered in the list of interested public parties for the project. Everybody registered in the lists receives a written notice for the meeting or release of a report, and when the Council disposes of the report they also receive notice by the Clerks department.
- 2.10 A Companion Guide was also prepared for the proposed changes to the Official Plan in April 2015 to promote and engage the public about the Official Plan Review process. Planning Staff received over 200 comments on the proposed changes to the Clarington Official Plan.

### **Draft Clarington Official Plan (2016) – Official Plan Amendment 107**

- 2.11 The Draft Clarington Official Plan (2016) “redline” version and Draft Official Plan Amendment 107 (OPA 107) was released on May 30, 2016. Subsequently, a statutory Public Open House was held on June 28, 2016 in the Clarington Public Library, Bowmanville Branch. 104 people attended with staff on hand to answer questions.
- 2.12 A Public Meeting was held on September 12, 2016. A total of 33 verbal submissions were heard at the Public Meeting for various properties.
- 2.13 Over 100 written and verbal submissions have been received on draft OPA 107.

- 2.14 Communications included notice to the interested parties (over 635 notices were mailed out), advertisement in the Planning Services Department E-Update newsletter, Municipal website, and newspaper advertisements in the Clarington This Week and Orono Times from May 13, 2016 to June 22, 2016.
- 2.15 After the September 12, 2016 Public Meeting, Staff met with approximately 20 interested parties – individual property owners, developers, and community groups. In addition staff addressed numerous enquiries over the phone and at the counter.
- 2.16 The revised OPA 107 attached to this report, reflects the changes that were made through extensive public participation and staff's continuing review.

### **3. Key Themes in Submissions**

- 3.1 A number of positive and supportive comments we received. Public input demonstrated a broad support for the overall vision and desire to achieve a coordinated growth approach that emphasized complete communities that protect the natural environment.
- 3.2 Many respondents endorsed:
- Removing the Future Urban Residential designation and instead determining the land uses for the future growth areas through the development of a Secondary Plan;
  - Protection of Natural Heritage Features and the Minimum Vegetation Protection Areas provided that the features could be further refined thorough an Environmental Impact Study;
  - Compact and mixed use development, especially in Key Priority Intensification Areas to reduce urban expansion into agricultural areas;
  - Rounding out and the expansion of rural settlement areas;
  - Introduction of major recreation and agri-tourism uses in rural areas by site specific rezoning; and
  - Sustainability policies for better air quality, energy and water conservation and waste reduction and diversion.
- 3.3 Respondents identified numerous questions and concerns, ranging from the general to the specific. Attachment 2 to this report provides a summary of the submissions and staff comments. The key concerns were related to:
- growth management and sequencing of secondary plans;
  - urban structure and densities;
  - environmental protection designation limits;
  - conversion of employment lands;
  - rounding out of hamlets;

- expansion of Orono.

## 4. Growth Management Issues

### 4.1 Secondary Plan Sequencing

Clarington has used the technique of sequencing the preparation of neighbourhood secondary plans in the past. The former Newcastle/Darlington Official Plans provided for the sequencing of the preparation of Neighbourhood Plans in Courtice. Three separate neighbourhoods were identified for sequential order of plan preparation.

The current Clarington Official Plan 1996 did not provide for sequencing of neighbourhood plan preparation but phased development by designating some lands as Future Urban Residential, creating short term and long term development areas. The Future Urban Residential areas were anticipated to be needed beyond 2016. Development was only permitted after a municipal comprehensive review and redesignation of the lands to Urban Residential or other neighbourhood use.

Development activity has been significantly slower than forecasted through the Regional Official Plan. The Official Plan at that time forecasted a population of 126,000 by 2016 for Clarington. Currently, the Municipality of Clarington has an approximate population of 98,000.

Moreover, the intensification objectives now are considerably higher (minimum 32% after 2015 versus the previous 20% in 1996 Plan) alleviating the need for as much Greenfield lands.

Based on Provincial and Regional policies and the land budget analysis, the draft OPA 107 included the delineation of Future Greenfield areas as Secondary Plans and proposed a sequencing plan to prioritize each area within Courtice, Bowmanville, and Newcastle. This proposal was based on:

- Providing an organizing framework to plan preparation and then subsequent development.
- Providing for optimized use of infrastructure in one area by limiting growth from the multiple frontiers, a situation that is unique to Clarington.
- Providing checkpoints for progress on intensification.
- Providing greater predictability so that land costs do not escalate unreasonably.
- Assisting in achieving some of the Municipality's economic development objectives by focusing on lands which benefit servicing of industrial lands and new commercial areas first.

It has become evident that this approach will not be accepted by the broader development community and that an alternate growth management strategy is required. Planning staff has been meeting with developer groups, members of Council, and with BILD as the association representing the development industry.

**Recommendation:**

The following approach is proposed to meet the intent of Provincial and Regional policies and to protect the Municipality's interests:

- a) The sequencing numbers for Secondary Plans on Map C will be removed. This would allow any Secondary Plan area to proceed;
- b) Maintain that it is Council's decision to proceed with a Secondary Plan preparation (existing OPA 107 policy);
- c) Council must hold a Public Meeting to which all of the affected landowners in the Secondary Planning Area will receive notice prior to authorizing the commencement of a Secondary Plan;
- d) Require phasing policies within all secondary plans (existing OPA 107); and
- e) Clarifies that until a secondary plan is prepared, only existing uses, crop-related agriculture uses or interim uses (subject to criteria that ensure that it doesn't impact the future planning and development) are permitted. (This is a similar policy to that currently applicable Future Urban Residential lands);
- f) Secondary Plans will be subject to 5 year revisions.

**4.2 Developer Funding of Secondary Plans:**

The development industry has indicated a willingness to pay for costs associated with the preparation of the Secondary Plan in order to expedite the time required to complete the background studies and the Plan. The costs associated include the preparation of detailed technical studies like watershed plans, public participation and charrettes, to municipal planning and project management resources required.

To date,

- Rice Developments (former N1) have made a submission indicating that they would pay 100% of the costs of a Secondary Plan for the Wilmot Creek/Wilmot Landing expansion.
- The Bowmanville East Developers Group (former B1 and B2) has formed and is requesting developer funded secondary plans but they have not indicated to staff their proposal for cost sharing. They have also indicated that they wish to discuss cost recovery from development charges.
- The developers of the former C1 area have not organized a landowners group but they are anxious to proceed since Courtice has a very limited supply of residential units in the development pipeline.

- Brookfield Homes in North Newcastle Village (former N2) have requested private sector funding options but have not advanced any details.

While staff had proposed that secondary plans be tackled sequentially with municipal funding, the revised approach will remove formal sequencing of plan preparation and focus on phasing development in each area. The preparation of Secondary Plans can proceed without the constraint of limited municipal funding but will need to consider staff resourcing and other municipal priorities.

**Recommendations:**

- a) That policies be amended to allow for developer funding of Greenfield Secondary Plans including background studies provided it is based on 100% developer funding, it covers project management and administrative costs and that no endeavours to collect be requested from non-participating landowners.

The limited development charge funding collected to date for Secondary Plans be directed to bringing existing Secondary Plans into conformity with the updated Official Plan and for the preparation of a Courtice Employment Area Secondary Plan.

- b) That the developers proposing to fund the Secondary Plan study must represent a minimum of 75% of the developable land area in the Secondary Plan Area. This is intended to minimize potential disagreements with non-participating landowners.
- c) That the terms of reference and the developers' cost-sharing agreement for a Secondary Plan be considered at the Public Meeting noted above so that all landowners are aware of the terms of reference and the cost sharing arrangements.

**4.3 A Municipal-Led or Developer-Led Secondary Planning Process**

The draft OPA 107 indicates that Secondary Plans will be prepared by the Municipality. There has also been a general consensus that it is appropriate for the Municipality to lead the process. However, more recently, a Bowmanville East Developers Group has been formed and their suggestion is that a landowner's group be permitted to initiate a secondary plan and submit it as an official plan amendment. The Municipality would "evaluate and approve".

In the past, Clarington has funded some Secondary Plan studies privately (e.g. Port Darlington, Bowmanville West Town Centre) but Council has never allowed a landowners group to fulfill a municipal responsibility. Staff do not support this proposal for the following reasons:

- The Municipality should be in charge of its own planning process with proper consultation of all residents and landowners;

- There is very limited public input and transparency if secondary plans are prepared by developers; the developer group only has to submit a “complete application” for an official plan amendment with all the supporting background information completed; only a statutory public meeting would be required on the submitted application;
- Staff believe that residents would have greater buy-in and trust in a municipal-led process, as noted in the Wilmot Creek Phase 8 issue;
- The Municipality’s work priorities would be established by the Greenfield landowners who “initiate” such a major undertaking;
- The Regional Official Plans indicates that Secondary Plans shall be undertaken by the Municipality; this proposal would seem to be contrary to intent of the Regional Official Plan.

**Recommendation:**

No Change.

**4.4 Municipal Fiscal Capacity - Financial Impact Analysis**

In addressing the issue of sequencing of Secondary Plans, an overriding concern of Council and staff is to have greater information on the impact of development on municipal finances before or during a Secondary Plan process. This is really not possible in advance of the Secondary Plan, since many of the variables are determined through the Plan (land use, phasing plan, etc.). If a Financial Impact Analysis is prepared so part of a Secondary Plan, it would inform on how to implement a phasing plan. The existing Official Plan provides for Financial Impact Analysis for specific development applications and OPA 107 provided for a Financial Impact Analysis as part of Secondary Plan. The proposed approach would maintain this. The terms of reference for a Financial Impact Analysis has been further reviewed with the Treasurer and minor adjustments/clarifications have been made.

**Recommendations:**

- a) Maintain OPA 107 requirement for a Financial Impact Analysis be required as part of a Secondary Plan;
- b) That the existing definition of the Official Plan for a Financial Impact Analysis be expanded to clarify that it includes both capital and operating costs, hard and soft infrastructure, impact on the Development Charges schedule and financing, impact on taxes, impact on committed projects, other Neighbourhood areas and intensification projects, a sensitivity analysis on various growth projection scenarios and may include analysis on various phasing options within the study area.

#### 4.5 Urban Structure and Densities

Numerous submissions were received with respect to the urban structure policies on density. Table 4-2 provided guidance to the housing forms and densities by urban structure areas (Centres, Corridors, Neighbourhoods). A concern was the use of gross density targets from the Regional Official Plan and the long term overall floor space indices.

Regarding the first concern, it was noted that each neighbourhood had anomalies, such as the location of secondary schools, parks, etc. that could drive the densities on the actual development sites higher to achieve the same overall gross density.

The second concern was the longer term floor space indices (ratio of floorspace to site area) identified in the Regional Official Plan. The floor space indices identified in the Regional Official Plan are intended as longer term density targets and not a minimum requirement for each site.

##### **Recommendation:**

Adjust the urban structure policies to separate the long term floor space indices required by the Regional Official Plan in a new table. Further the minimum densities of units per net hectare by urban structure area adjust to a net basis.

### 5. Environmental Protection Issues

#### 5.1. How was the Natural Heritage System Defined?

A number of submissions raised concerns with how the natural heritage system was defined. As a starting point, over the years and in many surveys, Clarington residents have stated the importance of the environment as a top priority. It was clear that this needed to be addressed when reviewing the Clarington Official Plan's natural heritage system.

As part of our conformity requirements, the existing natural heritage system in the Clarington Official Plan needed to be updated to be consistent with the Provincial Policy Statement, the Greenbelt Plan, the Region of Durham Official Plan policies and the work of the conservation authorities. The conservation authorities have updated their regulations and have undertaken watershed plans in accordance with the Oak Ridges Moraine Conservation Plan and other provincial policies.

Appropriate analysis was undertaken, working with the conservation authorities, to clearly define what constitutes the natural heritage system. It began by collecting base data from the conservation authorities (Central Lake Ontario Conservation Authority and Ganaraska Conservation Authority) on their ecological land classification system, watercourses, and valleylands. It also included information from the Ministry of Natural Resources on Provincially Significant Wetlands and Areas of Natural and Scientific Interest. Floodplain mapping was also obtained to include in the proposed Environmental Protection

designation. The Municipality created the natural heritage system based on this data and with the assistance from the conservation authorities, prepared the Natural Heritage Discussion Paper. This was presented to Council in April 2013. The proposed approach is applicable to all parts of Clarington, including the Urban Areas, lands within the Greenbelt and the Oak Ridges Moraine and other parts of the rural areas.

The Discussion Paper was posted on the website and the public was able to provide comments directly through the website. There were also four Public Information Meetings that were held to give the public an opportunity to meet with Staff to discuss the recommendations in the paper. The meetings were advertised in the local newspapers.

The Natural Heritage Discussion Paper (April 2013) explains how the natural heritage system is identified in the current Official Plan through a combination of policies, land use designations and the natural heritage map. The paper recommended updating the policies and mapping to protect the system. Many of these features were already protected through the policies in the Clarington Official Plan, but not fully reflected in the Environmental Protection land use designation.

The Environmental Protection designation includes the following:

- Wetlands;
- Fish and riparian corridors;
- Valleylands;
- Significant woodlands;
- Areas of natural and scientific interest;
- Beach bluffs; and
- Floodplain.

Outside the Urban Settlement Areas, a minimum vegetation protection zone of 30 metres is proposed to be included in the Environmental Protection designation. For areas within the Urban Boundary, a minimum vegetation protection zone is not mapped but is required by the policies. In all cases, refinements to the natural heritage system will be permitted at a site level through development applications.

Additionally, although not mapped as Environmental Protection, the policies of the existing and proposed Official Plan, protect other features such as habitat for endangered and threatened species, wildlife habitat, and rare vegetation communities.

The creation of the Environmental Protection designation also used the Robinson and Tooley Watershed Study and individual Environmental Impact Studies as references to further refine the natural heritage system in the corresponding locations.

The analysis is based on the system level, not the site specific level, and will be refined through the detailed analysis that an Environmental Impact Study provides.

A few respondents questioned the Environmental Protection designation on their lands. Some of these questions have been resolved. Other concerns will need to be addressed through other means, such as an Environmental Impact Study. However for the most part, no changes were made to the natural heritage system overall since the discussion paper provides the basis for the protection of the natural heritage system. Staff feels that the new policies and mapping is the most appropriate direction to take as they relate to the protection of the natural environment which was a main concern from residents when Staff initiated the Official Plan Review and from the comments received from the public throughout the process.

There has also been support from the development community for the Environmental Protection designation, provided there is flexibility in the policies to refine the natural heritage feature through studies. Further, no development in these features and areas is mandated by other pieces of legislation such as the Provincial Policy Statement and the Provincial Plans.

The recommended Official Plan Amendment 107 has been slightly revised from the draft to clarify some of the uses that are permitted within the Environmental Protection designation. For instance, it has been clarified that agricultural practices will be permitted in the Environmental Protection designation, however buildings or structures will need to be located outside the Environmental Protection designation.

## **5.2 How are the actual development limits determined?**

The boundaries of the land use designations on the Land Use Schedules are approximate. They are not like zoning lines unless they coincide with roads, railways, lot and concession lines, major watercourses, or other definitive physical features.

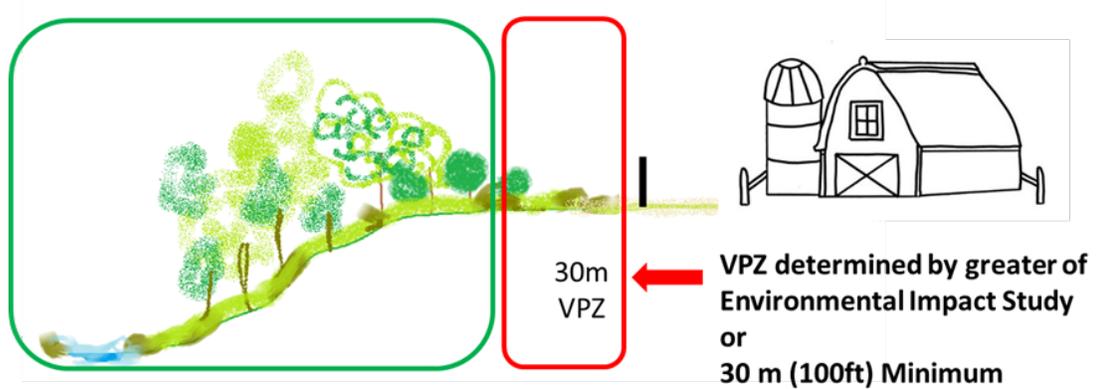
One of the purposes on the land use map is to indicate on a broad level the general intention to protect these lands from development. But the background studies that were relied upon for this work are at a broader level of analysis. As a result, they must, by necessity, be examined at the site level through the necessary studies. Thus the natural heritage features map is a trigger for such studies.

The Official Plan was never intended to be a detailed map. Thus when an Environmental Protection Area is identified, there is a process for interpretation on the ground. Where the general intent of the Plan is maintained, minor land use boundary adjustments will not require an amendment to the Plan.

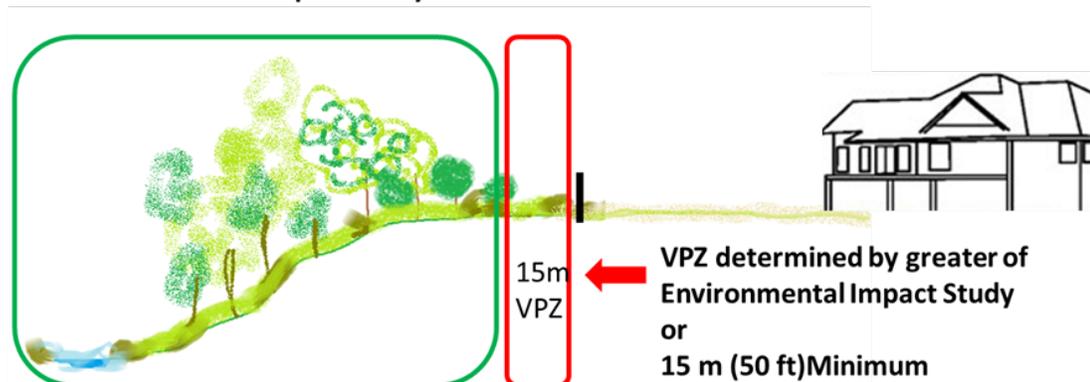
## **5.3 Minimum Vegetation Protection Zone**

Vegetation Protection Zones are normally a vegetated buffer, usually containing self-sustaining vegetation, surrounding a natural heritage feature (woodlot) or a hydrologically sensitive feature (wetland, watercourse). It is a transition zone between the feature and the surrounding land use. It also allows for opportunities to create or enhance the natural heritage system through pollination and can be replanted to compensate for tree loss from development.

Within the vegetation protection zone, the uses that are permitted, are usually the same as what is permitted in the feature itself. The uses normally permitted within natural heritage features are limited to forest, fish and wildlife management, conservation and flood or erosion protection, infrastructure if the need has been established through an Environmental Assessment, and low intensity recreation.



Natural Heritage System limits  
are determined by the  
Environment Impact Study



Both the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan have established minimum Vegetation Protection Zones which is the prescribed minimum vegetation protection zone. For the majority of natural heritage features, is 30 metres. Within a natural heritage feature, or its Minimum Vegetation Protection Zone, no development is to take place.

Clarington has rural lands outside of urban areas that are not within the either the Greenbelt or the Oak Ridges Moraine. This same 30 metre vegetation protection zone applies to these lands.

Within Urban and Settlement Areas, the Provincial Policy Statement applies. Although using different terminology, the Provincial Policy Statement also provides for the protection of natural heritage features and their 'adjacent lands'. The PPS does not prescribe a minimum area to be protected, but instead relies on the municipality's approach to determine the extent of the adjacent lands.

A number of municipalities including Ajax and Oshawa have utilized standard minor vegetation protection zones. Within their urban area, Ajax requires a minimum of 10 metres from the dripline of a woodlot, stable top of bank, and floodlines and 30 metres from the edge of a *creek* and the edge of a *wetland*. Ajax does provide that these Minimum Vegetation Protection Zones may be larger depending on the results of the environmental study.

Within Oshawa's urban areas minimum vegetation protection zones are also prescribed in the Official Plan. They vary from 10 metres from a woodland that is not associated with another feature, to 30 metres for a provincially significant wetlands. Outside of the urban and rural settlement areas, the Greenbelt and Oak Ridges Moraine requirements remain.

Environmental Impact Studies will further refine both the feature and the setbacks but in no instance will development be closer than the minimum vegetation protection zone indicated in the recommended policies of the Official Plan Amendment 107. A number of refinements are proposed to assist with the interpretation of how this could be implemented.

**Recommendations:**

- a) The policies be clarified to indicate that within the Minimum Vegetation Protection Zone, other uses such as trails and low impact development features (e.g. Infiltration trenches) will be permitted.
- b) The minimum vegetation protection area for isolated woodlands that are not associated with a stream or other water feature, will be 10 metres instead of 15 metres in the Urban Areas of the Municipality.
- c) In infill situations, consideration will be given to development on adjacent lands, which may result in no Minimum Vegetation Protection Zone.
- d) In Greenfield situations, rounding out of the Minimum Vegetation Protection Zone would be permitted for efficient lot patterns but maintaining the same land area. In other words, it could be less in some areas and more in others but have the same net area in the Minimum Vegetation Protection Zone.

**5.4 Martin Road Woodlot**

In urban areas, significant woodlots that are at least 1 hectares in size (as defined in the existing Official Plan definition) are now part of the Environmental Protection Area designation. The Martin Road woodlot is identified as a deciduous forest block. This woodlot is approximately 1.365 ha in size. The majority of the woodlot is also located on a significant, non-developable slope. Through the development process, the Environmental Impact Study and a Geotechnical evaluation, as well as the minimum vegetation protection policies of the Plan will determine how close to the development can be from the woodlot and the slope.

The current Official Plan states that even if a person destroys a natural heritage feature or a hydrologically sensitive feature, the lack of such a feature cannot not be considered as a basis for a development application. The owner of 50 Martin Road removed the vegetation on lands on the slope that are to be dedicated to the Municipality. However, as part of any development, not only will the trail be installed, but the applicant will be responsible for restoring that portion of the woodlot.

**Recommendation:**

No change to the Environmental Protection designation. The ultimate limits of the woodlot be determined by site-specific environmental studies.

**5.5 Tooley Road Woodlot**

Cliff Curtis made a verbal submission (VS-21) objecting to the designation of the woodlot on the west side of Tooley Road, noting that it is inappropriate to designate lands in the built boundary for Environmental Protection, that the MNR mapping is inaccurate, and that he has prepared an environmental impact study that indicates that only a 30 m wide corridor is required at the rear of his property. Together with other landowners, he is preparing a submission for a plan of subdivision (Attachment 3 to his written comments).

A number of residents in the area provided written submissions (WS-62, WS-65 and WS-66) and photographs of the woodlot, expressed concerns regarding tree cutting going on and with the proposal by the developers to remove the woodlot.

Based on all of the information received to date, the woodlot qualifies as a significant natural heritage feature and should be designated as Environmental Protection. This still allows for refinement at the site specific level through the Environmental Impact Study process.

**Recommendation:**

No change to the Environmental Protection designation. The ultimate limits of the woodlot be determined by site-specific environmental studies.

**6. Courtice Issues**

**6.1 Industrial Land Conversion along Bloor Street Regional Corridor, Courtice**

The representatives of the Hope Fellowship Church (WS-12, VS-33) and Norstar/Concordia Realty Management/Neil Brown (WS-23) made submissions to extend the width of the Regional Corridor Designation of the Bloor Street Regional Corridor, as the proposed designation would split their lands in two very different land uses; corridor on the north portion and employment lands on the south portion. Hope Fellowship Church proposes to use their rear lands for a long term care facility/seniors retirement complex. The extension of the width would coincide with the proposed east-west road connection

parallel to Bloor between Trulls and Courtice Rd. and would leave the subject properties with just one land use designation.

These lands are at a distance from the Highway 401 and 418 and close to existing schools and recreation facilities. A revision to allow for residential and corridor uses along the south limit of the Bloor Street Corridor to the future east-west collector road would remove approximately 50 hectares from industrial uses. These lands currently include two places of worship. In staffs view, based on employment projections, this will not impact employment lands needs to 2031 and subsequently more suitable lands along Highway 418 could be considered.

**Recommendation:**

Re-designate the lands between the east-west collector road and the corridor as Urban Residential.

**6.2 Clarington's Waterfront – Courtice**

During the preparation of the 1996 Regional Official Plan, the Region had identified the Algoma lands for the Courtice Sewage Treatment Plan. The Municipality's park designation was thus shown on the easterly side of the Courtice waterfront.

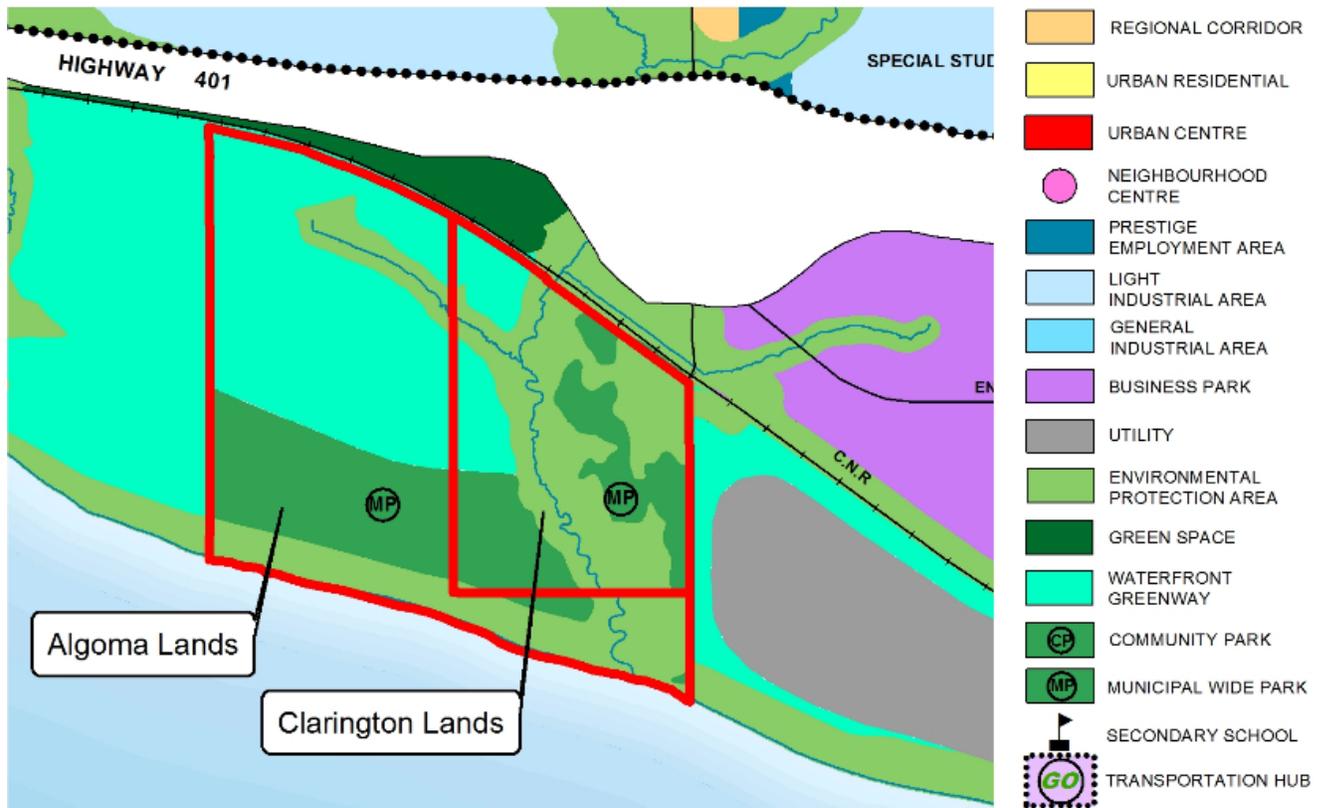
Through the Region's Environmental Assessment for the Sewage Treatment Plan, the site chosen was on the east side of Courtice Shores Road. The proposed park designation clarifies that the park location is west of Courtice Shores Road.

The current Official Plan identified waterfront parks as a symbol. The proposed Official Plan identifies the area along the Waterfront between Courtice Shores Road and Darlington Provincial Park as a future Municipal-wide Park. This change more clearly shows the extent of lands that staff feel should be incorporated into a future park.

Council has directed staff to proceed with acquisition of parkland in this area. Information on this will be provide by confidential memo.

The area identified is significant but in no way has it been fully defined. The north boundary does not coincide with any feature and would be further defined in any land acquisition or future studies.

Infrastructure projects have to look to the longer term future of the Municipality. For example, the Courtice Water Pollution Control Plant was planned for the long term needs of the Region, potentially to serve the urbanization not only of north Oshawa and Whitby but also for the servicing of lands between Courtice and Bowmanville.



In 1990, the Royal Commission on the Future of the Toronto (GTA) Waterfront noted that Clarington needed to “not simply be reactive to private sector proposals; rather it should address the public interest in communities about to face the pressures of rapid urbanization. In this regard, it is vital that the plan retain as much as possible of the currently undeveloped shoreline for future public use”.

Since that time, the Municipality has worked continuously to advance a publicly accessible waterfront. However, the residents of Clarington are highly compromised with their access to the waterfront. Regional sewage plants, the Darlington Generating Station, St. Mary’s Cement, and the gated Wilmot Creek Lifestyle Community occupy virtually 50% of the waterfront between Oshawa and Bond Head, severely limiting access and the ability to provide waterfront parkland.

With the future urbanization of the so-called Whitebelt in the hands of Regional Council and the population density targets established in the Provincial Growth Plan, Clarington will have a substantially larger population in the future. It is important that the Municipality take the appropriate steps to ensure a green, open, accessible, and connected waterfront for residents, which are currently very much underserved with the waterfront parkland available.

Municipal staff have had a series of discussions with Kirk Kemp of Algoma Orchards regarding the acquisition of the waterfront area over the years. The concept of the “Taste of Clarington” was explored as an agri-tourism use. It is a permitted use in the Waterfront Greenway designation and the concept of having some food-related business, restaurants and even a hotel or inn would be an exciting and complementary use.

Mr. Kemp is requesting that his lands be designated a Special Study Area. If the proposal is simply the combination of agriculture, agri-tourism uses and park uses, the relative location can be determined through the land acquisition and development process.

However, Algoma’s concept has evolved to include a residential neighbourhood and is thus requesting the Special Study Area designation. The Special Study Area designation is an indication that the Municipality wants to review the land uses in the area. In staff’s view, this should remain a private sector obligation beginning with an amendment to the Durham Regional Official Plan. There are other implications that will be addressed in the confidential memorandum.

Staff remain firm in the belief that the Municipality needs to make a significant move to acquire waterfront lands for a variety of recreational and cultural purposes.

**Recommendation:**

No change.

## **7. Bowmanville Issues**

### **7.1 Employment Land Conversion – Baseline Road Bowmanville**

OPA 107 proposes to convert some remnant Employment Lands along Baseline Road west of Green Road from Prestige Employment to Community Park and Residential. The northerly portion is on the peak of the drumlin and currently contains one house. It is very difficult to develop for industrial purposes but was originally part of a larger designated area that included the lands that are now part of Clarington Fields and the future South Bowmanville Recreation Centre.

Submission WS-64 objected to the Environmental Protection designation on the lands. It should be noted that the Environmental Protection designation is not substantively changing. In reviewing land use options for the lands on the west side of Green Road, it was noted lands are highly constrained by natural heritage features and steep slopes. It was determined that the southerly portion would be suitable for a future expansion of Clarington Fields complex for the Municipality to purchase at a future date. The southerly lands are also isolated from services given the topography of the lands. A non-residential use is preferred adjacent to Highway 401. The northerly portion of the site could develop for residential purposes although it will be a difficult site. Natural grades largely face south-west providing some relief from the lights and noise from activity around the community centre. In both cases, the sites are small and unsuited for industrial type employment uses.

In addition, there are some small parcels of land (2411, 2415 and 2421 Baseline Road) that are currently designated Community Park/Environmental Protection. They are zoned M1 Industrial. They are isolated by the stormwater pond on the west and the tributary on the east. It is not possible to incorporate them into the Community Park. OPA 107 proposes to designate the lands Gateway Commercial. Submission WS-10 requests a Neighbourhood Centre designation to allow for a residential mixed use component. While staff support commercial uses, the site is somewhat isolated from the residential neighbourhood and given the activity and night lights at Clarington Fields, a strictly commercial designation is preferred.

**Recommendation:**

No Change.

## **8. Newcastle Issues**

### **8.1 Local Corridor Designation**

A number of submissions (WS-7, WS-8, VS-26) were received to allow commercial uses along Highway 2 on the west side of the Village Centre. A Commercial Market Analysis was conducted as part of this Official Plan Review. The analysis indicated that the demand for new commercial lands in Newcastle is still a few years away, beyond 2021.

The Plan supports and strengthens traditional downtowns in Clarington. Policies protect the planned function of the Village Centre as the main commercial area of Newcastle. However a distribution of some commercial facilities helps to create walkable neighbourhoods with everyday goods and services available for residents.

**Recommendation:**

Staff recommend that a Local Corridor designation along the west segment of Highway 2 from the west urban boundary to the Village Centre. This will allow for some limited commercial as part of a mixed use building and at the same time encourage transit supportive medium densities along Highway 2.

## **9. Orono Issues**

### **9.1 Orono Expansion**

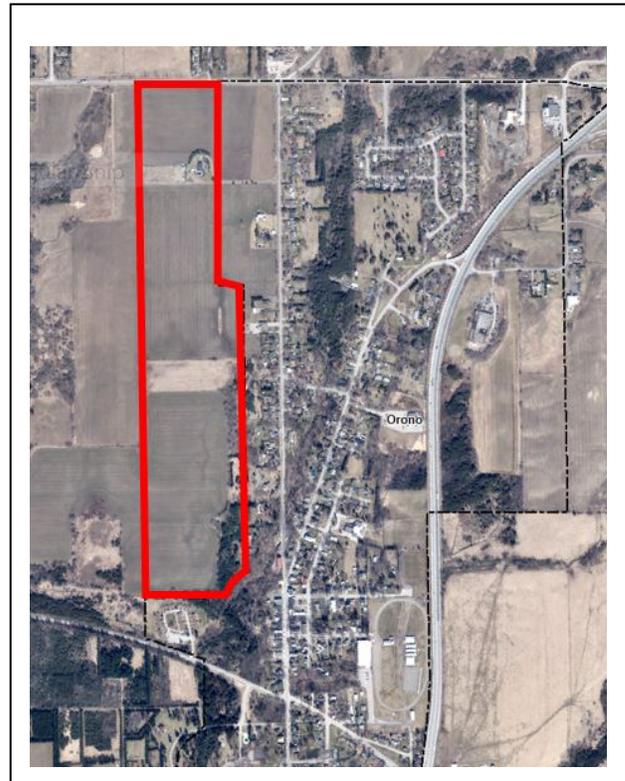
The Orono BIA's submission requested the expansion the Urban Boundary of Orono. The area is approximately 40 hectares (100 acres) to the west of Orono. This will allow the area to develop in an affordable, green, self-sustaining way.

The business community in Orono is looking for limited growth to help support their businesses and remain viable. As Orono and the surrounding agricultural area lose population due to declining household sizes, a limited expansion would help to provide the basis to maintain a complete community with all the services close at hand. It

provides an alternative housing market for Clarington. Part of the concept advanced is to provide for some multi-unit dwellings to allow for a variety of housing some of which would serve seniors.

The primary issue for Orono has always been servicing. The current wells apparently have surplus capacity, but the difficulty is sanitary sewer services. Over the years this has been examined numerous times and to date. The Region's only solution is for the eventual extension of lake-based services. This is not the way forward for Orono; it only leads to the expansion of the urban area upwards, like to Brooklin in Whitby or Columbus in Oshawa, so that the once small village is absorbed into a large urban conglomeration.

The only way for Orono to grow as an Urban Area with this proposed expansion is to allow for communal services. In staff's view, it would not be in keeping with the concept of an Urban Area to build privately-serviced estate residential style subdivision of 1 to 2 acre lots. The last major subdivision in Orono at Peters Pike had ¼ acre lots, which in itself is large for an urban area.



As the Region considers this matter, the Municipality will likely need to investigate in depth how this expansion could be serviced and developed.

**Recommendation:**

That the Orono Urban Area be expanded to incorporate approximately 40 hectares of land on the west boundary.

**9.2 “Rounding Out” of Hampton**

The Municipality has already proposed an expansion to the Hamlet of Hampton as part of the draft OPA to include the lands at the northeast corner of Hampton (just north of Ormiston Street). Since the release of draft OPA 107, the Municipality has received two written submissions for the expansion of Hampton's Settlement Boundary. The first submission, (WS-55), is from John and Ingrid Janssen owners of property around the northwest corner of Taunton Road and McCallum Street, the area west of the existing Hamlet of Hampton. They are requesting a minor rounding to allow for development of

about three to four, 1 acre lots that would be accessed through a court off of Taunton Road or McCallum Street.

The second submission, WS-43, from the Biglieri Group representing 1559360 Ontario Limited requests that the Hampton's settlement boundary be expanded to include the lands located at the north east corner of Holt and Taunton Roads. As part of an application process for a golf driving range an Agricultural Review was conducted to determine the site's agricultural potential. The report completed in 2006 concluded that site has limited agricultural potential due to its limited size. It is a combination of Class 1 and Class 2 farmland. Official plan amendments and the zoning by-law were amended to permit a golf driving range. No action has been taken since then to implement this proposal. Their request is for a significant westerly expansion of Hampton to permit 30, 1 acre lots on the east side of Holt Road. A Planning Rationale report was also provided in support of the proposed expansion.

**Recommendation:**

- a) That the expansion requested by the Janssens be incorporated into Hampton as a minor rounding out.
- b) That the expansion requested by 1559360 Ontario Ltd. is not a minor rounding out but a significant expansion, that it is not physically connected due to the hamlet by an intervening woodlot. Moreover, this request is for a residential designation immediately beside the Marksman Club, an indoor gun club, which may present a noise concern for upscale housing.

**9.3 "Rounding Out" of Kendal**

Stephen Wood (Submission VS-8) made a submission requesting that his 70 hectare parcel on the south-east corner of Ganaraska Road and Regional Road 18 be added to the hamlet of Kendal. In support of his request, he submitted an undated extract of Clarke Township Zoning By-law 1592, passed in 1968, that showed his property seemingly zoned "Industrial" with a D inscription on it. We believe that the D referred to lands that were deferred by the Province. It is staff's understanding that that the Province never approved the by-law in that form and that they required the Township to hire a professional planner to undertake the By-law. The end result was that the lands were zoned A- Agriculture and approved in 1970.

In 1989 an application was submitted for a subdivision at the southeast corner of Regional Road 18 and Ganaraska Road. The submission was incomplete since the studies to support the expansion were never submitted. Eventually, the application was denied.

Mr. Wood has proposed that the municipal water services be extended to the Hamlet of Kendal and avert any potential risks resulting from the combination of Kendal's unusually high water table, shallow wells and septic systems. No studies or reports were submitted in support of the proposal. The submission argues that this is an opportunity to designate more lands for development in Kendal and have the development community pay for the costs to extend municipal services to Kendal.

Staff does not consider expanding the proposed boundary to this extent to be consistent with the notion of a "minor rounding" of the Kendal hamlet boundary. The area proposed is approximately 70 hectares and the existing Kendal area is 30 hectares. The area proposed for inclusion is quite substantial and would result in an approximately 230 per cent increase, more than double the size of the existing Kendal area. As previously noted, the intent of the Greenbelt Plan is to allow only modest growth to hamlet areas. Staff is therefore of the opinion that the proposed expansion does not maintain the intent of the Greenbelt Plan or the Provincial Policy Statement 2014.

**Recommendation:**

No change.

## **10. Summary of Key Revisions to Draft OPA 107**

10.1 The major changes from the draft amendment to the recommended amendment are identified below:

- a) Removal of the sequencing for future Secondary Plan Areas;
- b) Refinement of Secondary Plan policies as noted above;
- c) Revisions to Table 4-2 to reflect minimum net density requirements instead of gross density requirements and to remove reference to floor space index;
- d) Requiring new Secondary Plan areas shall be planned as net-zero low carbon communities;
- e) Adjusting the Vegetation Protection Zone policies;
- f) Addition of Special Study Area 5 to facilitate the expansion of the Greenbelt;
- g) Reorganization of the Countryside chapter 13;
- h) Removal of rezoning requirement for on-farm diversified uses. The decision on uses needing a rezoning will be determined through the comprehensive zoning by-law review.

## 10.2 Key revisions to the maps

Many of the maps have been revised to reflect the revisions to the policies and changes in the terminology and to improve accuracy, and where appropriate, to respond to questions and comments received through the public submission process. Some of the key revisions are:

### Land Use Map A:

#### a) Courtice

- Clear identification of Courtice GO Station Transportation Hub;
- Re-designation of general Industrial lands on the east side of Trulls Road to light industrial and prestige planning;
- Adjustment to incorporate a portion of the Delpark lands within the existing Secondary Plans;
- Re-designation of Industrial Lands to Residential north of northerly east-west collector road and south of the Regional Corridor between the Robinson Creek and Courtice Road;
- Adjustment to the Secondary Plan boundaries and the Courtice Employment Areas (Special Study Area 4).

#### b) Bowmanville

- Adjusting Residential and Town Centre conceptual boundaries as it relates to the Vanstone Mill lands;
- Expanding the Goodyear Redevelopment Area (Special Study Area 3) to incorporate lands to the south.

#### c) Newcastle

- Local Corridor along King Street West.

#### d) Orono

- Expansion of Orono settlement boundary to the west on all maps.

#### e) Rural

- Adjustment to the rural settlement boundaries in Hampton and Newtonville on all maps;
- Adjustment of the Environmental Protection Area for One Life Farm.

### Urban Structure Map B:

- Addition of local corridor along King Avenue West, Newcastle.

Secondary Plan Areas Map C:

- Removal of sequencing numbers;
- Adjustment to Secondary Plan Areas in Courtice and Orono.

Natural Environment Map D:

- Adjustment of the Natural Heritage System for One Life Farm.

Transportation Map J:

- Revised alignment of east-west collector road in Courtice Employment Area to avoid woodlot south of Bloor Street;
- Addition of Poppyfield Crescent extension as Collector Road.

## **11. Next Steps**

- 11.1 In light of further comments, Council's consideration and technical review, OPA 107 will be consolidated in its final form.
- 11.2 Once Clarington Council adopts the Official Plan Amendment 107, it will be forwarded to the Durham Region for review and approval. The Region has various options. It may approve, approve with modifications, deny or make no decision (in other words defer making a decision) on various portions of OPA 107. The latter option may be used when it is determined that further study or more information is required. The Region must determine whether the adopted plan is in conformity with Provincial policy and the Regional Official Plan.
- 11.3 Prior to issuing a decision on the Clarington Official Plan Amendment 107, it is anticipated that Regional Staff will provide a list of proposed modifications to the Director of Clarington Planning Services. Staff will review those proposed modifications and bring a report to Council outlining the proposed modifications. Council will then be able to provide comments to the Region on the proposed modifications before the Region issues its decision. If the list of proposed modifications is received after the December 5, 2016 meeting of the Planning and Development Committee, a special Council meeting will be required, should Council wish to make a decision before the end of the year.
- 11.4 Once the Durham Region issues its decision, a 20 day appeal period is provided. Any person or organization that has provided comments (in person, or in writing) to Clarington Council prior to the adoption of the Clarington Official Plan Amendment 107, and/or the Durham Region prior to issuing its decision has the right to appeal all or part of the Clarington Official Plan. Once the Plan is approved it becomes in full force and effect.

## **12. Conformity with Clarington's Corporate Strategic Plan**

The Official Plan Review is one of the primary inputs of the Planning Services Department into fulfilling the Municipality's Strategic Plan for 2015-2018. Specifically, OPA 107 contains policies that:

- Facilitates the creation of jobs, attracts new businesses and expands existing businesses;
- Manages growth to maintain our “small town” feel particularly strategic actions to:
  - Provide for walkable mixed use neighbourhoods.
  - Support a variety of affordable mixed housing types.
- Enables safe, efficient traffic flow and active transportation;
- Promotes resident engagement (via an extensive public participation process in the Official Plan Review);
- Enhances our unique natural environment, particularly supporting actions to:
  - Adopt updated natural heritage policies.
  - Continue with parkland along the waterfront.
  - Prioritizing trails to connect our community.

Submitted by:



David Crome, MCIP, RPP,  
Director of Planning Services

Reviewed by:



Curry Clifford, MPA, CMO  
Interim CAO

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lbackus@clarington.net

**Attachments:**

Attachment 1	Public Communication/Consultation
Attachment 2	Response to Submissions Table
Attachment 3	OPA 107 – under separate cover

List of interested parties to be notified of Council's decision is on file in the Planning Services Department.