

**REPORT**  
**PLANNING SERVICES**  
**PUBLIC MEETING**

**Meeting:** GENERAL PURPOSE AND ADMINISTRATION COMMITTEE

**Date:** September 13, 2010

**Resolution #:**

**By-law #:** N/A

**Report #:** PSD-096-10

**File #:** COPA 2010-0005

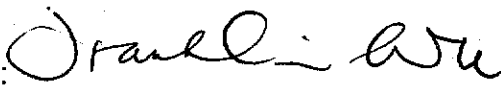
**Subject:** PROPOSED AMENDMENT TO THE MUNICIPALITY OF CLARINGTON OFFICIAL PLAN TO INCORPORATE THE REQUIREMENTS AND PERMISSIONS AFFORDED TO THE MUNICIPALITY AS A RESULT OF BILL 51, THE *PLANNING CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006, PLACES TO GROW ACT, 2005, THE GREENBELT ACT, 2005, THE ONTARIO HERITAGE ACT AND THE PROVINCIAL POLICY STATEMENT, 2005*

**RECOMMENDATIONS:**

It is respectfully recommended that the General Purpose and Administration Committee recommend to Council the following:

1. THAT Report PSD-096-10 be received;
2. THAT the proposed Amendment to the Official Plan continue to be processed; and
3. THAT the interested parties list in Report PSD-096-10 and any delegations be advised of Council's decision.

Submitted by:   
Faye Langmaid, FCSLA, MCIP  
Acting Director, Planning Services

Reviewed by:   
Franklin Wu  
Chief Administrative Officer

LB/COS/df  
3 September 2010

## 1.0 APPLICATION DETAILS

- 1.1 Applicant: Municipality of Clarington
- 1.2 Proposal: Amend the Clarington Official Plan as set out in Attachment 1 (circulated under separate cover)
- 1.3 Location: Municipal wide

## 2.0 PURPOSE

- 2.1 The purpose of this report and the associated public meeting is to receive input on the proposed amendment to Clarington's Official Plan. This staff report gives an overview of the major amendment topics including the implications of these changes to the planning process in Clarington.

## 3.0 BACKGROUND

### 3.1 The Official Plan Review Process

In April 2008 Council approved the Official Plan Review workplan outlined in Staff Report PSD-049-08. The workplan emphasizes public participation and a continuous implementation throughout the Official Plan Review process. To allow for continuous implementation through Official Plan Amendments, the Official Plan Review has been broken into several major components including:

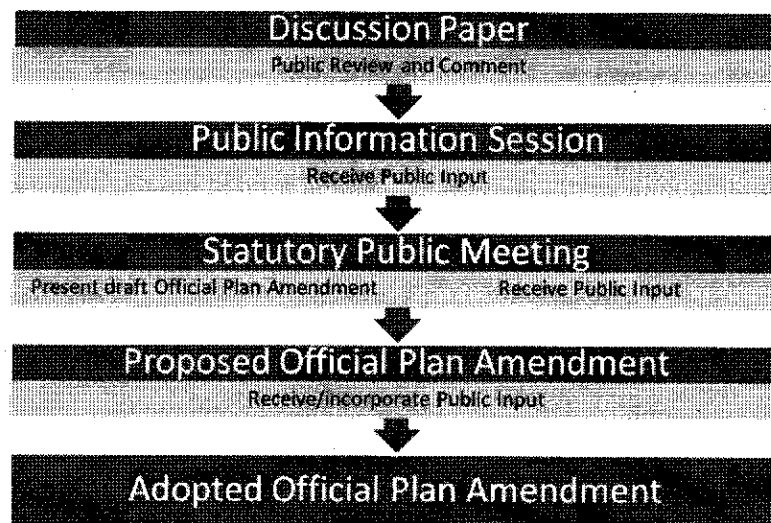
#### Themes:

- Built Environment and Planning Process;
- Rural/Agriculture;
- Growth Management;
- Intensification;
- Employment Lands; and
- Sustainable Communities.

#### Special Projects:

- Courtice Main Street;
- Courtice Employment Lands Secondary Plan; and
- Parks, Open Space and Trails Plan.

The process followed through each major component is the same. The process begins with the release of a Discussion Paper and culminates in an Official Plan Amendment. Continuous public input and review is absolutely necessary throughout the process to ensure that the Official Plan Amendment proposed to Council meets the needs of the communities as well as Provincial and Regional policy conformity.



### 3.2 Introductory Discussion Paper and Public Consultation

In May 2008, the Official Plan Review Introductory Discussion Paper was released. The main purpose of this Introductory Discussion Paper was to open a dialogue with the public regarding the effectiveness of our current planning policies and to identify the challenges Clarington's community is anticipated to face over the next 25 years. As the purpose of this paper was to open a dialogue, it was not intended to culminate in an Official Plan Amendment.

Following the release of the Introductory Discussion Paper, staff initiated the first phase of public consultation for the Official Plan Review as outlined below. More than 600 residents provided input during this initial phase which consisted of four components:

1. Community sessions in Bowmanville, Courtice, Newcastle, Newtonville, Orono and Solina;
2. Stakeholder meetings with the Agricultural Advisory Committee, Living Green Community Advisory Committee, Clarington Board of Trade, Building Industry and Land Development Association and the Visual Arts Centre Board;
3. Community surveys with 400 Clarington residents and 75 business owners/managers;
4. Consultation with government agencies, including the Durham Regional Planning Department, Inter-ministry Working Group, Ganaraska and Central Lake Ontario Conservation Authorities, School Boards and Municipal Departments.

The major issues the community wanted addressed included:

- Preservation of the natural environment, including environmental features, open spaces and agricultural lands.
- Commitment to creating employment opportunities, not just residential development.
- Maintenance of the rural, small town character of Clarington, partly through the preservation and enhancement of historic downtowns.
- Infrastructure availability (roads and municipal services) to precede development.

- Maintenance of affordable housing.
- Continued engagement of the public.

#### 4.0 PROVINCIAL LEGISLATION CHANGES

Since the Official Plan was first adopted in 1996, Clarington has experienced rapid growth, the Provincial government has introduced major legislation affecting the land use planning process and the Durham Regional Official Plan has been amended.

The following provides a brief description of the changes to the legislation and the implications of these changes for Clarington.

##### 4.1 Planning Act

The *Planning and Conservation Land Statute Law Amendment Act, 2006* came into effect on January 1, 2007, and supplied Ontario municipalities with a number of additional powers that deal with the land use planning process as well as Ontario Municipal Board (OMB) appeals. The majority of the changes to the *Planning Act* modify aspects of the land use planning process, provide additional tools for implementation of provincial policies and give further support to sustainable development, intensification and redevelopment.

The proposed amendments to the Clarington Official Plan that deal with urban design, preconsultation and complete applications, employment areas, intensification and energy conservation are attributed to the amendments to the *Planning Act*.

##### 4.1.1 Provincial Policy Statement

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters relating to land use planning that are of provincial interest. The PPS focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. It is issued under the authority of Section 3 of the *Planning Act*.

The directions of the PPS are complemented by planning directions provided through other provincial plans, such as the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe. Together, these documents provide a framework for comprehensive, integrated and long-term planning that supports the principles of strong communities, a clean and healthy environment, and economic growth for the long term.

The proposed amendments to the Clarington Official Plan dealing with issues such as the protection of employment areas, cultural heritage, compact complete communities and energy conservation can be linked to the directives of the PPS.

#### 4.2 Provincial Growth Plan

The Growth Plan for the Greater Golden Horseshoe has been prepared under the *Places to Grow Act, 2005*, and came into effect on June 16, 2006. The Growth Plan is a framework for implementing Ontario's vision for building stronger, prosperous communities by better managing growth. Official Plans are required to be in conformity with the Growth Plan.

The proposed amendments to the Clarington Official Plan described in Section 6, such as employment areas, the identification of the built boundary and an emphasis on high quality and compact built form stem directly from the Growth Plan. However, the majority of the Growth Plan conformity exercise will be undertaken as part of the Growth Management and Intensification components of the Official Plan Review.

#### 4.3 The Ontario Heritage Act

*The Ontario Heritage Act, 2005 (Heritage Act)* was amended to strengthen and improve heritage conservation in Ontario. The changes made to the *Heritage Act* affect the Municipality's ability to prevent demolition and manage heritage conservation resources within the Planning Process, but have not changed the direction of the policy framework.

The proposed amendments to the existing Cultural Heritage policies of the Clarington Official Plan include some new terminology and modified definitions and also permit the strengthening of policies to ensure compatible development adjacent to heritage properties.

#### 4.4 Durham Region Official Plan

The Region of Durham initiated a Review of the Durham Regional Official Plan (DROP) in April of 2000. Four discussion papers, including proposed directions, were released as part of this review. The discussion papers were:

- Towards a Sustainable and Healthy Environment;
- Population, Employment and Urban Land;
- Commercial Policy Review; and
- Protecting Our Rural Resources.

The directions from these discussion papers, public input and the legislative requirements resulted in several Official Plan Amendments dealing with environmental, commercial, rural, population, employment and urban land issues between 2004 and 2006.

In response, Durham Region adopted Official Plan Amendment 114 in September 2006. This Amendment incorporated the transportation, commercial, rural, environmental and certain aspects of the population employment and urban land components of the Official Plan Review. Durham Region has also adopted subsequent amendments to address

the *Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51)* requirements.

The policies associated with population, employment and other urban issues were adopted through Durham Region Official Plan Amendment 128 (ROPA 128) in June 2009 as their amendment to address conformity with the Growth Plan. This amendment was then sent to the Province for approval. To date, the Province has issued a draft decision regarding ROPA 128, and the Region of Durham has responded with some modifications to the amendment. The Province has not responded to the Regions modifications. As such, Clarington's Growth Plan conformity exercise has been put on hold until the Region of Durham's conformity exercise (ROPA 128) is approved by the Province.

The Region of Durham's Official Plan review process differs from ours, in that the end result was one major amendment (ROPA 114) that incorporated the majority of all of the changes raised throughout the process. This is not the same as Clarington's approach as described in Section 3.1 of this Report. Each 'major topic' will result in an individual amendment. As such, the Amendment in Attachment 1 addresses certain portions of the recently updated Region of Durham Official Plan. Specifically, the Amendment addresses the use of secondary plans, cultural heritage issues, preconsultation and complete applications, complete communities and sustainable development. The remainder of the conformity exercise to the Region of Durham Official Plan and the Growth Plan will be completed as each topic is addressed.

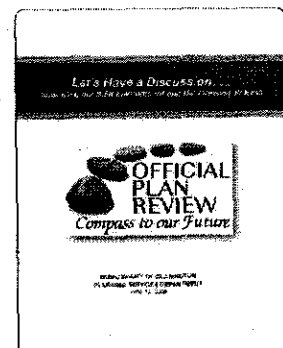
#### 4.5 Summary

There is a time lag between when the Province passes a new piece of the legislation until it has been incorporated into an upper tier Municipal Official Plan (Region of Durham) and then into a lower tier Official Plan (Municipality of Clarington). The Region of Durham has completed the majority of their conformity exercise to the legislative changes described above, and it is now time to consider amendments to the Clarington Official Plan. The following Sections will discuss the process the attached Official Plan Amendment have followed to date.

### 5.0 LET'S HAVE A DISCUSSION...IMPROVING OUR BUILT ENVIRONMENT AND THE PLANNING PROCESS

#### 5.1 The Discussion Paper

*Let's Have a Discussion...Improving our Built Environment and the Planning Process*, is the second in the series of discussion papers that are being prepared throughout the course of the Official Plan Review. The Discussion Paper was announced and released through Report PSD-109-09 in November 2009. Planning's E-update announced the release of the Discussion Paper to over 200 subscribers. An email with the announcement was sent to the approximately 130 interested parties as well. The



discussion paper has been available for review on the Municipality's Official Plan Review website and hard copies are available at all Library Branches and at the Planning Services Department.

The Discussion Paper is divided into two major components, Planning Tools and Policy and Planning Administration. The Planning Tools and Policy section explores the new tools that have been provided to municipalities to help manage the land use planning process and built environment. These new tools augment the existing Community Improvement Plans, Employment Areas, Community Benefits (bonusing) and Urban Design policies within our Official Plan. The Planning Administration section focuses on the changes to the *Planning Act* that emphasize transparency and the shift of information needs to the beginning of the planning process.

The Discussion Paper is structured in such a way so as to show the reader the evolutionary process from legislation to an applicable Official Plan Policy. Each topic is introduced, current Official Plan policies as well as the recent changes to the legislation are summarized and a discussion of the implications of the changes for Clarington is discussed. Each section ends with the proposed direction for an applicable Official Plan Policy to respond to the legislative changes. It was these proposed directions we sought input on at the Public information session.

## 5.2 The Public Information Session

The public was invited to an Information Session about the Discussion Paper in December 2009. The invitation was published in local newspapers prior to the Session, it was posted on both the Municipal and Official Plan Review websites, in Municipal facilities and Public Libraries and an email was sent to the interested parties.

The Information Session was designed as a self-led, drop-in session. Display panels were created to visually depict the proposed policy directions outlined in the *Let's Have a Discussion...Improving our Built Environment and the Planning Process* discussion paper. Copies of the Discussion Paper were available and comment sheets were distributed to everyone in attendance. Staff heard lots of positive comments about the Discussion Paper and the Official Plan Review, as a whole, at the public information session. Staff fielded questions about the Discussion Paper as well as about other topics including residential growth, employment needs, servicing the industrial lands, and property specific questions.

## 6.0 PROPOSED AMENDMENT

The proposed Official Plan Amendment, Attachment 1 to Report PSD-096-10 groups the revisions into the following topics:

- Urban Design policies to improve the quality of buildings and site design;
- Policies to protect Employment areas;
- *Places to Grow Act* conformity policies including sustainability, compatibility and intensification, and the identification of the Built Boundary;

- Improved planning process policies that shifts information needs to the beginning of the planning process and promotes transparency;
- Phase future development through the preparation of Secondary Plans; and
- Policies to address community benefits, cultural heritage, community improvement areas and the Site Plan Control By-law.

The following sections discuss how the Amendment was made available to the public as well as provide a brief summary of the implications of these changes to the planning process in Clarington.

## 6.1 Public Notice

The Public Notice for the statutory public meeting was mailed to approximately 150 interested parties on August 3, 2010. The Public Notice was advertised in the local newspapers beginning August 18, 2010. In addition, it was posted on the Municipality of Clarington website ([www.clarington.net](http://www.clarington.net)) and the Official Plan Review website ([www.clarington.net/ourplan](http://www.clarington.net/ourplan)) beginning the week of August 3, 2010.

A proposed Official Plan Amendment was made available for public review 20 days in advance of a Statutory Public Meeting. The Amendment was posted on the Municipal Website and the Official Plan Review website for public review on August 24, 2010. Hard copies were also made available at the Planning Services counter. An email was sent to the interested parties, on August 24, 2010, advising that the proposed Official Plan Amendment was available for review.

## 6.2 Agency Comments

At the time of the writing of this report, preliminary comments have been received from the Central Lake Ontario Conservation Authority. The comments suggest minor revisions to subsection 4.4.35 to include the term 'hydrologically sensitive features'; to include a reference to the protection of natural features and functions within subsection 5.4.4 Sustainability; and that subsection 23.3.4 include a reference to the identification of linkages or connections among key natural heritage features.

These suggested amendments will be considered and any changes that are made to the attached Amendment will be brought forward as part of a future recommendation report.

## 6.3 Description of the Amendments

### 6.3.1 Urban Design

Recognizing the need for high quality development as urban areas intensify, Bill 51 provides new powers to Municipalities by adding exterior building design to the list of matters which a municipality can address through the site plan control process. These matters include, character, scale, appearance and design features.

The other significant component to these enhanced site plan control provisions allows municipalities to require provisions of sustainable design elements within the road right of way, for example plantings, street furniture and other amenities.

Land use is established through the Official Plan and the Zoning By-law, but how a building looks and fits within its neighbourhood, is achieved through the site plan control process. Every building, road and land use contributes to our sense of place – to our community. Built form is intended to meet the needs of the occupant and/or the user but it should contribute to the community as a whole by giving character to the spaces we enjoy. This Amendment adds an entire chapter of policies to the Official Plan (proposed Section 5.4 Urban Design) in order to put a greater emphasis on the quality of the built environment.

Urban design principles and guidelines already exist in various locations within the Official Plan; however, proposed policies will enable Clarington to take advantage of the new provisions in the *Planning Act* as amended by Bill 51. The proposed Amendment incorporates a comprehensive Urban Design section that addresses the new provisions of the *Planning Act* and brings all the urban design policies in the Official Plan into one section.

Currently, the achievement of Municipal objectives with respect to exterior building design and sustainable design elements has largely occurred through the cooperation of developers. By including these policies in the Official Plan and the Site Plan Control By-law, Council will have a greater degree of control over the design of our built environment and community.

### 6.3.2 Employment Areas

It is the intention of the Provincial government to ensure that municipalities can maintain their long-term economic competitiveness through the protection of employment areas. Establishing criteria for the conversion of Employment Lands to other uses will protect the land base necessary for job location and growth.

It is proposed that the policies for Employment Areas be updated to be consistent with Provincial policy, requiring sequential development, identifying specific low intensity uses that are not suitable for serviced industrial lands, clarifying that the development of Employment Areas shall precede by plan of subdivision and that such development should be on full municipal services. It will be through these proposed policies, among others, that the Municipality will be able to protect our existing supply of Employment Lands and to assist in attracting higher employment generating land uses.

Currently the Official Plan does not contain policies that directly protect Employment Lands from being converted to other land uses. Instead, the Official Plan focuses on the uses that are permitted and the associated development standard. Once these Amendments are adopted, Council can be assured that Employment Lands will be protected from conversion and from being developed with undesirable uses.

In addition to amending the Official Plan to incorporate the Bill 51 policies, the Official Plan Review includes the Courtice Employment Lands Study. The objectives of this study are:

- to identify a vision and strategy for the area which is based on a realistic assessment of its market potential; and
- to prepare a Secondary Plan for the area including land use and urban design policies to protect the lands for the envisioned type of development.

### 6.3.3 Built Boundary

The Growth Plan provides the framework for implementing the Province's vision for building stronger, more prosperous communities by managing growth to 2031. The Growth Plan requires that by 2015, 40% of all new residential development be within an established built boundary. This intensification rate needs to be maintained after 2015. Delineating the built-up area is critical for implementing the intensification objective of the Growth Plan.

The former Ministry of Public Infrastructure Renewal (MPIR), in consultation with municipalities, delineated the built boundary for urban centres throughout the Greater Golden Horseshoe. The built boundary is a line that represents the limits of what was built on the ground as of June 2006. The lands outside of the built boundary are considered Greenfield.

The built boundary is an important tool for monitoring intensification and the implementation of the Growth Plan. In order to meet our prescribed intensification targets, we must accommodate 6185 housing units within our built boundaries.

MPIR provided Staff with the built boundaries for Courtice, Bowmanville, Newcastle Village and Orono. It is intended that the built boundary for each Urban Centre be incorporated into the Official Plan as a proposed set of Schedules (J1, J2, J3 and J4).

### 6.3.4 Secondary Plans

Residential development is currently managed by a combination of phasing policies within the existing Official Plan as well as Development Charges. In addition, urban residential lands that are not needed within the life of the Official Plan are designated Future Urban Residential.

Secondary Plans are an additional mechanism available to municipalities to guide the detailed planning of our communities. Secondary Plans provide the tools for the implementation of Regional and local policies such as protection of the natural environment, quality of urban design, housing mix, height, density, transportation, public spaces, and phasing. Secondary Plans would also allow the municipality to monitor growth management targets and policy implementation.

In conjunction with the Provincial growth policies, there is an increased emphasis on the preparation of Secondary Plans in the proposed amendment. The designation on Maps

A2, A3, and A4 of the Clarington Official Plan and policies regarding Future Residential Areas are proposed to be replaced by Secondary Plan policies in the Official Plan.

#### 6.3.5 Pre-consultation and Complete Applications

The amendments to the *Planning Act* emphasize a broadening of the range of information available for approval authorities and Council to consider when reviewing an application. It also shifts the submission of supporting information to the beginning of the planning process. The proposed Amendment includes the introduction of a new section, Preconsultation and Complete Applications within Chapter 23 Implementation. These proposed policies outline the need for a preconsultation meeting in advance of the submission of development applications, complete application requirements, including identifying the type of scope of any studies and reports that will be needed. Council has already enacted a by-law requiring a proponent to pre-consult with staff (By-law 2007-132); however, the policies regarding pre-consultation should be added to the Official Plan.

Throughout the current Official Plan, studies that may be required in support of a planning application are identified. The proposed Amendment includes an Appendix that lists the studies that may be required as part of a complete application. The Appendix also provides a general description of the study requirements. However, it is at the preconsultation stage that the actual terms of reference or scope is determined.

Planning staff have already internalized the complete application requirements and pre-consultation meetings have been the operating practice for a number of years. Environmental Impact Study (EIS) procedures are the most affected by complete application requirements. The current Official Plan requires that an EIS be prepared for any development application located on or adjacent to an identified natural feature. It also states that the Municipality will select and retain qualified professionals to carry out the EIS, at the expense of the applicant. In 2007, the EIS guidelines were modified to be consistent with the complete application requirements. As a result, the Municipality now requires that a mutually agreeable terms of reference be prepared, a proposal to complete the EIS by a consultant from the approved Municipal roster be submitted and the applicant must provide funds for the EIS to be undertaken. These modifications were intended to be temporary until the Bill 51 conformity exercise is complete.

The changes proposed to the Official Plan policy and the EIS guidelines would make the process similar to that of all other studies required for a development application. Specifically, the hiring of a qualified consultant will become the responsibility of the applicant. The Municipality and the Conservation Authority will be involved in the development of the terms of reference and the review of the document. As with other studies, if the Municipality is not satisfied with the study, it will have the option to have the study peer reviewed at the expense of the applicant.

#### 6.3.6 Cultural Heritage

Cultural Heritage is one of the most notable features that residents identify within a community. Cultural heritage resources can be built and/or natural features. They can

include buildings and structures, neighbourhoods, landscapes, archival collections, folktales and traditional crafts and skills. The proposed Amendment strengthens the existing Official Plan policies by including the Provincial directions regarding the context of heritage sites and adjacent properties. In addition, the creation of heritage conservation districts, such as the one on Beech Avenue, is further facilitated.

### 6.3.7 Community Improvement Plans

A Community Improvement Plan (CIP) is a comprehensive, community-based plan that outlines a vision and actions for revitalization of a specific geographical area of the Municipality. To date three CIPs have been adopted and are being administered for the downtown areas of Orono, Newcastle Village and Bowmanville.

The attached Amendment proposes to add some new community improvement project areas (such as the Technology Park and the Courtice Main Street Study area) and to eliminate others as depicted on Map I. During the preparation of future CIPs, energy efficiency upgrades will be included as eligible for funding.

### 6.3.8 Definitions

A number of the existing definitions contained in the Official Plan are proposed to be amended to ensure consistency with the definitions contained in the Provincial Policy Statement, the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Durham Region Official Plan. Additional definitions have been included for ease of reference.

## 7.0 CONCLUSION

- 7.1 The policies contained in this proposed Official Plan Amendment (Attachment 1) will benefit, the community and the development industry. The Urban Design policies will give Council greater control over the built form. The Community will benefit from the protection of employment lands for employment uses. The development industry will benefit because the pre-consultation policies clarify the planning process and information requirements at the beginning of the process. These are just a few examples of the many benefits of these policy amendments.
- 7.2 Attachment 1 has been available to the public for the required statutory period. This report details the proposed Amendment to the Clarington Official Plan. Staff have indicated which policies have been revised, how they have been revised and what has been changed in each specific policy.

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Staff Contact: Lisa Backus

Attachments:

Attachment 1 - Amendment OPA#77 (circulated under separate cover)