



## Committee of the Whole Meeting Agenda

Monday, November 25, 2024, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit [whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar) for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 8.1 of Procedure By-law # 8081-24, Members of Council may choose to attend in-person or participate virtually.

**Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.**

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at [clerk@whitby.ca](mailto:clerk@whitby.ca) by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a **Delegation Request Form** online to the Office of the Town Clerk by 8 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
  2. **Call of the Roll: The Clerk**
  3. **Declarations of Conflict of Interest**
  4. **Consent Agenda**
  5. **Planning and Development**
    - 5.1 Presentations
    - 5.2 Delegations

- 5.2.1 Christian Jattan representing CODR Holdings Limited  
Re: PDP 54-24, Planning and Development (Planning Services) Department Report  
Draft Plan of Subdivision and Zoning By-law Amendment Applications, CODR Holdings Limited, Unaddressed Property on Coronation Road, File Number: DEV-20-24 (SW-2024-02, Z-09-24)

**Refer to Item 5.4.4, PDP 54-24**

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDP 51-24, Planning and Development (Planning Services) Department Report  
Re: Zoning By-law Amendment Application, William Feaver, 7595 Duffs Road, File Number: DEV-22-24 (Z-10-24)

Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (File Number: Z-10-24) as outlined in Planning Report PDP 51-24; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

- 5.4.2 PDP 52-24, Planning and Development (Planning Services) Department Report  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, 1628755 Ontario Limited, 320 & 360 Columbus Road West, File Numbers: DEV-24-22 (SW-2022-05 and Z-16-22)

Recommendation:

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2022-05), subject to the comments included in Report PDP 52-24 and the Conditions of Draft Plan Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That Council approve the amendment to Zoning By-law #1784 (File Number: Z-16-22), and that a Zoning By-law Amendment be brought forward for consideration by Council;
4. That John G. Williams Limited Architect be appointed as the Control Architect for the Draft Plan of Subdivision; and,
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

5.4.3 PDP 53-24, Planning and Development (Planning Services) Department Report  
Re: Official Plan Amendment and Zoning By-law Amendment Applications, Menkes Champlain Inc., Unaddressed Parcel North Side of Stellar Drive, East of Thickson Road South, File Numbers: DEV-18-24 (OPA-2024-W/07, Z-07-24)

Recommendation:

1. That Council approve Amendment Number 141 to the Whitby Official Plan (File Number: OPA-2024-W/07), as shown on Attachment #8, and that a By-law to adopt Official Plan Amendment Number 141 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 53-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 141 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development; and,
4. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-07-24), as outlined in Report PDP 53-24.

5.4.4 PDP 54-24, Planning and Development (Planning Services) Department Report  
Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, CODR Holdings Limited, Unaddressed Property on Coronation Road, File Numbers: DEV-20-24 (SW-2024-02, Z-09-24)

Recommendation:

1. That Council approve a Draft Plan of Subdivision (File Number: SW-2024-02), subject to the comments included in Report PDP 54-24 and the Conditions of Draft Plan Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
4. That Council approve an amendment to Zoning By-law 1784 (File Number: Z-09-24), as outlined in Report PDP 54-24;
5. That a by-law to amend Zoning By-law 1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval; and,
6. That John G. Williams Limited Architect be appointed as the Control Architect for the Draft Plan of Subdivision.

5.4.5 PDP 55-24, Planning and Development (Planning Services) Department Report  
Re: Town Initiated Official Plan Amendment and Zoning By-law Amendments - Changes to Accessory Apartment (Additional Dwelling Unit) Policies and Regulations, File Numbers: OPA-2024-W/01, Z-02-24



Recommendation:

1. That Council approve Amendment 143 to the Whitby Official Plan to permit up to 3 additional residential dwelling units on ground related residential properties in accordance with Attachment #1 to Report PDP 55-24, and that a by-law to adopt Amendment 143 be brought forward for Council's consideration;
2. That the Clerk forward a copy of Report PDP 55-24, two (2) copies of the adopted Amendment, and a copy of the By-law to Adopt Amendments 143 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Zoning By-law Amendments to implement legislative directives of Bill 108 and Bill 23, as well as Council Resolution # 222-23 with respect to the Federal Housing Accelerator Fund (HAF) to permit up to 3 additional dwelling units on parcels of land occupied by ground related dwelling units as shown on Attachments 2, 3, and 4 to Report PDP 55-24 be brought forward for consideration by Council; and,
4. That the Clerk forward a Notice of Council's decision to those parties and agencies, including the Region of Durham's Commissioner of Planning, that requested to be notified of Council's decision.

5.5 New and Unfinished Business - Planning and Development

**6. General Government**

6.1 Presentations

6.2 Delegations

6.3 Correspondence

6.4 Staff Reports

- 6.4.1 FS 44-24, Financial Services Department Report  
Re: Commercial and Industrial Development Charges Calculation Protocol

Recommendation:

That Council approve the use of the proposed protocol for determining applicable commercial and industrial Town of Whitby development charges, as required.

6.5 New and Unfinished Business - General Government

6.5.1 Request the Redistribution of the Provincial Land Transfer Tax and GST to Municipalities for Sustainable Infrastructure Funding

Recommendation:

Moved by Councillor Yamada

Whereas municipalities face growing infrastructure needs, including roads, bridges, public transit, water systems, and other critical services, which are essential to community well-being and economic development; and,

Whereas the current sources of municipal revenue, including property taxes and user fees, are insufficient to meet these increasing demands for infrastructure investment; and,

Whereas the Province of Ontario currently collects the Land Transfer Tax (LTT) on property transactions in municipalities across the province, generating significant revenue that is not directly shared with municipalities; and,

Whereas the Federal Government collects the Goods and Services Tax (GST) on property transactions, a portion of which could be directed to municipalities to address local infrastructure needs; and,

Whereas redistributing a portion of the LTT and GST to municipalities would provide a predictable and sustainable source of funding for local infrastructure projects without creating a new tax burden on residents or homebuyers; and,

Whereas a redistribution of a portion of the existing LTT and GST would allow municipalities to better plan and invest in long-term infrastructure initiatives, supporting local economic growth and improving the quality of life for residents.

Now therefore, be it resolved:

1. That the Council of the Town of Whitby formally requests the Provincial Government to consider redistributing a portion of the Land Transfer Tax collected on property transactions to municipalities; and,
2. That the Council of the Town of Whitby calls on the Federal Government to allocate a percentage of the Goods and Services Tax collected on property sales to municipalities; and,
3. That this redistribution of the Land Transfer Tax and Goods and Services Tax should be structured to provide predictable and sustainable funding to municipalities, allowing for better long-term planning and investment in infrastructure projects that benefit local communities, thus ensuring that local governments receive a fair

share of the revenue to address critical infrastructure needs; and,

4. That copies of this resolution be forwarded to Prime Minister Justin Trudeau, Premier Doug Ford, the Ontario Minister of Finance, the Minister of Municipal Affairs and Housing, Durham Region MPs and Durham Region MPPs; and,
5. That copies of this resolution be forwarded to the local municipalities in Durham Region, the Region of Durham, the Federation of Canadian Municipalities (FCM), and the Association of Municipalities of Ontario (AMO) for their endorsement and advocacy.

## 6.5.2 Reducing or Eliminating Tolls on Highway 407 East

Recommendation:

Moved by Councillor Lee

Whereas at a media appearance on October 25, 2024 Premier Ford fielded a question regarding the possibility of reducing or eliminating tolls on Highway 407 as an alternative to constructing a tunnel under Highway 401; and,

Whereas in response to the question, Premier Ford indicated that he has requested that the Minister of Transportation review reducing or eliminating tolls on the provincially-owned portion of the highway, being Highway 407 East; and,

Whereas Premier Ford further indicated that the Province would do a feasibility study regarding reducing or eliminating tolls on Highway 407 East and that any toll adjustments could be made quickly; and,

Whereas the Get It Done Act, 2024 prohibits Ontario from introducing tolls on provincial highways; and,

Whereas Highway 407 East is the only tolled provincially owned highway in Ontario, resulting in unfair economic impacts to Durham Region residents and businesses; and,

Whereas the Council of the Town of Whitby has previously advocated for the removal of tolls on Highway 407 East through Resolution # 60-24 adopted at the March 18, 2024 Regular Council Meeting in order to boost economic development, improve travel times, and alleviate traffic impacts in Durham Region.

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests that the Province of Ontario reduce or eliminate tolls on Highway 407 East from Brock Road in Pickering to Highway 35/115; and,
2. That the Mayor be requested on behalf of Council, to author a letter including this motion to the Premier of Ontario, the Minister of Transportation, all Durham Region MPPs, all Durham municipalities, the City of Kawartha Lakes, the Township of Cavan Monaghan, the City of Peterborough, the Ontario Trucking Association, and the Ontario Federation of Agriculture.

6.5.3 January 4, 2024 Correspondence from Aird & Berlis LLP

Recommendation:

Moved by Councillor Leahy

That Council waive privilege to make public the January 4, 2024 legal opinion from Aird & Berlis LLP regarding the “Authority to Appoint Deputy Mayor” and that Staff provide Council with the cost incurred to obtain this opinion.

**7. Adjournment**

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: DEV-22-24: Zoning By-law Amendment Application, William Feaver, 7595 Duffs Road, File No. Z-10-24.**

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**Report to:** Committee of the Whole

**Date of meeting:** November 25, 2024

**Report Number:** PDP 51-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

J. Taylor, Director of Planning  
L. England, Planner I, x. 2822

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### 1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (File No. Z-10-24) as outlined in Planning Report PDP 51-24; and,
2. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

### 2. Highlights:

- A Zoning By-law Amendment Application has been submitted by William Feaver for land municipally known as 7595 Duffs Road.
- The Zoning By-law Amendment Application proposes to change the current zoning from Agricultural (A) Zone to appropriate zone categories to permit the proposed development of eight (8) single-detached dwellings and an open space block.
- A future Draft Plan of Subdivision Application will be required to create the proposed eight (8) residential lots.
- All commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions being addressed.

### 3. Background:

#### 3.1. Site and Area Description

The subject land is located on the east side of Duffs Road, north of Baldwin Street North. The subject land is municipally known as 7595 Duffs Road (refer to Attachment #1). The subject land is approximately 0.45 hectares (1.12 acres) in size.

The subject land currently contains a single-detached dwelling, which is proposed to be removed. The land uses to the west include future development lands, currently being utilized for agricultural purposes. The land uses to the north, east, and south are the subject of a residential plan of subdivision application (SW-2021-11) and are currently vacant (refer to Attachments #2 and #3).

#### 3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by William Feaver to accommodate the future development of a residential plan of subdivision.

The Zoning By-law Amendment Application proposes to change the current zoning from Agricultural (A) Zone within Zoning By-law No. 1784, to appropriate zone categories to accommodate the proposed future development (refer to Attachment #4).

A future Draft Plan of Subdivision Application will be required to create eight (8) residential lots that will front directly onto Duffs Road, as well as an open space block (refer to Attachment #4).

#### 3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- A Concept Plan, prepared by GHD, dated April 2024 (refer to Attachment #4);
- A Boundary and Topographic Survey, prepared by J.D. Barnes, dated June 2022;
- An Environmental Impact Study, prepared by Beacon Environmental, dated May 2023;
- An Environmental Constraints Plan, prepared by Beacon Environmental, dated January 2024;
- An Arborist Report, prepared by Beacon Environmental, dated December 2023;
- A Brooklin Secondary Plan Area Sub-Area Study Sub-Area 3C, prepared SCS Consulting Group Limited, dated March 2024;

- A Functional Servicing and Stormwater Management Report, prepared by SCS Consulting Group Limited, dated December 2023;
- A Geotechnical Investigation, prepared by GHD, dated December 2022;
- A Sustainability Report and Whitby Green Standard Checklist, prepared by GHD, dated May 2023 – revised May 2024;
- A Hydrogeological Assessment and Water Balance, prepared by R.J. Burnside & Associates Limited, dated January 2024;
- A Noise Impact Study, prepared by GHD, dated April 2023;
- A Site Screening Questionnaire, prepared by GHD, dated November 2022;
- A Stage 2 Archaeological Assessment, prepared by Archeoworks Inc., dated August 2022; and,
- An Active Transportation Plan, prepared by GHD, dated May 2024 (refer to Attachment #5).

The above documents were distributed to relevant internal departments and external agencies for review and comment.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

On May 17, 2023, Regional Council adopted the new Regional Official Plan. The Official Plan was approved by the Ministry of Municipal Affairs and Housing on September 4, 2024.

The subject land is designated as Community Areas on Map 1 – Regional Structure in the Regional Official Plan. Community Areas are intended for residential, commercial, retail, institutional and other public service facilities.

The proposal to provide additional residential uses in the Community Areas designation conforms to the policy directions of the Regional Official Plan.

##### **4.2. Whitby Official Plan**

The subject land is designated Low Density Residential, Natural Heritage System, and Natural Hazards on Schedule K – Brooklin Community Secondary Plan of the Town of Whitby's Official Plan (refer to Attachment #6).



### **Low Density Residential**

The Low-Density Residential designation recognizes existing residential development, as well as future low density residential development on vacant and designated lands (11.5.9.2).

The Whitby Official Plan (11.5.9.5) requires a minimum density of 25 units per net hectare and a maximum density of 35 units per net hectare for lands designated Low Density Residential.

The subject land proposes to allocate 0.32 hectares for 8 residential lots, while 0.13 hectares will be allocated for open space and road widening. As such, the minimum density of 25 units per net hectare is met.

### **Natural Heritage System & Natural Hazards**

The Natural Heritage System is comprised of an interconnected system of key natural heritage and hydrologic features (5.3.7.1). The extent and exact location of the component natural heritage and hydrologic features of the Natural Heritage System are to be determined through appropriate environmental studies and in consultation with the local conservation authority (5.3.7.3).

Natural Hazards are lands exhibiting poor drainage, unstable or organic soils, flood susceptibility, erosion hazards such as steep slopes or any other physical condition which could cause property damage, loss of life, or lead to the deterioration or degradation of the environment, if developed (5.3.10.1).

### **4.3. Zoning By-law**

The subject land is currently zoned Agricultural (A) Zone within Zoning By-law 1784 (refer to Attachment #7). The Agricultural (A) Zone does not permit the proposed use. Therefore, a Zoning By-law Amendment is required to permit the proposed development.

As the subject land is located within the Brooklin Secondary Plan Area, the site-specific By-law for the subject property will be premised upon applicable zoning provisions outlined within the Brooklin Community Secondary Plan Area By-law (# 7959-23).

### **4.4. Conclusion**

The proposed application would provide additional residential uses on lands designated Community Areas and conforms with the Regional Official Plan.

The subject land proposes to allocate 0.32 hectares for 8 residential lots, while 0.13 hectares will be allocated for open space and road widening. As such, the proposed development complies with the required minimum density of 25 units per net hectare associated with the Low Density Residential land use designation.

All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions being addressed, as outlined in Section 6.

Based on the detailed review of the application and consideration of public and agency comments and requirements, it is concluded that the proposed development is consistent with the Provincial Planning Statement, and is in conformity with the Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment Application.

## **5. Communication and Public Engagement:**

A Public Meeting was held on September 9th, 2024, in accordance with Town of Whitby Official Plan and the Planning Act. This Public Meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application.

The meeting minutes are included in Attachment #8. There were no oral submissions from the public; however, written correspondence was provided by the Brooklin Landowners Group Inc. requesting that cost sharing obligations be fulfilled in accordance with Policy 11.5.31.5 e) and f) of the Brooklin Community Secondary Plan. The cost-sharing obligations will be addressed through the review and approval of the future draft plan of subdivision application.

## **6. Input from Departments/Sources:**

The following agencies have reviewed the application and have no objection:

- Whitby Engineering Services;
- Whitby Planning Services;
- Whitby Fire and Emergency Services;
- Whitby Financial Services;
- Elexicon Energy Inc.; and,
- Ministry of Transportation.

Refer to Attachment #9 for Agency and Stakeholder Detailed Comments.

### **Internal Departments**

#### **Whitby Fire and Emergency Services**

The comments provided by Whitby Fire and Emergency Services state that there is no objection to the application, subject to submitting a proposed firebreak plan for review and approval prior to construction indicating the designated firebreak lot on site.

#### **Whitby Financial Services**

The comments provided by Whitby Financial Services state that there is no objection to the application, subject to submitting development charges and cash-in-lieu of parkland through the future subdivision application.

## External Agencies

### Region of Durham Planning and Economic Development & Works Department

The comments provided by the Region of Durham Planning and Economic Development Department & Works Department state that there is no objection to the application, subject to water supply and sanitary servicing comments being addressed at the time of the review of the future Draft Plan of Subdivision Application (refer to Attachment #9).

### Central Lake Ontario Conservation Authority

The comments provided by the Central Lake Ontario Conservation Authority state that there is no objection to the application, subject to conditions of approval being addressed at the time of the review of the future Draft Plan of Subdivision Application (refer to Attachment #9).

#### 7. Financial Considerations:

Not applicable.

#### 8. Strategic Priorities:

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The future development of a residential subdivision contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing housing options.

#### 9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Adjacent Draft Plan of Subdivision SW-2021-11

Attachment #4: Proponent's Proposed Concept Plan

Attachment #5: Proponent's Proposed Active Transportation Plan

Attachment #6: Excerpt from the Town of Whitby Official Plan – Schedule K

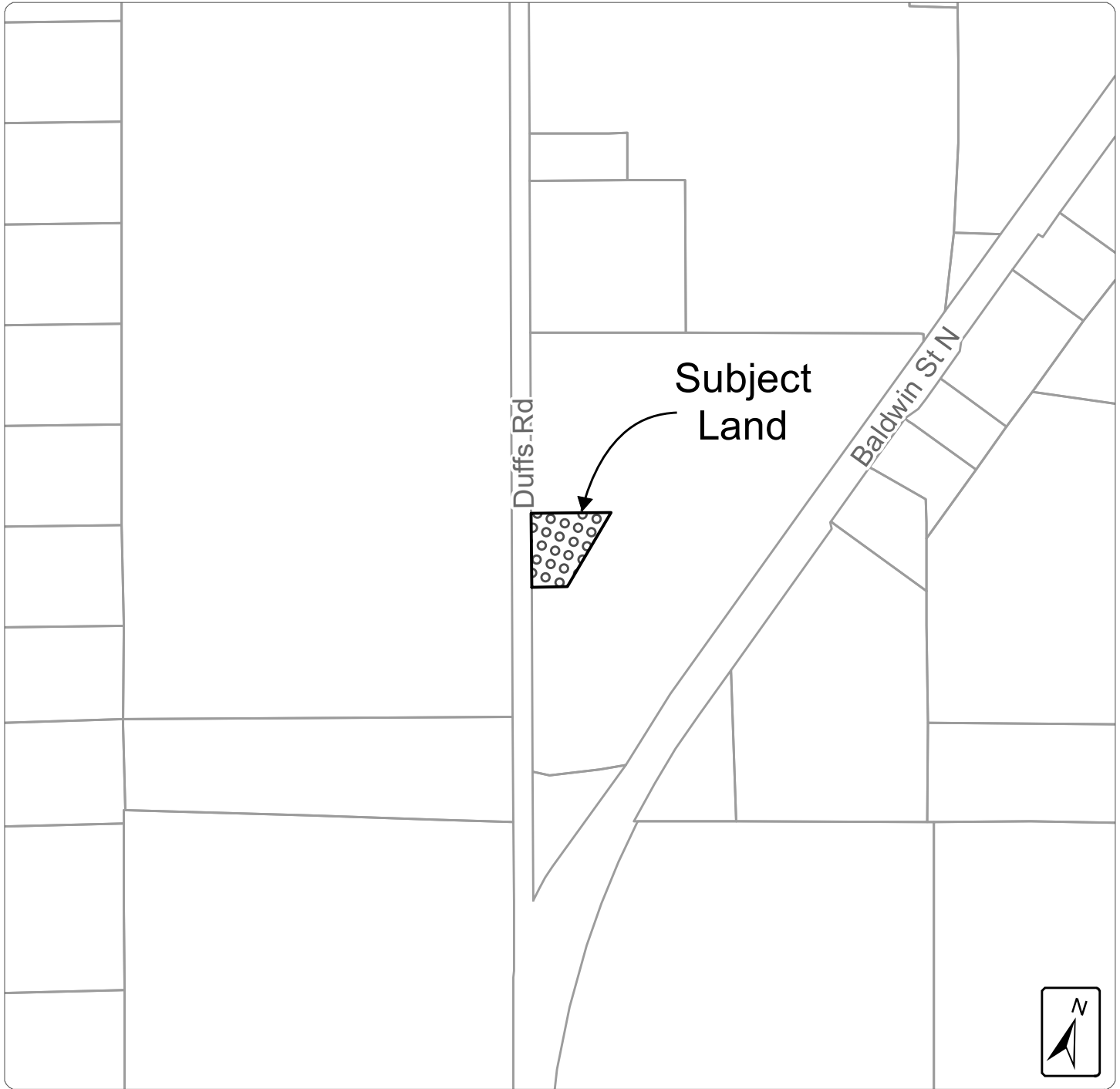
Attachment #7: Excerpt from Zoning By-law No. 1784

Attachment #8: Public Meeting Minutes

Attachment #9: Agency and Stakeholder Detailed Comments

# Attachment #1 Location Sketch

PDP 51-24



## Town of Whitby Planning and Development Department

Proponent:  
GHD c/o William Feaver

File Number:  
DEV-22-24 (Z-10-24)

Date:  
November 2024

External Data Sources:  
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Attachment #2  
Aerial Context Map



 Town of Whitby Planning and Development Department

Proponent:  
GHD c/o William Feaver

File Number:  
DEV-22-24 (Z-10-24)

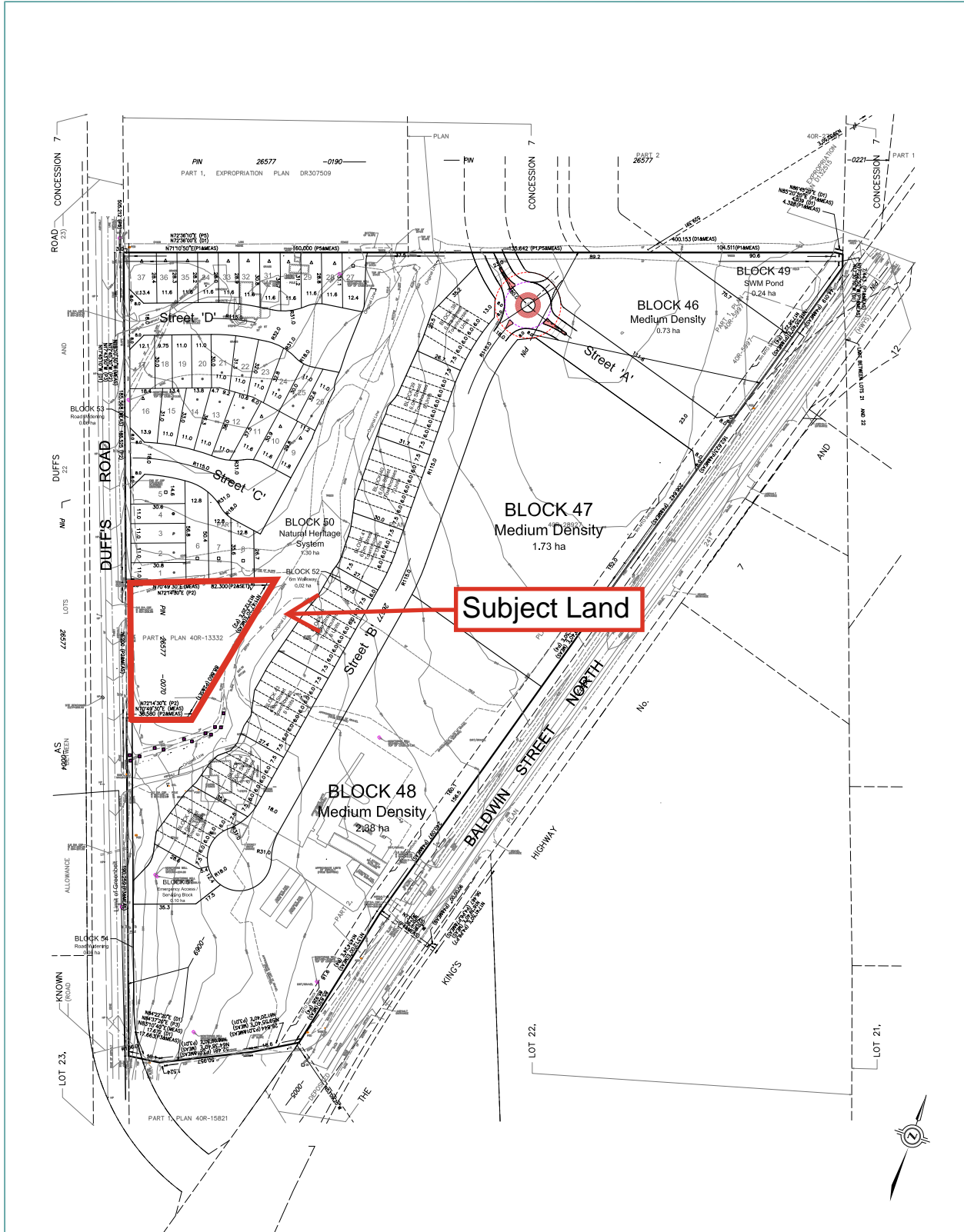
Date:  
November 2024

External Data Sources:  
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Adjacent Draft Plan of Subdivision SW-2021-11



**DRAFT PLAN OF SUBDIVISION**

Part of Lot 22  
Concession 7  
(Geographic Township of Whitley)  
Now in the  
Town of Whitley  
Regional Municipality of Durham

Scale: 1:1000

Prepared For: Prepared by:  
Brown & Caldwell  
Landscape Partnership  
MGP File: 17-2668

**KEY PLAN**

Legend:  
SUBJECT PROPERTY  
ADJACENT PROPERTY

**SCHEDULE OF LAND USE**

Code	Land Use	Area (ha)
1-37	1-37 (Municipal Office, 6,700 (100))	2
1-38	1-38 (Municipal Office, 11,200 (100))	12
1-39	1-39 (Municipal Office, 11,200 (100))	16
1-40	1-40 (Municipal Office, 11,200 (100))	16
2-45	2-45 (Street Frontages)	54
4-20	4-20 (Water Storage)	4.26
4-21	4-21 (Storm Water Management Pond)	1.26
4-22	4-22 (Land Intake System)	1.26
4-23	4-23 (Emergency Access / Fire Safety / Pond)	1.26
4-24	4-24 (Waterway)	0.60
4-25	4-25 (Road Interference)	0.60
Public Roads	Street "D" 25.0m ROW 165m	1.58
Public Roads	Street "C" 19.0m ROW 165m	0.64
<b>Total</b>		<b>109.1</b>

**OWNER'S AUTHORIZATION**

We, Brown & Caldwell (a) Limited Partnership, hereby authorize Matthew G. van Pelt to prepare and submit this Draft Plan of Subdivision to the Town of Whitley.

Matthew G. van Pelt  
Date: Oct. 13, 2021

**SURVEYOR'S CERTIFICATE**

I hereby certify that the boundaries of the lands to be subdivided as shown on this Plan and that relationships to the adjacent lands are accurately and correctly shown.

G. C. Lambrose  
Date: Oct. 13, 2021

**ADDITIONAL INFORMATION**

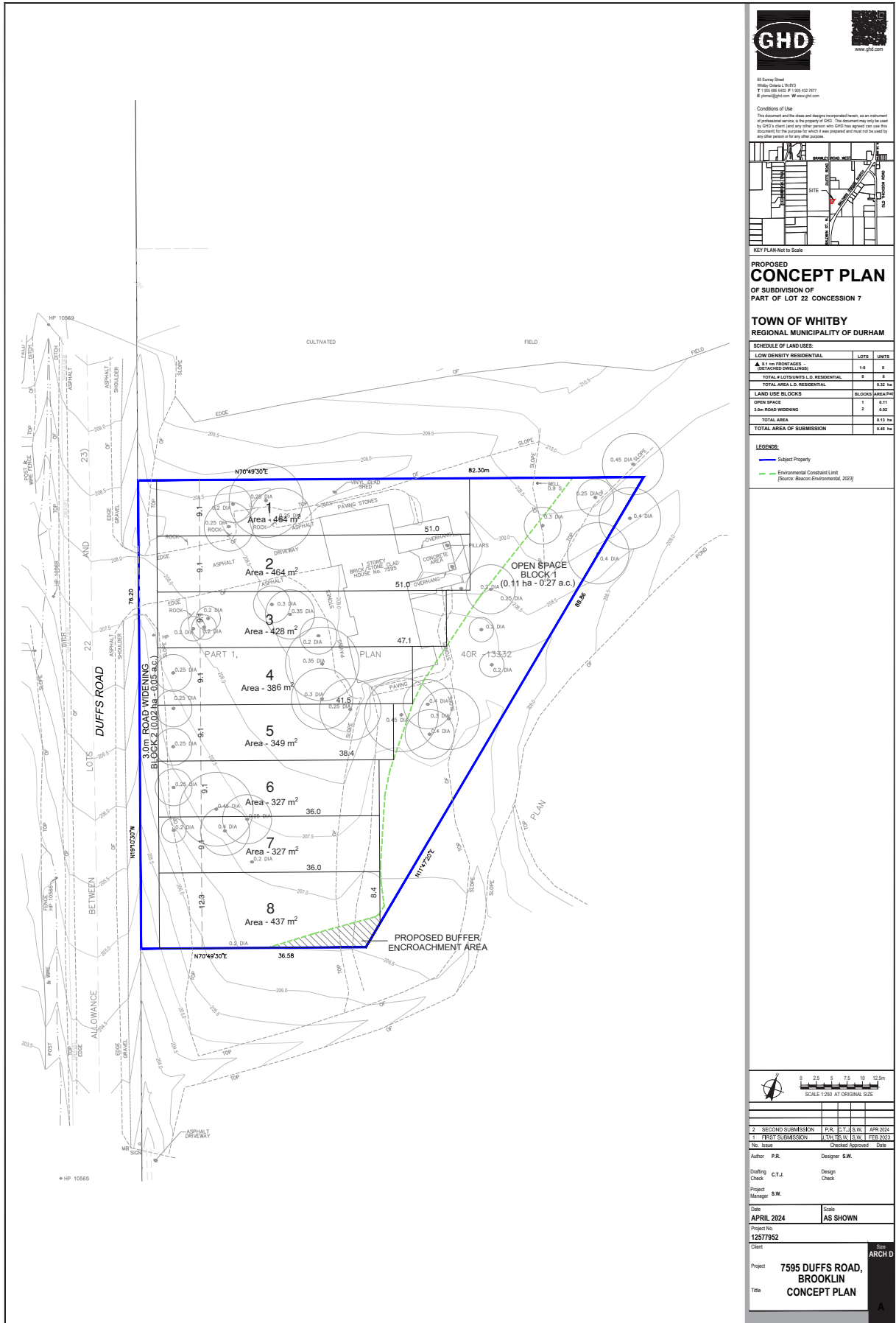
AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, CHAPTER 143, R.S.O. 1990.

(a) (i) (ii) (iii) (iv) - As shown on the Draft Plan.  
(b) (i) - As shown on the Draft and Key Plan.  
(c) - Land to be used in accordance with the Schedule of Land Use.  
(d) - S-04a lands, 48b, c, d, and 48c.  
(e) (i) - Full municipal services to be provided.

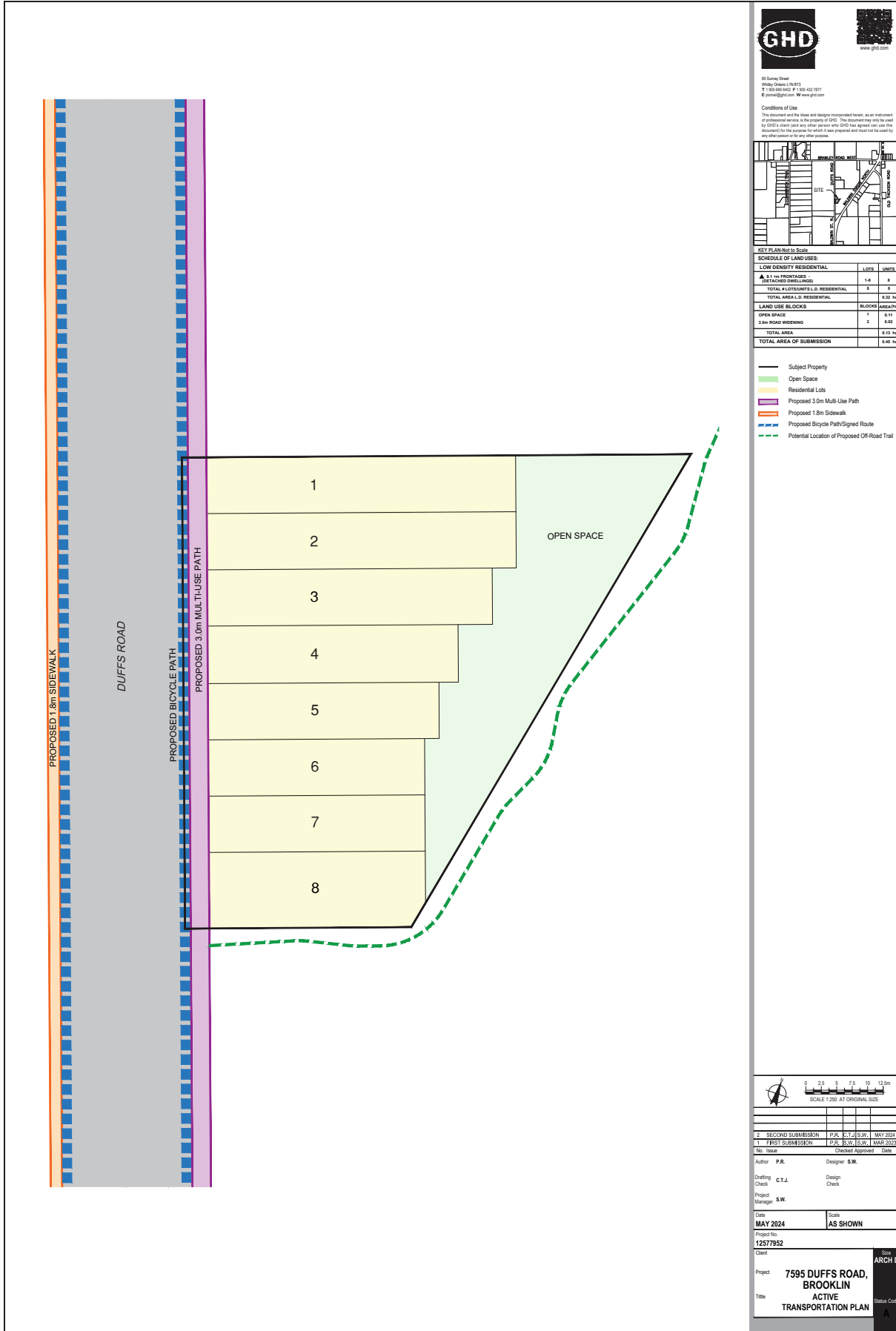
NOTE: Contours relate to Canadian Geomatics Datum, Canadian Mean Sea Level (CGM2011).

Code	Area (ha)	Total
1-37	2	2
1-38	12	14
1-39	16	30
1-40	16	46
2-45	54	100
4-20	4.26	104.26
4-21	1.26	105.52
4-22	1.26	106.78
4-23	1.26	108.04
4-24	0.60	108.64
4-25	0.60	109.24
Public Roads	2.22	111.46
<b>Total</b>		<b>111.46</b>

# Attachment #4 Proponent's Proposed Concept Plan



## Proponent's Proposed Active Transportation Plan



15 Sarny Street  
 Wiley Centre L1N 9Y3  
 T 1 800 485 4422 F 1 905 422 1077  
 ghd@ghd.com www.ghd.com

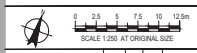
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**KEY PLAN (Not to Scale)**

SCHEDULE OF LAND USES:		
LOW DENSITY RESIDENTIAL (DETACHED DWELLINGS)	LOTS	UNITS
A 3.0m PROPOSED	1.8	8
TOTAL PROPOSED/L.D. RESIDENTIAL	8	8
TOTAL AREA L.D. RESIDENTIAL	0.32 ha	
LAND USE BLOCKS		
BLOCKS	AREA (ha)	AREA (m <sup>2</sup> )
OPEN SPACE	1	0.11
3.0m ROAD WIDENING	2	0.08
TOTAL AREA	0.13 ha	
TOTAL AREA OF SUBMISSION	0.45 ha	

- Subject Property
- Open Space
- Residential Lots
- Proposed 3.0m Multi-Use Path
- Proposed 1.8m Sidewalk
- Proposed Bicycle Path/Signed Route
- Potential Location of Proposed Off-Road Trail



2	SECOND SUBMISSION	P.R. C.T.J. S.W.	MAY 2024
1	FIRST SUBMISSION	P.R. S.W. S.W.	MAY 2024
No.	Issue	Checked	Date

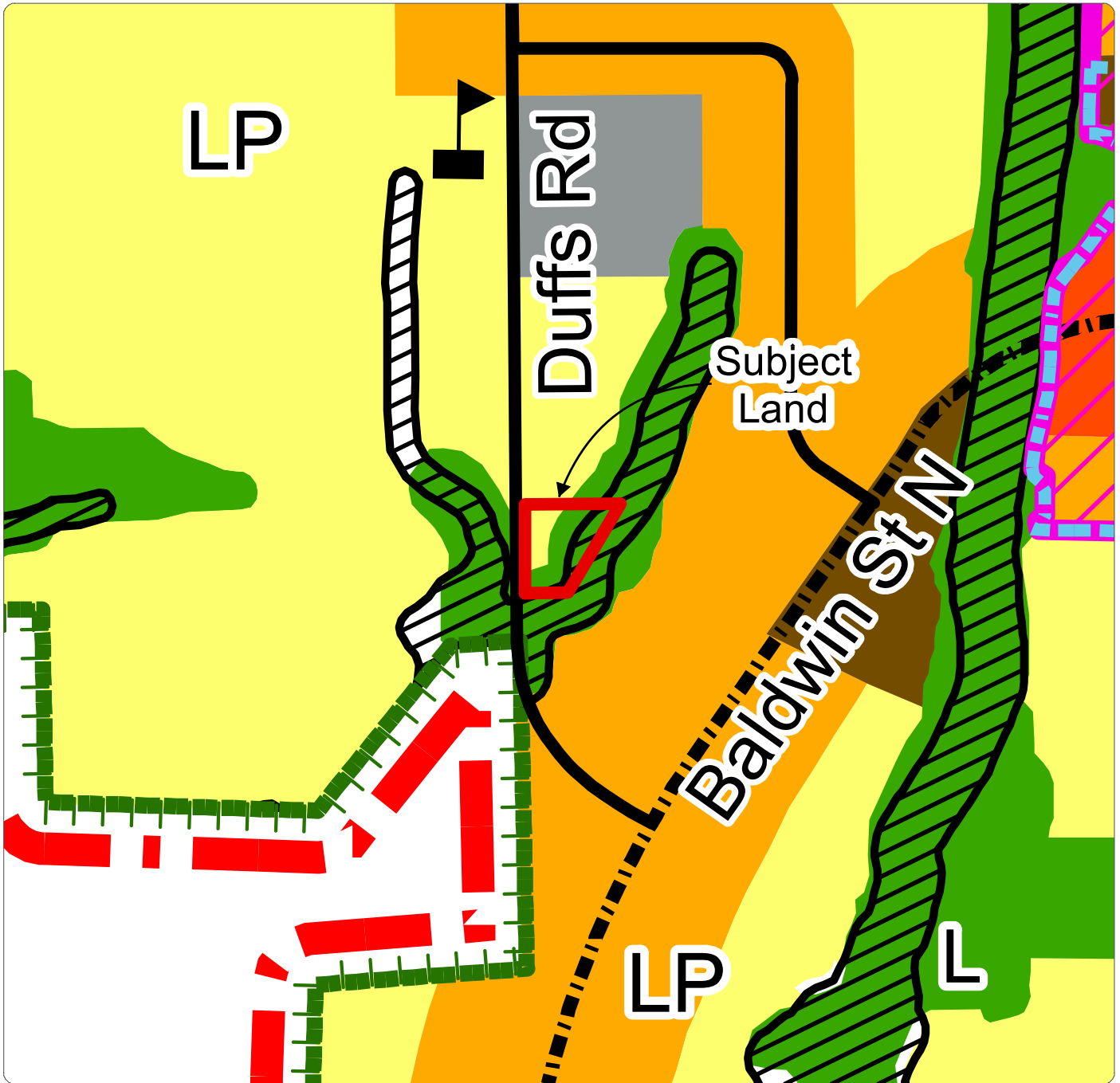
Author	P.R.	Designer	S.W.
Drafting	C.T.J.	Design	Check
Project Manager	S.W.		

Date: **MAY 2024**  
 Status: **AS SHOWN**

Project No. **12577852**  
 Client: **7595 DUFFS ROAD, BROOKLIN**  
 Project: **ACTIVE TRANSPORTATION PLAN**  
 Title: **ACTIVE TRANSPORTATION PLAN**



Excerpt from the Town of Whitby Official Plan – Schedule K



**LEGEND**

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Low Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Medium Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black; margin-right: 5px;"></span> High Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-right: 5px;"></span> Local Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Special Purpose Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Heritage Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black; margin-right: 5px;"></span> Major Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Major Commercial -1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightorange; border: 1px solid black; margin-right: 5px;"></span> Mixed-Use 1 - Community Central Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkorange; border: 1px solid black; margin-right: 5px;"></span> Mixed-Use 2 - HCD</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Mixed-Use 3</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Prestige Industrial</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Business Park</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> General Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> Major Open Space</li> <li>DP District Park</li> <li>LP Local Park</li> <li>PK Parkette</li> <li>TP Town Park</li> <li>Institutional</li> <li>Secondary Schools</li> <li>Elementary Schools</li> <li>Natural Heritage System</li> <li>L Linkage in NHS</li> <li>D1 Deferred by the Region of Durham</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Natural Hazards</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Utility</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Health Precinct Special Policy Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Community Central Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Major Central Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Heritage Conservation District Boundary</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Secondary Plan Boundary</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Special Policy Area - Refer to Section 11.5.31.6</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: black; border-radius: 50%; margin-right: 5px;"></span> Full Interchange</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Potential Interchange (Subject to Further Study)</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Grade Separation</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Potential Grade Separation</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Future Transitway Station</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Controlled Access Highway (Freeway)</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Type A Arterial</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Type B Arterial</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Type C Arterial</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Collector Road</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Greenbelt Plan Boundary</li> </ul>
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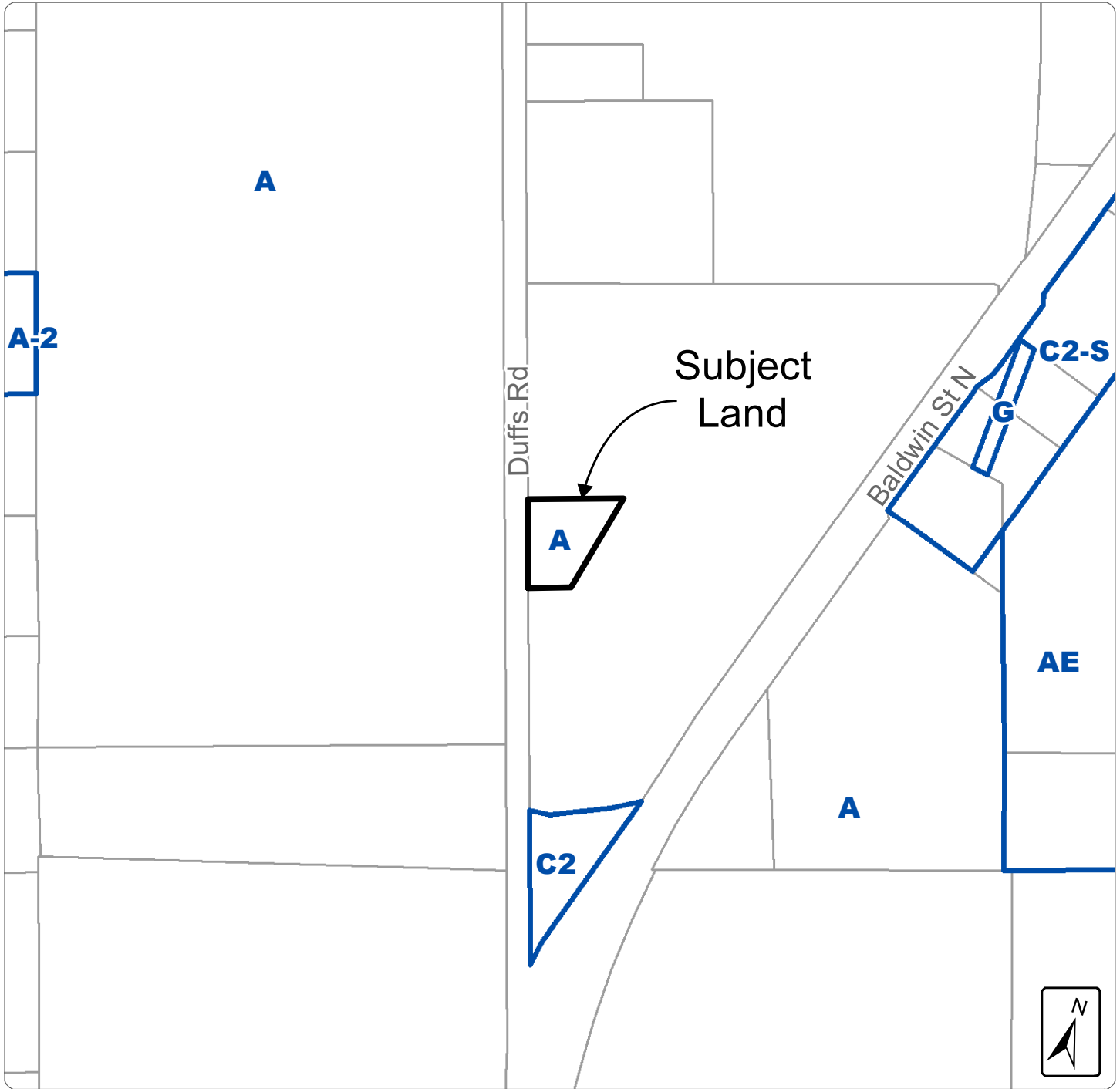
Excerpt from: Schedule **K**

**Brooklin Community Secondary Plan**

Town of Whitby

# Attachment #7 Excerpt from Zoning By-Law No. 1784

PDP 51-24



**Town of Whitby Planning and Development Department**

Proponent:  
**GHD c/o William Feaver**

File Number:  
**DEV-22-24 (Z-10-24)**

Date:  
**November 2024**

External Data Sources:  
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# Attachment #8

## Public Meeting Minutes

PDP 51-24

### September 9<sup>th</sup>, 2024, Public Meeting

Matthew Wianecki, Planner II, provided a PowerPoint presentation which included an overview of the application.

Christian Jattan, representing GHD on behalf of William Feaver, provided a PowerPoint presentation which included a detailed overview of the application.

There were no submissions from the public.

One written submission was received from the Brooklin Landowners Group (BLG) requesting that cost-sharing obligations be fulfilled in accordance with Policy 11.5.31.5 e) and f) of the Brooklin Community Secondary Plan.

PDP 51-24

**Attachment #9:**  
**Agency and Stakeholder Detailed Comments**

**DEV-22-24 (Z-10-24)**

**Internal Departments**

**Whitby Engineering Services**

Engineering Services has no comments to the subject application.

**Whitby Planning and Development**

The subject property is designated Low Density Residential, Natural Heritage System, and Natural Hazards on Schedule K of the Town of Whitby's Official Plan.

The subject property is zoned Agricultural (A) Zone within Zoning By-law 1784, which does not permit the proposed use.

The proposed development will require a Zoning By-law Amendment Application as well as a future Draft Plan of Subdivision Application.

As the subject property is located within the Brooklin Secondary Plan Area and the proposed development involves the construction of single detached dwellings, the site-specific By-law for the subject property will be premised upon applicable zoning provisions outlined within the Brooklin Community Secondary Plan Area By-law (# 7959-23).

Zoning Review:

- The proposed site-specific By-law will amend the current zoning from Agricultural (A) Zone to Low Density – Brooklin (LD-B) Zone and Natural Heritage System – Brooklin (NHS-B) Zone.
  - Lots 1 – 8 will be rezoned to Low Density – Brooklin (LD-B) Zone.
    - As outlined within Table 15.4(2) of By-law # 7959-23, a single detached dwelling shall have a minimum lot area of 240m<sup>2</sup> and a minimum lot frontage of 8m. The proposed lots comply with the lot frontage and lot area zone standards.
    - The proposed single detached dwellings shall comply with the zone standards outlined within Table 15.4(2) of By-law # 7959-23 (i.e., front yard, side yard, rear yard, landscaped open space, building height, etc.).
  - Block 1 will be rezoned to Natural Heritage System – Brooklin (NHS-B) Zone, and conveyed to the Town. As outlined within Section 15.12.2 (a) of By-law # 7959-23, no habitable buildings or structures are permitted within this zone. The boundaries of the NHS-B Zone shall be determined by the Central Lake Ontario Conservation Authority.

## **Whitby Fire and Emergency Services**

A proposed firebreak plan shall be submitted prior to construction indicating the designated firebreak lot on site.

## **Whitby Financial Services**

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx>. This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

### Development Charges

- Will be owing for the residential development.
- Under Section 26.2 of the Development Charges Act.
  - The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
  - Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
  - The applicant has 18 months from the date of Zoning By-law application approval to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

### Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.

## **External Agencies**

### **Durham Region Planning and Economic Development Department & Works Department**

We have completed our review of the above-noted application and offer the following comments regarding conformity with the current Regional Official Plan (ROP) and the new ROP (Envision Durham), Provincial Plans and Policies, the Region's Delegated Provincial Plan Review responsibilities, and Regional servicing.

The subject site is approximately 0.45 hectares and is located on the east side of Duffs Road. The property currently supports an existing dwelling proposed to be demolished.

The proposed zoning by-law amendment application would rezone the subject site from Agricultural (A) Zone to appropriate zone categories to permit the development of eight single-detached dwellings.

#### Conformity to the current Regional Official Plan

The subject site is designated as Living Areas in the Regional Official Plan (ROP). Lands within the Living Areas designation shall be used for a mix of housing types, sizes, and tenure to meet the diverse housing needs of the residents of Durham Region.

Key Natural Heritage and/or Hydrologic Features have been identified on an adjacent site. Consistent with the policies of the ROP, an Environmental Impact Study (EIS) was undertaken by Beacon Environmental Limited, dated May 2023 for the proposed development.

The EIS conducted a desktop review, consultation with environmental agencies, and a field survey visit to assess the impacts of the proposed development on the tributary of Lynde Creek and wetlands located on the adjacent property. The EIS provided mitigation measures including buffers to offset the impacts. The EIS concludes that the proposed mitigative measures recommended for the proposed development the proposed development meets the intent of Official Plans.

The subject site is located within a regulated area of the Central Lake Ontario Conservation Authority (CLOCA). Favourable comments from CLOCA are required for the proposed development.

The proposed single-detached dwellings support residential infilling developments and is permitted by the policies of the ROP.

#### Region of Durham Official Plan

We have reviewed the proposed development for conformity with the new ROP. The subject site is designated as Community Areas on Map 1 – Regional Structure in the new ROP. Plan Community Areas are intended for a variety of housing types, sizes and tenures.

The proposed application supports compact built form through residential infilling developments, contributes to providing a mix of housing options for the community, and makes efficient use of existing infrastructure. The proposed application conforms with the new ROP.

#### Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS) and the Growth Plan support efficient land use and development patterns that comprise of an appropriate mix of housing options. The proposed application supports compact built form and a mix of housing options. The proposed application is consistent with the PPS and conforms with the Growth Plan.

#### Regional Servicing - Municipal Water Supply

The subject site is located within the future Zone 4 service areas for Whitby (Brooklin). Water servicing to the subject lands is currently not available. The proposed development is dependent upon local watermains extended to the subject site. Once extended by the Applicant or by neighbouring developers, we anticipate that the estimated static water pressure will be within the maximum allowance of 550 kPa (80 psi). Private pressure reducing valves would not be required. There is an existing Zone 3, 750mm CPP Feedermain within the Duffs Road right-of-way (R.O.W.). The Region will not permit any connections to this feedermain to supply the proposed development.

According to our calculations, the current population within the Zone 4 water pressure district is at the current theoretical capacity for the pumps supplying water to Zone 4 area. The Region has undertaken the detail design for modifications to the existing pumping station located at the Thickson Road Reservoir to increase the service population on an interim basis prior to the construction of an additional Zone 4 pumping facility, Zone 5 pumping facility and the construction of the Zone 4 reservoir. This assessment is currently ongoing.

The full build out of the Brooklin Growth Areas will require the construction of a Zone 4 reservoir, a Zone 4 pumping station, and a Zone 5 pumping station. The Class Environmental Assessment is complete, and property acquisition is in progress. The Zone 4 reservoir, and the Zone 4 and Zone 5 pumping station have been identified in the Region of Durham's 2023 Capital Water Budget and nine-year forecast.

#### Municipal Sanitary Servicing

The immediate sanitary servicing to the subject lands is not available. sanitary servicing would require the extension of sanitary sewers from the existing 525 mm sanitary sewer at Columbus Road & Camber Court.

A comprehensive Sanitary Sewer Drainage Area Plan needs to be provided for the lands on the north side of Columbus Road between Lynde Creek and the east limit of the Brooklin expansion area. The routing of all sub-trunk and local sanitary sewers should be provided and the drainage boundaries for the service areas draining to the existing sanitary sewers along Columbus Road need to be confirmed.

At this time, it is expected that sanitary sewer flows from these lands will be directed to the existing 525mm sanitary sewer at Camber Court. The Region is not considering interim conveyance of flows from this parcel to the existing 300mm sanitary sewer on Baldwin Street or monitoring flows for a diversion.

Density:

A theoretical design flow of approximately 0.49 l/s has been calculated based on a theoretical population of 28 people (as per the Region's low density residential criteria and medium density residential criteria of 3.5 and 3.0 Person Per Unit (PPU) respectively).

#### Functional Servicing Report

##### 4.2 Proposed Sanitary System

- Revise this section to note that the Region is not considering interim conveyance of flows from this parcel to the existing 300mm sanitary sewer on Baldwin Street or monitoring flows in the sewer on Baldwin Street for flow diversion.
- Coordinate with the developer to the west for proposed / future sanitary design information. Update this report, sanitary drainage plan and submit a sanitary design sheet.

## 5.2 Proposed Water System

- Coordinate with the developers to determine the size and alignment of proposed / future watermains that will achieve a looped secondary water supply that would service the subject site and the adjacent developments. Revise this section and show the secondary looped water supply on the External Sanitary and Water Servicing Plan.

## Durham Region Transit and Transportation Planning

The Region has reviewed the proposed application from a transit and transportation planning perspective and have no comments.

## Conclusion

The proposed application contributes to mix-use of housing options and supports compact built form and efficient use of existing infrastructure services.

In our review of the proposed application, the Region has identified servicing issues that need to be addressed. We have no concern with the proposed application subject to the Region's servicing comments are addressed at the time of the review of the related future Subdivision application.

## **Central Lake Ontario Conservation Authority**

Thank you for circulating Central Lake Ontario Conservation Authority (CLOCA) on the above-noted Zoning By-law Amendment to permit the development of eight single-detached dwellings.

CLOCA staff have reviewed this application for consistency with the natural hazard policies of the Provincial Policy Statement and for conformity with Ontario Regulation 41/24 of the Conservation Authorities Act. Based on our review of the circulated materials we offer the following comments related to the following Planning Act application requirements:

### Zoning By-law Amendment

CLOCA has no objection to the proposed Zoning By-law Amendment subject to the following conditions:

1. CLOCA staff recommend that Open Space Block 1 be zoned NHS-A or NHS-B in accordance with the updated Zoning By-law 1784 for the Brooklin Secondary Plan.



## Environmental Impact Study

These comments remain valid as they will become part of any future development agreement.

2. CLOCA staff recommend fencing be erected along the residential lots and Open Space Block. We recommend this be a condition of approval as part of future development applications for this site.
3. CLOCA staff recommend that the Open Space Block (ie. Block 1) be conveyed to the Town of Whitby. We recommend that this be a condition of approval as part of future development applications for this site.
4. CLOCA staff recommend that completion and implementation of the proposed Restoration and Enhancement Plan be required by the Subdivider prior to any sale of the development lots. CLOCA staff recommend coordination with the adjacent landowner to the east with regard to any restoration efforts related to this area.

## Ontario Regulation 41/24 of the Conservation Authorities Act

5. A permit will be required from CLOCA prior to any site alteration and/or development within 15 metres of erosion hazard associated with the adjacent watercourse. Please ensure that permit applications and fees are provided directly to CLOCA staff through the head office in Oshawa prior to any work proceeding within these areas.

## Conclusion

CLOCA staff have no objection to the proposed Zoning By-law Amendment subject to the conditions listed above. Further details will be required prior to any approval of Subdivision application for this development.

## **Elexicon Energy Inc.**

Further to the referenced File DEV-22-24 (Z-10-24), subject to the caveats set out in this letter, Elexicon Energy Inc. has no objection to the proposed Subdivision Application to permit the development of eight (8) single-detached dwellings on subject land.

The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

In some cases, an expansion of Elexicon's distribution system (as such term is defined in the Distribution System Code issued by the Ontario Energy Board) will be required in order to be able to connect the customer to Elexicon's distribution system. When an expansion is necessary, the Distribution System Code requires that a distributor perform an economic evaluation to determine if the future revenue from the customer(s) will pay for the capital cost and on-going maintenance costs of the expansion project. If a shortfall between the present value of the projected costs and revenues is calculated,

the distributor may propose to collect all or a portion of that amount from the customer(s). The evaluation is basically a discounted cash flow calculation that brings all costs and revenues to their net present values. This model, in general, follows the methodology, the set of common elements and related assumptions provided in Appendix B of the Distribution System Code. Elexicon will provide an Offer to Connect once an official request for electric services is received.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a) The timely provision of supply to new and upgraded premises; and/or
- b) The availability of adequate capacity for additional loads to be connected in the existing premises

For all future applications and related correspondences kindly forward digital copies to: [DevelopmentApplications@elexiconenergy.com](mailto:DevelopmentApplications@elexiconenergy.com)

Please note that the conditions and statements set out in this letter are subject to change at Elexicon's sole and absolute discretion based on future demand, supply availability, and other relevant factors existing at the time of a customer's application.

### **Ministry of Transportation**

The Ministry has no objection to the Zoning By-Law to allow for the creation of 8 residential lots along Duff's Rd. with no access to the Provincial Highway 12. I also understand that you will be and fully support a similar condition being imposed on a future subdivision application.

# Town of Whitby Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



**Report Title: Draft Plan of Subdivision and Zoning By-law Amendment Applications – 1628755 Ontario Limited, 320 & 360 Columbus Road West – File #DEV-24-22 (SW-2022-05 and Z-16-22)**

**Report to:** Committee of the Whole

**Date of meeting:** November 25, 2024

**Report Number:** PDP 52-24

**Department(s) Responsible:**  
Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

J. Taylor, Director of Planning

L. Riviere-Doersam, Project Manager, x  
2895

## 1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2022-05), subject to the comments included in Planning Report PDP 52-24 and the Conditions of Draft Plan Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That Council approve the amendment to Zoning By-law #1784 (File No. Z-16-22), and that a Zoning By-law Amendment be brought forward for consideration by Council;
4. That John G. Williams Limited Architect be appointed as the Control Architect for the Draft Plan of Subdivision; and
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

## 2. Highlights:

- Applications have been submitted by 1628755 Ontario Limited, for a Draft Plan of Subdivision and Zoning By-law Amendment on land municipally known as 320 and 360 Columbus Road West within the Brooklin urban area;
- The proposed draft plan of subdivision includes 548 residential dwelling units, two future residential blocks, a local commercial block, a stormwater management block, a public elementary school block, a Trans-Canada Pipeline block, a vista block, five road widening/reserve blocks and roads; and
- All of the commenting departments and external agencies have indicated support for the proposed development, subject to their comments being addressed.

## 3. Background:

### 3.1. Site and Area Description

The subject land municipally known as 320 and 360 Columbus Road West, is located on the north side of Columbus Road, west of Cedarbrook Trail (refer to Attachment #1). The 27.1 hectare (67 acre) draft plan is proposed within the designated urban area, while the northern portion of the lands (12.0 ha.) are situated within the Provincial Greenbelt Plan Area, labeled as 'other lands owned by the applicant', and are not subject to this application.

Surrounding land uses include:

- Major Open Space / Greenbelt land to the north;
- Major Open Space / Greenbelt land to the east;
- Existing urban residential to the south; and
- Agricultural (future residential development) to the west (refer to Attachment #2).

### 3.2. Applications and Proposed Development

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by 1628755 Ontario Limited to permit a proposed residential Plan of Subdivision. Key components of the proposed Draft Plan of Subdivision include:

- 236 single-detached dwelling units;
- 74 semi-detached dwelling units;
- 238 townhouse dwelling units;
- 2 future development blocks;
- A local commercial block;
- A stormwater management pond block;
- An elementary school block;
- A Trans-Canada Pipeline block;
- A walkway block;
- Road widening and reserve blocks; and

- Roads.

Access to the internal road system for the proposed draft plan of subdivision will be provided via Cedarbrook Trail – a Collector Road. Street ‘A’ will be a future east-west Collector Road (Bergamot Road).

The Zoning By-law Amendment application proposes to change the existing zoning from Agricultural (A) to appropriate Zone categories to implement the proposed draft plan of subdivision. If approved, the Zoning By-law Amendment would implement the Zoning categories and provisions of the Brooklin Secondary Plan Expansion Area Zoning By-law (9758-23), which was approved by Council in January 2023.

### **3.3. Documents Submitted in Support**

The following reports and studies were submitted in support of the development applications:

- A Draft Plan of Subdivision, initially prepared by Evans Planning (April 13, 2022) and revised by Groundswell Urban Planners Inc. (July 12, 2024) illustrates the configuration of the proposed plan of subdivision (refer to Attachment #3);
- A legal survey;
- A Planning Justification Report, prepared by Evans Planning, dated July 2022 which provides the opinion that the proposed plan of subdivision conforms to Provincial plans, the Durham Regional Official Plan and Town of Whitby Official Plan;
- A Functional Servicing and Stormwater Report, prepared by Urbantech Consulting, dated September 2022 (revised January 2024 and August 2024) which outlines the servicing details for the proposed grading, sanitary sewer, stormwater management (SWM) and water distribution systems required to service the subject development;
- A Geotechnical Investigation, prepared by DS Consultants Ltd., dated April 25, 2022, which makes recommendations pertaining to the geotechnical design of site grading, underground utilities, roads and the foundation conditions for building construction;
- A Hydrogeological Investigation, prepared by DS Consultants Ltd., dated October 3, 2022, which includes an overview of the existing geological and hydrogeological conditions of the site and an assessment of the hydrogeological constraints and impacts of the proposed development on local groundwater and surface water features;
- A Noise Control Feasibility Study, prepared by SS Wilson Associates, dated March 30, 2022 which states that although projected sound levels are predicated to be above Provincial sound level criteria, it is feasible to control sound levels within the outdoor and indoor areas of the proposed development with mitigation measures, and that Provincial criteria will be met;

- A Sustainability Rationale Report, prepared by Evans Planning, dated July 2022 (revised January 2024 and August 2024 by Groundswell Urban Planners Inc.), and the Green Standard Checklist for Subdivision Applications, which demonstrate that Tier 1 performance measures can be met;
- A Fluvial Geomorphological Assessment, prepared by GEO Morphix Ltd., dated April 20, 2022 which concluded that the proposed approach to replicate the function of the Lynde Creek tributary within a piped watercourse controlled by the proposed Stormwater Management Pond is feasible;
- An Environmental Impact Statement, prepared by GeoProcess, dated March 2022 (updated January 2024), which provides mitigation and compensation measures to ensure that impacts on the property, adjacent natural heritage features and the greater landscape are minimized;
- An Arborist Report, prepared by the MBTW Group, dated May 16, 2022 which identifies the trees proposed to be removed.;
- A Tree Inventory and Preservation Plan, prepared by the MBTW Group, dated May 16, 2022 which maps the location of the wooded areas on site;
- A Butternut Health Assessment, prepared by GeoProcess, dated August 4, 2022 which determined that the 4 butternut trees located on-site were affected by butternut canker and the trees are considered non-retainable;
- Landscape Plans, prepared by the MBTW Group, dated April 22, 2022 which provided proposed planting and fencing details;
- A Traffic Impact Study, prepared by C.F. Crozier & Associates Inc., dated March 2022 (revised December 2023) which provides recommendations for road and intersection improvements;
- A Stage 1 and Stage 2 Archaeological Assessment prepared by ASI, dated July 19, 2019 which stated that no further archaeological assessment is recommended. In addition, supplementary documentation prepared by ASI, dated July 19, 2019 was provided as was the Clearance Letter from the Ministry of Heritage, Sport, Tourism and Culture Industries;
- A Site Screening Questionnaire, prepared by GHD Limited, dated March 29, 2022 which indicated that there are no potential indicators for site contamination;
- Sub Area Study 2A Report, prepared by SCS Consulting Group, dated October 2022 (revised February 2024), which evaluates stormwater drainage and provides management requirements for the subject site in the context of the broader Study Area;
- A Facility Fit Plan, prepared by Evans Planning, dated January 19, 2022 for the elementary school block; and
- A Mixed Use Block Concept Plan and Elevation Plans, prepared by Arc Design Group, dated April 1, 2022 which provides a design concept for the Local Commercial Area block.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

The subject land is designated “Community Area” in the Regional Official Plan (ROP) with the “Regional Corridor” overlay adjacent to Columbus Road. Community Areas are intended to develop as complete communities, providing a range of housing, transportation and lifestyle choices, and creating opportunities for residents to live, shop, work and access services and amenities within their community. Regional Corridors support the movement of people and goods by encouraging development and intensification that is characterized by compact built form at a transit supportive density.

##### **4.2. Whitby Official Plan**

The subject land is designated as Low Density Residential, Medium Density Residential, Local Commercial and Natural Heritage System on Schedule ‘K’ of the Brooklin Community Secondary Plan (BCSP) (refer to Attachment #4).

Lands designated Low Density Residential are primarily intended for single, semi-detached and duplex dwellings not exceeding 3-storeys in height, at a density of 25 to 35 units per net hectare (upnh) outside of mature residential neighbourhoods.

The Medium Density Residential designation is intended to provide for increased densities along arterial and collector roads to support future transit and active transportation. Lands designated Medium Density Residential permit street and block townhouses, apartments and other forms of multiple residential dwellings not exceeding 4-storeys in height with a permitted density range of 30 to 65 upnh. The minimum building height is 3-storeys abutting arterial roads outside of mature residential neighbourhoods.

Local Commercial areas comprise small commercial areas and are intended to serve the day-to-day needs of the adjacent residential areas. A range of retail uses, including a food store or small supermarket, restaurants, personal service uses, offices and community uses shall be permitted. Residential uses may be integrated with commercial uses within the same building.

The Natural Heritage System designation is comprised of an interconnected system of key natural heritage and hydrologic features. The extent and boundary of the Natural Heritage System is conceptual and the exact boundary shall be determined through an Environmental Impact Study. The boundary of the Natural Heritage System may be refined with additions and deletions without an amendment to the Whitby Official Plan.

##### **4.3. Zoning By-law**

The subject land is zoned Agricultural (A) in Zoning By-law 1784, as amended (refer to Attachment #5). The A zone permits limited residential uses and traditional farming related activities.

A Zoning By-law Amendment is required to implement the proposed Draft Plan of Subdivision. If approved, the subject land will be rezoned from the Agricultural (A) Zone to the appropriate Zone categories within the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) to implement the proposed development. This includes a site-specific amendment to allow the residential component permitted by the Official Plan in the Local Commercial block.

**4.4. Control Architect**

A Control Architect will be required to oversee the design of the subdivision’s built form, in accordance with the Urban Design policies of the Official Plan and the Brooklin Architectural Control Guidelines. It is recommended that John G. Williams Limited Architect be appointed as the Control Architect for the proposed Draft Plan of Subdivision.

**4.5. Fire Break Lots**

The proponent must submit a Firebreak Lot Plan for review and approval by the Town of Whitby Fire and Emergency Services Department. The Plan must be provided prior to any construction activity taking place on the site.

**4.6. Composite Transportation Component Plan**

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, multi-use paths, road right-of-way dimensions (refer to Attachment #6). These elements will be further refined and implemented through the future detailed engineering design process.

**5. Financial Considerations:**

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town’s Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Engineering Services Asset Management annual report.

<b>Asset</b>	<b>Quantity</b>
Roads	7.81 lane-km
Sidewalks/Multi-use paths	7.92 km
Storm Sewers	4.1 km
Ponds	22,839 m3/1.7 ha



## 6. Communication and Public Engagement:

A Public Meeting was held November 21, 2022 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Draft Plan of Subdivision and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #7. The property owner was in attendance to speak to the applications. A representative of the Brooklin Landowners Group was in attendance to speak at the public meeting. The comments were supportive of the proposed development and noted the need for cost sharing discussions related to infrastructure.

Two written submissions were received. Both noted support for the proposed development but highlighted the need for the applicant to engage in discussions with the Brooklin Landowners Group regarding cost-sharing. Requirements for cost-sharing have been included in the Conditions of Draft Plan of Subdivision Approval (refer to Attachment #9).

All individuals who registered as an interested party at the statutory public meeting and any individual who requested to be an interested party have been provided notice of the November 25, 2024 Committee of the Whole meeting.

## 7. Input from Departments/Sources:

The following agencies have reviewed the applications and have no objection:

- Bell Canada;
- Durham District School Board;
- Durham Catholic District School Board;
- Enbridge Gas; and
- Rogers Communication.

Refer to Attachment #8 for additional detailed comments.

### 7.1. Internal Departments

#### Community Services – Parks Planning and Development Division

Parks staff have provided supportive comments on the applications, subject to Conditions of Draft Approval and technical comments to be addressed through the detailed design stage.

Refer to Attachment #8 for detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

#### Engineering Services

Comments provided by Engineering Services support approval of the applications, subject to Draft Plan Conditions and technical comments that can be addressed through the Engineering Submission and Subdivision Agreement process.

As part of their comment letter, Engineering Services have attached a Composite Transportation Component Plan (CTCP) highlighting the anticipated locations of sidewalks, multi-use paths, and dedicated cycling facilities. Engineering Services expects the components of this plan will be further refined and implemented through the future detailed engineering design process.

Refer to Attachment #8 for detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

### **Financial Services**

Comments provided by Financial Services staff outline the Town's standard requirements for the payment of development charges and cash-in-lieu of parkland.

Refer to Attachment #8 for additional detailed comments.

### **Landscaping**

Landscape staff provided comments regarding the existing trees on and adjacent to the subject site, as well as the need for the submission of a Landscape Plan. Staff had no objection to draft approval subject to Draft Plan Conditions.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

### **Strategic Initiatives (Sustainability)**

Sustainability staff confirm that the Whitby Green Standard Checklist and Sustainability Rational Report meet the Tier 1 requirements.

Refer to Attachment #8 for additional detailed comments.

### **Whitby Fire and Emergency Services**

Fire and Emergency Services have provided comments indicating a firebreak layout plan is required and also identified locations in proximity to the laneways where fire hydrants are required. The requirement for a firebreak layout has been added as a Condition of Draft Approval and hydrant locations will be reviewed and approved through detailed design.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

## **7.2. External Departments**

### **Central Lake Ontario Conservation Authority**

Staff from the Central Lake Ontario Conservation Authority (CLOCA) have advised that, subsequent to site meetings and discussions, they are satisfied that any remaining comments can be addressed through conditions of draft approval.

This includes zoning all hazard lands and their associated development setbacks and interrelated natural heritage features and their associated vegetation protection zones, as Natural Heritage System and/or Natural Hazard Land.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

### **Region of Durham**

Comments provided by the Region of Durham state that there is no objection to the approval of the applications subject to the Conditions of Draft Plan Approval.

In their comments, the Region notes several technical and servicing requirements that will need to be addressed through detailed engineering submission(s).

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

## **8. Strategic Priorities:**

The development review process has provided an opportunity for public and agency input. The development of a residential subdivision contributes to meeting the priorities of the Community Strategic Plan, specifically:

- Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options;
- Action Item 2.1.5 under Pillar 2: Whitby's Natural & Built Environment, by meeting the Tier 1 requirements of the Whitby Green Standard; and
- Action Item 2.2.2 under Pillar 2: Whitby's Natural & Built Environment implementing active transportation facilities including sidewalks, trails, and multi-use paths.

## **9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Applicant's proposed Draft Plan of Subdivision

Attachment #4: Excerpt from Town of Whitby Secondary Plan Schedule 'K'

Attachment #5: Excerpt from Zoning By-law 1784

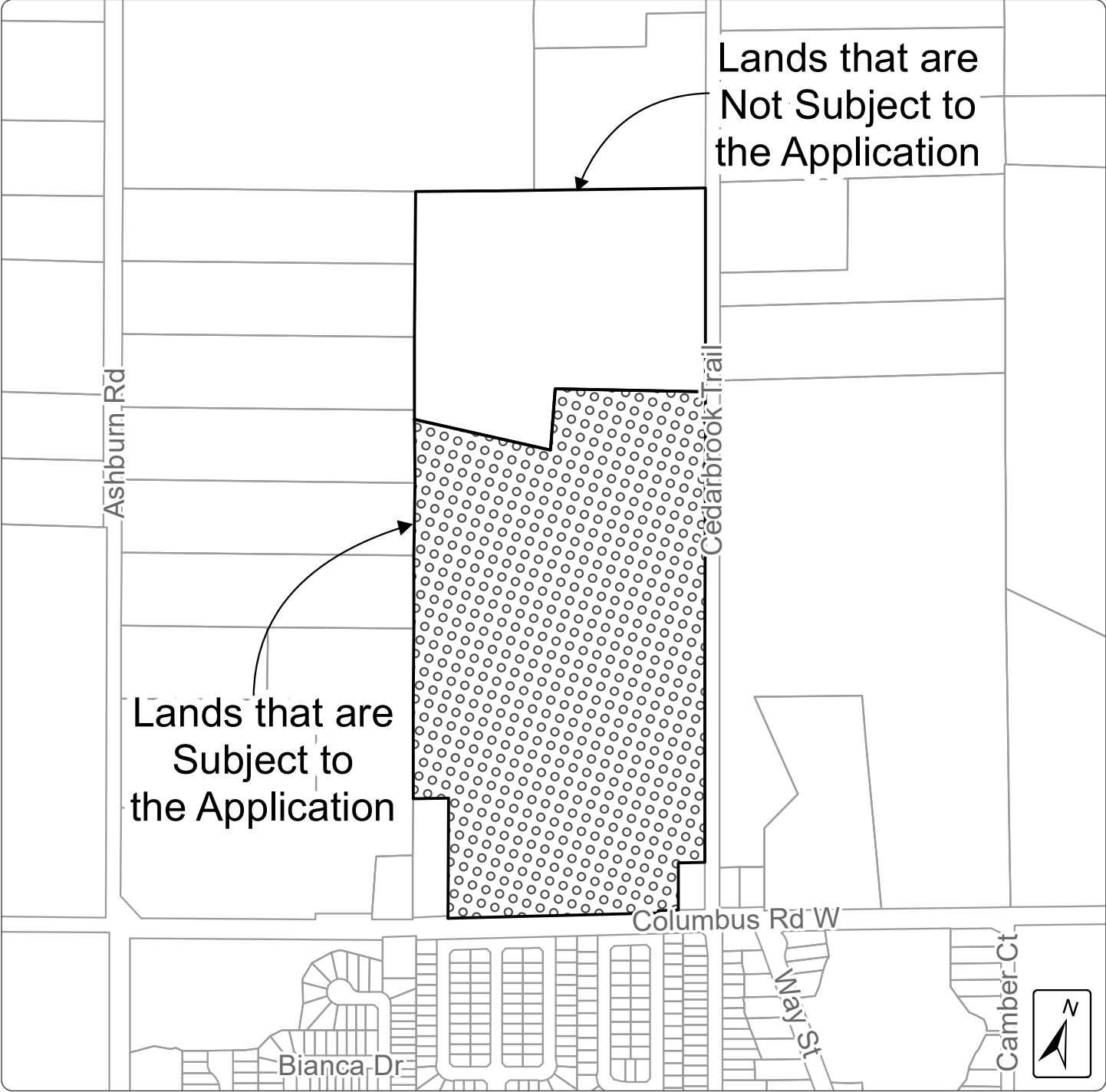
Attachment #6: Preliminary Composite Transportation Component Plan

Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #9: Conditions of Draft Plan of Subdivision Approval

# Attachment #1 Location Sketch



 **Town of Whitby Planning and Development Department**

Proponent: <b>1628755 Ontario Limited</b>	File Number: <b>DEV-24-22 (SW-2022-05 &amp; Z-16-22)</b>	Date: <b>November 2024</b>
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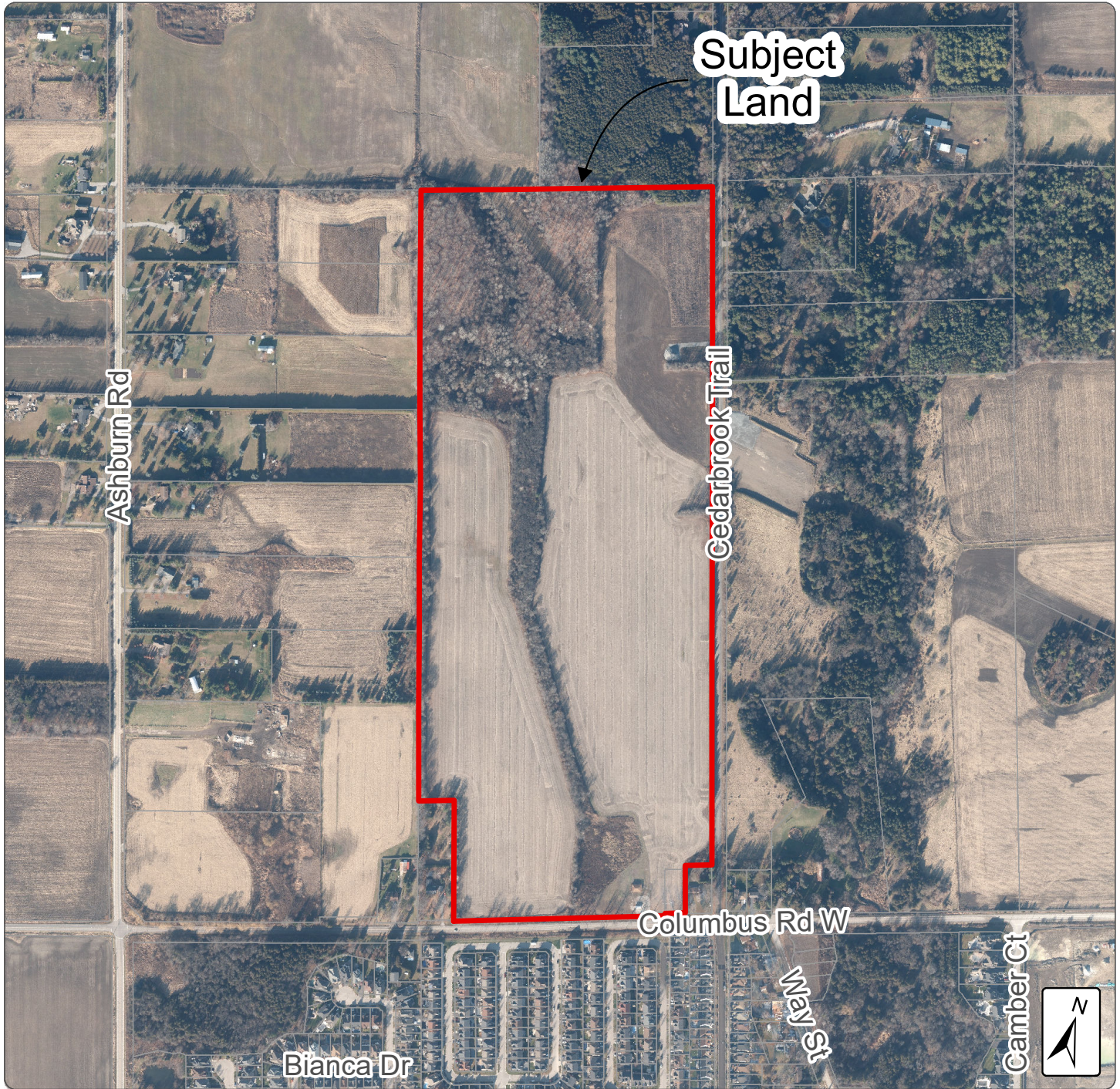
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# Attachment #2 Aerial Context Map

PDP 52-24



 **Town of Whitby Planning and Development Department**

Proponent: <b>1628755 Ontario Limited</b>	File Number: <b>DEV-24-22 (SW-2022-05 &amp; Z-16-22)</b>	Date: <b>November 2024</b>
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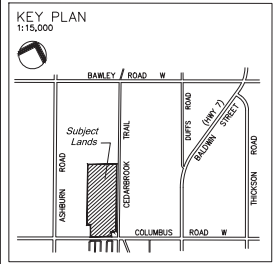
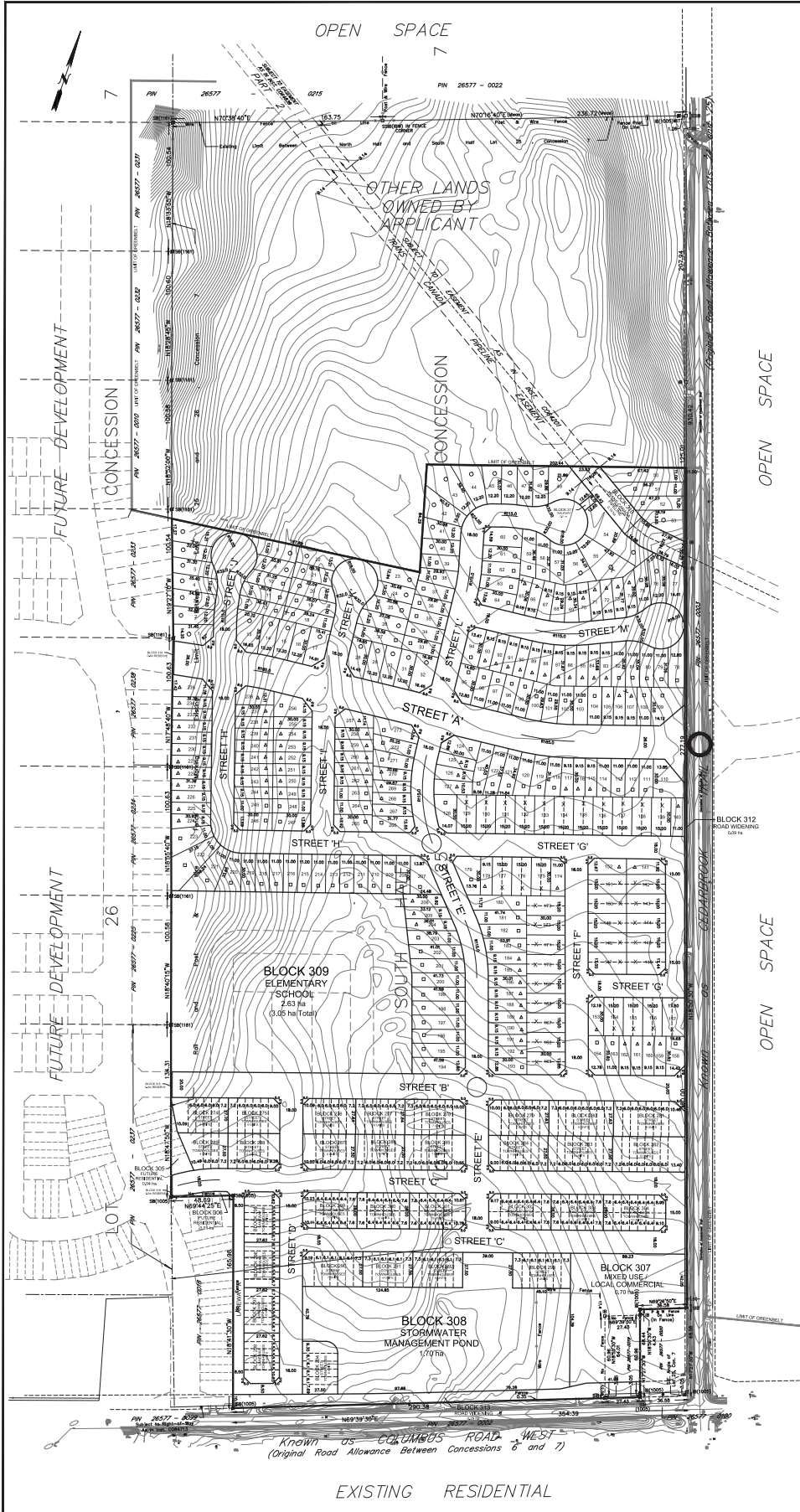
External Data Sources:  
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## Applicant's Proposed Draft Plan of Subdivision



**SCHEDULE OF LAND USE**

PROPOSED LAND USE	BLOCK UNITS	AREA (ha)
LOW DENSITY RESIDENTIAL	1-273	8.76
12.2m SINGLE DETACHED	44	
11.0m SINGLE DETACHED	102	
9.15m SINGLE DETACHED	90	
7.6m SEMI DETACHED	274-294	1.71
STREET TOWNHOUSES	295-298	2.53
LANEWAY TOWNHOUSES	299-304	24 0.41
ROW TOWNHOUSES	305-306	76 0.73
FUTURE RESIDENTIAL	307	0.05
MIXED USE/LOCAL COMMERCIAL	309	0.70
STORMWATER MANAGEMENT POND	308	1.70
ELEMENTARY SCHOOL	309	2.63
TRANS-CANADA PIPELINE	310	0.19
WALKWAY	311	0.01
ROAD WIDENING	312-313	0.38
0.3m RESERVES	314-316	0.01
ROADS		7.29
20.0m ROW-STREET A	405m	
20.0m ROW-STREET B	400m	
18.0m ROW	2550m	
15.0m ROW	120m	
8.5m ROW-LANEWAY A	190m	
<b>TOTALS</b>	<b>548</b>	<b>27.10</b>

- TRAFFIC CALMING CIRCLE
- ROUNDOABOUT

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT**

1. in any plan
2. in any plan
3. in any plan
4. other matter to be included by Developer
5. City laws
6. all multiple versions to be made available

**OWNER'S AUTHORIZATION**  
 I, the undersigned, being the owner of the above described lands, do hereby authorize the preparation and filing of this draft plan of subdivision for approval.  
 Signature: [Signature] Date: January 6, 2024  
 Signature: [Signature] Date: January 8, 2024

**SURVEYOR'S CERTIFICATE**  
 I have examined the plan and the field notes and other documents in relation to the above described lands and hereby certify that the same are correct and true to the actual conditions.  
 Signature: [Signature] Date: January 8, 2024

**DESIGNER'S CERTIFICATE**  
 I have prepared and approved this plan and the same are correct and true to the actual conditions.  
 Signature: [Signature] Date: Jan 4, 2024

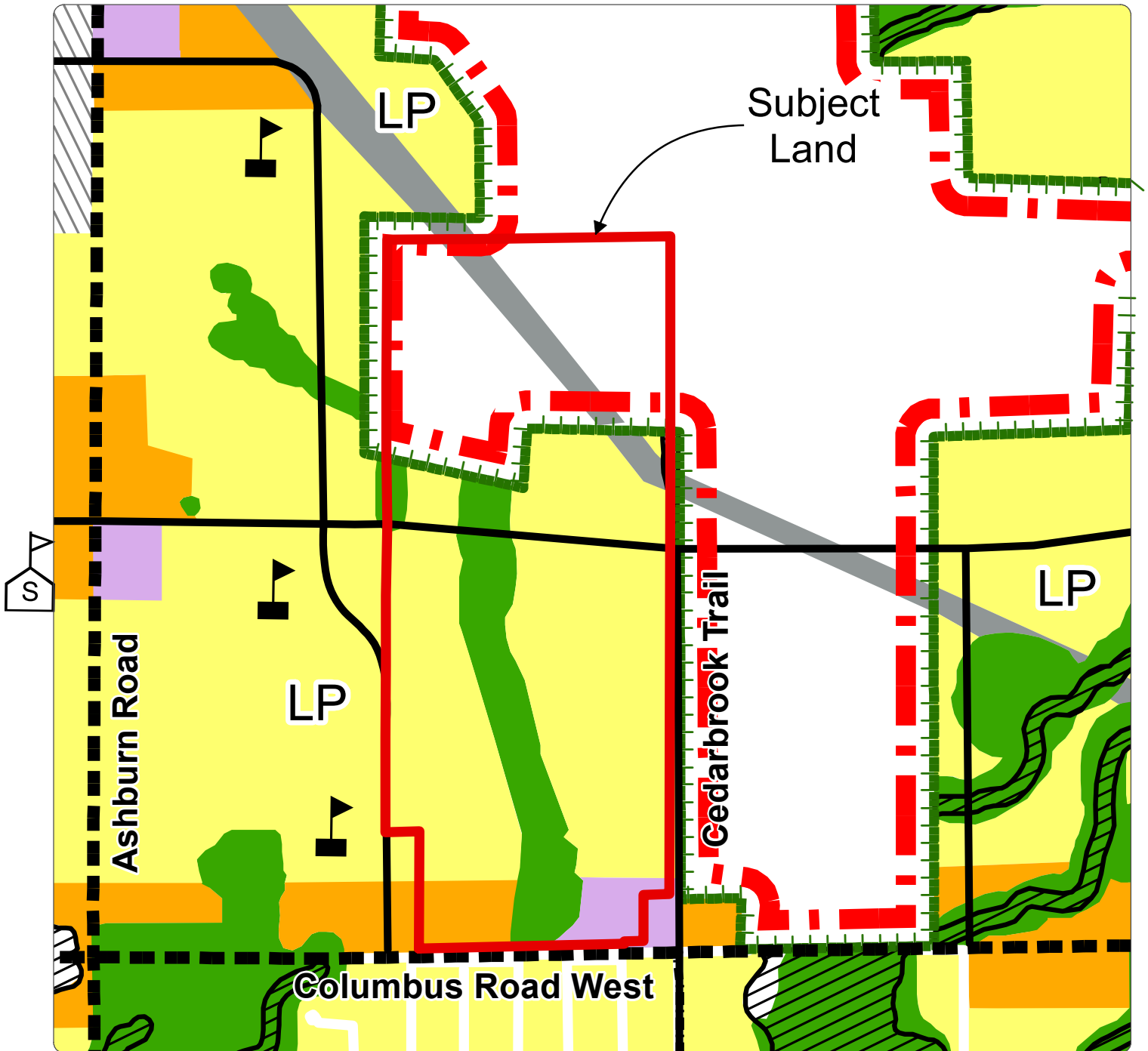
No.	REVISION	DATE

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 Topographic survey, IBW Surveyors Jan 18, 2022

**DRAFT PLAN OF SUBDIVISION**  
 PART OF THE SOUTH HALF LOT 25  
 CONCESSION 7  
 (GEOGRAPHIC TOWNSHIP OF WHITEBY)  
 TOWN OF WHITEBY  
 REGIONAL MUNICIPALITY OF DURHAM

Scale: 1:1500  
 Project No.: 23-34  
 Drawing No.: 01  
 Date: 12 JUL 2024

Excerpt from the Town of Whitby Secondary Plan Schedule 'K'



LEGEND			
Low Density Residential	Major Open Space	Natural Hazards	Grade Separation
Medium Density Residential	District Park	Utility	Potential Grade Separation
High Density Residential	Local Park	Health Precinct Special Policy Area	Future Transitway Station
Local Commercial	Parkette	Community Central Area	Controlled Access Highway (Freeway)
Special Purpose Commercial	Town Park	Major Central Area	Type A Arterial
Heritage Commercial	Institutional	Heritage Conservation District Boundary	Type B Arterial
Major Commercial	Secondary Schools	Secondary Plan Boundary	Type C Arterial
Mixed-Use 1 - Community Central Area	Elementary Schools	Special Policy Area - Refer to Section 11.5.31.6	Collector Road
Mixed-Use 2 - HCD	Natural Heritage System	Full Interchange	Greenbelt Plan Boundary
Mixed-Use 3	Linkage in NHS	Potential Interchange (Subject to Further Study)	
Prestige Industrial	Deferred by the Region of Durham		
Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2		
General Industrial			

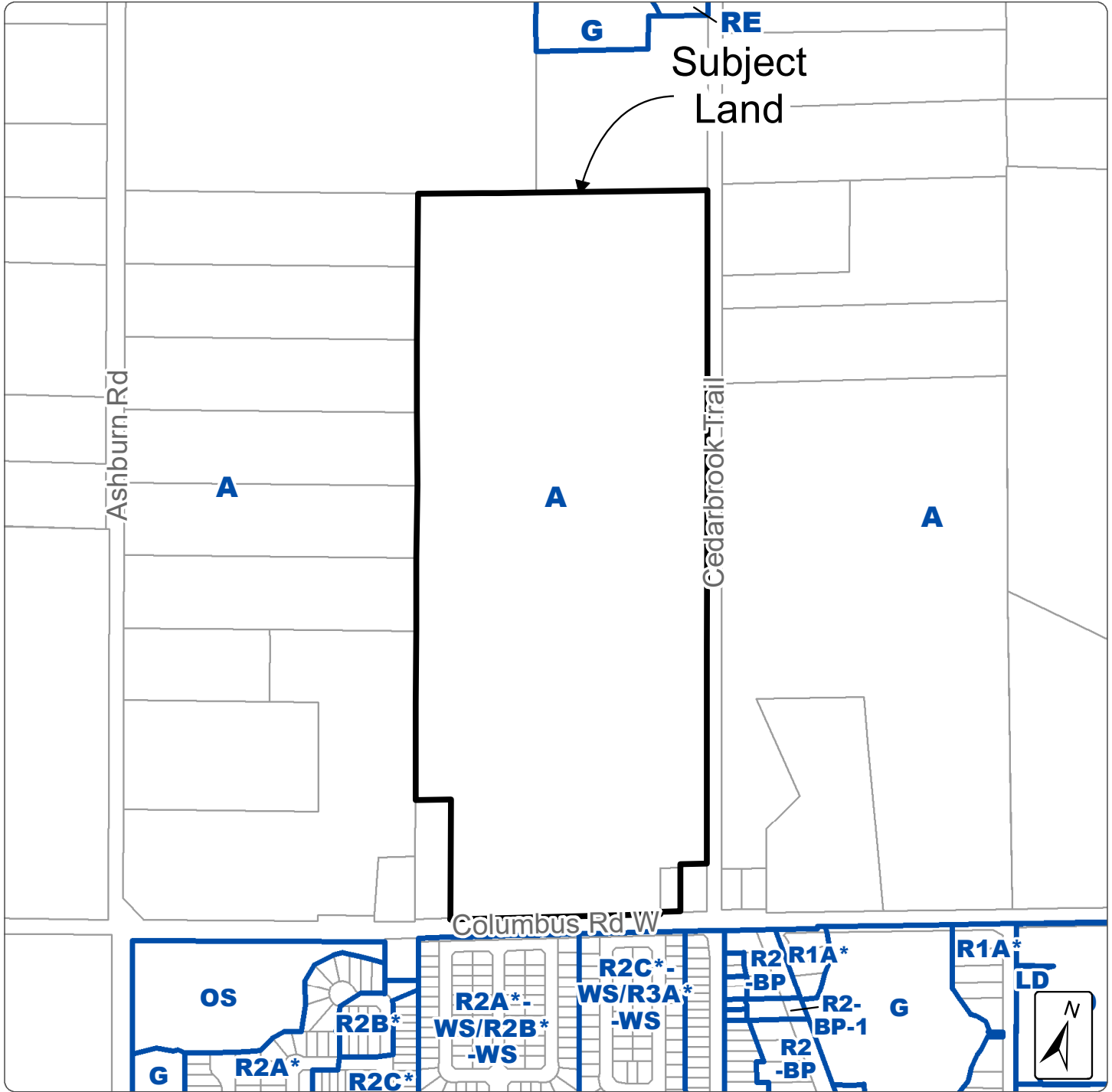
Excerpt from: Schedule **K**

**Brooklin Community Secondary Plan**

Town of Whitby

# Attachment #5 Excerpt from Zoning By-Law 1784

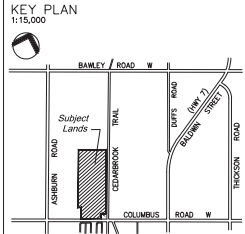
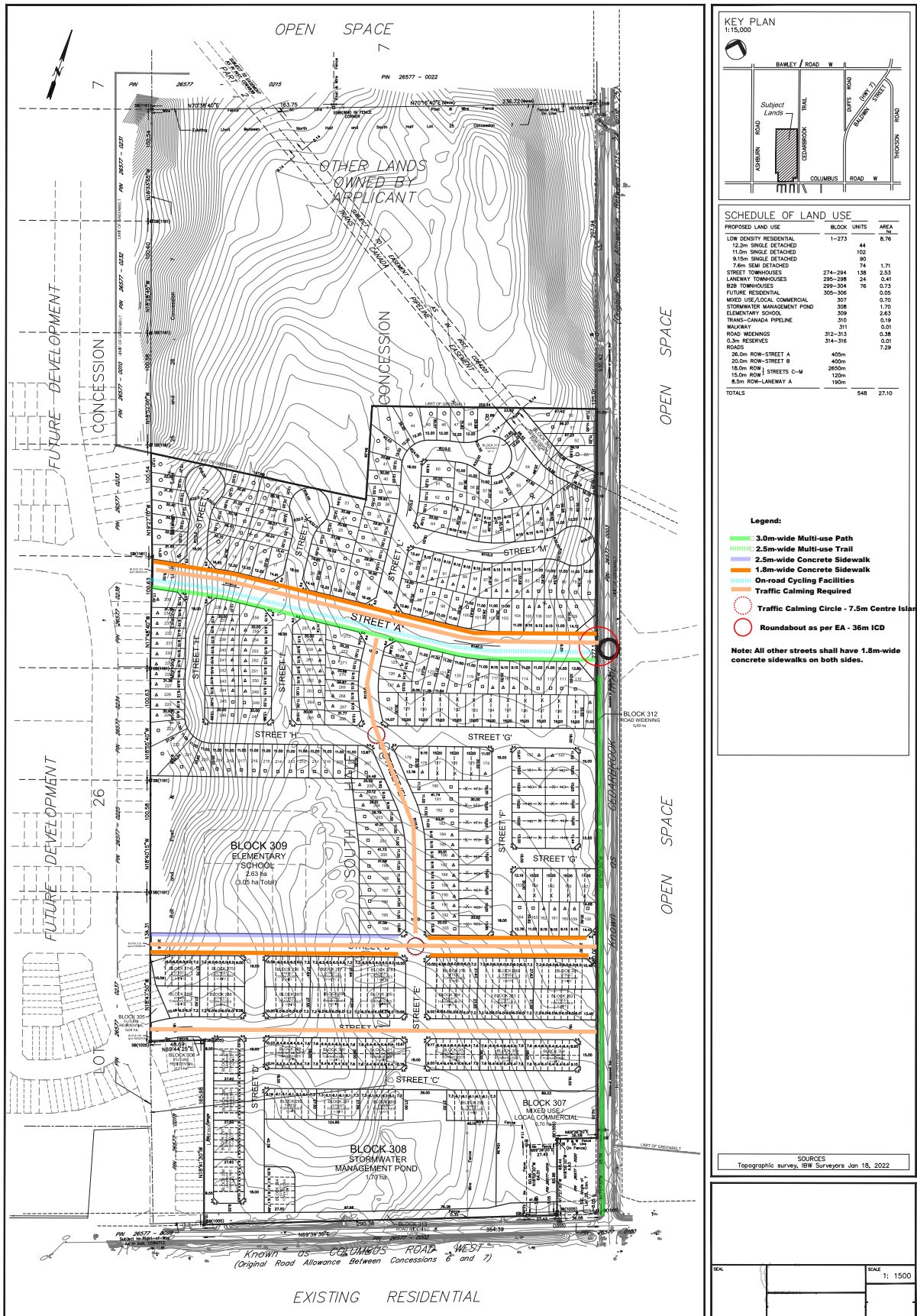
PDP 52-24



<b>Town of Whitby Planning and Development Department</b>		
<b>Proponent:</b> 1628755 Ontario Limited	<b>File Number:</b> DEV-24-22 (SW-2022-05 & Z-16-22)	<b>Date:</b> November 2024
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## Preliminary Composite Transportation Component Plan



**SCHEDULE OF LAND USE**

PROPOSED LAND USE	BLOCK UNITS	AREA
LOW DENSITY RESIDENTIAL	1-273	44
12.2m SINGLE DETACHED		8.76
11.0m SINGLE DETACHED		102
8.1m SINGLE DETACHED		90
7.6m SEMI DETACHED		74
STREET TOWNHOUSES	274-294	136
LANEWAY TOWNHOUSES	295-298	24
808 TOWNHOUSES	299-304	76
FUTURE RESIDENTIAL	305-306	0.25
MIXED USE LOCAL COMMERCIAL	307	0.70
STORMWATER MANAGEMENT POND		1.73
ELEMENTARY SCHOOL	309	2.63
TRANS-CANADA PIPELINE	310	0.19
WALKWAY	311	0.01
ROAD WIDENINGS	312-313	0.38
0.3m RESERVES	314-316	0.21
ROADS		7.29
26.0m ROW-STREET A		405m
20.0m ROW-STREET B		400m
18.0m ROW		2600m
15.0m ROW STREETS C-M		120m
8.5m ROW-LANEWAY A		190m
<b>TOTALS</b>	<b>548</b>	<b>27.10</b>

- Legend:**
- 3.0m-wide Multi-use Path
  - 2.5m-wide Multi-use Trail
  - 2.5m-wide Concrete Sidewalk
  - 1.8m-wide Concrete Sidewalk
  - On-road Cycling Facilities
  - Traffic Calming Required
  - Traffic Calming Circle - 7.5m Centre Island
  - Roundabout as per EA - 36m ICD

**Note:** All other streets shall have 1.8m-wide concrete sidewalks on both sides.

**SOURCES**  
Topographic survey, IBW Surveyors Jan 18, 2022

**SCALE**  
1: 1500

## Public Meeting Minutes from November 21, 2022 File DEV-24-22 (SW-2022-05, Z-16-22)

Carl Geiger, Principal Planner, provided a PowerPoint presentation which included an overview of the applications.

Joanna Fast, representing 1628755 Ontario Ltd. and George Lysyk provided a PowerPoint presentation which included a detailed overview of the applications. Ms. Fast advised that her client was not part of the Brooklin Landowners Group, but that discussions about cost sharing would take place in the future. The Chair indicated that comments would now be received by members of the public.

Matthew Cory, representing the Brooklin Landowners Group, stated that he was happy to hear that the proponent acknowledged and would be participating in cost sharing discussions prior to the development of the lands. He advised that the Brooklin Landowners group was working hard to implement the Brooklin Community Secondary Plan and to advance infrastructure and bring development to the community. Mr. Cory noted that it was required by the Town that the landowners undertake and collect costs related to infrastructure. He requested that discussions with other landowners about joining the Brooklin Landowners Group and cost sharing take place, noting that this would allow those landowners access to infrastructure. Mr. Cory further requested that the Town place a condition on the draft plan that would require cost sharing, and a hold on any Zoning By-law amendments until cost sharing obligations were released by the trustee of the group.

Matthew Cory, representing Lakeview Homes Inc., stated that his client's property was located immediately west of 320 & 360 Columbus Road West. He advised that property owner has been in discussions with his client to coordinate and resolve grading and other issues between the two sites. Mr. Cory advised that applications for Lakeview Homes and the lands to the west were submitted two years ago and that they want and need to proceed to draft plan approval. He noted that they could proceed while working with the adjacent property owner to find solutions through the detailed design.

Public Meeting Minutes from November 21, 2022  
File DEV-24-22 (SW-2022-05, Z-16-22)

George Lysyk, owner, stated that he understood that he has an obligation to the Brooklin Landowners Group for his share of the cost related to infrastructure. He advised that he was currently working with Lakeview Homes Inc. and that the landowners all needed to work together. Mr. Lysyk stated that the concern about the Lakeview Homes Inc. site was that the grade difference from Ashburn Road to Cedarbrook Trail was 21 metres and that his property was relatively flat. He noted that there was pressure from Lakeview Homes Inc. to increase the grade of his property. Mr. Lysyk suggested that the landowners develop a grading plan together that would be more equitable.

There were no further submissions from the public.

## Agency & Stakeholder Detailed Comments

### File DEV-24-22 (SW-2022-05, Z-16-22)

## Internal Departments

### Community Services – Parks Planning and Development Division

It is Parks Staff's understanding that the proposed development consists of:

- Zoning By-law Amendment and Draft Plan of Subdivision Application to facilitate:
  - the development of a mixture of low density housing units including single detached dwellings and townhouses, a storm water management pond block, an easement block, a mixed use commercial block, a school block, a road widening block, and public roads and laneways.

#### Parkland Dedication

Upon review of the above noted materials, Parks Staff offer the following comments:

1. This development application may or may not be subject to a Master Parks Agreement which is a cost sharing agreement between the Landowners Group. The Master Parks Agreement is intended to address the parkland dedication and approach towards cash-in-lieu of parkland for the subject plan and overall North Brooklin Landowners Group. Should the Master Plan Agreement not be finalized prior to execution of the subdivision agreement, then the Town will require the maximum rates for parkland dedication and/or cash in-lieu for parkland dedication in accordance with Cash-in-Lieu of Parkland By-law #7733-21 and the Planning Act.
2. The Town will be seeking cash-in-lieu of parkland as part of the current draft plan of subdivision application for the 548 units identified in the submitted draft plan (January 4, 2024) at 5% of developable lands for residential blocks (26.21 ha) with an additional 2% of developable lands for commercial blocks (0.7 ha), bringing the total CIL to 1.32 ha of the appraised value of the subject lands.
3. Any additional units or development added in any future applications, above that identified in the submitted draft plan, will be potentially subject to additional CIL.

#### Trails and Open Space

4. As was stated in previous comments submitted by Parks Staff on April 26th, 2023, and again on March 26th, 2024, the Lands containing the Trans-Canada Pipeline (Block 310) are to be labeled accordingly (i.e. open space) and be dedicated to the Town. Please revise draft plan to reflect this.

#### Fencing

## Agency & Stakeholder Detailed Comments File DEV-24-22 (SW-2022-05, Z-16-22)

5. The department will require 1.2 metre black vinyl standard park fencing to be installed where open space and park blocks abut residential lots, which will be a condition of draft approval.

### Conditions of Draft Plan of Subdivision Approval

The following draft plan conditions shall be satisfied prior to entering into a subdivision agreement:

1. Parkland contribution is required for this development at a rate in accordance with the Planning Act.
2. The subdivider shall provide written confirmation from the Landowners Group Trustee that the subdivider has satisfied their obligations in relation to the Master Parks Agreement.
3. Should the Master Parks Agreement not get finalized prior to registration, then the subdivider will be required to satisfy parkland dedication based on the applicable rates, to the satisfaction of the Senior Manager of Parks Planning and Development. A land appraisal will be required for review and approval by the Town.
4. The subdivider agrees to install a 1.2 metre black vinyl park fence where any open space and natural heritage blocks abut residential lots.
5. The subdivider agrees to convey open space blocks 310 & 311 to the Town in a physical condition to the satisfaction of the Parks Planning and Development Department, upon registration of the plan of subdivision.
6. The subdivider shall prepare detailed trail design and grading drawings, prepared by a qualified landscape architect and/or engineer, for any required off-road trails within Block 310, to the satisfaction of the Senior Manager of Parks Planning and Design.
7. The trail design requirement shall include, but are not limited to the following:
  - a) Trails to be constructed to details and specifications provided by and approved by Town of Whitby Community Services, Parks Development Division.
  - b) All trails shall be planned and designed to meet accessibility standards.
  - c) All trails, trail crossing, bridges, boardwalks, culverts, structures shall be designed and constructed by the developer, in accordance with Community Services Department, Parks Development Division requirements.
  - d) All primary trails shall be planned and designed to a minimum width of 2.5 metres and surfaced in asphalt.

## Agency & Stakeholder Detailed Comments File DEV-24-22 (SW-2022-05, Z-16-22)

- e) Trails to be offset a minimum 3 metres from any property line to accommodate grading requirements, a 1.5 metre wide sod mow strip and a 1.5 metre wide planted privacy buffer.
  - f) Trail requires a minimum 1.5 metre sod mow strip on either side of the trail to enable mowing/maintenance. Mow strip to be sloped at a maximum 25%.
  - g) Trail grades are not to exceed 2% cross slope and 5% longitudinal slope unless unavoidable due to existing grades.
  - h) Seating Areas with benches are to be provided at a rate of 3 per kilometer of trail.
8. Prior to registration the subdivider shall secure approval of the trail design from the gas utility and any other applicable approval authorities.
  9. The subdivider shall construct all off-road trail works in accordance with the approved plans and secure any additional approvals and permits, as required, at no cost to the Town.
  10. The subdivider shall advise potential purchasers of the location of the proposed park facilities and off-road trails by providing plans in all sales offices and agreements of purchase and sale for any dwelling units within the draft plan of subdivision.
  11. Prior to execution of the Subdivision Agreement, the subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of off-road trail works.

### **Engineering Services**

The Draft Plan of Subdivision has been revised to develop the subject lands with 548 residential dwelling units, consisting of a mix of 236 single detached dwellings, 74 semi-detached dwellings, and 238 townhouses, with a mixed-use residential and commercial block. The application also proposes a stormwater management pond block as well as an elementary school block.

The site is adjacent to the Lakeview Homes Development (SW-2020-06) to the west, Cedarbrook Trail to the east and Columbus Road West to the south. A Trans-Canada pipeline corridor exists to the north with easements within the development lands.

The subject lands are currently zoned Agricultural (A). The purpose of the Zoning By-Law Amendment application is to change the zoning to appropriate categories to implement the Draft Plan of Subdivision.

The Engineering Services, Development Engineering Section, has conducted a preliminary review of the circulated materials outlined below for the draft plan of subdivision and zoning applications:

- Draft Plan of Subdivision, (Groundswell Urban Planners Inc.) dated July 12, 2024

## Agency & Stakeholder Detailed Comments File DEV-24-22 (SW-2022-05, Z-16-22)

- Brooklin Secondary Plan Area, Sub-Area Study (SAS), Sub-Area 2A (SCS Consulting Group Ltd.) dated February 2024;
- Functional Servicing and Stormwater Management Report. (Urbantech) dated January 2024;
- Traffic Impact Study (C.F. Crozier & Associates Inc.) dated December 2023;
- Environmental Impact Statement. (GeoProcess Research Associates) dated January 2024; and
- Hydrogeological Investigation (DS Consultants Ltd.) dated December 21, 2023

We have reviewed the drawings and reports, and they are generally acceptable for a preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to our Design Criteria and Engineering Standards.

Please provide a copy of these comments to the Subdivider.

### A. Conditional Comments

The Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

1. Prior to final acceptance of the Draft Plan of Subdivision, the following shall be addressed to the satisfaction of the Engineering Services.
  - 1.1. Revise the Draft Plan (DP) as follows:
    - a. Remove the 0.3m reserve blocks, Blocks 314 to 316.
    - b. For cul-de-sacs abutting municipal lands or another right-of-way (i.e., Streets 'J', 'K', and 'M', the edge of the right-of-way (ROW) shall extend tangentially from the widest part of the bulb.
    - c. Revise the rear lot line for the northernmost unit of Block 296 to replace the curve with a straight segments.

Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report:

## Agency & Stakeholder Detailed Comments

### File DEV-24-22 (SW-2022-05, Z-16-22)

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	7.81 lane-km
Sidewalks/Multi-use paths	7.92 km
Storm Sewers	4.1 km
Ponds	22,839 m <sup>3</sup> /1.7 ha

2. Engineering Services requires the following Conditions of Draft Approval:

2.1. The Subdivider shall convey the following to the Town:

- a. Block 308 for stormwater management (SWM) facilities;
- b. Block 311 for a walkway
- c. Block 312 for a road widening on Cedarbrook Trail and
- d. Block 313 for a road widening on Columbus Road West.

2.2. The Subdivider shall implement all changes to the plan for registration resulting from recommendations and findings of the Municipal Class Environmental Assessment Brooklin North Major Roads EA (BNMREA) and the on-going Columbus Road Detailed Design Project including the final right-of-way and road widening widths, of Street 'A' and Columbus Road West, including a 27 m inscribed circle diameter roundabout located at the intersection of Street 'A' and Cedarbrook Trail.

2.3. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:

- a. 3.0m-wide multi-use path on the south side and a 1.8m-wide sidewalk on the north side of 'Street A'.



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b. 2.5m-wide multi-use trail within Block 310 (TransCanada Pipeline (TCPL) easement).

c. 2.5m-wide sidewalk adjacent to all school and park blocks.

d. 1.8m-wide concrete sidewalk on both sides of all other streets including cul-de-sacs.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

2.4 The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from Water Resources dated September 16, 2024 prior to the submission of detailed engineering drawings.

2.5. The Subdivider shall provide an updated Sub-Area Study (SAS) 2A to address comments provided in a separate memo from KSGS dated March 2024 prior to detailed engineering submission.

2.6. The Subdivider shall be responsible, financially and otherwise, for the maintenance, upkeep, and decommissioning of the temporary dry pond within Lots 18 to 27 and part of Street 'K' until such time as it is no longer deemed necessary by the Town. The Subdivider shall also be responsible for its fencing, landscaping and signage as required by the Town to be determined at the detailed design stage.

2.7. The Subdivider is responsible financially and otherwise, for the reconstruction and urbanization of the west side of existing Cedarbrook Trail, including the analysis and design of the proposed storm sewers, along the development frontage, to an arterial road Town standard, all to the satisfaction of Engineering Services.

Grading match along the ROW limit to be based on the ultimate cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

2.8. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

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2.9. The Subdivider shall provide a written response letter to address the comments provided in a separate memo from Transportation Services dated March 6, 2024 prior to or with the submission of detailed engineering drawings.

The TIS shall include a plan shall be provided showing all road allowance widths, centreline radii, street line radii, curb lines (at bends, cul-de-sacs and intersections with angles less than 90 degrees), tangents, intersection angles / skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

2.10. The Subdivider shall be responsible, financially and otherwise, for implementing any design elements, intersection control and/or changes to the plan for registration required to address any sightline and/or alignment concerns such as:

a. Construct a roundabout with a minimum inscribed circle diameter of 27m at the intersection of Cedarbrook Trail and Street 'A' including dedication of the necessary right-of-way lands to the Town.

b. Ensure the right-of-way and pavement dimensions for the bend on Laneway 'A' will accommodate all expected waste collection and winter maintenance vehicles while maintaining a minimum 1m-wide boulevard.

2.11. The Subdivider agrees that if at the time of detailed design, should the final roundabout designs identify need for additional property requirements, the Subdivider shall adjust property lines accordingly. Roundabout design shall be based on minimum diameter and minimum boulevard width as outlined by the Town.

2.12. Due to the nature and design of the proposed neighbourhood roundabouts, driveway access may be restricted for some of the lots and units within the limits of the splitter islands. Purchase and sale agreements for the affected lots and units shall contain a warning clause to this effect to be registered on title.

2.13. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

2.14. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.

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2.15. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighbourhood communication strategy, construction traffic route, schedule and mud and dust control best management practices. Construction traffic shall be restricted to time windows that do not conflict with the typical peak school drop-off and pick-up times of the nearby school.

2.16. Construction access shall be limited to Cedarbrook Trail or as prescribed in the Construction Management Report.

2.17. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.

2.18. The Following Lots/Blocks shall be placed on hold:

a. Lots 18 to 27, until such time as the temporary dry pond is decommissioned to the Town's satisfaction;

b. Lots 109 and 110 – until roundabout design and appropriate driveway locations are finalized;

c. Block 274, until such time as Street 'B' is extended to the adjacent development unless it can be demonstrated at detailed design that this block can be constructed without the need to extend Street 'B', to the satisfaction of the Director of Engineering Services; and

d. Blocks 305 and 306 – Future Residential, until such time as they can be merged with land to the west and south respectively, due to stormwater management and access constraints.

2.19. SWM Block 308 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and / or wetland pockets at the outfall.

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Pond sizing shall also include drainage areas for the ultimate improvements and urbanization of external roads that are tributary to the site.

At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.

2.20. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.

2.21. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.

2.22. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.

2.23. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.

2.24. All window streets shall be designed such that they provide for positive boulevard drainage to their respective roadways, while complying with minimum and maximum boulevard grade criteria. Any grade difference between window streets and adjacent roads shall be addressed using maximum 3:1 sloping within a buffer block between the two rights-of-way. Buffer blocks shall also be sized to accommodate any grading requirements to facilitate sidewalk connections to the adjacent street.

2.25. All community mailboxes for the private developments shall be located within private properties.

2.26. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

2.27. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of

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the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

2.28. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

2.29. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.

2.30. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.

2.31. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

2.32. Any concerns raised through future re-submissions of the geotechnical and hydrogeotechnical reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

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2.33. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

2.34. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and/or the oversizing of services if required.

2.35. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e. siting) to each lot purchaser prior to closing.

2.36. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

2.37. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.

#### Informational Comments

3. The following items can be addressed through the Engineering Submission and Subdivision Agreement process:

3.1. An initial deposit for the Engineering Review Fee in the amount of \$9,686.50 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater, shall be paid to the Town prior initiating processing of the engineering drawings. Any balance owing of the final Engineering Review Fee shall be paid at the earlier of, third engineering submission or prior to final approval of the engineering drawings by the Town.

3.2. A detailed Stormwater Management (SWM) Report is required at the design stage which should include pond design, pond and related structures drawings, clay liner information, overland flow route calculations, emergency spillway details (100-year uncontrolled flow), storm sewer design sheets, dual drainage model to determine HGL (if basement are connected to sewer system) and O&M manual.

a. It is noted that the runoff coefficients specified within the Town's Design Criteria and Engineering Standards are minimum values to be utilized for sizing of the storm sewer system. Sample calculations shall be provided for all housing types (not just single detached) and shall be demonstrated by the consultant that the use of these minimum values is appropriate for the subject development. If

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required, the values shall be increased to represent the actual development proposal.

### 3.3. Functional Servicing and Stormwater Management Report

The following comments can be addressed in the detailed engineering drawings or detailed SWM report:

- a. An optional residential lot layout is to be provided for the School Blocks in the event that the site(s) are not developed as school(s). The storm drainage plan shall show drainage boundaries for both development scenarios for the proposed School Block; one for development as a school site, and one for possible residential development. The receiving storm sewers shall be sized for the most conservative development scenario.
- b. Show the 3.0m wide multi-use trail within the TCPL easement with associated preliminary grading.
- c. Provide sidewalk connections to Cedarbrook Trail along Street 'G'.
- d. Continue sidewalks for all cul-de-sacs similar to what is shown for Streets 'J' and 'K' on the Functional Grading Plan (FGP).
- e. FGP & cross-section 9-9: clarify if the 100-year ponding elevation shown considers weir flow depth over the lowest point on the boulevard.
- f. Cross-section 11-11: top the of the berm should have a flat area of 1-3m in the interim.
- g. Check Street 'A' centerline location. Appears offset from center.
- h. Show 3:1 maximum sloping at the limit of the Greenbelt/north property line.
- i. Provide slope grading within proposed lots. Ensure minimum 2% and 5% maximum slopes are provided and 3:1 maximum embankment grading where 5% cannot be met.
- j. Remove proposed fencing around the pond where not adjacent to open space lands or private lots.
- k. Revise proposed storm sewers along Laneway 'A' to be at minimum 0.4% based on pipe size, except for the first leg which must have a minimum 1% slope.

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- l. Consideration to be given to removing storm sewers along Laneway 'A' and connecting required services off Street 'D'.
- m. Explore opportunities to reduce the pond inlets to one inlet.
- n. Ensure first leg of any storm sewer is at 1.0% minimum slope.
- o. Ensure maximum 100m spacing between maintenance holes.
- p. Minimize use of rear yard catchbasins.
- q. The use of sump pumps to address foundation drainage is discouraged and will only be considered with reasonable supporting rationale (i.e., shallow sewer and/or outfall). Confirm which lots require sump pumps based on shallow hydraulic grade line elevations. All lots requiring sump pumps shall be clearly identified on the detailed engineering plans, along with the associated minimum outlet elevation.
- r. Suggest reducing sewer depths where possible (i.e., near the intersection of Street 'A' and Street 'H').
- s. Provide layout, cross-section and profile details for the SWM facility outlets as part of the engineering drawings.
- t. Ensure catchbasins are located a minimum of 1m away from driveway edge and preferably at common lot line locations, where feasible.
- u. Ensure LID measures are not located within fill areas.
- v. Lots and blocks serviced by laneways, regardless of housing type, shall have all roof leaders directly connected to the municipal storm sewer unless otherwise approved.

3.4. To address lot level low impact development (LID) recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.

3.5. The consultant is to provide the Town with a dual drainage (minor/major system) storm model for the entire development using Personal Computer Stormwater Management Model (PCSWMM) as part of the detail design and confirmation of HGL elevations.



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3.6. The use of Inlet Control Devices (ICDs) is discouraged and shall be limited to roadway sags, as per Town requirements, to the greatest extent possible. The model shall illustrate the implications of conventional ICD placement at CBs, per Town standards and documentation regarding the recommended use of ICDs within the proposed subdivision shall be provided.

3.7. Provide detailed ponding limits at overland flow low points, and any points of overland convergence to ensure that appropriate emergency access can be maintained to the area based on Town of Whitby Design Criteria and that private property has been protected from flooding. Ponding limits are to be shown for 100-year storm events. Low points are to be located at the appropriate block or intersection location.

3.8. For all overland flow outlet points, the following shall be provided: flow channel profile, cross-sections and erosion protection works at all locations i.e. across window street boulevard areas, within specific overland flow blocks, across SWM Pond Blocks and any direct outlets to Open Space areas.

3.9. Provide details and analysis for the routing of overland flow through the stormwater management ponds to ensure stability of the pond under major storm events.

3.10. On-road cycling facilities are to be integrated with the Community Services trails network at locations where off-road facilities are provided (e.g. signage, rest stops and/or other enhancements).

3.11. Due to the preliminary nature of the proposed grading design for the school blocks, and commercial blocks, the overland flow calculations must consider the worst-case scenario for the determination of flow volumes at each outlet.

3.12. Noise fence/barrier design may need to accommodate surface drainage outlets depending on the lot type and grading design. At the design stage, once detailed grading information is available, a letter will be required from the noise consultant to confirm that the recommendations of the Noise Report provided for the development remain relevant to the accepted grading.

Any transition in height of the noise barrier is to occur at lot lines so that the noise barrier height across individual lots is consistent.

3.13. The Subdivider shall address mail delivery provisions for any proposed phasing of the development as required.

3.14. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.

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3.15. Per the recommendation within the Functional Servicing and Stormwater Management Report prepared by Urbantech, topsoil thickness for landscaped areas within the development is to be increased to 300 mm.

3.16. The Subdivider shall provide the Town with a cash contribution in accordance with the by-law rate in force at the time of payment, for each newly installed streetlight for the re-lamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

3.17. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

#### Financial Services – Development Charges

The following pertains to the Town of Whitby only and reflects current provincial legislation and Town of Whitby by-laws; additional information can be found on the Town's development charge webpage (<https://www.whitby.ca/en/work/development-charges.aspx?mid=3457>).

#### Development Charge Rate Calculation

- Since this development will have a Zoning By-Law Amendment (ZBA) application submitted after January 1, 2020, the development charge rate will be calculated as per Section 26.2 of the Development Charges Act (the Act).
- The base DC rate will be the rate in effect as of the ZBA **submission** date.
- Interest will accrue on the base DC rate from the date of ZBA submission until
- the date of building permit issuance.
- The current interest rate is 5%, subject to change as per the Town's Development Charge Interest Rate Policy.
- The applicant has 2 years from the date of ZBA application **approval** to obtain the building permit, otherwise Section 26.2 of the Act no longer applies; the applicant would instead pay the current posted development charge rate in effect at the time of building permit issuance.
- If any portion of the proposed development also requires a future site plan (SP),
- then for the purpose of any DC calculations under Section 26.2, any SP application dates (submission / approval) supersede any ZBA application dates (submission / approval) for the applicable portion of the development.

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### Development Charges

- Will be payable in full prior to the issuance of the building permit.

### Pre-Payment of Development Charges

- If all other minimum development application requirements have been satisfied, the Town of Whitby may permit the pre-payment of development charges up to 60 days in advance of building permit issuance. If granted and building permit issuance occurs more than 60 days after Town of Whitby Development Charges are paid, additional development charges will be due (if applicable) for:
  - any additional incremental interest due, for those developments with a site plan application or zoning by-law amendment application made after January 1, 2020. Incremental interest will be calculated from the date of development charge payment to the date of building permit issuance for any calculated development charge rate(s); or
  - any change in the posted development charge rate(s) as a result of the annual indexing on February 1st, or any other approved development charge posted rate increase for those developments not subject to Section 26.2.

### Parkland Dedication / Cash-in-Lieu of Parkland

- The Conveyance of Parkland and Cash in Lieu of Parkland By-Law will apply towards this development.

Please note, Region of Durham development charges and DDSB/DCDSB education development charges will also apply towards this development, they have their own by-laws and policies that must be followed, please contact them directly with any questions.

### Fire and Emergency Services

- A Water supply for firefighting shall be provided.
- Access shall be maintained on site from Cedarbrook Trail to Street B and Street A throughout construction.
- A firebreak layout shall be submitted to the fire department for review and approval prior to site plan application
- Fire hydrants shall be provided at either end of Laneway A

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#### Landscaping

##### General Comments:

Based on the latest Arborist report provided by MBTW dated January 19th, 2024, tree removals are proposed on Zones 1 and 2. The current report notes that all these trees are located on the subject property. As previously discussed, Town Planning would require the ownership of these trees to be clearly verified through a Tree Inventory Plan overlaid on a survey prepared by a Certified Ontario Land Surveyor. This requirement has been included as a condition to the Draft Plan Approval.

##### Conditions of Draft Plan of Subdivision Approval:

The following draft plan conditions shall be satisfied prior to entering into a subdivision agreement:

1. The Subdivider shall provide Town Planning with a revised Tree Inventory Plan & Arborist Report, verifying, with reference to a legal survey, any boundary and/or publicly owned trees within 6m of the property line. This will assist both Town staff and the Subdivider in verifying privately owned trees which could be removed prior to the finalization of the Engineering drawings.
2. No municipal tree removal shall occur prior to the Town Engineering Department's approval of the detailed Engineering drawings for Columbus Road and Cedarbrook Trail. Where feasible, existing Street Trees shall be retained and incorporated into the design of Columbus Road and Cedarbrook Trail. The Subdivider shall ensure that a Tree Preservation Plan (TPP) is provided to reflect municipal tree preservation and removal requirements based on the approved Engineering drawings. Satisfactory installation of tree protection measures must be confirmed by Town Planning Staff in advance of removal activities.
3. The Subdivider shall ensure that the western boulevard of Cedarbrook Trail is urbanized, topsoiled, fine-graded, sodded and provided with tree plantings, sidewalks, and other municipal infrastructure as part of the subdivision agreement.
4. The subdivider shall ensure that street tree planting is provided along Columbus Road as part of the subdivision agreement.
5. The Subdivider shall ensure that hazardous trees along the edges of the limit of development are identified in advance and wherever adjacent to proposed development; on-site review with staff from the Town's Forestry staff (Operations) and landscape inspection (Planning) is required prior to anticipated removals and throughout the development process.

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6. The Subdivider shall complete and stabilize the required buffer planting works within six months of the registration of the applicable phase of the plan of subdivision, or upon completion of the fill and grading of lands adjacent to the buffer planting area, whichever comes first. The Subdivider shall ensure that the success and management of the buffer plantings are monitored for two (2) growing seasons by the Subdivider's Landscape Consultant. A Letter of Credit is required for The Edge Management and Buffer Planting prior to registering the first phase of the plan of subdivision.

#### General Requirements for Submission of a Landscape Plan:

Once draft plan approval has been provided, the submission of a detailed Landscape plans is required. These plans will be submitted directly to the undersigned (Planning Landscape Architect) and will be circulated, reviewed and approved by the relevant agencies. The current review is intended to inform agreement requirements only.

#### Landscape Plan Submission Requirements:

Submission of a landscape plan that has been prepared by a qualified professional landscape architect is required as part of a complete submission. This should be accompanied by a cost estimate for all proposed landscape works. Required landscape works are secured for at 100% of their estimated value. The consultant should reference the Town's Landscape Plan Guidelines for Subdivisions and Site Plans, available on the Town's website; applicable requirements, setbacks, notes, and detail standards are available for use in the submission.

<https://www.whitby.ca/en/work/landscape-plan-guidelines.aspx>

- Chapter 2.0 Submission Requirements
- Chapter 4.0 Design Criteria for Landscape works in Subdivision Development Proposals
- Chapter 5.0 Recommended Tree Species
- Chapter 10.0 Notes and Details: Landscape Plan submissions are required to include relevant planting and construction details and notes.

#### **Strategic Initiatives**

Thank you for providing the updated Whitby Green Standard (WGS) Checklist and Sustainability Rationale Report. With the additional information provided in the updated WGS Checklist and Sustainability Rationale Report, and Groundswell Urban Planners Inc. responses to the Sustainability Team's March 25, 2024, comments we can confirm that the mandatory Tier 1 requirements of the WGS have been satisfied.

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The commitments made in the WGS Checklist and Sustainability Rationale Report are to be fulfilled as per Schedule G of the Draft Plan of Subdivision Agreement.

### External Agencies

#### Bell Canada

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada’s development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

#### Central Lake Ontario Conservation Authority

Subsequent to the circulation of the third submission materials CLOCA has been involved in the following activities/discussions related to this project:

## Agency & Stakeholder Detailed Comments File DEV-24-22 (SW-2022-05, Z-16-22)

### 1. Interim External Drainage Solution

The applicant provided contextual information to the potential need for an interim external drainage solution if the subject site develops before the Lakeview Homes site and the holdout property (7383 Ashburn Road). CLOCA staff agree that a temporary dry pond near Street K is a feasible condition if development proceeds as outlined through the circulation and the appended email correspondence.

CLOCA's engineering comments are also appended that shall be addressed through detailed design.

As such, based on our review of the submitted documentation and subsequent site meetings and discussions, CLOCA staff are satisfied that all our remaining outstanding comments can be addressed through conditions of draft plan approval and detailed design. Please find below Zoning comments and comments to be carried out through detailed design, followed by conditions of draft plan approval.

#### Zoning (Z-16-22)

1. CLOCA staff recommend that all hazard lands and their associated development setbacks and interrelated natural heritage features and their associated vegetation protection zones, be zoned Natural Heritage System and/or Natural Hazard Land as per Zoning By-law Amendment #7959-23 to Zoning By-law 1784. No lot lines or associated development should occur within these lands.

Once a Zoning schedule has been prepared, please circulate it CLOCA for our review and approval.

#### Draft Plan of Subdivision (SW-2022-05)

#### Detailed Design

2. Any grading proposed beyond the proposed development limits on adjacent environmentally sensitive lands should be avoided. If minor transitional grading cannot be avoided, the disturbed area must be graded in a manner that does not harm any regulated features, including wetlands, and must be restored with an appropriate native species planting plan. Please provide a planting/restoration plan for our review and approval as part of detailed design.

3. Please find detailed comments from our Environmental Engineering staff related to their review of the submitted Functional Servicing and Stormwater Report attached to this letter as a memo. A detailed review of the submitted SAS update for Sub Area 2A has not been completed to date. Detailed comments related to our review of this document will be forthcoming. Please ensure that the comments in the attached memo are addressed as part of detailed design.

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4. Please find detailed comments from our Environmental Engineering staff related to their review of the submitted interim SWM condition. Please ensure that comments in the attached memo are addressed as part of detailed design.

5. Please find detailed comments from our Groundwater Resources staff related to their review of the submitted Hydrogeological Report attached to this letter as a memo. Please ensure that these comments are addressed as part of detailed design.

With any response to the above noted comments, a letter outlining how each comment has been addressed should be provided to assist our review.

### Conditions of Draft Plan Approval

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:

a. The intended means of conveying stormwater from the site in the interim and ultimate condition, based on stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 2A.

b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features as part of this development. This includes agreeing to an appropriate pre-development infiltration condition and providing effective post development infiltration techniques to match this target.

c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.

d. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.

2. That the Subdivider agree that prior to any site alteration that a Restoration and Enhancement Strategy be provided and approved by the Town and Central Lake Ontario Conservation Authority for any unavoidable encroachment of transitional



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grading within the environmentally sensitive lands to the north of the development lands.

3. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent 1.2 m black vinyl chain link fence between the residential lots along the northern boundary of the property and the adjacent lands, to prevent any direct entry of landowners/occupants into these lands. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.

4. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.

5. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.

6. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:

a. The Subdivider agrees to carry out the works referred to in Conditions 1 and 2 to the satisfaction of the Central Lake Ontario Conservation Authority.

b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.

c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

Ontario Regulation 41/24 of the Conservation Authorities Act

7. Any approved alteration to a watercourse and/or headwater feature will require permission through Ontario Regulation 41/24 of the Conservation Authorities Act. The drainage feature that currently flows through the centre of these lands from north to south meets the definition of a watercourse as defined within this Regulation. A permit from CLOCA will be required prior to any site alteration and/or development within lands regulated through Ontario Regulation 41/24 of the Conservation Authorities Act. The permit application submission, fee collection, and processing will be facilitated through CLOCA Head Office in Oshawa.

**Durham Catholic District School Board**

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Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed plan.

This development is located within the boundary of St. Bridget C.S. Located at 200 Carnwith Drive West, Brooklin. Whitby.

### **Durham District School Board**

Staff has reviewed the information on the above noted and has the following comments:

1. Approximately 239 elementary pupils and 110 secondary pupils could be generated by the above noted application.
2. The revised draft plan of subdivision reflects a 2.63 ha (6.5 ac) parcel of land to that would result in an elementary school block with a total area of 3.05 ha (7.54 ac) which is sufficient to adequately accommodate the required elementary school facilities.
3. That the following conditions be included in the conditions of Draft Plan Approval for plan DEV-24-22 (SW-2022-05, Z-16-22):
  - I. That the Owner agrees to set aside, within the subject plan, Block 309 (2.63 hectares) for public elementary school purposes.
  - II. That the Owner and the Durham District School Board enter into an agreement for the acquisition of Block 309 for elementary school purposes.
  - III. That the Owner submit plans indicating existing and proposed grades, drainage and servicing for approval by the Durham District School Board for all lots, blocks, easements and roads abutting Block 309.
  - IV. That the Owner provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within Block 309, at least 60 days prior to the registration of the Phase for which the School Block is included. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within Block 309.
  - V. That any filling conducted within Block 309 meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soil engineer.
  - VI. That the Owner rough grade Block 309 to the satisfaction of the Durham District School Board.

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- VII. That the Owner agrees to bring all municipal services and connections to the edge of Block 309, along the street and submit drawings to the Durham District School Board for approval.
- VIII. That the Owner agrees to install a 1.8 metre chain link fence of standard school construction (number 9 gauge) along the perimeter of Block 309 where it abuts proposed or existing residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.
- IX. That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the Owner and all prospective homebuyers:
- "Students from this development may have to attend existing schools. Although a school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."
- X. That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.

### **Elexicon**

Further to the referenced File # DEV-24-22 Elexicon Energy Inc. has no objection to permit the development.

The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a) The timely provision of supply to new and upgraded premises; and/or
- b) The availability of adequate capacity for additional loads to be connected in the existing premises.

Please ensure that Elexicon's approved standards and clearances are followed, for all structures, equipment, and people.

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### Enbridge Gas

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [AreaPlanning40@Enbridge.com](mailto:AreaPlanning40@Enbridge.com) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

### Region of Durham

#### Provincial Plan Review Responsibilities

#### Archaeology

A Stage 1 and 2 Archaeological Assessment prepared by ASI (July 2019) was submitted in support of the application. This study recommended that no further archaeological assessment is required. The Ministry of Heritage, Sport, Tourism and Culture Industries provided their clearance letter for the study. There are no further matters of archaeological concern.

#### Potential Site Contamination

A Site Screening Questionnaire was completed and stamped by a Qualified Person. This form is acceptable to the Region and there are no further matters of potential site contamination.

#### Noise Control Feasibility Study

A Noise Control Feasibility Study, prepared by S.S. Wilson Associates, dated March 30, 2022, was submitted in support of the subdivision development. The study recommends

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the use of noise mitigation measures and warning clauses for the proposed development and is acceptable to the Region.

As a condition of draft approval, we will require an updated Noise Study to address the revisions to the draft plan of subdivision. The Region will require any noise control recommendations of the Noise Study must be included in the Town of Whitby's subdivision agreement to the satisfaction of the Region.

### Environmental Impact Statement

The Region's previous comments indicated that a peer review was required for the Environmental Impact Statement, (EIS) prepared by GeoProcess Research Associates Inc., dated January 2024. However, recent discussions between the Region and the CLOCA have determined that CLOCA can address the environmental concerns associated with the proposed development through their July 24, 2024, comment and conditions letter to the Town of Whitby. Therefore, the Region no longer requires the EIS to be peer reviewed.

CLOCA's updated comments are generally supportive of the proposed subdivision development. CLOCA indicated that the remaining environmental concerns that have not been satisfactorily addressed could be resolved as conditions of draft approval for the subdivision application.

As a result of CLOCA's provided supportive comments for the proposed subdivision application, the Region has now determined that the proposed subdivision application conforms with the current ROP and the new adopted ROP and the Growth Plan, and is consistent with the PPS.

### Municipal Servicing

#### Water Supply

The subject lands are located within the Zone 3 and Zone 4 of the water supply system for Whitby. Areas with centreline road grade elevations above 190m shall be within the Zone 4 water zone. The boundary between the Zone 3 and Zone 4 pressure zones will need to be confirmed based on the preliminary grading work completed to date. The Functional Servicing Report provided will need to be revised to show this information correctly.

According to our calculations, the current population within the Zone 4 water pressure district is at the current theoretical capacity for the pumps supplying water to Zone 4 area. The Region has undertaken a design assignment for modifications to the existing pumping station located at the Thickson Road Reservoir to increase the service population on an interim basis prior to the construction of an additional Zone 4 pumping facility and the construction of the Zone 4 reservoir.

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The extension of a 600mm dia. feedermain from the Thickson Road Zone 4 pumping station up to Columbus Road, along Thickson Road, will be required to provide service to the early phase of sections of the proposed Draft Plan development in Zone 4 prior to the construction of the Zone 4 reservoir. Connection of the Zone 4 to the remainder of the proposed Zone 4 water system needs to be shown in the Functional Servicing Report and Functional Servicing Plans.

The full build out of the West Brooklin Growth Areas will require the construction of a Zone 4 reservoir, a Zone 4 pumping station and a Zone 5 pumping station. The Class Environmental Assessment for the Zone 4 reservoir has been completed. The Zone 4 reservoir, and the Zone 4 and Zone 5 pumping station have been identified in the Region of Durham's 2023 Capital Water Budget and nine year forecast.

The Brooklin Landowners should work together to coordinate an overall water servicing plan for the Brooklin area based on the current proposed draft plans and preliminary grading. This drawing is required to clearly establish the water pressure zone boundaries and the looping of the 300 mm and 400 mm watermains and other associated feeder mains required to service the Brooklin area.

A 400 mm Zone 4 watermain will be required on Street 'A' within the subject lands. The Region will provide additional details on the external watermain requirements as more detailed information becomes available.

### Sanitary Servicing

It is planned that the sanitary drainage from this property will be conveyed to the existing 525 mm sanitary sewer on Montgomery Avenue and Columbus Road as shown in the Functional Servicing Report.

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer (CCTSS). Prior to the trunk sanitary sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, in turn to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice Water Pollution Control Plant (WPCP). A Class EA for the diversion of sanitary sewage flow from Brooklin and north Oshawa to Courtice has commenced and is ongoing.

It is important to note that the Class EA that planned the Courtice WPCP included Brooklin within the service area. Similarly, the recently completed Class EA that planned the Courtice Trunk Sanitary Sewer also included Brooklin within its service area.

In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains to connect to the sanitary sewer system.

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### Density

The draft plan of subdivision proposes to construct 551 residential units on 27.10 hectare of land which equates total theoretical population of 1811 to a peak flow of approximately 33.0 l/s.

The applicant shall provide sanitary sewer design sheets to confirm the units breakdown and the actual sewage flow from the proposed development for our review and record. In addition to provide an external sanitary servicing plan for all of the development lands contributing flow to the existing sanitary sewer on Montgomery Avenue. A sanitary sewer may be required on Columbus Road along the frontage of this property and if needed, it should be shown on the Functional Servicing Plan.

### Functional Servicing Report

The Region has reviewed the Functional Servicing and Stormwater Report prepared by Urbantech (September 2022) and have the following comments.

### Water Distribution System:

- The boundary between Zone 3 and 4 needs to be determined and shown on the Functional Servicing Plan.
- The minimum watermain size is 150mm dia., 50mm dial watermains are not acceptable.
- The watermain on Street M will need to connect to Cedarbrook Trial.
- Proposed Street L will have more than 20 lots on a single dead-end feed; the watermain servicing will need to be revised to provide adequate water supply to the 24 lots. The details will be worked through at the detail engineering submission stage.
- A 400 mm Zone 4 watermain is required on Street 'A' within the subject lands.
- Although the road elevations north of Street A are proposed to be less than 190m, this part of the site may be in Zone 4. Coordination with other developments, proper looping of the Zone 3 and Zone 4 systems, along with definition of the Zone 3 / Zone 4 pressure boundary needs to be shown on the Functional Servicing Plan.

### Sanitary Servicing:

- Proposed sanitary servicing design as illustrated on Figure 8.3 is acceptable.
- An external sanitary servicing plan for all of the development lands contributing flow to the existing sanitary sewer on Montgomery Avenue is required.

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- A sanitary sewer may be required on Columbus Road along the frontage of this property and if needed, it should be shown on the Functional Servicing Plan.

#### Waste Management

The Region of Durham provides recycling and waste collection service to draft plans of subdivision residential lots and freehold townhouse blocks in the Town of Ajax, City of Pickering, Townships of Scugog, Brock and Uxbridge and the Municipality of Clarington. Only Blue Box recycling collection is provided by the Region in the City of Oshawa and Town of Whitby.

On June 3, 2021, Ontario filed O.Reg. 391/21 under the Resource Recovery and Circular Economy Act that will make product producers responsible for the Blue Box program including collection. Once transition occurs, The Regional Municipality of Durham will no longer be the service provider for the Blue Box program. The transition of responsibility of the Blue Box program to product producers in Durham Region is expected to occur in 2024. Please see O.Reg. 391/21 for full details.

Any dead-end municipal road(s) must be designed and built with a permanent or temporary, cul-de-sac. If the residential development is built in stages or by multiple builders, municipal waste service may be delayed to completed homes due to access availability. All municipal road networks will be reviewed through the draft plan approval process and through the detailed design of any phase limits to ensure it complies with the Waste By-law 46-2011. All municipal roads, including rear laneways, must be built to a Regionally approved, area municipal standard road cross sections.

Waste Management collection for residential blocks (other than freehold townhouse blocks) including any units within these blocks which will front onto a municipal road will be assessed for waste collection through the Site Plan approval process.

#### Transportation

Columbus Road is a Type B Arterial Road under the jurisdiction of the Town of Whitby. The Town should ensure that the required ROW width of 36m is being provided along the Columbus Frontage as set out in the Brooklin North Major Roads EA (BNMREA).

#### Traffic Impact Study

The Traffic Impact Study prepared by C.F. Crozier and Associates (March 2022) was reviewed and the following comments are provided:

- The Region agrees with the use of the 2025 full build out year, and 2031 horizon year, which is consistent with the Brooklin North Multi-resolution Modelling and Traffic Forecasting (BNMTRF) reports.



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- In Section 4.4, the trip generation rates were noted to be different from those rates used in the BNMMTF study. The 683 residential units proposed as part of this draft plan, compared to the 433 allocated in the BNMMTF study would suggest that there may be an increase over the 10% agreed, therefore requiring additional modelling. The TIS scoping had assumed 13% increase. Please provide a like for like comparison of the BNMMTF assumptions vs the draft plan assumptions using the same trip rates, for further review.
- If the above noted comparison results in increases within the agreed 10% variation, then the Region agrees that the comparative increase in trips, compared with the trips assigned in the BNMMTF study is acceptable and no significant changes to the model output are required.
- The recommendation to signalize the intersections of Cedarbrook Trail at Columbus Road and Ashburn Road at Columbus are consistent with the BNMMTF and the Brooklin North Major Roads EA (BNMREA). No signalization was proposed in either the BNMMTF or BNMREA at Road II/XII at Columbus, however the spacing for future signals looks to be acceptable.
- Section 7.1 – Boundary Road Network and Section identify the road network, including active transportation facilities. It references Ashburn road's existing bike lanes but does not reference the proposed cycling facilities (combination of multi-use pathways and paves shoulders) along Columbus Rd, as identified in the Regional Cycling Plan. It is recommended that this section be updated to reference both existing and proposed cycling facilities identified in the Regional Cycling Plan.
- Section 7.1 Existing and Future TDM opportunities section should be updated to reference the proposed cycling facilities planned on Columbus Road as identified in the Regional Cycling Plan.
- The site plan should indicate where planned cycling connections on Columbus Road are to be included, as identified in the Regional Cycling Plan and their integration into the site to complement the discussion. Identifying these connections helps encourage residents and visitors to use active modes, support Transportation Demand Management (TDM) in the Region.
- Section 7.2.2 – Education / Promotion and Incentives and 7.4 Smart Commute Durham Region references Smart Commute Durham Region will be promoted within schools, local commercial and residents. It should be clarified that Smart Commute Durham Region is a program offered to Durham workplace employers for employees and this section should be revised to reflect the nature of the program and audience. Furthermore, it should be noted that distribution of transit maps, cycling maps, and additional educational and promotional information is to be coordinated and completed by the developer and it is beyond the Region's responsibility to distribute

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directly. This section should be revised to clarify that the developer will provide these materials to residents and commercial lot occupants. • There are a few minor errors in the signal modelling that will need to be addressed once detailed design is commenced on the signals. Peak Hour Factor of 0.92 is to be used and clearance times and recalls will need to be adjusted. The Region will provide further clarification at detailed design phase.

#### Transportation Planning

The application was reviewed from a transportation planning perspective. The subdivision plan should indicate where planned cycling connections on Columbus Road are to be included, as identified in the Regional Cycling Plan and their integration into the site to complement the discussion. Identifying these connections helps encourage residents and visitors to use active modes and support Transportation Demand Management (TDM) in the Region.

#### Durham Region Transit:

Protect for bus stops on:

- The west side of Cedarbrook at:
  - Street A, nearside or farside
  - Street B, nearside or farside
  - Columbus Road, nearside
- The north side of Columbus at:
  - Cedarbrook, farside
  - Street D, nearside

Additionally, sidewalks should be built on Cedarbrook, on Columbus, and all roads in the development. The sidewalks should be built with occupancy of the development.

Based on the foregoing, the Region has no objection to draft approval of the subdivision application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

1. The Owner shall prepare the final plan on the basis of the approved draft plan of subdivision, prepared by Groundswell Urban Planners Inc., identified as Project No.: 23-34, dated January 4, 2024, which shows 273 single-detached dwellings, 74 semi-detached dwellings, 238 townhouses, 2 future residential blocks, a mixed-use/local

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commercial block, a stormwater management pond block, an elementary school block, a trans-canada pipeline block, a walkway block, 2 blocks for 0.3 metre reserves, and roads.

2. The Owner shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Owner shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Owner shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region of Durham.
5. The Owner shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Owner shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e. author, title, date any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Owner shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
6. The Owner shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Owner shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham, and are to be completed prior to final approval of this plan.
7. Prior to entering into a subdivision agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
8. The Owner shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other regional services.

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### **Rogers Communication**

Rogers Communications Canada Inc. (“Rogers”) has reviewed the application for the above Subdivision and has determined that it intends to offer its communications services to residents of the Subdivision. Accordingly, we request that municipal approval for the Subdivision be granted subject to the following conditions:

1. The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC licensed telecommunications companies intending to serve the Subdivision (the “Communications Service Providers”) to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
2. The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.
3. The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
4. The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

In addition, we kindly request to, where possible, receive copies of the following documents:

1. the comments received from any of the Communications Service Providers during circulation;
2. the proposed conditions of draft approval as prepared by municipal planners prior to their consideration by Council or any of its committees; and
3. the municipal planners’ report recommending draft approval before it goes to Council or any of its committees.

### **TransCanada Pipeline (TCPL)**

TCPL has two (2) high-pressure natural gas pipelines contained within a right-of-way (“easement”) crossing the Subject Lands.

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TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).

Based upon our initial review of the revised Draft Plan of Subdivision and supporting technical reports, we are providing the following comments and are requesting that the noted development and regulatory requirements be included as conditions in the Draft Plan approval and Subdivision Agreement between the Municipality and the Proponent. TCPL may submit additional requirements to be included in the Subdivision Agreement.

#### General Comments:

1. The cul-de-sac identified as "Street L" on the Draft Plan shall be set back a minimum of 7 metres from the edge of TCPL's right-of-way, including grading and associated structures including curbs, gutters and street lighting.
2. TCPL requests additional information about the restoration area, including the type of vegetation and trees proposed. Landscaping shall be done in accordance with TCPL's requirements, as outlined in Subdivision Agreement item 8.
3. At the time of written consent for the watermain, TCPL requests additional information in order to effectively evaluate the impacts to their right-of-way. Subdivision Agreement item 11 outlines TCPL's general requirements.
4. TCPL requests detailed plans demonstrating how Lots 50, 51, 52 and 53 will be serviced. Individual servicing of these lots from Street L across the TCPL's right-of-way will not be permitted.

#### Draft Conditions:

1. TCPL's right-of-way shall be dedicated to the municipality as passive open space or parkland subject to TCPL's easement rights. TCPL's right-of-way shall be identified on all municipal plans and schedules as a pipeline/utility corridor.
2. A crossing and encroachment permit/agreement must be approved by TCPL for ongoing activities such as mowing or maintenance of the right-of-way on public lands.
3. The conditions, restrictions or covenants specified by TCPL shall be included in a separate agreement between TCPL and the Proponent, and the Proponent shall register such agreement against title to the Subject Lands prior to registration of the subdivision plan by way of application to register conditions, restrictions or

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covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.

### Subdivision Agreement:

1. No buildings or structures shall be installed anywhere on TCPL's right-of-way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory structures are to be located a minimum of 3 metres from the edge of the right-of-way.
2. A minimum setback of 7 metres from the nearest portion of a TCPL pipeline right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
3. The cul-de-sac identified as "Street L" on the Draft Plan shall be set back a minimum of 7 metres from the edge of TCPL's right-of-way, including grading and associated structures including curbs, gutters and street lighting.
4. Written consent must be obtained from TCPL prior to undertaking the following activities:
  - a. Constructing or installing a facility across, on, along or under a TCPL right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
  - b. Conducting a ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
  - c. Driving a vehicle, mobile equipment or machinery across a TCPL right-of-way outside the travelled portion of a highway or public road;
  - d. Using any explosives within 300 metres of TCPL's right-of-way; and
  - e. Use of TCPL's Prescribed Area for storage purposes.
5. During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the Proponent to prevent unauthorized access by heavy machinery. The fence erected must meet TCPL's specifications concerning type, height and location. The Proponent is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.
6. Permanent fencing may be required along the limits of TCPL's right-of-way. The fence erected must meet TCPL's and the municipality's specifications concerning type, location, and height. Any excavations for fence posts on, or within 30 metres of

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the pipeline must be done by hand or hydro vac. There shall be no augers operated on the right-of-way. The Proponent shall notify TCPL 3 business days prior to any excavation for fence posts located on or within 30 metres of the pipeline. All fences made of metallic materials must be approved by TCPL prior to being erected on or within 30 metres of the pipeline.

7. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
8. The following provides design guidance for crossings:

### General Requirements:

The crossing shall occur as close as possible to 90 degrees.

The crossing shall not occur at a bend in a TCPL pipeline.

TCPL may require the installation of permanent protective measures depending on site-specific conditions and engineering analyses.

### General Conditions for Crossings of TCPL Pipelines by Highways, Private Roads and Railways:

A highway or private road shall be constructed so that the travelled surface is no less than 1.5 metres above the top of the pipeline.

The bottom of the ditches adjacent to roads should not be less than 1.4 metres above the top of the pipeline.

Minimum cover for railway crossings (below base of rail) is 3.05 m for uncased pipe.

### General Conditions for Crossings of TCPL Pipelines by Utilities:

TransCanada shall retain the upper position in the crossing area.

Minimum separation between buried facilities shall be 300mm (600mm during installation) for open cut excavations and 1000mm for horizontal directional drill installation methods.

The utility depth shall be maintained for the entire width of the right-of-way.

The utility shall have no bends within the pipeline right-of-way.

The utility shall have no joints, splices or other connections within the TCPL pipeline right-of-way.

Pipeline crossings should not be placed within 7 metres of a TCPL pipeline bend.

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For road crossings, TCPL is required by the CER to prepare a detailed engineering assessment of all loads expected during the construction and operation of the crossing, and, if required, provide designs for appropriate mitigation. The cost of this engineering assessment, analysis and design work, the costs of any required mitigation or pipe modification required will be 100% the responsibility of the Proponent.

It is recommended that the Applicant consult with TCPL as soon as possible through the third party crossings tool: <https://writtenconsent.tcenergy.com>.

9. Planting and Vegetation Plans will minimize vegetation on TCPL's right-of-way and ensure:
  - a. A 5 metre wide, continuous access way is provided on each side of the pipeline within the right-of-way;
  - b. TCPL's right-of-way is seeded with Canada #1 seed;
  - c. No portion of a tree or shrub (including the canopy) at the time of maturity encroaches within 5 metres of the edge of TCPL's facilities;
  - d. No trees or shrubs that will reach a height greater than 4 metres are planted within the right-of-way;
  - e. Tree roots do not interfere with or cause damage to the pipeline.
  - f. A minimum 10 metre separation is established between all groups of trees/shrubs. A group may consist of no more than 5 trees/shrubs; and
  - g. Where high-pressure gas is contained within an enclosed building (such as a metre station or building housing a compressor plant), trees and shrubs should be separated from the building by a minimum of 30 metres.
10. Sidewalks/Pathways may be permitted within the right-of-way but must:
  - a. Not exceed 3 metres in width;
  - b. Maintain a minimum separation of 5 metres from the edge of the facility at all points where the pathway travels along the same direction (i.e. paralleling) as the facility within the right-of-way;
  - c. Cross TCPL's pipeline as close to 90 degrees as possible, but no less than 45 degrees;
  - d. Limit crossings to 1 per city block (approx. 200 metres)
  - e. Use company supplied signage for crossings installed by a Third Party; and



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- f. Have expansion joints installed 3 metres on either side of TCPL's pipeline(s) if the pathway is cement or asphalt.
11. Where TCPL consents to any ground disturbances in proximity to any TCPL pipeline, the original depth of cover over the pipelines within TCPL's right-of-way shall be restored after construction. This depth of cover over the pipelines shall not be compromised due to rutting, erosion or other means.
12. Facilities shall be constructed to ensure that drainage is directed away from the right-of-way so that erosion that would adversely affect the depth of cover over the pipelines does not occur. Catchment basins, drainage swales or berms are not permitted within TCPL's right-of-way. All infrastructure associated with site servicing, grading, and stormwater management (e.g. subdrains, manholes, catchbasins, retention walls, storm ponds, culverts/riprap) shall be setback a minimum of 7 meters from the edge of TCPL's right-of-way.
13. Should pooling of water or erosion occur on the right-of-way as a result of any facility installation or landscaping, the Proponent will be responsible for the remediation to TCPL's satisfaction.
14. Any large scale excavation adjacent to the right-of-way, which is deeper than the bottom of the pipe, must incorporate an appropriate setback from TCPL's right-of-way and must maintain a slope of 3:1 away from the edge of the right-of-way.
15. Mechanical excavation within 1.5 metres of the edge of TCPL's pipeline is prohibited. Hand or hydrovac excavation must be utilized within this distance.
16. In no event shall TCPL be held liable to the Proponent respecting any loss of or damage to the Proponent's Facility, which the Proponent may suffer or incur as a result of the operations of TCPL. The Proponent shall be responsible for all costs involved in replacing the Proponent's Facility damaged or removed during TCPL's operations and shall indemnify and save harmless TCPL from all actions, proceedings, claims, demands and costs brought against or incurred by TCPL as a result of the presence of or damage to the Proponent's Facility on the TCPL right-of-way.
17. Vehicle barriers, of a design acceptable to TCPL or as may be required by law, shall be installed across the width of the right-of-way, where public roads cross the right-of-way. The location of these barriers must be approved by TCPL.
18. All display plans in the lot/home sales office shall identify the TCPL pipeline right-of-way corridor within the proposed linear park block(s).
19. The Proponent shall include notice of the following in all offers of purchase and sale:

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- a. Notice of the easement agreement registered against the property which may affect development activities on the property;
  - b. Notice of the 30 metre Prescribed Area as regulated by the CER Act;
  - c. The number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;
  - d. The setback for all permanent structures and excavations from the limits of the right-of-way; and,
  - e. The local One Call number 1-800-400-2255 or [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com).
20. TCPL's prior approval must be obtained for the Site Plans for the permanent structures to be erected on lots and/or Blocks which are encumbered by, or are adjacent to TCPL's right-of-way.
21. If TCPL's pipelines experience contact damage or other damage as a result of construction, stop work immediately and notify TCPL at once.
22. All associated work, signage or any other engineering protection measures must be completed by TCPL or its qualified contractors at the sole expense of the Proponent. The complete scope of work that may be required is subject to other conditions that may be necessary related to a finalized design that is approved by TCPL. Additionally, prior to TCPL or its contractors conducting any associated work, TCPL and the Proponent must execute a reimbursement agreement, including financial assurances, which provides that the entire cost of conducting this associated work is 100% reimbursable to TCPL.
23. The Proponent shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

## Attachment #9

### Conditions of Draft Plan of Subdivision Approval File SW-2022-05

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by Groundswell Urban Planners Inc., identified as project number 23-34, dated July 12, 2024, which illustrates 236 single-detached units, 74 semi-detached units, 238 townhouse units, two future development block, mixed use/local commercial block, stormwater management pond, elementary school block, Trans-Canada Pipeline block, walkway block, roads and road widening blocks.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval, if this subdivision is to be developed by more than one registration.
4. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
5. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham, and are to be completed prior to final approval of this plan.
6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.

8. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e. author, title, date any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
9. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
  - a. The intended means of conveying stormwater from the site in the interim, and ultimate condition, based on stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 2A.
  - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features as part of this development. This includes agreeing to an appropriate pre-development infiltration condition and providing effective post development infiltration techniques to match this target.
  - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
  - d. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
10. That the Subdivider agree that prior to any site alteration that a Restoration and Enhancement Strategy be provided and approved by the Town and Central Lake Ontario Conservation Authority for any unavoidable encroachment of transitional grading within the environmentally sensitive lands to the north of the development lands.
11. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent 1.2m black vinyl chain link fence between the residential lots along

the northern boundary of the property and the adjacent lands, to prevent any direct entry of landowners/occupants into these lands. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.

12. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
13. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
14. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
  - a. The Subdivider agrees to carry out the works referred to in Condition 9 and 10 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
15. That the Subdivider agrees to set aside, within the subject plan, Block 309 (2.63 hectares) for public elementary school purposes.
16. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of Block 309 for elementary school purposes.
17. That the Subdivider submit plans indicating existing and proposed grades, drainage and servicing for approval by the Durham District School Board for all lots, blocks, easements and roads abutting Block 309.
18. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within Block 309, at least 60 days prior to the registration of the Phase for which the School Block is included. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within Block 309.

19. That any filling conducted within Block 309 meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soil engineer.
20. That the Subdivider rough grade Block 309 to the satisfaction of the Durham District School Board.
21. That the Subdivider agrees to bring all municipal services and connections to the edge of Block 309, along the street and submit drawings to the Durham District School Board for approval.
22. That the Subdivider agrees to install a 1.8 metre chain link fence of standard school construction (number 9 gauge) along the perimeter of Block 309 where it abuts proposed or existing residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.
23. That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the Subdivider and all prospective homebuyers:

"Students from this development may have to attend existing schools. Although a school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."
24. That the Subdivider agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.
25. The Subdivider shall convey the following to the Town:
  - a. Block 308 for stormwater management (SWM) facilities;
  - b. Block 310 for open space;
  - c. Block 311 for walkway;
  - d. Block 312 for road widening on Cedarbrook Trail; and
  - e. Block 313 for road widening on Columbus Road West.
26. The Subdivider shall implement all changes to the plan for registration resulting from recommendations and findings of the Municipal Class Environmental Assessment Brooklin North Major Roads EA (BNMREA) and the on-going Columbus Road Detailed Design Project including the final right-of-way and road widening widths, of Street 'A' and Columbus Road West, including a 27 m inscribed circle diameter roundabout located at the intersection of Street 'A' and Cedarbrook Trail.

27. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
- a. 3.0m-wide multi-use path on the south side and a 1.8m-wide sidewalk on the north side of 'Street A'.
  - b. 2.5m-wide multi-use trail within Block 310 (TransCanada Pipeline (TCPL) easement).
  - c. 2.5m-wide sidewalk adjacent to all school and park blocks.
  - d. 1.8m-wide concrete sidewalk on both sides of all other streets including cul-de-sacs.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

28. The Subdivider shall provide an updated Functional Servicing and Stormwater Management Report (FSSR) to address the comments provided in a separate memo from Water Resources dated September 18, 2024 (Attachment #2 of Engineering Services September 26, 2024 Memorandum) prior to the submission of detailed engineering drawings.
29. The Subdivider shall provide an updated Sub-Area Study (SAS) 2A to address comments provided in a separate memo from KSGS dated March 2024 (Attachment #3 of Engineering Services September 26, 2024 Memorandum) prior to detailed engineering submission.
30. The Subdivider shall be responsible, financially and otherwise, for the maintenance, upkeep, and decommissioning of the temporary dry pond within Lots 18 to 27 and part of Street 'K' until such time as it is no longer deemed necessary by the Town. The Subdivider shall also be responsible for its fencing, landscaping and signage as required by the Town to be determined at the detailed design stage.
31. The Subdivider is responsible financially and otherwise, for the reconstruction and urbanization of the west side of existing Cedarbrook Trail, including the analysis and design of the proposed storm sewers, along the development frontage, to an arterial road Town standard, all to the satisfaction of Engineering Services.

Grading match along the ROW limit to be based on the ultimate cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

32. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

33. The Subdivider shall provide a written response letter to address the comments provided in a separate memo from Transportation Services date March 6, 2024 (Attachment 4 of Engineering Services September 26, 2024 Memorandum) prior to or with the submission of detailed engineering drawings.

The TIS shall include a plan shall be provided showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs and intersections with angles less than 90 degrees), tangents, intersection angles / skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

34. The Subdivider shall be responsible, financially and otherwise, for implementing any design elements, intersection control and/or changes to the plan for registration required to address any sightline and/or alignment concerns such as:

- a. Construct a roundabout with a minimum inscribed circle diameter of 27m at the intersection of Cedarbrook Trail and Street 'A' including dedication of the necessary right-of-way lands to the Town.
- b. Ensure the right-of-way and pavement dimensions for the bend on Laneway 'A' will accommodate all expected waste collection and winter maintenance vehicles while maintaining a minimum 1m-wide boulevard.

35. The Subdivider agrees that if at the time of detailed design, should the final roundabout designs identify need for additional property requirements, the Subdivider shall adjust property lines accordingly. Roundabout design shall be based on minimum diameter and minimum boulevard width as outlined by the Town.

36. Due to the nature and design of the proposed neighbourhood roundabouts, driveway access may be restricted for some of the lots and units within the limits of the splitter islands. Purchase and sale agreements for the affected lots and units shall contain a warning clause to this effect to be registered on title.



37. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.
38. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, to the satisfaction of the Director of Engineering Services.
39. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices. Construction traffic shall be restricted to time windows that do not conflict with the typical peak school drop-off and pick-up times of the nearby school.
40. Construction access shall be limited to Cedarbrook Trail or as prescribed in the Construction Management Report.
41. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.
42. The Following Lots/Blocks shall be placed on hold:
  - a. Lots 18 to 27, until such time as the temporary dry pond is decommissioned to the Town's satisfaction;
  - b. Lots 109 and 110 – until roundabout design and appropriate driveway locations are finalized;
  - c. Block 274, until such time as Street 'B' is extended to the adjacent development, unless it can be demonstrated at detailed design that this block can be constructed without the need to extend Street 'B', to the satisfaction of the Director of Engineering Services; and
  - d. Blocks 305 and 306 – Future Residential, until such time as they can be merged with land to the west and south respectively, due to storm water management and access constraints.

43. SWM Block 308 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and /or wetland pockets at the outfall.

Pond sizing shall also include drainage areas for the ultimate improvements and urbanization of external roads that are tributary to the site.

At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.

44. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.
45. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
46. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate schoolboard requirements.
47. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
48. All window streets shall be designed such that they provide for positive boulevard drainage to their respective roadways, while complying with minimum and maximum boulevard grade criteria. Any grade difference between window streets and adjacent roads shall be addressed using maximum 3:1 sloping within a buffer block between the two rights-of-way. Buffer blocks shall also be sized to accommodate any grading requirements to facilitate sidewalk connections to the adjacent street.
49. All community mailboxes for the private developments shall be located within private properties.

50. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
51. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.
52. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.
53. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.
54. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
55. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
56. Any concerns raised through future re-submissions of the geotechnical and hydrogeotechnical reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID measures (proposed infiltration trenches), proposed stormwater

management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

57. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
58. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and/or the oversizing of services if required.
59. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e. siting) to each lot purchaser prior to closing.
60. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
61. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
62. The Subdivider shall provide Town Planning with a revised Tree Inventory Plan & Arborist Report, verifying, with reference to a legal survey, any boundary and/or publicly owned trees within 6m of the property line. This will assist both Town staff and the Subdivider in verifying privately owned trees which could be removed prior to the finalization of the Engineering drawings.
63. No municipal tree removal shall occur prior to the Town Engineering Department's approval of the detailed Engineering drawings for Columbus Road and Cedarbrook Trail. Where feasible, existing Street Trees shall be retained and incorporated into the design of Columbus Road and Cedarbrook Trail. The Subdivider shall ensure that a Tree Preservation Plan (TPP) is provided to reflect municipal tree preservation and removal requirements based on the approved Engineering drawings. Satisfactory installation of tree protection measures must be confirmed by Town Planning Staff in advance of removal activities.
64. The Subdivider shall ensure that the western boulevard of Cedarbrook Trail is urbanized, topsoiled, fine-graded, sodded and provided with tree plantings,

sidewalks, and other municipal infrastructure as part of the subdivision agreement.

65. The subdivider shall ensure that street tree planting is provided along Columbus Road as part of the subdivision agreement.
66. The Subdivider shall ensure that hazardous trees along the edges of the limit of development are identified in advance and wherever adjacent to proposed development; on-site review with staff from the Town's Forestry staff (Operations) and landscape inspection (Planning) is required prior to anticipated removals and throughout the development process.
67. The Subdivider shall complete and stabilize the required buffer planting works within six months of the registration of the applicable phase of the plan of subdivision, or upon completion of the fill and grading of lands adjacent to the buffer planting area, whichever comes first. The Subdivider shall ensure that the success and management of the buffer plantings are monitored for two (2) growing seasons by the Subdivider's Landscape Consultant. A Letter of Credit is required for The Edge Management and Buffer Planting prior to registering the first phase of the plan of subdivision.
68. Parkland contribution is required for this development at a rate in accordance with the Planning Act.
69. The Subdivider shall provide written confirmation from the Landowners Group Trustee that the subdivider has satisfied their obligations in relation to the Master Parks Agreement.
70. Should the Master Parks Agreement not get finalized prior to registration, then the subdivider will be required to satisfy parkland dedication based on the applicable rates, to the satisfaction of the Senior Manager of Parks Planning and Development. A land appraisal will be required for review and approval by the Town.
71. The Subdivider agrees to install a 1.2 metre black vinyl chain link park fence where any open space and natural heritage blocks abut residential lots.
72. The Subdivider agrees to convey open space blocks 310 & 311 to the Town in a physical condition to the satisfaction of the Parks Planning and Development Department, upon registration of the applicable phase of the plan of subdivision.
73. The Subdivider shall prepare detailed trail design and grading drawings, prepared by a qualified landscape architect and/or engineer, for any required off-road trails within Block 310, to the satisfaction of the Senior Manager of Parks Planning and Design.

74. The trail design requirement shall include, but are not limited to the following:
- a. Trails to be constructed to details and specifications provided by and approved by Town of Whitby Community Services, Parks Development Division.
  - b. All trails shall be planned and designed to meet accessibility standards.
  - c. All trails, trail crossing, bridges, boardwalks, culverts, structures shall be designed and constructed by the Subdivider, in accordance with Community Services Department, Parks Development Division requirements.
  - d. All primary trails shall be planned and designed to a minimum width of 2.5 metres and surfaced in asphalt.
  - e. Trails to be offset a minimum 3 metres from any property line to accommodate grading requirements, a 1.5 metre wide sod mow strip and a 1.5 metre wide planted privacy buffer.
  - f. Trail requires a minimum 1.5 metre sod mow strip on either side of the trail to enable mowing/maintenance. Mow strip to be sloped at a maximum 25%.
  - g. Trail grades are not to exceed 2% cross slope and 5% longitudinal slope unless unavoidable due to existing grades.
  - h. Seating Areas with benches are to be provided at a rate of 3 per kilometer of trail.
75. Prior to registration of the applicable phase, the Subdivider shall secure approval of the trail design from the gas utility and any other applicable approval authorities.
76. The Subdivider shall construct all off-road trail works in accordance with the approved plans for Blocks 310 and 311, and secure any additional approvals and permits, as required, at no cost to the Town.
77. The subdivider shall advise potential purchasers of the location of the off-road trails by providing plans, in all sales offices and agreements of purchase and sale for any dwelling units within the draft plan of subdivision.
78. Prior to execution of the Subdivision Agreement, the subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of the off-road trail works.

79. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mail Boxes or Lock Box Assemblies (Mail Room). The Subdivider will indicate these locations on the appropriate servicing plans.
80. That the Subdivider enter into a Subdivision Agreement for the subdivision with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
81. The Subdivider covenants and agrees to enter into the cost sharing agreement with the Brooklin Landowners Group in accordance with Section 11.5.31.5 e) and f) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 81 upon receipt of a letter of clearance from the "Trustee" representing the North Brooklin Cost Sharing Agreement.
82. The Subdivider shall provide a Firebreak layout Plan to the satisfaction of the Whitby Fire and Emergency Services Department.
83. The Subdivider shall provide fire hydrants at either end of Laneway A.
84. The Subdivider is required to implement the architectural guidelines for the Brooklin Community.
85. Through the Subdivision Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in the Sustainability Report submitted by the proponent.
86. That new home construction shall be designed to meet the Energy Star standards or equivalent.
87. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

<b>Report</b>	<b>Town</b>	<b>Region</b>	<b>CLOCA</b>
Environmental Impact Study	Yes	Yes	Yes
Functional Servicing Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Arborist Report	Yes	-	-
Noise Study	Yes	Yes	-
Site Screening Questionnaire	Yes	Yes	-
Sub Area Study 2A	Yes	Yes	Yes

Sustainability Report	Yes	-	-
Transportation Study	Yes	Yes	-
Landscape Plans	Yes	-	-

88. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage and other local services.
89. TransCanada PipeLines Limited's (TCPL) right-of-way, Block 310, shall be dedicated to the Town of Whitby as passive open space or parkland subject to TCPL's easement rights. TCPL's right-of-way shall be identified on all municipal plans and schedules as a pipeline/utility corridor.
90. A crossing and encroachment permit/agreement must be approved by TCPL for ongoing activities such as mowing or maintenance of the right-of-way on public lands.
91. The conditions, restrictions or covenants specified by TCPL shall be included in a separate agreement between TCPL and the Subdivider, and the Subdivider shall register such agreement against title to the Subject Lands prior to registration of the subdivision plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.
92. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
  - a. The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7 and 8 have been satisfied.
  - b. The Central Lake Ontario Conservation Authority, how conditions 9, 10, 11, 12, 13 and 14 have been satisfied.
  - c. The Durham District School Board, how conditions 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 have been satisfied.
  - d. The TransCanada PipeLines Limited, how conditions 89, 90 and 91 have been satisfied.

**Note:** Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. This approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed. If final approval is not given to this plan within three (3) years of the draft approval date, and no extension have been granted,



draft approval will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the Subdivider wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of the request, shall apply.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: DEV-18-24: Official Plan Amendment Application OPA-2024-W/07, Zoning By-law Amendment Z-07-24 – Unaddressed Parcel North side of Stellar Drive, East of Thickson Road South**

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**Report to:** Committee of the Whole

**Date of meeting:** November 25, 2024

**Report Number:** PDP-53-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

John Taylor, Director of Planning  
Services, 905-444-2908

K. Afante, Planner II, x 2836

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### 1. Recommendation:

1. That Council approve Amendment Number 141 to the Whitby Official Plan (File: OPA-2024-W/07), as shown on Attachment #6, and that a By-law to adopt Official Plan Amendment Number 141 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 53-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 141 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development; and
4. That Council approve an amendment to Zoning By-law # 1784, (File: Z-07-24), as outlined in Planning Report No. PDP 53-24.

## 2. Highlights:

- Applications for an Official Plan Amendment and Zoning By-law Amendment have been submitted by Menkes Champlain Inc. for the unaddressed land located north of Stellar Drive.
- The proposal is for a new automobile dealership as an additional permitted use on a portion of the subject land.
- If approved, the proponent will be required to submit a Site Plan application at a later date.
- All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions being addressed.

## 3. Background:

### 3.1. Site and Area Description

The subject land includes the unaddressed parcel on the north side of Stellar Drive, approximately 500 metres east of Thickson Road South (refer to Attachment #1). The subject land is currently vacant and approximately 5.4 hectares (13.5 acres) in size.

Surrounding land uses include automobile dealerships to the west, the Canadian Pacific Railway to the north, warehouse buildings under construction to the south, and vacant future Prestige Industrial lands to the east (refer to Attachment #2).

### 3.2. Applications and Proposed Development

An Official Plan Amendment Application has been submitted to permit a new automobile sales dealership, as an additional permitted use within the Prestige Industrial designation (refer to Attachment #3).

A Zoning By-law Amendment Application has been submitted to permit an automobile sales dealership on the western portion of the subject land and a warehouse distribution facility on the eastern portion of the subject land.

The Zoning By-law Amendment application also seeks to remove the holding symbol applicable to the portion of the property zoned H-M1A-2 (refer to Attachment #5).

If approved, a Site Plan Application will be submitted at a later date.

### 3.3. Documents Submitted in Support

Several documents were submitted in support of the applications, including the following:

- A Concept Site Plan prepared by Turner Fleischer Architects Inc., latest revision date May 15, 2024 (refer to Attachment #3);
- An Arborist Report prepared by Strybos Barron King Ltd, dated May 27, 2022, which summarizes the trees inventoried immediately adjacent to the

site and provides recommendations for retention in context with the proposed industrial development;

- An Environmental Impact Study and Addendum Letter prepared by Stantec Consulting Ltd, dated June 10, 2024, which provides recommendations to protect the natural features including measures to mitigate potential impacts and enhance the natural heritage system where appropriate.
- A Geotechnical and Hydrogeology Report prepared by Terrapex Environmental Ltd, dated June 8, 2022, which provides an evaluation of the subsurface conditions and recommends specific construction methods for the building foundations;
- A Conceptual Drainage Plan prepared by Stantec Consulting Ltd;
- A Land Use Compatibility Study prepared by prepared by GHD, dated February 17, 2023, which concludes that the development is not a significant source of air quality, dust or vibration, emissions. Based on the proposed operations, there is a potential for noise impacts and minor odour impacts if paint spraying is used as part of the automobile dealership use. The Land Use Compatibility Study includes mitigation recommendations if paint spraying is part of the automobile dealership use;
- A Phase One Environmental Site Assessment (ESA), prepared by Terrapex Environmental Ltd, dated October 3, 2022, for the East portion of the site which concludes there are no environmental concerns on that portion of the Site. As such, a Phase Two ESA is not required for the east portion of the subject site;
- A Phase One Environmental Site Assessment (ESA), prepared by DS Consultants Ltd, dated March 3, 2021, for the west portion of the site identified two (2) areas of potential environmental concern which require further investigation;
- A Phase Two Environmental Site Assessment for the west portion of the site, dated April 6, 2021, prepared by DS Consultants Ltd, includes the results of the soil and groundwater sampling completed as part of the 2021 Phase Two ESA and concludes that the Site Condition Standards had been met and no further investigation is required;
- An Environmental Conditions Letter for the West portion of the site prepared by DS Consultants Ltd, dated October 3, 2023, which identifies that there is no evidence of new potentially contaminating activities occurring on the property since the Phase One and Two ESAs were completed, and that no further environmental investigation is warranted at this time;
- A Planning Rationale prepared by GHD, dated February 2023 states that the proposed development and the Official Plan Amendment and Zoning By-law Amendment applications are consistent with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the

Durham Regional Official Plan. The Rationale also states that the additional automobile dealership use does not create any significant land use compatibility concerns;

- A Planning Rationale Addendum Letter prepared by GHD, dated June 10, 2024, states that the conclusions of the February 2023 Planning Rationale Report are still valid to support the Official Plan Amendment and Zoning By-law Amendment applications;
- A Site Servicing Plan prepared by Stantec Consulting Ltd;
- A Stage 1-2 Archaeological Assessment Report prepared by AMICK Consultants Limited, dated January 16, 2023, encountered no archaeological resources and recommended that no further archaeological assessment of the study area is warranted;
- A Storm Drainage Plan prepared by Stantec Consulting Ltd.,
- A Stormwater Management Report prepared by Stantec Consulting Ltd, dated October 20, 2023, which concludes that the Site can be adequately serviced with storm drainage using conventional municipal engineering practices and compliance to Town Standards. The Report requires all onsite storm sewers will be designed to convey, at a minimum, runoff from the 1 in 100-year storm event to the on-site storage system;
- A Stormwater Management Addendum Letter prepared by Stantec Consulting Ltd, dated June 6, 2024, which identifies that the site has undergone minor revisions which removed direct impacts from the staked limit of wetland, resulting in minor revisions to catchment areas. The recommendations and conclusions in the Storm Water Management Report (Stantec 2023) are valid and do not require revision;
- A Traffic Impact Study and Addendum Letter prepared by LEA Consulting Ltd, dated February 2023, concludes that the traffic generated by the proposed uses are acceptable for the surrounding road network, the site is functional from a maneuverability perspective with appropriate signage, and provides sufficient vehicular parking;
- A Tree Inventory and Preservation Plan prepared by Strybos Barron King Ltd, latest revision date September 22, 2023;
- A Noise Impact Study prepared by Howe Gastmeier Chapnik Limited, dated October 11, 2023, which indicates that the sound emissions from the proposed facilities will be within the limits of the Ministry of Environment, Conservation and Parks (MECP) requirements under a worst case assumed operational scenario with the implementation of noise controls including an acoustic barrier and limiting the operations of Warehouse C to daytime hours only.

The above documents were distributed to the relevant internal departments and external agencies for review and comment.

## 4. Discussion:

### 4.1. Region of Durham Official Plan

The subject land is designated as Employment Areas on Map 1 – Regional Structure in the new ROP. Employment Areas are intended for manufacturing, warehousing, storage, assembly and processing.

### 4.2. Whitby Official Plan

Most of the subject land is designated “Prestige Industrial” with a small portion of the property at the west boundary designated “Major Open Space” on Schedule A – Land Use of the Town’s Official Plan (refer to Attachment #4).

Prestige Industrial areas include light industrial uses within enclosed buildings, professional, corporate, and industrial oriented office buildings, major office uses within Business Parks, data processing centres, commercial or technical schools, post-secondary educational facilities, research and development facilities, and incidental sales outlets within industrial buildings.

Policy 4.7.3.2.10 allows dealerships for new automobiles and trucks in the Prestige Industrial designation by amendment to the Zoning By-law where lands abut Highway 401 east of Pringle Creek, Highway 407 or Highway 412, or where they a service road adjacent to one of these Provincial highways, provided such uses are compatible with the surrounding area.

Since the subject land does not abut Highway 401 nor a service road adjacent to Highway 401, an amendment to the Whitby Official Plan is required to permit the proposed dealership use.

### 4.3. Zoning By-law

The east portion of the subject land is zoned Restricted Industrial (M1). The west portion of the subject land is mostly zoned Holding Prestige Industrial, Exception 2 (H-M1A-2) with a small portion along the west boundary zoned Greenbelt (G) as per Zoning By-law 1784 (refer to Attachment #5).

The M1A zone permits industrial and employment related uses, including warehousing and office buildings among other uses. Exception 2 to the M1A zone permits a hotel. The Holding provision applies to restrict development until a Noise Impact Study has been completed and the extension of Consumers Drive is constructed. Since the extension of Consumers Drive (now named Stellar Drive) and a Noise Study has been completed, the H symbol may be removed.

However, an automobile dealership use is not a permitted use in the M1A-2 zone. Therefore, a Zoning By-law Amendment is required to permit the new automobile dealership.

#### 4.4. Conclusion

Most of the subject land is designated “Prestige Industrial,” and a small portion along the westerly property line is designated “Major Open Space” in the Whitby Official Plan. Prestige Industrial areas are intended to support a variety of industrial uses.

Development of the subject land, outside of the “Major Open Space” designation, for a new automobile sales dealership is appropriate as it is in proximity to Highway 401. The subject lands are suitable for the proposed use and are compatible with surrounding land uses.

Development of the subject land for a warehouse distribution centre is appropriate as it is situated along an arterial road with access to Highway 401 and associated interchanges.

The proposed development will serve to increase the range of employment opportunities available within the community.

All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7. Based on the detailed review of the applications and consideration of agency comments and requirements (refer to Section 7), it is concluded that the proposed development is in conformity with the Region’s Official Plan and exempt from Regional approval and in keeping with the intent of the Town’s Official Plan. Therefore, it is recommended that Council approve the Draft Proposed Official Plan Amendment (refer to Attachment #6) and Zoning By-law Amendment.

The proposed design and articulation of the buildings will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context.

#### 5. Financial Considerations:

Not applicable.

#### 6. Communication and Public Engagement:

A Public Meeting was held on September 9, 2024, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #7. There were no delegations from members of the public.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the November 25, 2024, Committee of the Whole Meeting.

## **7. Input from Departments/Sources:**

### **7.1 Internal Departments**

The following departments have reviewed the application and have no objection subject to their comments and/or conditions:

- Whitby Engineering Services;
- Whitby Planning Services;
- Whitby Fire and Emergency Services;
- Whitby Financial Services;
- Whitby Strategic Initiatives; and,
- Whitby Building Division.

### **7.2 External Agencies**

The following agencies have reviewed the application and have no objection subject to their comments and/or conditions:

- Canadian Pacific Kansas City Railway (CPKC);
- Central Lake Ontario Conservation Authority (CLOCA);
- Durham Region Planning and Economic Department;
- Durham Region Works Department;
- City of Oshawa Planning Services;
- Rogers;
- Bell; and,
- Enbridge Gas.

The following agencies were circulated the application; however, did not provide a response:

- Superior Propane.

Refer to Attachment #8 for Agency and Stakeholder Detailed Comments.

## **8. Strategic Priorities:**

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.



**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Excerpt from Whitby Official Plan Schedule A – Land Use

Attachment #5: Excerpt from Zoning By-law 1784

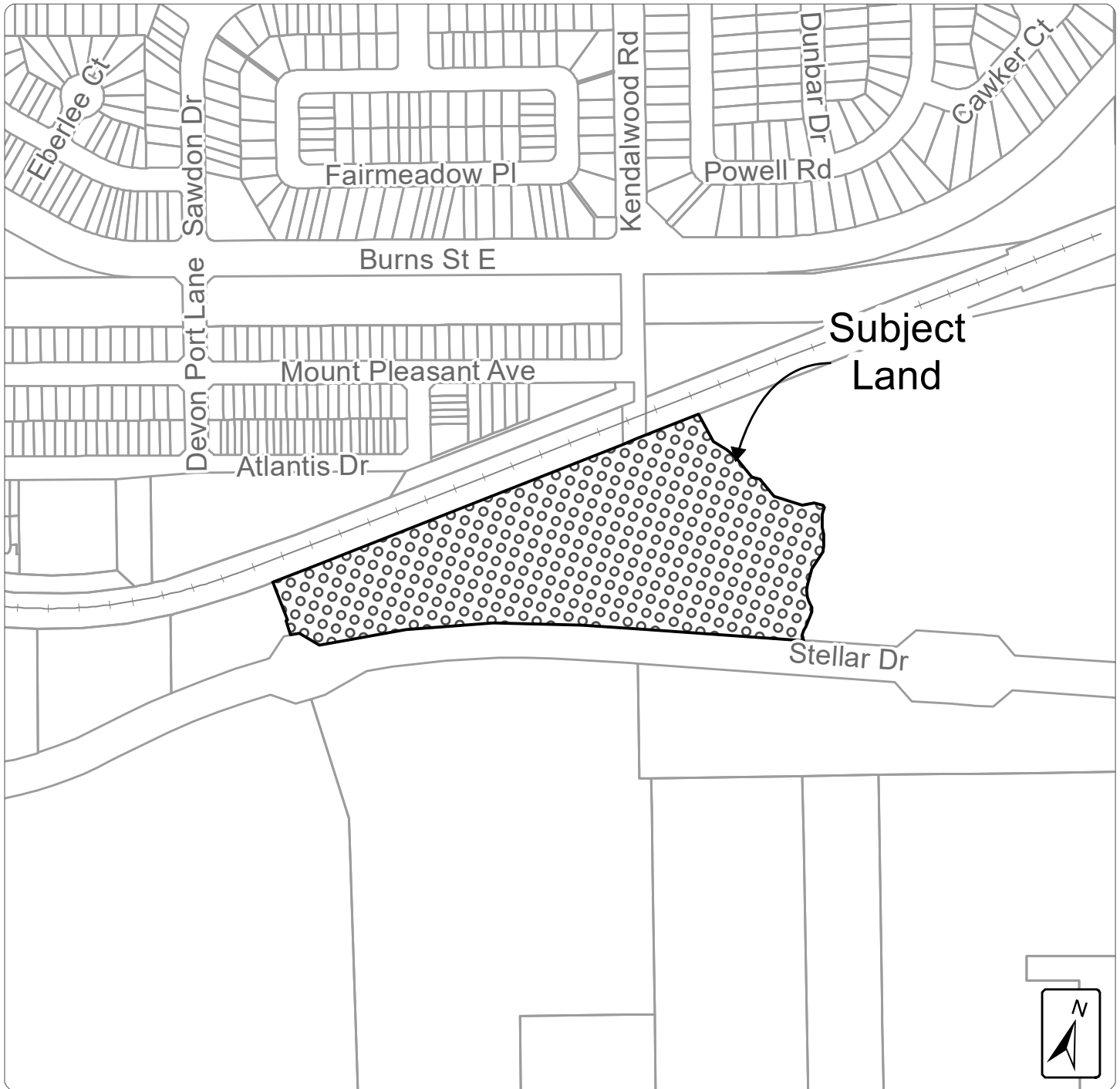
Attachment #6: Draft Proposed Official Plan Amendment #141

Attachment #7: Public Meeting Minutes

Attachment #8: Agency and Stakeholder Detailed Comments

# Attachment #1 Location Sketch

PDP 53-24



 **Town of Whitby Planning and Development Department**

Proponent:  
**Menkes Champlain Inc.**

File Number:  
DEV-18-24  
(OPA-2024-W/07, Z-07-24)

Date:  
**November 2024**

External Data Sources:  
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# Attachment #2 Aerial Context Map



**Town of Whitby Planning and Development Department**

<b>Proponent:</b> Menkes Champlain Inc.	<b>File Number:</b> DEV-18-24 (OPA-2024-W/07, Z-07-24)	<b>Date:</b> November 2024
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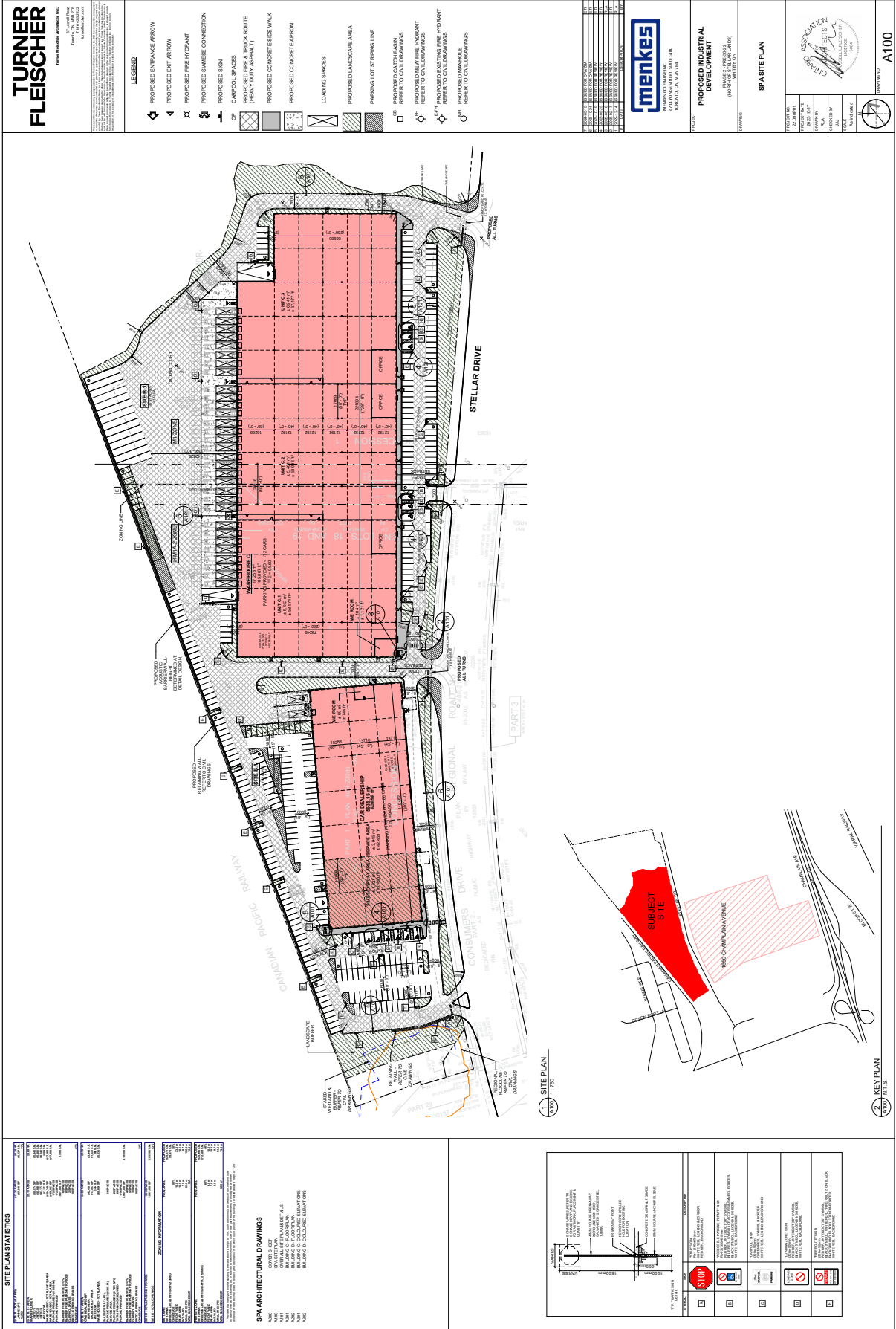
External Data Sources:  
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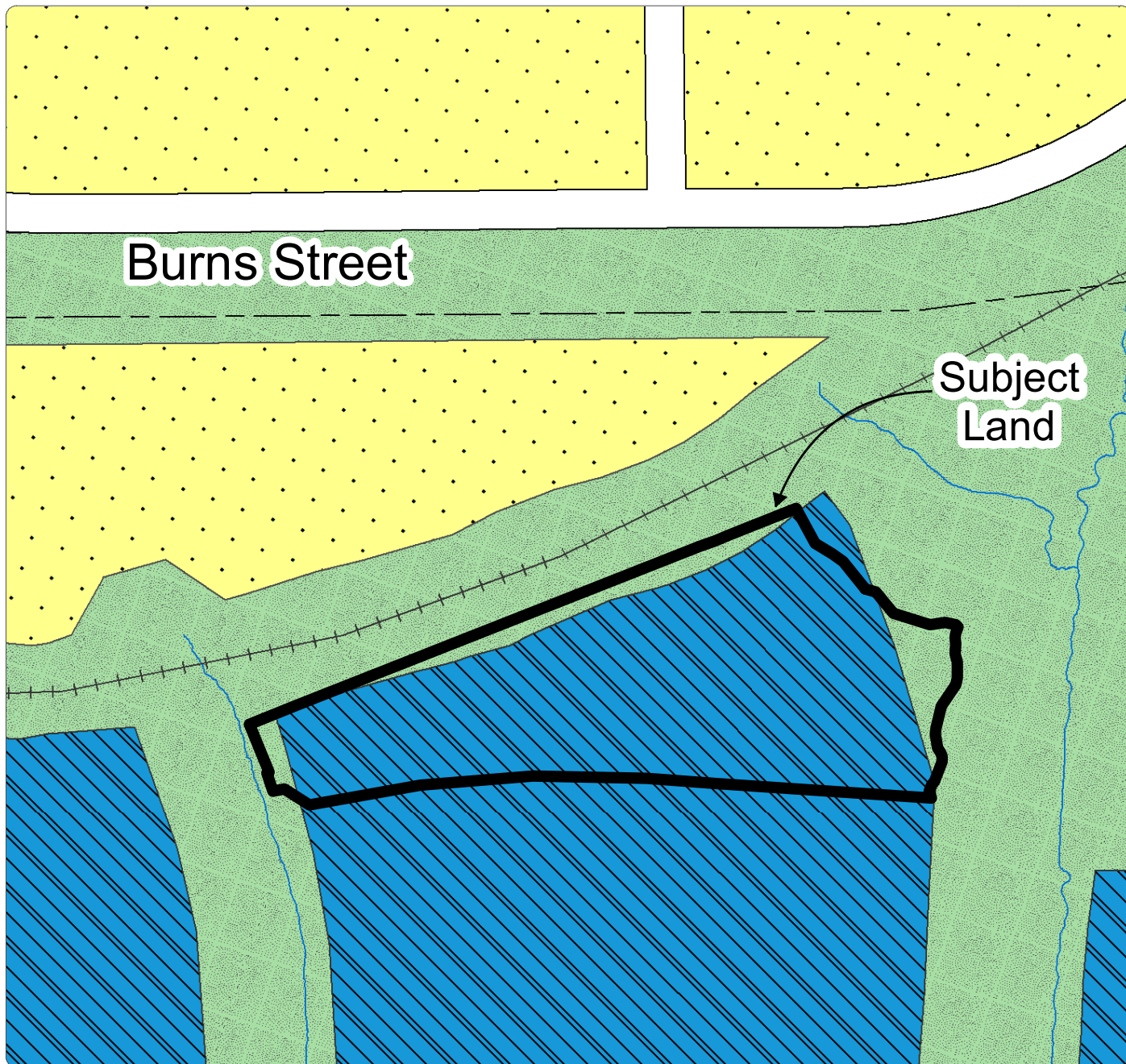


# Attachment #3 Proponent's Proposed Concept Plan

PDP 53-24



Excerpt from the Town of Whitby Official Plan Schedule 'A'



**Legend**

	Residential		Lands Subject to Durham Regional Official Plan Policy 14.13.7		D3 (Deferred by Region of Durham)
	Major Commercial		Deferred by the Region of Durham		Local Central Area
	Community Commercial		Resource Extraction Area (See Section 4.12)		Utility
	Special Purpose Commercial		2031 Urban Area Boundary		Community Central Area Boundary
	Mixed Use		Future Urban Development Area Boundary		Greenbelt Protected Countryside Boundary
	Prestige Industrial		Hamlet Boundary		Major Central Area Boundary
	General Industrial		Municipal Boundary		Southern Boundary of Oak Ridges Moraine
	Special Activity Node		Urban Central Area Boundary		
	Institutional				
	Major Open Space				
	Agricultural				
	Hamlet				
	Estate Residential				
	Special Policy Area				

**Notes:** Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of Whitby

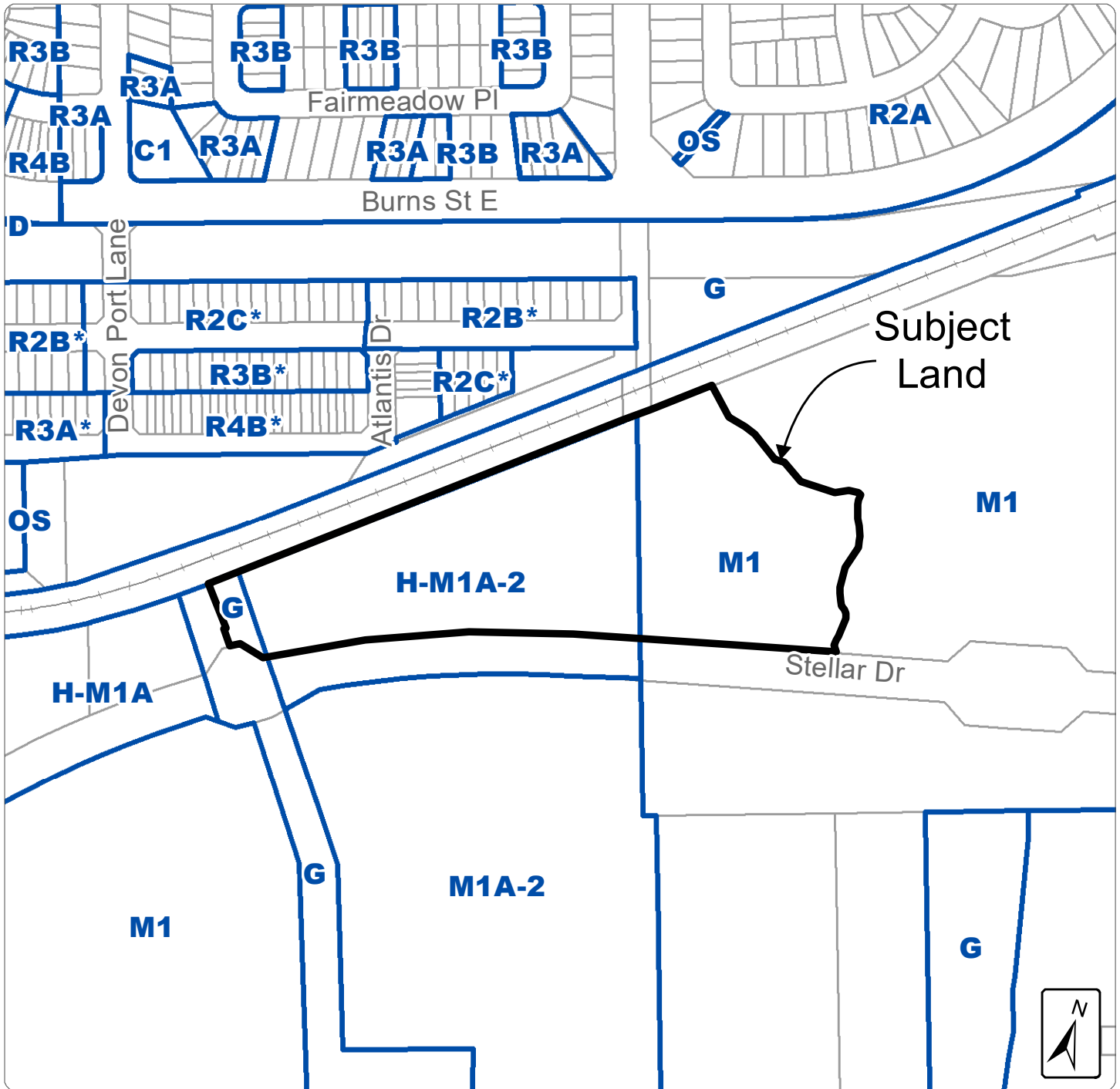
**Excerpt from Schedule 'A' Land Use**

Schedule **A**

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

Attachment #5  
Excerpt from Zoning By-Law 1784

PDP 53-24



 **Town of Whitby Planning and Development Department**

Proponent:  
**Menkes Champlain Inc.**

File Number:  
DEV-18-24  
(OPA-2024-W/07, Z-07-24)

Date:  
**November 2024**

External Data Sources:  
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## Draft Proposed Amendment 141 to the Town of Whitby Official Plan

**Purpose:** The purpose of this Amendment to the Whitby Official Plan is to permit, by exception, the additional use of a new automobile sales dealership, within the Prestige Industrial designation.

**Location:** The lands subject to the Amendment are generally located in Part of Lots 18 and 19, Concession 1, on the north side of Stellar Drive, south of the CP Rail line, approximately 500 metres east of Thickson Road South, legally described as Part 1 of 40R-29085 and Part 1 of 40R-31967.

**Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (OPA-2024-W/07), as submitted by GHD on behalf of Menkes Champlain Inc.

The subject lands are suitable for the proposed new automobile sales dealership use and are compatible with the surrounding and permitted land uses. The Amendment meets the overall goals and intent of the Official Plan.

Development of the site will be subject to the inclusion of appropriate provisions in the implementing Zoning By-law Amendment and Site Plan Approval.

**Actual Amendment:** The Town of Whitby Official Plan is hereby amended as follows:

- 1) By amending the Town of Whitby Official Plan by adding a new Section 4.7.5.2 as follows: “Notwithstanding any other provisions of this Plan to the contrary, the additional use of a new automobile sales dealership may be permitted on the lands identified by Assessment Roll No. 18-09-040-030-38410-0000 subject to inclusion of appropriate provisions in the implementing Zoning By-law.”

# Draft Proposed Amendment 141 to the Town of Whitby Official Plan

- Implementation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.
- Interpretation: The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

DRAFT



# Attachment #7 Public Meeting Minutes

PDP 53-24



## Public Meetings Minutes

September 9, 2024, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Councillor Mulcahy, Chair of Planning and Development  
J. Taylor, Director, Planning  
K. Douglas, Sr. Legislative Specialist  
H. Ellis, Council and Committee Coordinator (Recording Secretary)

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Public Meetings - 7:00 p.m.

K. Douglas, Sr. Legislative Specialist, advised that the Public Meetings are being held in a hybrid meeting format with members of the public attending both in person and virtually. Ms. Douglas stated that Members of Council would receive a written record of all submissions upon publication of the minutes of the Public Meetings. Ms. Douglas provided an overview of the format of the public meetings. She advised that members of the public who wish to be notified of the next report related to any of the public meetings or who wish to be placed on an Interested Parties List for a matter should email the Town's Planning and Development Department at [planning@whitby.ca](mailto:planning@whitby.ca) or call 905.430.4306.

2. PDP 39-24, Planning and Development (Planning Services) Department Report  
Re: Official Plan Amendment Application, Zoning By-law Amendment Application, Menkes Champlain Inc., Unaddressed Parcel North side of Stellar Drive, East of Thickson Road South, File Number: DEV-18-24 (OPA-2024-W/07, Z-07-24)  
Kerstin Afante, Planner I, Current, provided a PowerPoint presentation which included an overview of the applications.  
Scott Waterhouse, representing Menkes Champlain Inc., provided a PowerPoint presentation which included a detailed overview of the applications.  
There were no submissions from the public.

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

### Internal Departments

#### Town of Whitby Engineering Services

The following submitted materials have been reviewed for the purpose of this application:

- Transportation Impact Study Addendum Letter, dated October 24, 2023, by LEA Consulting Ltd.
- Architectural Drawing Set (Drawing No's. A100, A201, A202, A301, and A302), dated June 15, 2024, by Turner Fleischer Architects Inc.
- Engineering Drawing Set (Drawing No's. C-101, C102, C-111, C-112, C-121, C-122), undated, by Stantec Consulting Ltd.
- Landscape Drawing No. L100, dated October 24, 2023, by Strybos Barron King (SBK) Landscape Architecture.
- Planning Rationale Report dated February 2023, by GHD.
- Due Diligence Geotechnical Investigation, Limited Chemical Characterization of Subsurface Soils and Hydrogeological Assessment, dated June 8, 2022, by Terrapex Environmental Ltd.
- Environmental Impact Study, dated February 13, 2023, by Stantec Consulting Ltd.
- Conceptual Stormwater Management Design Brief, dated October 20, 2023, by Stantec Consulting Ltd.
- Addendum to Conceptual Stormwater Management Design Brief, dated June 6, 2024, by Stantec Consulting Ltd.

The subject land is a 5.39 hectare site that is located in the Town's Official Plan as Prestige Industrial and is designated as 'H-MIA-2' Holding Prestige Industrial, Exception 2, 'G'

Greenbelt and the adjacent property is zoned "M1" Restricted Industrial in Town of Whitby Zoning By-law 1784. As proposed, automobile dealership use is not permitted by the Prestige Industrial Zone and approval of an Official Plan Amendment is required. Site specific amendment to the Town of Whitby Zoning By-law 1784 is required to re-zone the lands to appropriate zone categories, permit the use of automobile sales dealership and storage uses, removal of holding provision, and employ appropriate development standards which implement the proposed development.

Engineering Services does not object to the proposed Official Plan Amendment and Zoning By-law Amendment.

#### Informational Comments

Site Plan comments will be provided through the Site Plan application.

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

### Town of Whitby Planning Services – Urban Design

No objections.

### Town of Whitby Planning Services – Landscape

A review of the landscape requirements will be provided as part of the future site plan application.

### Town of Whitby Fire and Emergency Services

1. Identify Principal Entrances on site plan.
2. Indicate location of fire department connections on site plan.
3. Indicate location of fire access route servicing Warehouse C.
4. Fire access routes shall be provided in accordance with OBC 3.2.5.
5. Provide fire access route sign locations as per Town of Whitby Bylaw 4084-97
6. Standpipe System to be provided if building height is more than 14 m high measured between grade and the ceiling of the top storey as per OBC 3.2.9.1.
7. A Water supply shall be provided as per OBC 3.2.5.7.

### Town of Whitby Development Finance

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx>. This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

### Development Charges

- Will be owing for residential and commercial developments.
- Under Section 26.2 of the Development Charges Act.
  - The base DC rate(s) will be set as of the Site Plan application **submission** date.
  - Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.

## Agency & Stakeholder Detailed Comments

### File DEV-18-24 (OPA-2024-W/07, Z-07-24)

- The applicant has 18 months from the date of Site Plan application **approval** to obtain a building permit. Otherwise, Section 26.2 no longer applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.
- If this development is a condo, development charges are payable prior to the issuance of the 1<sup>st</sup> building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.1(3) of the DC Act allows for development charges to be paid in equal annual installments over five years, upon the earlier of occupancy or issuance of an occupancy permit.
- If this development includes four or more rental housing units, Section 26.2 (1.1) of the DC Act allows for additional development charge reductions based on the number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

#### **Parkland Dedication / Cash-in-Lieu**

Shall be applicable as per the Planning Act and Town of Whitby By-Law for residential and non-residential developments.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.
- If CIL has previously been applied, a reduction in the amount owing will be applied.
- If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

#### **Town of Whitby Strategic Initiatives**

##### **Economic Development Comments**

Economic Development continues to maintain the position that the addition of an automobile dealership does not represent the highest and best use of designated Prestige Industrial land and the objective to attract high-value employment generating

## Agency & Stakeholder Detailed Comments

### File DEV-18-24 (OPA-2024-W/07, Z-07-24)

developments. Maximizing the potential for employment generation continues to be a key priority as identified in the Economic Development Strategy and the Community Strategic Plan.

Given Whitby's diminishing supply of employment land, it has become imperative to critically assess future land use decisions. The current situation necessitates a more rigorous evaluation of proposed uses to ensure they align with the Town's long-term planning and economic development goals.

Staff actively work with businesses (new and existing) that are looking to purchase and lease industrial space in the Town of Whitby. The initial industrial warehouse proposal is highly marketable and provides an excellent opportunity for job creation and local economic benefit. Staff are not supportive of the proposal, and eager to work with the proponent to help demonstrate the current demand for employment generating developments. The Economic Development team is happy to facilitate connections between relevant stakeholders, including Durham College and any other pertinent parties, to explore potential synergies and alignments that would benefit both the proposed development and broader community objectives.

#### **Sustainability Comments**

Sustainability Staff understand this review focuses on the Official Plan Amendment and Zoning By-law Amendment. However, the Sustainability comments are being provided for the Site Plan Application. It has come to Sustainability Staffs attention that the Whitby Green Standard (WGS) Checklist and Sustainability Rationale Report have not been updated and comments from **April 14, 2023**, have still not been addressed. To proceed with our review and sign off, please provide an **updated Sustainability Rationale Report** and **WGS Checklist**.

#### **Whitby Green Standard Checklist April 14, 2023, Comments to be Addressed:**

In alignment with the *Equity and Local Economy* sustainable development principle of the Whitby Green Standard (WGS), which focuses on creating equitable places to live and work which support local prosperity and international fair trade, Sustainability staff continue to echo the Economic Development Staff's comments above.

Despite the comment above, Sustainability Staff have proceeded with our review of the Draft WGS Checklist and the Sustainability Report that was submitted and have provided the following comments:

- A more detailed description as to **how** all mandatory criteria (Tier 1) are being followed. More specifically, HH1.1, LUN1.2, LUN1.3, LUN1.4, TT1.1, TT1.2, TT1.5, TT1.6 and ECC1.6.
- An update on HH1.3 when the information becomes available. Please provide an explanation as to how this will be achieved or why it is not feasible.

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- ECC1.3 – need to explain how you will achieve 50% or more of development blocks with one axis at 15 degrees or explain why this is not feasible.
- The site plan indicates there will be 472 parking spaces within this proposed development. As a result, the criteria for SW1.2 is still applicable and further information is needed on how this criterion will be met or an explanation as to why it is not feasible for the proposed development.

Please update the WGS Checklist and Sustainability Report based on the comments above to demonstrate that the requirements of Tier 1 have been satisfied. Sustainability Staff continue to encourage the applicant to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4 as it progresses into the detailed design stage. These standards support sustainable site design for the development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

### **Town of Whitby Building Division**

No approval nor support of this potential application by the Building Division is implied nor intended. Subject to a complete building permit submission review by the Town of Whitby's Building Division, additional and/or revised comments to the below noted items may be required.

#### **Building Comments:**

Unless other written direction is provided by the Town of Whitby to the Applicant or their Agents, it is the responsibility of the Applicant to ensure the following is complete prior to and/or upon the building permit application:

- Written approval from the Town of Whitby Planning Department that all drawings are satisfactory and no further revisions to the building and/or location of the building will be required
- If the SPA and all of the associated conditions are not complete and all applicable law is not met, the building permit application will be deemed incomplete
- Building Permit Application to Construct or Demolish along with Commitment to General Review Form
- Letter of authorization from the owner is required if application has been filled and submitted by the authorized agent
- 3 Complete sets of drawings required, Architectural, structural, electrical and mechanical, each set is rolled individually. Drawings to be stamped by professional engineer and architect
- Building code matrix
- Key plan indicating the fire separation and the travel distance to exit

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

- Approval from Planning Department, Engineering Department, Region of Durham and (CLOCA, MTO if required, and all applicable law) prior to issue the building permit.
- A site plan indicating the following:
  - o Accessibility to the building (Exterior walks, ramps, curb ramps and level area adjacent to entrances)
  - o Fire Provisions (Access routes, fire hydrants, Siamese connections where applicable)
- Building specification, prefer to receive it electronically
- Building Permit fees to be paid by cheque, cash or debit
- Other fees including Development Charges/Letter of Credit if applicable 905-668-5803 or by email to [developmentcharges@whitby.ca](mailto:developmentcharges@whitby.ca)

### **Site Servicing Permit**

A second and separate Site Servicing permit will be required.

Unless other written direction is provided by the Town of Whitby to the Applicant or their Agents, it is the responsibility of the Applicant to ensure the following is complete prior to and/or upon the building permit application:

- Building Permit Application to Construct or Demolish along with Commitment to General Review Form
- Letter of authorization from the owner is required if application has been filled and submitted by the authorized agent
- 3 complete sets of all applicable drawings
- Building permit fee with a document breaking down the fee calculation (cash, cheque, or debit)

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

### External Agencies

#### Canadian Pacific Kansas City (CPKC) Railway

Comments on, within 500m of CPKC Rail line

Please note that CPKC's Belleville Subdivision is classified as a principal mainline track.

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <http://www.proximityissues.ca/>

In addition, all construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing and emergency exits via windows or doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

"CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."



## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

### **Central Lake Ontario Conservation Authority (CLOCA)**

CLOCA staff have reviewed this application for consistency with the natural hazard policies of the Provincial Policy Statement and for conformity with Ontario Regulation 41/24 of the *Conservation Authorities Act*. Based on our review of the circulated materials we offer the following comments on the submitted applications:

#### Official Plan Amendment

CLOCA has no objection to the proposed Official Plan Amendment.

#### Zoning By-law Amendment

CLOCA has no objection to the proposed Zoning By-law Amendment subject to the following conditions:

1. All hazard lands and features regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* and their appropriate buffers be zoned (G) Greenbelt as per By-law 1794.
2. CLOCA will be circulated on the draft Zoning Schedule to verify that the schedule is consistent with the approved development plan.

#### Future Site Plan Application

It is our understanding that this development plan will require a site plan application and approval. As part of our review of the submitted materials we noted the following matters that will need to be addressed prior to any approval of the site plan application:

1. The Landscape Plan has not been updated since the site and servicing plans were updated. Please ensure that the Landscape Plan reflects the new development limits and proposes appropriate plantings that compliment and not disturb the existing native vegetation on the western edge of this development.
2. CLOCA staff recommend that the Block containing natural hazard land be conveyed to the Town of Whitby as part of the site plan application process.
3. The proposed SWM on the property north of Stellar Drive is consistent with the approaches on the property south of Stellar Dr. Draft plan (detailed design.) The northern property development must include LID measures for additional infiltration (Section 4.3.5 Water Balance of Conceptual SWM) or detention facility prior to discharge to East Corbett Creek. Where feasible, the planned design should include raingarden and/or underground storage

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

chamber dedicated to roof runoff. This system will allow eventual release of stormwater that is free of road salt and other surface contaminants to the creek.

### Ontario Regulation 41/24 of the Conservation Authorities Act

Part of the subject property is regulated through Ontario Regulation 41/24 of the *Conservation Authorities Act* due to its proximity to wetlands and tributaries of Corbett Creek. As such, a permit from CLOCA will be required for any site alteration and/or development of these lands. Applications and fees associated with this process are separate from any *Planning Act* application and must be submitted directly to CLOCA.

### Conclusion

CLOCA staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment subject to the conditions listed above. Further details will be required prior to any approval of a Site Plan Application for this development.

### **Region of Durham (Planning and Works)**

The subject lands are located on the north side of Stellar Drive, approximately 510 metres east of Thicksen Road South. The site is approximately 5.4 hectares and is currently vacant. The Canadian Pacific Railway corridor is adjacent to the site's northerly property lot line.

The applicant is proposing to amend the Whitby Official Plan (OP) to permit the development of an automobile dealership on the subject lands.

### Whitby Official Plan

The subject lands are designated as Prestige Industrial on Schedule A - Land Use in the Whitby OP. A site-specific Local Official Plan Amendment is required to amend Policy 4.7.5 – Special Provisions of the Whitby OP to permit the proposed automobile dealership.

The purpose of the related Zoning By-law Amendment is to rezone the subject lands to appropriate zone categories to permit an automobile sales dealership and storage uses, removal of holding provision, and employ appropriate development standards to implement the proposed development.

### **Conformity with the Regional Official Plan (Envision Durham)**

The subject lands are designated as Employment Areas on Map 1- Urban Structures in the new Regional Official Plan (ROP). Employment Areas shall be planned as locations for primary employment generating uses such as manufacturing, assembly, processing, generation, freight and transportation, warehousing, storage, major facilities and similar

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

uses that require access to highway, rail, shipping facilities and/or separation from sensitive land uses.

Automobile dealerships are permitted within the Employment Areas designation. The proposed amendment supports mix of employment uses and the diversification of the Region's economy. Additionally, the proposal promotes economic growth and employment opportunities in Durham Region. The proposed application conforms with the ROP.

### **Provincial Plans and Policies**

#### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) encourages settlement areas to be developed with an appropriate mix of employment uses that offer a wide range of employment activities. The proposed automobile dealership supports a mix of employment uses and contributes to the diversification of the Region's employment base. The proposed application is consistent with the PPS.

#### **Growth Plan**

The Growth Plan promotes the building of complete communities and economic development and competitiveness by efficiently using employment areas and vacant and underutilized employment lands. The proposed application supports economic development and employment opportunities and makes efficient use of underutilized employment lands. The proposal conforms with the Growth Plan.

#### **Delegated Provincial Plan Review Responsibilities**

The applications have been screened for delegated Provincial Plan Review responsibilities.

#### **Soil and Groundwater Assessment Protocol**

The Region has reviewed the following Environmental Site Assessments (ESA) prepared for the proposed development:

- Phase One ESA, prepared by Terrapex Environmental Ltd., dated October 3, 2022 (East portion);
- Phase One ESA, dated March 3, 2021 and Phase Two ESA, dated April 6, 2021, prepared by DS Consultants Ltd. (West portion);
- Phase Two ESA, dated April 6, 2021, prepared by DS Consultants Ltd. (West portion); and

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

- Updated Letter – Summary of Environmental Conditions, prepared by DS Consultants Ltd., dated October 3, 2023.

The Phase One ESA prepared by Terrapex Environmental Ltd. reported no potential environmental concern on the subject lands and does not recommend additional site assessment work to be completed at the property.

Terrapex Environmental Ltd. has provided a satisfactory Reliance Letter and Certificate of Insurance dated October 27, 2022 for the Phase One ESA.

In the review of DS Consultants Ltd.'s Phase One ESA, this report identified Areas of Potential Environmental Concern associated with pesticide use for agriculture on the site and the proximity of the CPR corridor located north of the site. The Phase Two ESA involved chemical testing of the site's soil and groundwater conditions which met the Ministry of the Environment, Conservation and Parks' (MECP) Table 2 Standard Site Condition for Industrial/Commercial/ Community Use.

As the dates of the Phase One and Two ESAs were greater than 18-months, DS Consultants Ltd.'s provided an Updated Letter which reported no new potentially contaminating activities at the subject lands. DS Consultants Ltd. has completed the Region's Reliance Letters and Certificate of Insurance for the ESA Reports.

The Region is satisfied that site contamination matters at the subject lands have been addressed in accordance with the Region's Soil and Groundwater Assessment Protocol.

### **Land Use Compatibility Study and Noise Impact Study**

Residential land uses are located approximately 70 metres north of the proposed development site and north of the CPR corridor. The compatibility of land uses, and noise concerns associated with the proposed automobile dealership and abutting warehousing facility impacting the existing sensitive receptors was previously reviewed by the Region during the application preconsultation phase. The following reports had been provided to the Region for review:

- Noise Feasibility Study, Proposed Warehousing Facilities, North of Stellar Lands, dated February 21, 2023, prepared by HGC Engineering Ltd.;
- Noise Feasibility Study- Addendum, Proposed Industrial Development Facilities, dated October 11, 2023, prepared by HGC Engineering Ltd.; and
- A Land Use Compatibility Study (LUC), North of Stellar Drive, prepared by GHD Ltd., dated February 17, 2023.

**Region of Durham Peer Review Comments prepared by R. J. Burnside & Associates Ltd.**

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

In May 2023, the Region retained R.J. Burnside & Associates Ltd. to peer review the Land Use Compatibility Study and the Noise Impact Studies.

R.J. Burnside & Associates Ltd. had indicated that the proposed warehouse facility and the automobile dealership were identified as a Class II industrial facilities due to its operation and activities. R.J. Burnside & Associates Ltd. has indicated that both operations were within the MECPs' minimum recommended separation distance of 70 metres to sensitive land uses.

The LUC Study had reported that the automobile dealership could possibly include refinishing activities. R.J Burnside & Associates Ltd. Concurred with the LUC Study findings that stated if the automobile dealership includes refinishing activities, the applicant would be required to register under the MECP Environmental Activity and Sector Registry (EASR) for the use. If the facility operations are in compliance with EASR, there would be no adverse impact from paint booth operation expected at the surrounding sensitive receptors.

R.J. Burnside & Associates Ltd. also indicated that the predicted sound levels due to operations of the proposed warehousing and automobile dealership facilities are expected to be below the MECP noise limits provided mitigation measures including acoustic barrier and administrative controls to limit operations to daytime hours are implemented.

The concerns of the Region's associated with the compatibility of land uses and noise have been addressed. We will require the applicant to implement the recommended mitigative measures of the LUC Study and the Noise Feasibility Study in the related Site Plan Agreement with the Town of Whitby to the satisfaction of the Region.

### **Regional Servicing**

We have reviewed the Conceptual Servicing Plan 1 (C-101) and offer the following comments:

1. The Region would prefer to connect the site directly to the existing storm MH16 (or upsizing it if it is not adequate enough) without adding a new maintenance hole. If this is not feasible, please provide a reason/explanation.
2. It appears that control flow at a rate of 65 l/s to be released from the development which was not accounted in the existing Stellar Street storm sewer. The Stormwater Management (SWM) Report needs to be revised to reflect this change that should include capacity assessment of Stellar Street storm sewer (80%) and any erosion issues, at the outfall, due to the additional flow, to be assessed and if required, remedial measures to be incorporated at the outfall to minimize potential erosion issues.
3. The SWM Report should be resubmitted to Region for a complete review.

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

4. Drop structure required at MH G24-0045 for north and west inlet as per Region Standard S-100.080.
5. Provide the lengths, sizes and materials for the proposed water connections from mainline to the property line.

The above comments can be addressed through a future Site Plan Application.

### **Exemption status**

The proposed automobile dealership makes efficient use of underutilized employment lands to support economic growth and employment opportunities in Durham Region.

In the Region's review of the applications, we have identified servicing concerns associated with the Conceptual Servicing Plan 1 (C-101). Our comments can be addressed as part of the approval of the related future Site Plan application.

The proposed amendment does not have significant Provincial or Regional implications and is exempt from Regional approval. Please advise the Commissioner of Planning and Economic Development of your Council's decision. If Council adopts an Amendment, a record must be submitted to this Department within 15 days of the date of adoption. The record must include the following:

- Two (2) copies of the adopted Amendment;
- A copy of the adopting by-law; and
- A copy of the staff report and any relevant materials.

### **City of Oshawa Planning Services**

No objections.

### **Rogers**

No objections.

### **Bell**

Upon receipt of this comment letter, the Owner / Applicant is to provide Bell Canada with servicing plans / Composite Utility Plan (CUP) at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

The following paragraphs are to be included as a condition of approval for any Draft of Plan of Subdivision, Draft Plan of Condominium and/or Site Plan application(s) relating to this development project:

## Agency & Stakeholder Detailed Comments File DEV-18-24 (OPA-2024-W/07, Z-07-24)

*“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*

*The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”*

The above-noted conditions will remain in effect until said conditions are officially cleared by Bell Canada as part of the formal approval process.

- To ensure that we can provide detailed provisioning comments, and to subsequently clear conditions, please ensure that all servicing plans / CUP, including updates to such plans, are sent to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

### **Enbridge Gas**

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: DEV-20-24: Draft Plan of Subdivision Application, Zoning By-law Amendment Application, CODR Holdings Limited, Unaddressed property on Coronation Road, File No. SW-2024-02, Z-09-24**

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**Report to:** Committee of the Whole

**Date of meeting:** November 25, 2024

**Report Number:** PDP 54-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

John Taylor, Director of Planning Services, ext. 2908

K. Afante, Planner II, ext. 2836

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### 1. Recommendation:

1. That Council approve a Draft Plan of Subdivision (File No. SW-2024-02), subject to the comments included in Planning Report PDP 54-24 and the Conditions of Draft Plan Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
4. That Council approve an amendment to Zoning By-law No. 1784 (File No. Z-09-24), as outlined in Planning Report PDP 54-24;
5. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval; and,
6. That John G. Williams Limited Architect be appointed as the Control Architect for the Draft Plan of Subdivision.



## 2. Highlights:

- Applications for a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by GHD on behalf of CODR Holdings Limited for an unaddressed Coronation Road property within the West Whitby Community Secondary Plan.
- The proposal is for a draft plan of subdivision including three residential lots, an institutional block for a Place of Worship, an open space block, and a cul-de-sac.
- If approved, the proponent will be required to submit a Site Plan application for the institutional block at a later date.

## 3. Background

### 3.1 Site Area and Description

The subject land is located on the east side of Coronation Road, approximately 440 metres south of Taunton Road West (refer to Attachment #1). The subject land is currently vacant and approximately 0.72 hectares (1.78 acres) in size.

The surrounding land uses include:

- Lynde Creek Valley to the east;
- A single-detached dwelling and agricultural use to the north;
- A park block and multiple blocks that create a proposed School Site in Plan 40M-2651 to the west, and,
- Future single detached dwellings in a registered Plan of Subdivision to the south (refer to Attachment #2).

### 3.2 Applications and Proposed Development

A Draft Plan of Subdivision Application has been submitted to develop three residential lots, an institutional block, an open space block, and a cul-de-sac. The Proponent is proposing to develop three single detached residential dwellings on the easterly portion of the site, and a Place of Worship on the Institutional block. The Place of Worship would obtain access from Coronation Road. The residential dwellings will obtain access from the proposed cul-de-sac that connects to Fire King Drive, being the local road created by the approved draft plan of subdivision (Plan 40M-2746) to the south of the subject land.

A Zoning By-law Amendment Application has also been submitted to change the zoning from Agricultural Zone – Exception 3 (A-3) to appropriate zone categories to implement the West Whitby Secondary Plan and the proposed draft plan of subdivision.

If approved, a Site Plan Application for the institutional block will be submitted at a later date.

### 3.3 Documents Submitted in Support

Several documents were submitted in support of the applications, including the following:

- A Draft Plan of Subdivision prepared by GHD, latest revision date May 2024 (refer to Attachment #3);
- An Environmental Constraints Plan prepared by GHD, latest revision date June 2024;
- A Construction Management Report prepared by GEI Consultants, latest revision date July 2024;
- A Functional Servicing and Stormwater Management Report prepared by GEI Consultants, dated July 2024;
- Grading, Servicing, and Erosion and Sediment Control Plans prepared by GEI Consultants, latest revision date June 28, 2024;
- An Engineering Comment Response Matrix prepared by GEI Consultants;
- A Geotechnical Report prepared by Soil Engineers Ltd, dated June 2023;
- A Hydrogeological Assessment prepared by Soil Engineers Ltd, dated June 2023;
- An Infiltration Trench Opinion Letter prepared by Soil Engineers Ltd, dated July 3, 2024;
- A Traffic Brief and Parking Study prepared by GHD, dated June 6, 2023;
- A Noise Study prepared by J.E. Coulter Associates Limited, dated March 27 2024;
- A Phase One Environmental Site Assessment prepared by Soil Engineers Ltd, dated October 24, 2022;
- A Planning Justification Report prepared by GHD, dated June 2023;
- An Arborist Report and Tree Inventory and Preservation Plan prepared by Cosburn and Giberson Landscape Architects, latest revision date March 14, 2024;
- A Multi-use Trail Route and Planting Plan prepared by Cosburn and Giberson Landscape Architects, dated March 13, 2024;
- A Stage 1 & 2 Archaeological Assessment prepared by Archaeological Consultants Canada, dated October 14, 2022; and,
- An Updated Sustainability Report and Whitby Green Standards Checklist prepared by GHD, dated March 25, 2024.

The above documents were distributed to the relevant internal departments and external agencies for review and comment.

#### 4. Discussion:

##### 4.1.1. Region of Durham Official Plan

The subject land is designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan. Community Areas are intended include residential, commercial, retail, institutional and other public service facilities.

##### 4.1.2. Whitby Official Plan

The subject land is designated Residential on Schedule A – Land Use of the Town’s Official Plan and “Low Density Residential” on Schedule V – West Whitby Community Secondary Plan (refer to Attachment #4). Community uses such as a place of worship are permitted on lands designated Residential as outlined in Policy 4.4.3.1 (a). Lands designated Low Density Residential on Schedule V – West Whitby Secondary Plan permit single detached, semi-detached, duplex dwellings and other similar ground related built forms.

##### 4.1.3. Zoning By-law

The subject land is zoned Agricultural Zone – Exception 3 (A-3), which permits agricultural and agricultural related uses, and one single detached dwelling per property (refer to Attachment #5).

A Zoning By-law Amendment is required to implement the West Whitby Community Secondary Plan and permit the proposed development. The Zoning By-law Amendment will include a site-specific parking rate for the Institutional use.

##### 4.1.4. Control Architect

A Control Architect will be required to oversee the design of the subdivision’s built form, in accordance with the Urban Design policies of the Official Plan and the West Whitby Urban Design and Architectural Guidelines. It is recommended that John G. Williams Limited Architect be appointed as the Control Architect for the proposed Draft Plan of Subdivision.

##### 4.1.5 Composite Transportation Component Plan

To address the Town’s Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision’s mobility provisions, Engineering Services provided a Composite Transportation Component Plan (CTCP). Attachment #6 highlights the anticipated location of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

**5. Financial Considerations:**

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town’s Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	.070 lane-km
Sidewalks/Multi-use Paths	.093 km
Storm Sewers	.043km

**6. Communication and Public Engagement:**

A Public Meeting was held on September 9, 2024, in accordance with the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Draft Plan of Subdivision and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #7. One member of the public spoke at the public meeting. The individual requested information about the permission of a place of worship within a residential zone.

Staff provided details regarding community-based uses being permitted within residential zones.

Written correspondence raised concerns regarding the following:

- Future parking and traffic congestion in the neighbourhood;
- Impacts to the character of the neighbourhood;
- Pedestrian safety and traffic calming; and,
- Noise pollution from large gatherings disrupting residential peace.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the November 25, 2024, Committee of the Whole meeting.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Zoning By-law Amendment, and Draft Plan of Subdivision applications. The following concerns raised above have been considered as follows:

- A Traffic Brief has been prepared by GHD which indicates that the proposed 40 parking spaces is adequate for the place of worship use. The Traffic Brief found that only a few vehicles will be utilizing the site parking at a time. The Traffic Brief also explains that the place of worship will

encourage carpooling and in the case of a large event provide bussing to reduce the traffic around the centre.

- The three single detached residential lots are a continuation of the lots in Plan 40M-2746 to the south. The intent for Lots 1 and 2 is to construct similar units as proposed for the other lots with the 11m frontages in Plan 40M-2746. This will maintain architectural compatibility with the surrounding neighbourhood.
- The proposed place of worship will add to the developing community hub in the neighbourhood by providing residents with access to public service facilities.
- The site will have pedestrian access to the future bike path and multi-use path on Coronation Road and the Durham Regional Transit stop which is located less than 500m north of the site on Taunton Road West and Coronation Road. A sidewalk on the cul-de-sac in the proposed development will provide the connection from the residential lots to Coronation Road. An additional trail is also proposed immediately east of the proposed lots and will connect to Taunton Road West as an alternative pedestrian connection to the transit stops on Taunton Road West (Refer to Attachment #6).
- The Noise Study concluded that noise from the proposal is expected to meet the applicable guideline limits and no additional noise attenuation measures are required.

## 7. Input from Departments/Sources:

The following agencies have reviewed the applications and have no objection:

- Town of Whitby Strategic Initiatives;
- Town of Whitby Financial Services;
- Town of Whitby Landscaping;
- Enbridge Gas Inc;
- Rogers Communication;
- Bell Canada; and,
- Elexicon Energy.

Refer to Attachment #8 for additional detailed comments.

### Internal Departments

#### Community Services - Parks Planning and Development Division

Parks staff have provided Conditions of Draft Approval which includes:

- a requirement for parkland dedication as per the West Whitby Master Parks Agreement;
- a requirement that all natural heritage and open space blocks be conveyed to the Town of Whitby;

- that the proponent provide detailed trail design and grading drawings for review and approval; and,
- conditions related to trail construction and installation of fencing

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

### **Fire and Emergency Services (WFES)**

Comments provided by WFES Staff state that there is no objection to the approval of the applications subject to the following comments being addressed:

- Lots 1,2,3 shall be considered as part of lots 9-15 for the purposes of assessing firebreak requirements if construction is to occur simultaneously; and,
- The future site plan application must include a plan that indicates building height, building area, the principal entrance, nearest fire hydrants, fire department connection (if applicable), and the fire access route (if applicable).

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

### **Engineering Services**

Comments provided by Engineering Services state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

### **External Departments**

#### **Central Lake Ontario Conservation Authority (CLOCA)**

Comments provided by CLOCA staff indicate that any concerns related to stormwater management, geotechnical, and hydrogeological can be addressed during detailed design of the draft plan of subdivision and/or through the site plan application for the proposed institutional block. CLOCA staff has no objection to the approval of the applications subject to the Conditions of Draft Approval.

#### **Region of Durham Planning and Economic Development and Works Department.**

Comments provided by Regional Staff include:

- Noise recommendations of the Noise Impact Study shall be included in the Town's subdivision agreement;
- In accordance with the Region's Sewer Use By-Law, the Region will not permit foundation drains to connect to the sanitary sewer system; and,
- Detailed engineering design comments will be provided through the formal engineering submissions.

Region staff has no objection to the approval of the applications subject to the Conditions of Draft Approval.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

**8. Strategic Priorities:**

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

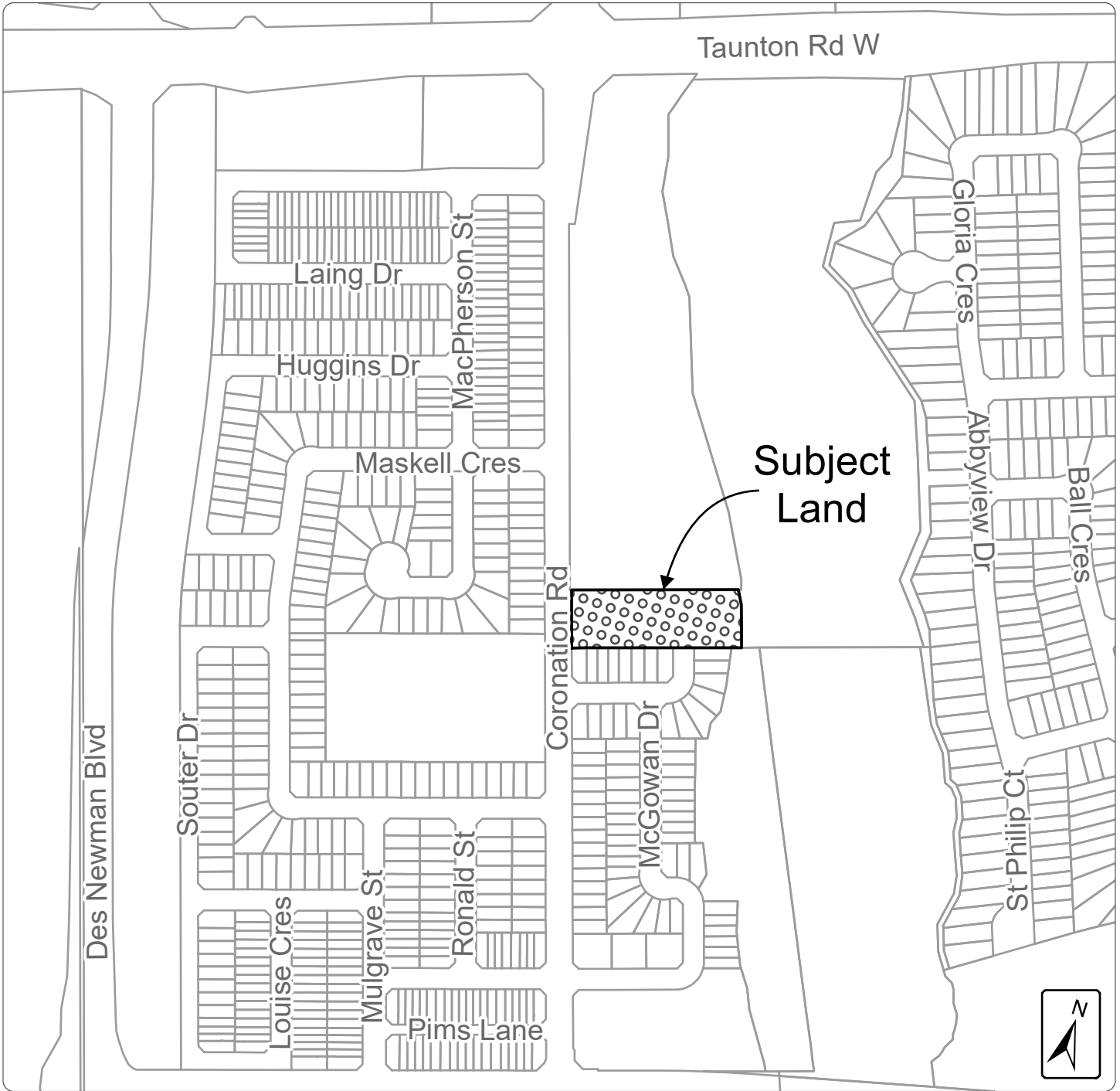
The development of three single detached dwellings contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

**9. Attachments:**

- Attachment #1: Location Sketch
- Attachment #2: Aerial Context Map
- Attachment #3: Proponent's Proposed Draft Plan of Subdivision
- Attachment #4: Excerpt from Whitby Official Plan Schedule A – Land Use
- Attachment #5: Excerpt from Zoning By-Law 1784
- Attachment #6: Composite Transportation Component Plan (CTCP)
- Attachment #7: Public Meeting Minutes
- Attachment #8: Agency and Stakeholder Detailed Comments
- Attachment #9: Conditions of Draft Plan of Subdivision Approval

# Attachment #1 Location Sketch

PDP 54-24



## Town of Whitby Planning and Development Department

Proponent:  
**CODR Holdings Limited**

File Number:  
**DEV-20-24 (SW-2024-02 / Z-09-24)**

Date:  
**November 2024**

External Data Sources:  
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# Attachment #2 Aerial Context Map



**Town of Whitby Planning and Development Department**

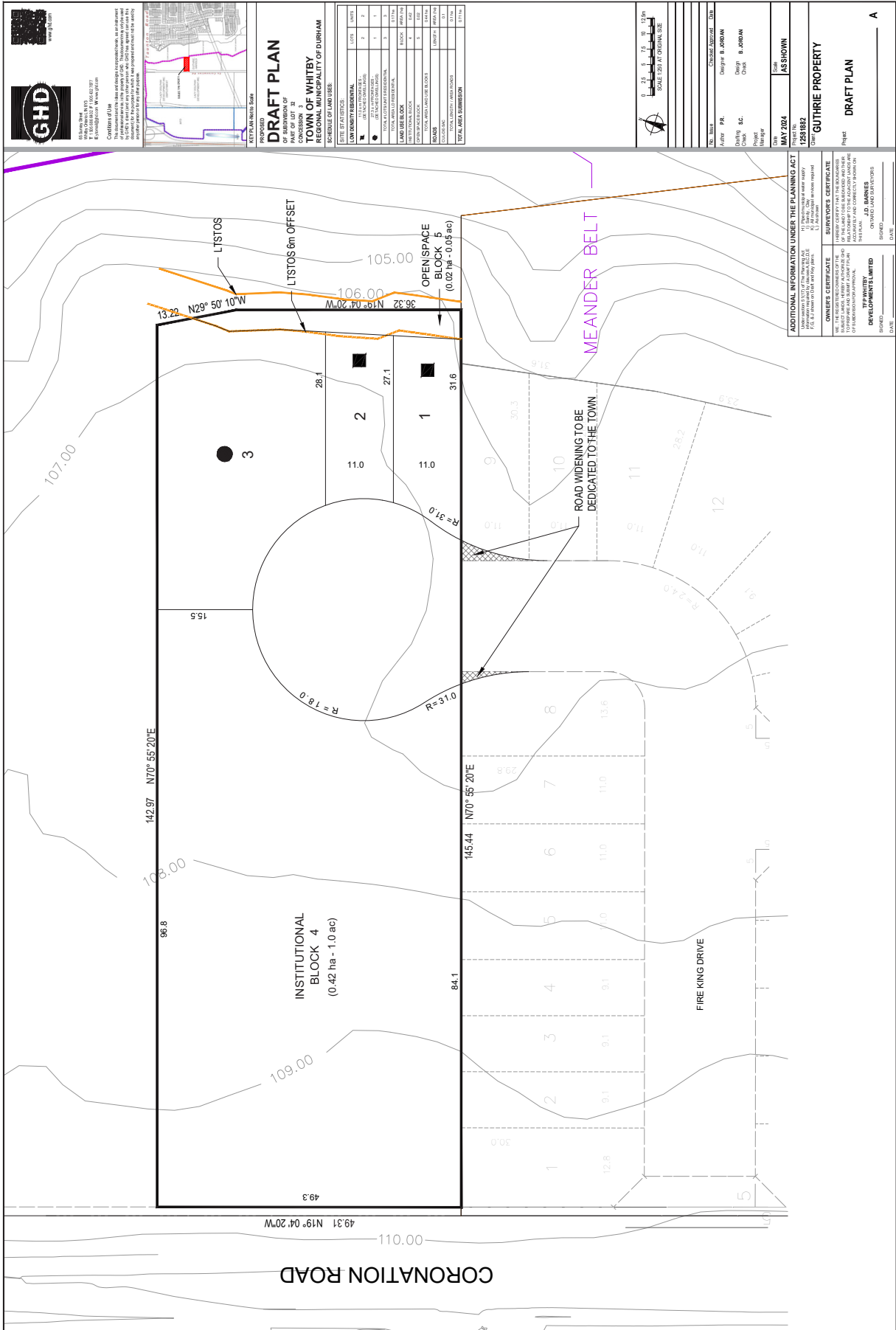
<b>Proponent:</b> CODR Holdings Limited	<b>File Number:</b> DEV-20-24 (SW-2024-02 / Z-09-24)	<b>Date:</b> November 2024
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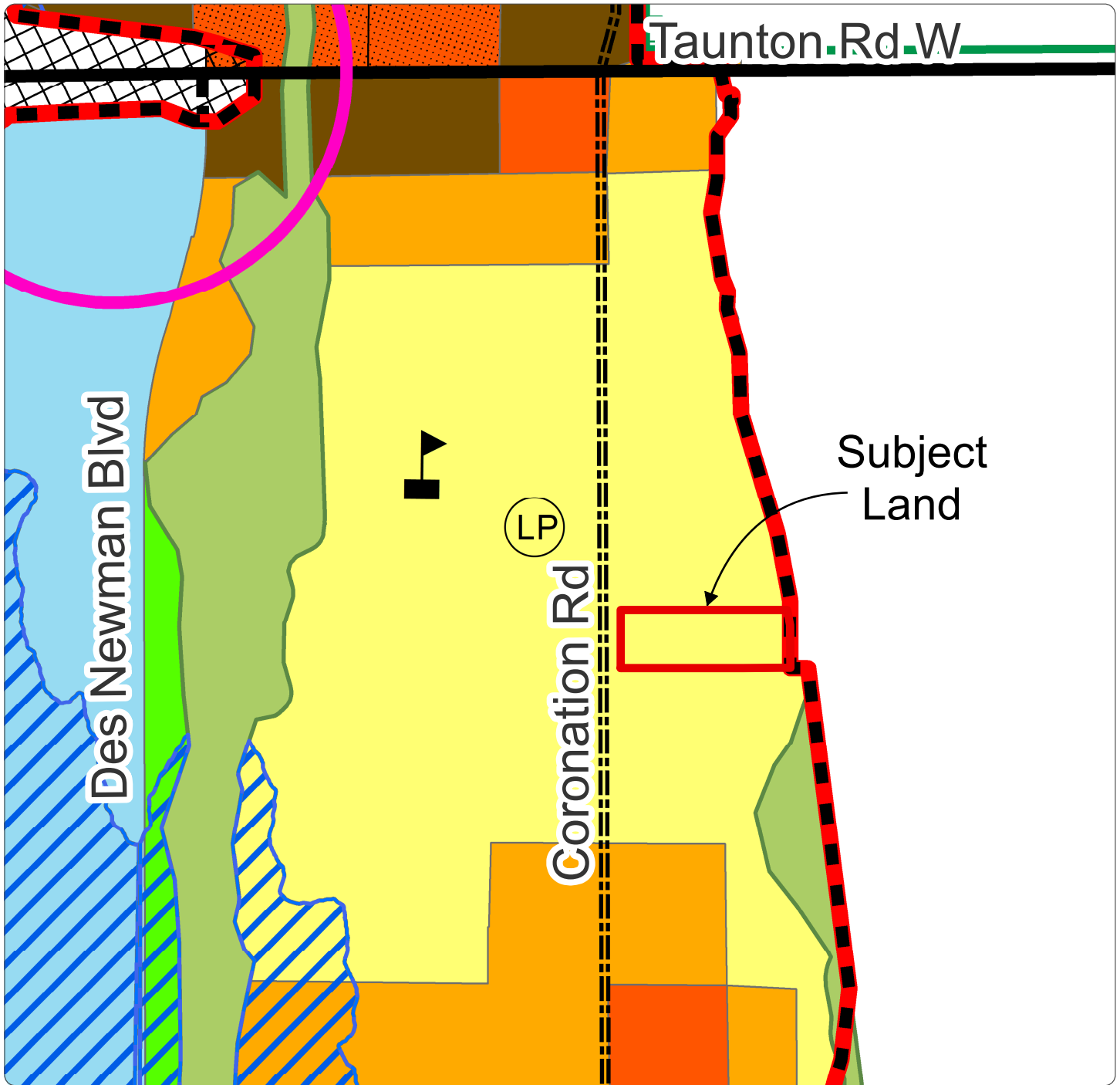


# Attachment #3 Proponent's Proposed Draft Plan



# Attachment #4

## Excerpt from the Whitby Official Plan Schedule 'V'



**LEGEND**

**Land Use Designations**

- Prestige Industrial
- Environmental Protection Area
- Major Open Space
- Mixed Use One
- Mixed Use Two
- Special Mixed Use Two Policy Areas (Refer to Section 11.12.2.2)
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Special Purpose Commercial
- Almond Village Special Policy Area

**Boundaries**

- Secondary Plan Boundary
- Greenbelt Plan Boundary
- Central Area Boundary

**Transportation**

- Existing Arterial Road Network
- Future Arterial Road Network
- Proposed Collector Road Network
- Railway
- West Durham Link (WDL)

**Symbols and Overlays**

- Separate Elementary Schools
- Public Elementary Schools
- Public Secondary Schools
- District Park
- Local Park
- Flood Policy Area
- Gateway Areas

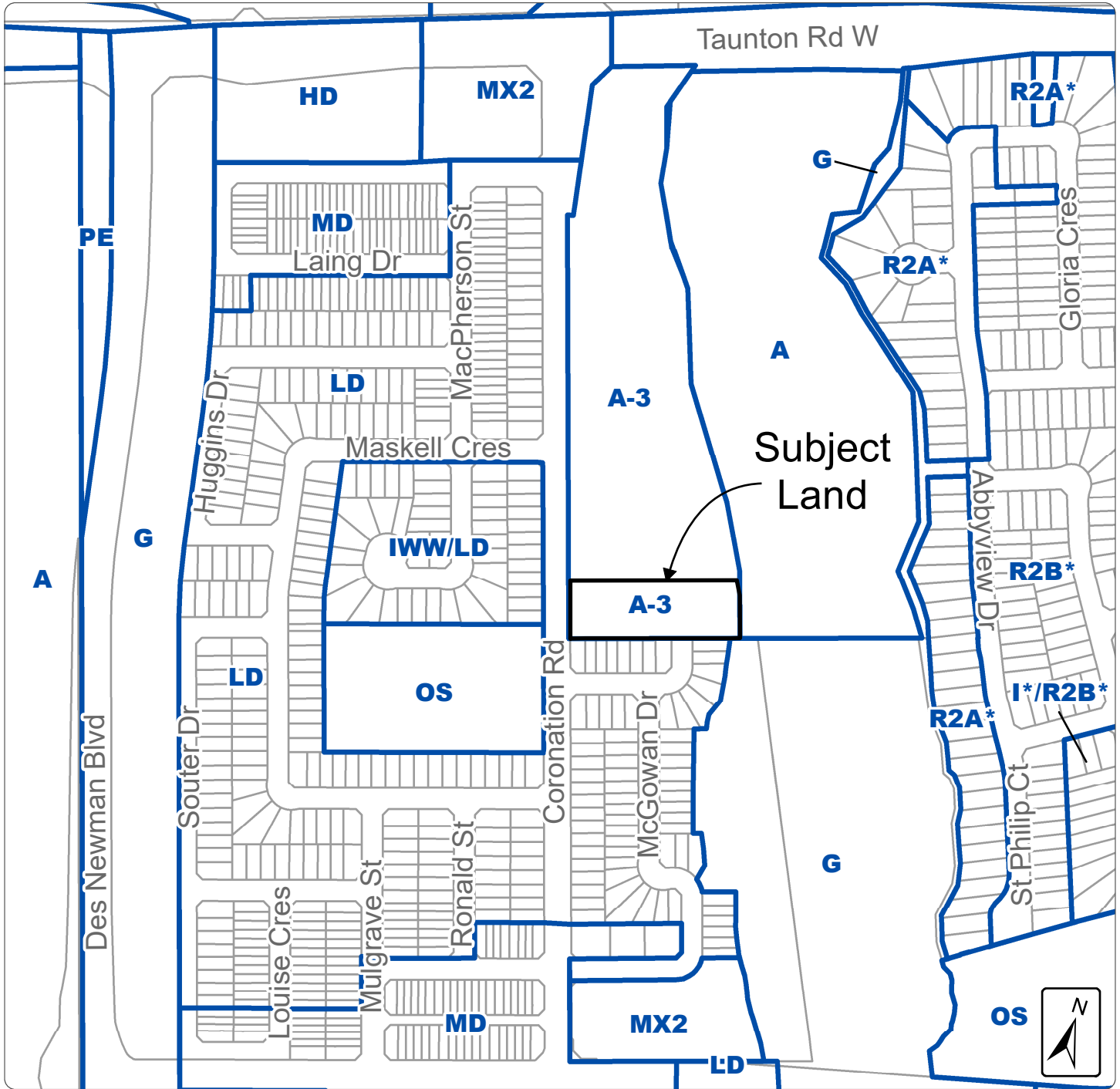
**Excerpt from: Schedule V**

**West Whitby Community Secondary Plan**

**Town of Whitby**

# Attachment #5 Excerpt from Zoning By-Law 1784

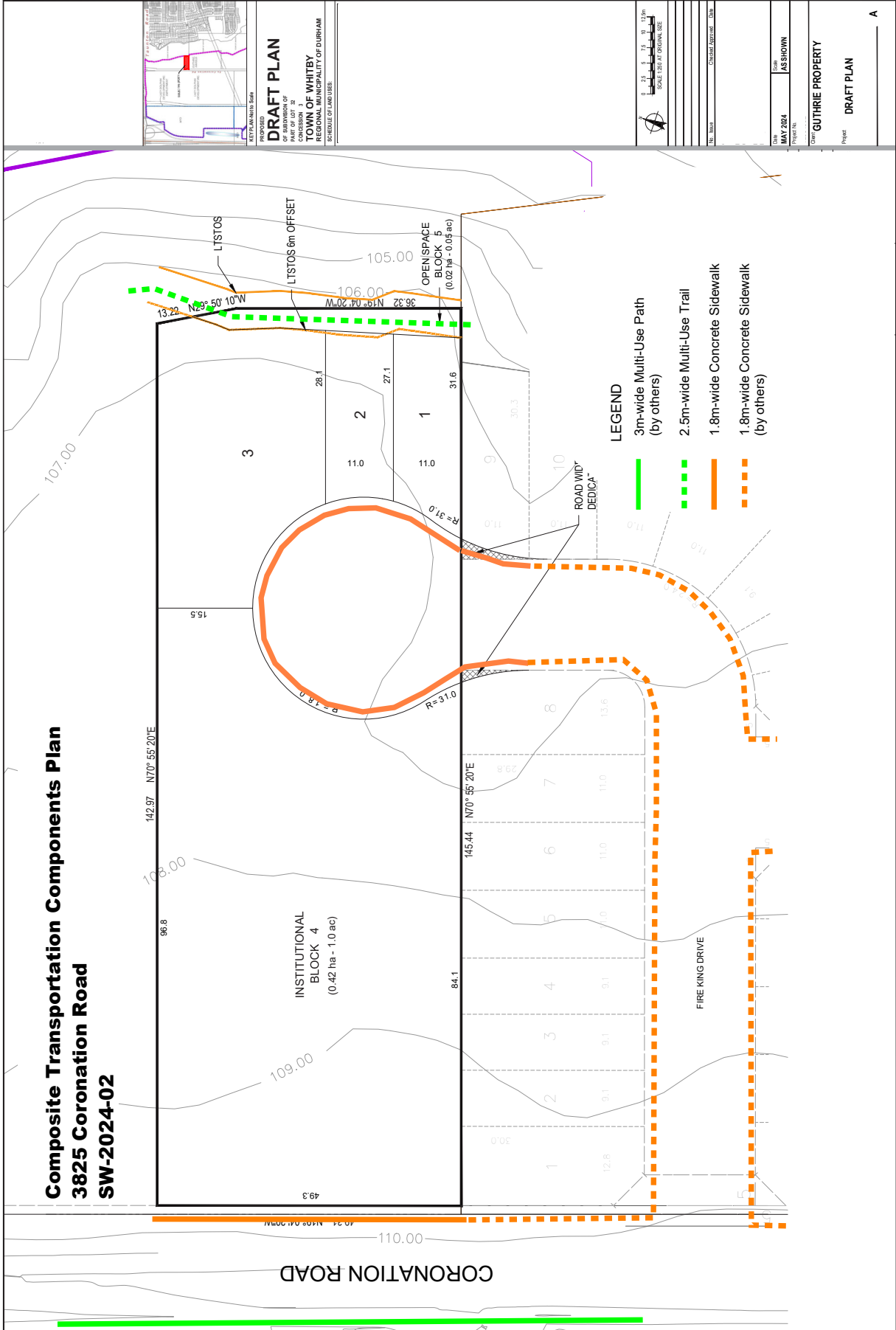
PDP 54-24



<b>Town of Whitby Planning and Development Department</b>		
<b>Proponent:</b> CODR Holdings Limited	<b>File Number:</b> DEV-20-24 (SW-2024-02 / Z-09-24)	<b>Date:</b> November 2024
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# Composite Transportation Component Plan (CTCP)



# Attachment #7

## Public Meeting Minutes

PDP 54-24

3. PDP 40-24, Planning and Development (Planning Services) Department Report  
Re: Draft Plan of Subdivision Application and Zoning By-law Amendment Application, CODR Holdings Limited, Unaddressed Property on Coronation Road, File Number: DEV 20-24 (SW-2024-02, Z-09-24)

Kerstin Afante, Planner I, Current, provided a PowerPoint presentation which included an overview of the applications.

Christian Jattan, representing CODR Holdings Limited, provided a PowerPoint presentation which included a detailed overview of the applications.

The Chair indicated that comments would now be received by members of the public.

Gaurav Hooda, Resident, requested information about including a place of worship within a residential zone.

Staff provided details regarding community based uses being permitted within residential zones.

There were no further submissions from the public.

## Agency and Stakeholder Detailed Comments

### Internal Departments

#### Town of Whitby Engineering Services

Please find below Engineering Services comments to the 1st Submission Draft Plan of Subdivision application received July 23, 2024.

The Draft Plan of Subdivision proposes to create one block for the development of a synagogue and three residential lots.

The subject property is currently zoned Agricultural – Exception 3 (A-3) under Zoning By-law 1784. The purpose of the proposed Zoning By-law Amendment application is to change the zoning from A-3 to an appropriate zone category to accommodate the proposed institutional and residential development.

Engineering Services has conducted a preliminary review of the circulated materials outlined below for the draft plan of subdivision and zoning applications:

- Draft Plan by GHD dated May 2024
- Servicing and Stormwater Management Report by GEI dated July 2024
- Engineering Drawing Set by GEI dated June 28, 2024
- Traffic Brief by GHD dated June 6, 2023
- Geotechnical Investigation Report by Soil Engineers dated June 2023
- Hydrogeological Report by Soil Engineers dated June 2023
- Infiltration Trench Opinion Letter by Soil Engineers dated July 3, 2024
- Construction Management Report

We advise that the above materials are generally acceptable for a preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to our Design Criteria and Engineering Standards. Please provide a copy of these comments to the Subdivider.

#### A. Conditional Comments

The Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1.0 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

Engineering Services requires the following Financial Considerations to be identified within Section 7 of the Council Report:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town’s Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	.070 lane-km
Sidewalks/multi-use paths	.093 km
Storm Sewers	.043 km

1. Engineering Services requires the following Conditions of Draft Approval:

1.1. The Subdivider shall convey the following to the Town: a. Block 5 for open space lands; b. Part of Lots 8 and 9, 40M-2746 (SW-2017-06) for Fire King Court right-of-way. The Subdivider shall prepare a reference plan for review and Town approval prior to transfer.

1.2. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:

- a. 1.8m-wide concrete sidewalk on both sides of the unnamed Court;
- b. 1.8m-wide concrete sidewalk on east side of Coronation;
- c. 2.5m-wide asphalt multi-use trail within Block 5 open space.

1.3. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town’s satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

1.4. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town’s satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.



1.5. Construction access shall be limited to Coronation Road or as outlined in the Construction Management Report.

1.6. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.

1.7. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.

1.8. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.

1.9. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.

1.10. All community mailboxes for the private developments shall be located within private properties.

1.11. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.

1.12. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

1.13. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.

1.14. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.

1.15. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall include all right-of-way components including active transportation facilities, comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

1.16. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

1.17. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The report must include details for the protection, enhancement and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.

1.18. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

1.19. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and / or the oversizing of services if required.

1.20. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e. siting) to each lot purchaser prior to closing.

1.21. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

1.22. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.

All other items related to the subdivision can be addressed through the subdivision agreement process subsequent to Draft Plan Approval.

## **B. Informational Comments**

2. The following items can be addressed through the subdivision detailed engineering and agreement processes:

2.1. An initial deposit for the Engineering Review Fee in the amount of \$9,450.00 or 50% of the Engineering Review Fee based the estimated cost of works, whichever is greater, shall be paid to the Town prior initiating processing of the engineering drawings. Any balance owing of the final Engineering Review Fee shall be paid at the earlier of, third engineering submission or prior to final approval of the engineering drawings by the Town.

2.2. It is noted that the runoff coefficients specified within the Town's Design Criteria and Engineering Standards are minimum values to be utilized for sizing of the storm sewer system. Sample calculations shall be provided for all housing types (not just single detached) and shall be demonstrated by the consultant that the use of these minimum values is appropriate for the subject development. If required, the values shall be increased to represent the actual development proposal.

2.3. Please be advised that the Engineering Drawings Set provided with this submission was reviewed from a functional perspective and further detailed review and comments will be deferred to the detailed design submission. Notwithstanding, we will provide the same with some redlined comments under separate cover.

2.4. The erosion and sediment control (ESC) plans included with the subdivision detailed engineering drawing set should show the proposed infiltration trench and valley trail. Infiltration feature functionality is dependent on the feature remaining free from sediment and debris during construction. As such, these features are to be completed near the end of construction and protected from construction sediment transfer. ESC plans should note the timing of construction and the timing of removal of any ESC measures until such time as the drainage areas contributing to the feature are stabilized.

2.5. Sitings for Lots 8 and 9, 40M-2746 (SW-2017-06) must be revised to reflect the new cul-de-sac right-of-way limits.

2.6. To address lot level low impact development (LID) recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected

from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.

2.7. In advance of any on-site work, provide recommendations for monitoring of the existing creek/tributary during construction (erosion and sediment controls, stormwater management, vegetation protection, stream protection in area of storm outfall(s), dewatering, access, storage and equipment maintenance requirements) and post construction (changes to vegetation or wildlife habitats and species).

2.8. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.

2.9. Per the recommendation within the Hydrogeological Assessment , topsoil thickness for landscaped areas within the development is to be increased to 400 mm.

2.10. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.

2.11. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

3. The following items can be addressed through the site plan application and agreement processes:

3.1. A Site Plan Engineering Fee will be required at execution of any development agreement in accordance with Tier 3 of the Fees and Charges By-law, currently By-Law 8048-24.

3.2. An updated Traffic Impact Study (TIS)/Traffic Brief will be required to address the comments provided in a separate memo from Transportation Engineer dated July 20, 2023.

3.3. A revised Stormwater Management (SWM) Brief will be required to address the comments provided in the memo from Development Engineering's Water Resource Engineer dated May 7, 2024.

3.4. All comments provided at the pre-consultation stage pertaining to the future private development proposal for Block 4 (i.e., synagogue) shall be addressed to the Town's satisfaction at the time of site plan. Refer to attached memo from Program Manager, Development Infrastructure dated May 10, 2024.

3.5. Unless required by Whitby Fire Services, access to Fire King Drive is not supported by Transportation Services. If access is required by Fire Services, it shall be designed as an emergency access only.

3.6. Upon preliminary engineering review, the Applicant will be required to provide a cost estimate for all engineering works. Securities for 50% of on-site engineering work and 100% of approved off site construction costs shall be provided at execution of any development agreement.

## **Town of Whitby Planning Services – Landscape**

A review of the landscape requirements will be provided as part of the future site plan application.

## **Town of Whitby Fire and Emergency Services**

1. Lots 1,2,3 shall be considered as part of lots 9-15 for the purposes of assessing firebreak requirements if construction is to occur simultaneously.
2. A site plan for “Institutional Block 4” shall be submitted at future submissions that indicates:
  - Building height
  - Building area
  - The principal entrance
  - Nearest fire hydrant(s)
  - Fire department connection (if applicable)
  - Fire access route (if applicable)

## **Town of Whitby Development Finance**

The following pertains to Town of Whitby Development Charges only, based on current Provincial legislation and Town of Whitby by-laws (subject to change). Additional information can be found at <https://www.whitby.ca/en/work/development-charges.aspx> This development will also be subject to Region of Durham development charges and DDSB/DCDSB education development charges, please reach out to them directly with any questions.

### **Development Charges**

- Will be owing for both residential and non-residential development.
- Under Section 26.2 of the Development Charges Act.
  - The base DC rate(s) will be set as of the Zoning By-law Amendment application submission date.
  - Interest will accrue on the base DC rate(s), from the date of site plan application submission until the date of building permit issuance. Per the DC Act, the interest is set at Prime +1% adjusted quarterly.
  - The applicant has 18 months from the date of Zoning By-law application approval to obtain a building permit. Otherwise, Section 26.2 no longer

applies, and instead the applicable DC rate(s) are the current posted rates in effect as of the building permit issuance date.

- If this development is a condo, development charges are payable prior to the issuance of the 1st building permit. If this development is entirely rental housing development charges shall be payable as per Section 26.1 of the DC Act.
- If this development includes affordable or attainable units (as defined in Section 4.1 of the DC Act), those units are eligible for DC exemptions.
- If this development includes rental housing or institutional development, Section 26.1(3) of the DC Act allows for development charges to be paid in equal annual installments over five years, upon the earlier of occupancy or issuance of an occupancy permit.
- If this development includes four or more rental housing units, Section 26.2 (1.1) of the DC Act allows for additional development charge reductions based on the number of bedrooms per unit.
- If a building is being demolished to make way for this redevelopment, the applicant has 5 years from the date that the demolition permit was issued, to obtain the new building permit to qualify for a redevelopment credit.

#### Parkland Dedication / Cash-in-Lieu

Shall be applicable as per the Planning Act and Town of Whitby By-Law for both residential and non-residential development.

- If utilizing a CIL, a land appraisal is required at the cost of the developer and will remain current for a maximum period of one (1) year.
- If CIL has previously been applied, a reduction in the amount owing will be applied.
- If CIL has not previously been applied, only the incremental residential units are used for the calculation of the CIL value.

Development charges shall not be imposed under this by-law respecting an area of worship within a building or structure owned by and used for a place of worship.

### **Town of Whitby Strategic Initiatives**

No objections.

### **External Agencies**

#### **Central Lake Ontario Conservation Authority (CLOCA)**

CLOCA staff have reviewed these applications for consistency with the natural hazard policies of the Provincial Policy Statement and conformity with the applicable natural hazard policies within the local and regional Official Plans. CLOCA staff have also reviewed these applications in the context of Ontario Regulation 41/24 of the *Conservation Authorities Act* and other applicable watershed management guidelines and policies.

Based on our review of the submitted documentation for the proposed draft plan of subdivision, the following comments may be addressed through detailed design.

### Environmental Engineering – Stormwater Management

The response to our comments, related to stormwater management from the previous submission, indicated that our comments will be addressed during detailed design of the draft plan of subdivision and/or site plan application for the institutional block. Given the underground storage tank is part of the institutional block that is not being considered in detail with this submission, CLOCA staff have noted through the previous submission that they are willing to defer these comments to be addressed as part of the site plan application for the institutional block. They remain attached to this letter for continuity of our review of the entire site.

### Geotechnical and Hydrogeological Comments

The response to our comments, related to the last submission, indicated that our comments will be addressed during detailed design of the draft plan of subdivision and/or site plan application for the institutional block. CLOCA staff are willing to defer these comments to be addressed as part of the subsequent applications for the institutional block. They remain attached to this letter for continuity of our review of the entire site.

### **Draft Plan of Subdivision (SW-2024-02)**

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
  - a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
  - b. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
  - c. The intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.

2. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the *Conservation Authorities Act*.
3. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
4. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
  - a. The Subdivider agrees to carry out the works referred to in Conditions 1 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

## **Region of Durham (Planning and Works)**

Region has completed its review of the above-noted applications and offers the following comments with regards to conformity with the new Regional Official Plan (Envision Durham), the new Provincial Planning Statement, the Region's delegated Provincial Plan Review responsibilities, Regional servicing, and waste management.

The subject lands are located on the east side of Coronation Road, north of Fire King Drive. The site is approximately 0.71 hectares and is currently vacant. The Lynde Creek tributary is located approximately 100 metres to the east of the site.

The proposed draft plan of subdivision will facilitate the development of three (3) single-detached dwellings, an institutional block for a synagogue, an open space block, and a cul-de-sac. Access to the synagogue is proposed from Coronation Road and access to the three residential lots is proposed from the extension of Fire King Drive to the north. The Open Space Block contains hazard lands and will be dedicated to the Town of Whitby for conservation purposes.

## **Conformity with the new Regional Official Plan (Envision Durham)**

The Ministry of Municipal Affairs and Housing approved the new Regional Official Plan (ROP) on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the ROP. Community Areas are intended to offer a complete living environment for Durham residents. Community Areas should be developed with a variety of housing types, sizes and tenures, commercial uses such as retail shopping and personal service uses, offices, institutional uses, community uses,



and public services facilities such as schools, libraries, and hospitals, as well as an array of cultural and recreational uses.

The Lynde Creek tributary is located approximately 100 metres to the east of the subject lands. This area is identified as regional natural heritage system on Map 2a – Regional Natural Heritage System in the ROP. The Central Lake Ontario Conservation Authority (CLOCA) has reviewed the proposed subdivision application and has issued supporting comments dated October 29, 2024, for the development. CLOCA's comments are discussed below in this letter.

The proposed rezoning application and plan of subdivision application consisting of three residential building lots and an institutional block promotes residential uses consistent with the surrounding areas and facilitates the development of an institutional block that supports the building of complete communities for the residents of Durham Region. The proposed applications conform with the new ROP.

### **Provincial Planning Statement**

A new Provincial Planning Statement (PPS) came into effect on October 20, 2024. The PPS replaces the Provincial Policy Statement, 2020 and the Growth Plan, 2020. We have reviewed the proposed application for consistency with the PPS.

Policy 2.1.6 a) of the PPS, in part states, that planning authorities should support the achievement of complete communities by:

- a. accommodating an appropriate range and mix of land uses, housing options, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.

The proposed subdivision consisting of a synagogue and residential dwellings support mixed-use development and the diversity of uses to establish complete communities within the urban area. The development also promotes compact built form and efficiently uses land and resources and is consistent with the PPS.

### **Delegated Provincial Plan Review Responsibilities**

We have reviewed the applications for delegated Provincial Plan Review responsibilities.

### **Soil and Groundwater Assessment**

Soil Engineering Ltd. has conducted a Phase One Environmental Site Assessment, (Phase One ESA) dated October 24, 2022 and a Phase Two ESA, dated December 19, 2022. The Phase One ESA reported that the subject lands had previously been used for agriculture and the potential use of pesticide was an environmental concern. Soil Engineering Ltd. recommended that a Phase Two ESA be conducted to further investigate the environmental condition of the site.

The Phase Two ESA reported that the chemical analysis of the condition of the site met the Ministry of Environment, Conservation and Parks' (MECP) Table 2 Site Condition Standard for Residential/Parks/ Institutional property use and that no further site assessment is recommended.

Soil Engineers Ltd. has provided a signed Reliance Letter and Certificate of Insurance, dated December 22, 2022, for the ESA Reports. We are satisfied that site contamination concerns have been addressed at the subject lands.

### **Noise Impact Study**

J. E. Coulter Associates Ltd. has conducted a Noise Impact Study, dated March 27, 2024 for the proposed development. Traffic noise impacts from Coronation Road and Taunton Road West, and the noise impact from the rooftop HVAC systems of the proposed synagogue was assessed in the report.

The Noise Impact Study indicated that traffic noise levels were within the MECP noise guidelines and no noise control measure are required for the proposed residential dwellings. The synagogue building will require double glazing for the exterior windows to reduce noise levels within the MECP acceptable levels. The report further recommends additional noise analysis be completed when the details of the rooftop HVAC systems are known.

We will require the noise recommendations of the Noise Impact Study to be included in the related Town of Whitby's Subdivision Agreement to the satisfaction of the Region.

### **Archaeology Assessment**

A Stage 1-2 Archaeological Assessment (AA) had been completed for the subject lands by Archaeological Consultants Canada, dated October 14, 2022. The Stage 1 AA was required due to the site's proximity to Lynde Creek and known registered archaeological sites. The Stage 2 AA investigated the presence of archaeological resources and whether they had any cultural heritage value or interest. The Stage AA reported that there were no artifacts or archaeological resources identified at the subject lands.

The Ministry of Citizenship and Multiculturalism has issued an archaeological clearance letter dated October 26, 2022, for the Stage 1-2 AA. The Region is satisfied that archaeological concern at the subject lands has been addressed.

### **Regional Servicing**

#### **Municipal Water Supply**

The subject lands are located in the Zone 2 Water Pressure District for the Town of Whitby. The estimated static water pressure exceeds the maximum allowance of 550 kpa (80 psi), therefore, a private pressure reducing valves will be required.

Lots 1-3 fronting the proposed cul-de-sac will require the extension of the existing 150 mm dia. PVC watermain within the Fire King Drive R.O.W.

The synagogue is proposing to connect to the existing 300 mm dia. PVC watermain from the Coronation Road right-of-way which is acceptable.

## **Sanitary Sewer Servicing**

Lots 1-3 and the proposed synagogue could be serviced from the extension of the proposed 250 mm dia. PVC sanitary sewer from Fire King Drive.

The synagogue could also be serviced from the existing 250 mm dia. sanitary sewer from Coronation Road. Please provide a sanitary sewer design sheet during the engineering submission stage.

Please note that sanitary sewer servicing capacity is allocated upon the execution of a Regional Development Agreement.

In accordance with the Region's Sewer Use By-Law, we will not permit foundation drains to connect to the sanitary sewer system.

Detailed engineering design comments will be provided through the formal engineering submissions.

## **Waste Management**

The Region no longer provides blue bin recycling services in the Town of Whitby. Waste Management is now under the Town of Whitby's jurisdiction.

## **Conclusion**

The proposed infill subdivision development comprising of residential uses and a cultural facility supports mix-use developments within the Region's Community Areas and promotes compact built form within an existing community, and as such conforms with the ROP.

Based on the foregoing, the Region has no objection to draft approval of the subdivision application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

It is requested that the Owner provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region of Durham. The land use table should provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

## **Durham District School Board (DDSB)**

Staff has reviewed the information on the above-noted plan. Students generated from this development will attend existing neighbourhood schools.

Under the mandate of the Durham District School Board, at this time, staff has no objection.

## Conditions of Draft Plan of Subdivision Approval

1. The Subdivider shall prepare the final plan on the basis of the approved draft plan of subdivision, prepared by GHD Ltd., identified as Project No.: 12581882, dated May 2021, which illustrates 3 lots for 3 single-detached dwellings, an institutional block, an open space block, and roads.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall grant to the Region of Durham, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region of Durham.
5. The Subdivider shall agree in the Town of Whitby's subdivision agreement to implement the noise recommendations of the report, entitled, "Noise Feasibility Study," prepared by J. E. Coulter Associates Ltd., dated March 27, 2024. The Owner shall agree in the subdivision agreement to implement the recommended noise control measures and warning clauses. The agreement shall contain a full and complete reference to the noise study (i.e. author, title, date and any revisions/ addenda) and shall include any required noise control measures and warning clauses recommended in the study.
6. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Owner shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
7. Prior to entering into a subdivision agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
8. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other regional services.
9. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:

- a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions
  - b. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
  - c. The intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
10. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
11. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
12. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
- a. The Subdivider agrees to carry out the works referred to in Conditions 9 and 10 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
13. The Subdivider shall convey the following to the Town:
- a. Block 5 for open space lands; and,
  - b. Part of Lots 8 and 9, 40M-2746 (SW-2017-06) for Fire King Drive right-of-way. The Subdivider shall prepare a reference plan for review and Town approval prior to transfer.
14. The development is subject to the West Whitby Master Parks Agreement. A letter from the landowner group trustee confirming that the Subdivider has met their obligations regarding parkland will be required prior to registration of the subdivision. Cash-in-lieu of Parkland may be required subject to further review.
15. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:

- a. 1.8m-wide concrete sidewalk on both sides of the unnamed Court;
  - b. 1.8m-wide concrete sidewalk on east side of Coronation; and,
  - c. 2.5m-wide asphalt multi-use trail within Block 5 open space.
16. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
  17. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.
  18. Construction access shall be limited to Coronation Road or as outlined in the Construction Management Report.
  19. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as required to accommodate recommended noise control measures prior to registration.
  20. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners
  21. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards
  22. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection
  23. All community mailboxes for the private developments shall be located within private properties.
  24. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.
  25. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to,

topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

26. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.
27. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
28. The Subdivider shall provide the Town with a full electrical design (i.e. primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall include all right-of-way components including active transportation facilities, comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
29. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
30. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The report must include details for the protection, enhancement and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.
31. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at the time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

32. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and / or the oversizing of services if required
33. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e. siting) to each lot purchaser prior to closing.
34. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
35. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
36. The Subdivider agrees to convey all-natural heritage and open space blocks (Block 5) to the Town in a condition to the satisfaction of the Parks Planning and Development Department, upon registration of the plan of subdivision.
37. Prior to approval of grading and servicing drawings within this plan of subdivision, the Subdivider shall prepare detailed trail design and grading plans, prepared by a qualified landscape architect and/or engineer, for any required off-road trails within Block 5, to the satisfaction of the Senior Manager of Parks Planning and Design.
38. The trail design requirement shall include, but are not limited to the following:
  - a. Trails to be constructed to details and specifications provided by and approved by Town of Whitby Community Services, Parks Development Division.
  - b. All trails shall be planned and designed to meet accessibility standards.
  - c. All trails, trail crossing, bridges, boardwalks, culverts, structures shall be designed and constructed by the Subdivider, in accordance with Community Services Department, Parks Development Division requirements.
  - d. All primary trails shall be planned and designed to a minimum width of 2.5 metres and surfaced in asphalt.
  - e. All primary trails shall be planned and designed to a minimum width of 2.5 metres and surfaced in asphalt.
  - f. Trail requires a minimum 1.5 metre sod mow strip on either side of the trail to enable mowing/maintenance. Mow strip to be sloped at a maximum 25%. g. Trail grades are not to exceed 2% cross slope and 5% longitudinal slope unless unavoidable due to existing grades.
  - g. Seating Areas with benches are to be provided at a rate of 3 per kilometre of trail. Rest Areas are to be provided every 150 metres.
39. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeological reports affecting the proposed trail by way of the proposed infiltration trenches shall be addressed by the Subdivider to the satisfaction of Parks Planning.
40. Should the off-road trail require approval of the trail design from CLOCA and any other applicable approval authorities, the Subdivider shall secure approval of the



trail design from CLOCA and any other applicable approval authorities at the detailed design stage.

41. The Subdivider shall construct all off-road trail works in accordance with the future detailed design plans and secure any additional approvals and permits, as required, at no cost to the Town of Whitby.
42. The Subdivider shall advise potential purchasers of the location of the proposed off-road trails by providing plans, approved by the Senior Manager of Parks Planning and Development, in all sales offices and agreements of purchase and sale for any dwelling units within the draft plan of subdivision.
43. Prior to execution of the Subdivision Agreement, the Subdivider shall provide a Letter of Credit, in an amount to be determined by the Senior Manager of Parks Planning, to secure delivery of off-road trail works.
44. If it is identified through the detailed design and grading of the trails that additional land is required to accommodate the off-road trail requirements of the Town and other approval authorities, then the natural heritage blocks and adjacent residential lots shall be adjusted to the satisfaction of the Senior Manager of Parks Planning and Development.
45. The Subdivider agrees to install a 1.2 metre black vinyl standard park fence where any open space, natural heritage and park blocks abut residential lots.
46. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes. The Subdivider will indicate these locations on the appropriate servicing plans.
47. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
48. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
49. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
50. Through the Site Plan / Plan of Subdivision Agreement, the Subdivider / Developer shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the proponent.
51. That the new home construction be designed to meet the Energy Star standards or equivalent.
52. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Functional Servicing and Stormwater Management Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Impact Study	Yes	Yes	-
Phase One Environmental Site Assessment	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-
Transportation Impact Study	Yes	Yes	-

53. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage and other local services.

54. That the Subdivider covenants and agrees to enter into the cost sharing agreement amongst the benefiting landowners in accordance with Section 11.12.3. c) and e) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 54 upon receipt of a letter of clearance from the "Trustee" representing the West Whitby Cost Sharing Agreement.

55. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

- a) The Regional Municipality of Durham, how conditions 1-8 have been satisfied.
- b) The Central Lake Ontario Conservation Authority, how conditions 9-12 have been satisfied.

Note

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of request, shall apply.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: Town Initiated Official Plan Amendment and Zoning By-law Amendments – Changes to Accessory Apartment (Additional Dwelling Unit) Policies and Regulations (File: OPA-2024-W/01; Z-02-24)**

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**Report to:** Committee of the Whole

**Date of meeting:** November 25, 2024

**Report Number:** PDP 55-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

John Taylor, Director of Planning  
Services, ext. 2908

Justin Malfara, MCIP RPP  
Principal Planner, Zoning & Regulation  
ext. 2930

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### 1. Recommendation:

1. That Council approve Amendment 143 to the Whitby Official Plan to permit up to 3 additional residential dwelling units on ground related residential properties in accordance with Attachment #1 to Planning and Development Report PDP 55-24, and that a By-law to adopt Amendment 143 be brought forward for Council's consideration;
2. That the Clerk forward a copy of Planning and Development Report PDP 55-24, two (2) copies of the adopted Amendment, and a copy of the By-law to adopt Amendments 143 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;

3. That Zoning By-law Amendments to implement legislative directives of Bill 108 and Bill 23, as well as Council Resolution #222-23 with respect to the Federal Housing Accelerator Fund (HAF) to permit up to 3 additional dwelling units on parcels of land occupied by ground related dwelling units as shown on Attachments 2, 3, and 4 to Planning and Development Report PDP 55-24 be brought forward for consideration by Council; and,
4. That the Clerk forward a Notice of Council's decision to those parties and agencies, including the Region of Durham's Commissioner of Planning, that requested to be notified of Council's decision.

**2. Highlights:**

- In support of the CMHC Housing Accelerator Fund application, at the December 11, 2023, Special Meeting of Council, Council passed the following resolution (Resolution # 222-23) - "As part of the Legal Additional Dwelling Unit program: Staff will complete work to permit 4 residential units as-of-right".
- In January 2024, the Town of Whitby was allotted \$24.9 million in funding from the Federal Housing Accelerator Fund (HAF) in support of the National Housing Strategy administered by the Canadian Mortgage and Housing Corporation (CMHC). In part, this funding will support additional housing units (ADU's) in Whitby through the permission for up to 4 dwelling units on parcels of urban residential land subject to zoning compliance.
- In March 2023, Whitby Council pledged to facilitate the development of 18,000 new dwelling units by 2031. Permitting up to 4 dwelling units on parcels of urban residential land subject to zoning compliance will assist the Town in meeting the target of 18,000 dwelling units by 2031;
- Amendments to the Town's three Zoning By-laws and Official Plan are required to implement the legislative directives of Bill 108 and Bill 23, as well as to support Council's resolution on the Federal Housing Accelerator Fund (HAF). The Zoning By-law Amendments would establish provisions for ADU's that would provide minimum standards for development.
- On June 17, 2024 a Statutory Public Meeting regarding the Proposed Official Plan and Zoning By-law Amendments was conducted. Based on public, stakeholder, and agency feedback provided to date, final recommended Official Plan and Zoning By-law Amendments have been prepared.
- It is recommended that Council approve the Town initiated Official Plan Amendment as outlined in Attachment # 1 and Zoning By-law Amendments regarding changes to Accessory Apartment (Additional Dwelling Unit) policies and regulations, as outlined in Attachments 2, 3, and 4.

### 3. Background:

On June 6, 2019, Bill 108, the More Homes, More Choice Act received Royal Assent. Bill 108 included changes to the Planning Act to support the construction of Additional Dwelling Units (ADU's) within the Province, as well as other changes related to the planning and appeal process, municipal revenue generation tools and environmental protection. Key changes included:

- Requiring Official Plans and Zoning By-laws to permit two ADU's in a house and by authorizing a residential unit in a building or structure ancillary to a house;
- Requiring Official Plans and Zoning By-laws to permit ADU's in a detached house, semi-detached house, rowhouse, or ancillary building;
- Exempting ADU's in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, from development charges up to two additional ADU's;
- A maximum of one parking space for each of the ADU's must be provided, which may be provided through tandem parking;
- An ADU, where permitted in the Zoning By-law, may be occupied by any person, regardless of whether the primary unit is occupied by the owner of the property.

On November 28, 2022, Bill 23, the More Homes Built Faster Act received Royal Assent. Bill 23 builds upon legislation approved through Bill 108 More Homes, More Choices Act 2024 and provides a framework for "as-of-right" zoning to meet envisioned Provincial housing targets. Municipalities are required to:

- Permit "as-of-right", two ADU's, in addition to a primary dwelling on parcels of urban residential land containing a single detached dwelling, semi-detached dwelling or a townhouse. The ADU's can be located within an existing residential structure or within an accessory structure;
- Prohibit municipalities from applying a development charge for ADUs (subject to restrictions noted in the Planning Act);
- Prohibit municipalities from requiring more than one parking space for each ADU in addition to the parking requirements for the principle dwelling unit;
- Prohibit municipalities from establishing minimum floor area requirements for ADU's; and
- Prohibiting the appeal of any Official Plan policies or Zoning By-laws that authorize up to three residential units per lot in accordance with the legislation contained within Bill 23.

Bill 23 also provides the opportunity for municipalities to permit up to two ADU's on rural/un-serviced lands.

On April 10, 2024, the Province introduced Bill 185: Cutting Red Tape to Build More Homes Act, 2024. Legislative changes related to ADU's included the removal of vehicle parking requirements on lands located within Protected Major Transit Station Areas (PMTSA). The Town of Whitby has a designated PMTSA, generally situated around the Whitby Go Station.

In support of the CMHC Housing Accelerator Fund application, on December 11, 2023, Council passed the following resolution (Resolution # 222-23), "As part of the Legal Additional Dwelling Unit program: Staff will complete work to permit 4 residential units as-of-right".

The HAF initiative to permit up to 3 ADU's on parcels of urban residential land builds on the Provincial legislative requirements stemming from Bill 108 and Bill 23 to permit up to 2 ADU's on parcels of urban residential land as-of-right.

The Town of Whitby Official Plan (OP) currently permits accessory apartments in single detached and other forms of ground related dwellings, and within accessory structures thereto, in all designations that permit residential uses throughout the Municipality.

The Town of Whitby has three Zoning By-laws (1784, 2585, and 5581-05) that regulate where and how Accessory Apartments are permitted within the Town. Moving forward, Accessory Apartments will be referred to as Additional Dwelling Units (ADU's).

The Town's existing Zoning By-laws 1784 and 2585 permit a maximum of one ADU within a primary dwelling, and not within an accessory structure (i.e. detached garage or outbuilding) and does not permit ADU's within the Oak Ridges Moraine (governed by Zoning By-law 5581-05).

Amendments to the Town's OP and three Zoning By-laws will be required to reflect the legislative requirements of Bill 108, Bill 23, and Council's resolution regarding the Federal Housing Accelerator Fund (HAF) including but not limited to, permitting up to three ADU's per property, for a total of 4 dwelling units, and requiring no more than one parking space for each ADU.

#### **4. Discussion:**

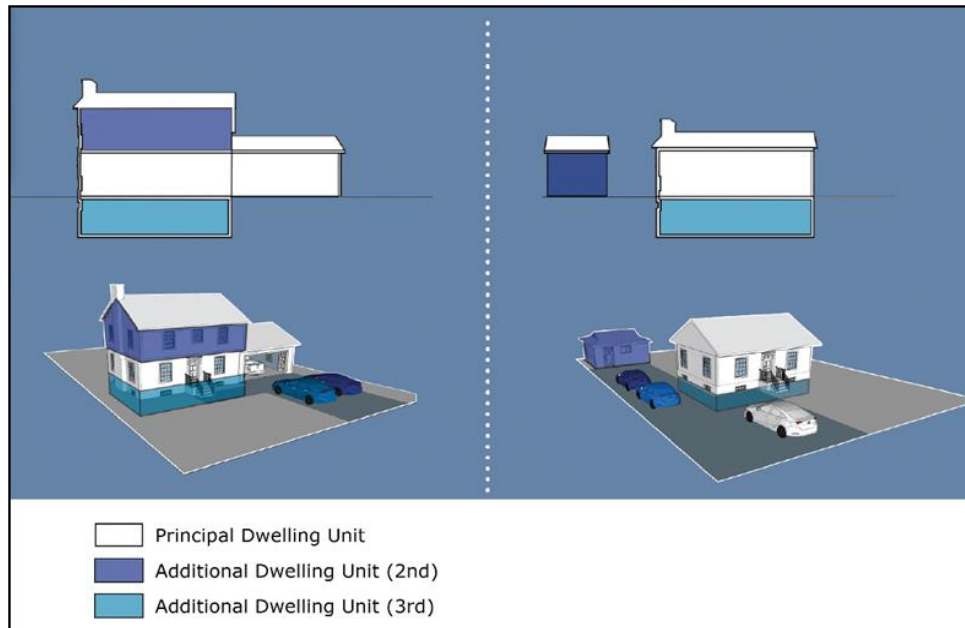
##### **4.1. What is an Accessory Dwelling Unit (ADU)?**

An ADU is a self-contained dwelling unit which may be located in a single detached dwelling, semi-detached dwelling, townhouse dwelling, and other forms of permitted ground related dwelling units. An ADU may also be constructed as a standalone accessory structure, located on the same lot as the principal dwelling.

ADU's generally consist of one or more rooms that are designed for human habitation, including occupancy, by one or more persons, and include cooking facilities, sleeping facilities and sanitary facilities.

Currently, ADU’s are referred to as “Accessory Apartments” within the Town of Whitby Zoning By-laws.

Figure 1 provides an overview of how ADU’s may be implemented within a principal dwelling and/or accessory structure.



**Figure 1:** ADU Configuration Options

#### 4.2. Existing ADU’s and Trends in Whitby

Historically the Town of Whitby has permitted a maximum of one ADU within select dwelling typologies, including single detached dwellings and semi-detached dwellings. Table 1 provides a summary of approved ADU’s within the Town of Whitby over the past 6 years.

**Table 1 – Approved ADU’s by Year**

Year	Registered ADU’s
2024 (YTD)	249
2023	261
2022	200
2021	138
2020	87
2019	45

### 4.3. Whitby Official Plan

The Town of Whitby Official Plan contains enabling policies related to ADU's.

Section 4.4.3.9.5 of the Official Plan states:

“Apartments in houses shall be permitted in single detached and other forms of ground related dwellings, and within accessory structures thereto, in all designations that permit residential uses throughout the Municipality subject to the following criteria:

- a) one apartment unit per dwelling;
- b) one additional parking space is required for the apartment unit;
- c) capacity of municipal sanitary sewer and water supply or the approval of the Durham Regional Health Unit for lots outside the fully serviced area; and,
- d) compliance with the provisions of the Zoning By-law and all other relevant municipal and Provincial standards.”

To implement the directives of Bill 108, Bill 23, and Council's resolution regarding the Federal Housing Accelerator Fund (HAF) in support of the National Housing Strategy, the above policy must be amended to allow permissions for additional ADU's.

#### 4.3.1 Proposed Official Plan Amendments

The draft proposed Amendment to the Official Plan can be found in Attachment 1. Proposed policy amendments include:

- Deleting and replacing the definition of Apartments in Houses with a new definition for “Additional Dwelling Unit” for consistency with the Zoning By-law;
- Providing clarity on where ADU's are permitted and clarifying that they shall be permitted within any ground-oriented dwelling unit, including, single detached, semi-detached, townhouse dwelling, and/or any other forms of ground related dwellings, and within accessory structures thereto, in all designations that permit residential uses within the Urban Area Boundary throughout the Municipality;
- Increasing the maximum number of ADU's within a principal dwelling from one to three, or a maximum of two ADU's within a principal dwelling and one ADU within an Accessory Building on the same lot;
- Including appropriate provisions for parking within the implementing Zoning By-law;



- Restricting the number of ADU's within the Protected Countryside of the Greenbelt Plan to one;
- Restricting the number of ADU's in the Oak Ridges Moraine Agricultural or Rural Settlement designation to one, and that the ADU may only be located within an existing residential dwelling or Accessory Building; and
- Prohibiting ADU's within a building or structure that is located in a Natural Heritage feature or any hazard lands as determined by the Conservation Authority.

#### **4.3.2 Proposed Zoning By-law Amendments**

The Town of Whitby is governed by three Zoning By-laws: By-law 2585, By-law 1784, and By-law 5581-05.

Zoning By-law 5581-05 applies to lands situated within the Oak Ridges Moraine; Zoning By-law 2585 applies to lands within Downtown Whitby; and By-law 1784 applies to lands within the former Township of Whitby, Brooklin, West Whitby, and any other lands not covered by By-law 5581-05 and 2585.

As of right, ADU zone provisions are included within the general provisions section of Zoning By-laws 1784 and 2585. By-law 5581-05 does not currently include any provisions related to ADU's.

As part of the Zoning review and technical provision formulation, a review of other proposed ADU By-law Amendments was undertaken. This included a review of Draft By-laws from the Town of Scugog, City of Oshawa, Town of Ajax, and City of Pickering.

Key zoning amendments are focused on the following topics:

#### **Defining Additional Dwelling Unit's (ADU's)**

The Town's three Zoning By-laws do not include any references or definitions for ADU's. In accordance with the proposed Zoning By-law Amendments a new definition for Additional Dwelling Unit (ADU) is proposed as follows:

**Additional Dwelling Unit:** means a self-contained dwelling unit located within a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or located within an accessory building to a detached dwelling, semi-detached dwelling, link dwelling, and street townhouse dwelling unit on the same lot. The additional dwelling unit shall consist of one or more rooms that are intended for residential occupancy and shall be accessory and subordinate to the principal residential dwelling (on the subject property).

### **Maximum Number of Permitted ADU's and Configuration Options within the Urban Area**

As of right, the Town's Zoning By-laws 1784 and 2585 currently only permit a maximum of one ADU on most parcels of urban residential land, subject to complying with other zoning requirements.

In order to implement the directives of Bill 108, Bill 23, and Council's resolution regarding the Federal Housing Accelerator Fund in support of the National Housing Strategy a maximum of three additional dwelling units are proposed to be permitted on a parcel of residential urban land that permits a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, street townhouse dwelling unit located on a Parcel of Tied Land, or in an accessory structure related to a detached dwelling, semi-detached dwelling, or street townhouse dwelling unit.

Additional Dwelling Units may be configured in the following way:

- i) A maximum of two additional dwelling units shall be permitted within a legally permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within a related accessory structure; or,
- ii) A maximum of three additional dwelling units shall be permitted within a legally permitted principal dwelling where there is no additional dwelling unit located within an accessory structure; and,
- iii) No more than one additional dwelling unit shall be permitted within an accessory structure.

### **Home Based Businesses in Additional Dwelling Unit's (ADU's)**

The Town's three Zoning By-laws do not permit home based businesses on parcels of land that contain an ADU. This is an outdated standard that does not accurately reflect current trends whereby individuals are conducting limited and small-scale business uses and offering personal services from their dwellings.

As a result, the proposed Zoning By-law Amendments are seeking to permit home based business uses within ADU's. Notwithstanding, the home based business general provisions (i.e. parking, number of employees, types of permitted business uses, and prohibited uses) will continue to apply.

### **ADU's within the Greenbelt, Oak Ridges Moraine, and Outside of the Urban Area**

For lands located within the Greenbelt Plan area, it is proposed that a maximum of one ADU shall be permitted within a legally existing dwelling or accessory structure that was constructed on or prior to July 1, 2017. In any other instance, an ADU would not be permitted.

For lands located within the Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation of the Town of Whitby Official Plan, a maximum of one ADU is permitted within a legally permitted principal dwelling per lot.

Lastly, for lands situated outside of the Town's Urban Area and which are zoned Agriculture (A), one ADU shall be permitted per lot, and no more than one ADU shall be permitted within an accessory structure. Notwithstanding, in the absence of municipal services (water and sewage), confirmation of sufficient private servicing shall be required from the Durham Region Health Department.

### **ADU's within Hazard Lands and Environmental Protections Areas**

For lands designated Environmental Protection, Natural Heritage System or Hazard in the Town of Whitby Official Plan, as well as within regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency as determined by the Conservation Authority, new additional dwelling units shall be prohibited.

### **Accessibility Considerations for ADU's**

With regards to accessibility, it is proposed that an ADU shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.

This provision will ensure that ADU's are accessible to occupants and can be maneuvered without difficulty by emergency services (police, fire, EMS) personnel in the event of an emergency.

### **ADU's within Accessory Structures**

Where an ADU is located within an accessory building/structure the following provisions are proposed:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0m
Maximum Building Height:	4.5 metres
Maximum Ground Floor Area:	75 sq. m.

The proposed setback provisions will allow for an appropriate buffer to abutting uses and will also allow for ease of access around the perimeter of the structure in the event that maintenance or emergency service access is required.

Further, a maximum ground floor area of 75 square meters is proposed. The maximum ground floor area does not include any floor space within a basement that includes a portion of the ADU.

### **Parking Provisions and Driveway Widening's**

A minimum of two parking spaces shall be provided for the principal dwelling unit in accordance with the existing Zoning By-law requirements.

In accordance with Bill 23, it is proposed that a minimum of one parking space shall be provided for each ADU located on a property. Parking spaces shall be permitted within a private garage or carport and/or located on a driveway within a front, rear, or exterior side yard.

To address the potential impacts of on-street parking where ADU's are located on properties served by a single car wide driveway (typical for semi-detached and street townhouse dwellings), driveways may be widened to a maximum width of 5.5m. Further, where a vehicle associated with an ADU is parked on a private driveway, a reduced parking space width of 2.5 m and reduced length of 5.0m will be permitted.

Lastly, in accordance with the legislative requirements of Bill 185, no Official Plan may contain any policy that has the effect of requiring an owner of a building to provide and maintain parking facilities, other than parking facilities for bicycles, on land that is located within a protected major transit station area (PMTSA). As such, the proposed Zoning By-law(s) will reflect a reduced parking rate for any lands located within the Town's designated PMTSA.

## **5. Financial Considerations:**

There are no notable expenses to be incurred by the Town to implement the proposed amendments to the Town of Whitby Official Plan and Zoning By-laws.

Notwithstanding the above, through the implementation of the proposed amendments to the Town of Whitby Official Plan and Zoning By-laws, this will satisfy key HAF initiatives to increase the affordable housing supply.

## **6. Communication and Public Engagement:**

A Statutory Public Meeting was held on June 17, 2024, providing the public and interested persons and agencies an opportunity to comment on the proposed amendments to the Town's Official Plan and Zoning By-laws. The meeting minutes are included in Attachment # 5.

One resident spoke support for the Town initiated changes to the accessory apartment policies and regulations.

No other public submissions were received at the Public Meeting, and any interested parties to this matter have been notified of this meeting.

## 7. Input from Departments/Sources:

The Draft Official Plan Amendment and Draft Zoning By-law Amendments as well as any applicable supporting documents have been circulated to the appropriate commenting agencies as well as internal Town of Whitby Departments for review and comment.

### Internal Departments

The following internal departments have no comments/no objections to the Official Plan Amendments and Zoning By-law Amendments:

- Fire and Emergency Services Department;
- Accessibility;
- Building Services;
- Engineering Services Division; and,
- Finance and Treasury.

### External Agencies

The following external agencies have no comments/objections to the Official Plan Amendments and Zoning By-law Amendments:

- Durham Region Planning Department;
- Durham District School Board;
- Durham Catholic District School Board;
- Durham French Public School Board;
- Durham French Catholic School Board;
- Hydro One;
- Enbridge;
- Trans Canada Energy;
- Central Lake Ontario Conservation Authority (CLOCA)
- CN Rail;
- CP Rail;
- Metrolinx;
- Ministry of Transportation Ontario;
- Town of Ajax;
- City of Pickering;
- Township of Scugog;
- Town of Uxbridge;
- City of Oshawa; and,
- Superior Propane.

The following external agencies have provided the following comments. Detailed comments are provided in Attachment #6.

### **Central Lake Ontario Conservation Authority (CLOCA) Comments**

Regarding the proposed Official Plan Amendments, language should be included that prohibits additional dwelling units from being established within any hazard lands or within areas that do not have safe access appropriate to the nature of the development and the natural hazard. The Town of Whitby Official Plan already has a definition of hazard lands which is appropriate. This recommendation provides some consistency related to Natural Hazards of the Provincial Planning Statement (2024).

Regarding the proposed Zoning By-law Amendments, we suggest the following general wording to be included within the By-laws:

1. Additional dwelling units are not permitted within hazardous lands and/or lands that do not have safe access appropriate to the nature of the development and the natural hazard; or
2. Additional dwelling units are not permitted within any hazardous lands as determined by the applicable Conservation Authority including, but not limited to, the regulatory flood limits or erosion hazard limits and/or lands that do not have safe access appropriate to the nature of the development and the natural hazard.

### **8. Strategic Priorities:**

The Amendments will support Strategic Pillar 4: Whitby's Government of the Community Strategic Plan. More specifically it will advance Objective 4.4 by responsibly planning for growth through the implementation of necessary amendments to the Town's Official Plan and Zoning By-law.

### **9. Attachments:**

Attachment #1: Draft Proposed Official Plan Amendment Number 143

Attachment #2: Draft Recommended Zoning By-law Amendment to Zoning By-law 1784

Attachment #3: Draft Recommended Zoning By-law Amendment to Zoning By-law 2585

Attachment #4: Draft Recommended Zoning By-law Amendment to Zoning By-law 5581-05

Attachment #5: Public Meeting Minutes

Attachment #6: External Agency Comments

## Attachment #1

### Draft Proposed Amendment # 143 to the Town of Whitby Official Plan

- Purpose:** The purpose of this Amendment is to update certain policies of the Town of Whitby Official Plan to be consistent with recent changes to the Planning Act, and Council resolution 222-23 regarding permitting up to three (3) Additional Dwelling Units (ADU's) on a residential lot.
- Location:** The subject lands to which the Official Plan Amendment applies are all lands within the Town of Whitby.
- Basis:** This Amendment is pursuant to and would implement recent legislative changes to the Planning Act which provides a framework for municipal Official Plans and Zoning By-laws to permit up to two (2) ADU's "as-of-right", for a total of three (3) units per residential lot. This Amendment is also pursuant to and would implement Council's resolution 222-23 to permit up to three (3) ADU's, for a total of four (4) dwelling units per residential lot. This Amendment would assist in meeting envisioned Provincial housing targets and Council's pledge of 18,000 new dwelling units by 2031.
- Actual Amendment:** The Town of Whitby Official Plan is hereby amended as follows:
1. Section 4.4.3.1 f) is amended by replacing "*Apartments in houses*" with "*Additional Dwelling Units*"
  2. Section 4.4.3.9.5 is deleted in its entirety and replaced with the following:
 

"4.4.3.9.5 *Additional Dwelling Units* shall be permitted within any single detached, semi-detached, townhouse dwelling, and/ other forms of *ground related dwellings*, and within *accessory structures* thereto, in all designations that permit residential uses throughout the Municipality subject to the following criteria:

    - a) On lands within the Urban Area, a maximum of three *Additional Dwelling Units* may be permitted within a principal

dwelling, or a maximum of two *Additional Dwelling Units* within a principal dwelling and one *Additional Dwelling Unit* within an *accessory building* on the same lot may be permitted;

- b) On lands outside of the Urban Area, a maximum of one *Additional Dwelling Unit* may be permitted within a principal dwelling or within an *accessory building* on the same lot;
  - c) On lands within the Protected Countryside of the Greenbelt Plan, only one *Additional Dwelling Unit* is permitted within a single detached dwelling or an *accessory building*, provided that the principal dwelling or *accessory building* existed on or before July 1, 2017;
  - d) On lands within the Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation in the Official Plan, a maximum of one *Additional Dwelling Unit* may be permitted within a principal dwelling or an *accessory building*;
  - e) On lands within a Natural Heritage designation or within *hazard lands*, *Additional Dwelling Units* are not permitted;
  - f) Approval of the Durham Regional Health Unit shall be obtained for any *Additional Dwelling Units* outside the fully serviced area; and
  - g) Compliance with the provisions of the Zoning By-law and all other relevant Municipal and Provincial standards.”
3. Section 10.2.2 Definitions is amended by replacing “is not” with “may be” within the definition for Accessory Building, such that it reads as follows.

**Accessory Building** - A detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use



or building and located on the same lot and that may be used for human habitation.

4. Section 10.2.2 Definitions is amended by adding the following definition for Additional Dwelling Unit (ADU):

**Additional Dwelling Unit** - A dwelling unit that is accessory and subordinate to a principal dwelling unit and may be located within the same building as the principal dwelling unit or within an *accessory building*.

**Implementation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

**Interpretation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

## Attachment #2

Draft Recommended Zoning By-law Amendment to  
Zoning By-law 1784

## Town of Whitby

### By-law #XXXX-24

## Zoning By-law Amendment

Being a By-law to amend By-law # 1784, as amended, being the Zoning By-law for the Town of Whitby.

Whereas, the Council of the Corporation of the Town of Whitby deems it advisable to amend By-law # 1784.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

1.1 Section 2 (Definitions) and Section 13.1 (Village of Brooklin Core Area) of By-law# 1784, as amended, is hereby further amended by replacing the definition of “Accessory Apartment” with:

**Additional Dwelling Unit:** means a self-contained dwelling unit located within a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or located within an accessory building to a detached dwelling, semi-detached dwelling, and street townhouse dwelling unit on the same lot. The additional dwelling unit shall consist of one or more rooms that are intended for residential occupancy and shall be accessory and subordinate to the principal residential dwelling on the subject property.

1.2 Section 4 General Provisions Table of Contents, Table 4A(1) Residential Parking Requirements, and Section 13.1 Village of Brooklin Core Area Table of Contents of By-law# 1784, as amended, are hereby further amended by replacing the term “Accessory Apartment” with the term “Additional Dwelling Unit”.

1.3 Section 4(ee) Home Based Business and Section 14.2.20 Home Based Business of By-law #1784, as amended, are hereby further amended by deleting the following provisions 4(ee)(l) and 14.2.20(xi).

1.4 Section 4 (dd) Accessory Apartments, Section 13.2.15 Accessory Apartments, Section 14.2.19 Accessory Apartments, and Section 15.2.20 Additional Dwelling Units of By-law# 1784, as amended, are hereby further amended by deleting and replacing the existing subsection with the following text:

#### **Additional Dwelling Units**

Notwithstanding any other provision of this By-law to the contrary, a maximum of three additional dwelling units shall be permitted on a parcel of residential urban land that permits a detached dwelling, semi-detached dwelling, link dwelling, street

townhouse dwelling unit, street townhouse dwelling unit located on a Parcel of Tied Land, or in an accessory structure related to a detached dwelling, semi-detached dwelling, or street townhouse dwelling unit subject to the following provisions:

a) Additional Dwelling Unit Configurations:

- i) A maximum of two additional dwelling units shall be permitted within a legally permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within a related Accessory Structure; or,
- ii) A maximum of three additional dwelling units shall be permitted within a legally permitted principal dwelling where there is no additional dwelling unit located within an accessory structure; and,
- iii) No more than one additional dwelling unit shall be permitted within an accessory structure.

b) Notwithstanding (a), additional dwelling units shall be permitted on lots containing a legally permitted residential dwelling in any 'Agriculture' Zone provided that the lot is serviced by municipal water and sanitary services, is located within the Town of Whitby Urban Boundary, with the exception that:

- i) For lands situated outside of the Town of Whitby Urban Boundary, a maximum of one additional dwelling unit shall be permitted per lot; and
- ii) No more than one additional dwelling unit shall be permitted within an accessory structure.

c) Any dwelling/lot containing an additional dwelling unit shall be serviced by municipal sanitary and water services. In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.

d) Notwithstanding anything in this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural designation or Oak Ridges Moraine Rural Settlement designation of the Town of Whitby Official Plan a maximum of one additional dwelling unit is permitted within a legally permitted principal dwelling or within an accessory building per lot.

e) Notwithstanding anything in this By-law to the contrary, for lands within the Protected Countryside of the Greenbelt Plan a maximum of one additional dwelling unit shall be permitted either within a legally permitted principal dwelling or an accessory structure that existed on or where building permits were issued prior to July 1, 2017.

- f) Notwithstanding d) above, new additional dwelling units are not permitted in a permitted dwelling unit or accessory building on any lands designated Environmental Protection, Natural Heritage System or Hazard as per the Town of Whitby Official Plan.
- g) Additional dwelling units are not permitted in any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.
- h) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.
- i) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
- j) Where an additional dwelling unit is located within an accessory building the following provisions shall apply, whereas all other performance standards associated with Accessory Structures shall apply:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0 metres
Maximum Building Height:	4.5 metres
Maximum Ground Floor Area:	75 sq. m.

- k) Parking:

Notwithstanding any other provision of this By-law to the contrary, a minimum of two parking spaces shall be provided for the principal dwelling unit and a minimum of one parking space shall be provided for each additional dwelling unit. Parking spaces shall be permitted within a private garage or carport and/or located on a driveway within a front, rear, or exterior side yard.

No minimum parking space requirements are required for any additional dwelling unit situated on lots within a Protected Major Transit Station Area as defined within the Town of Whitby Official Plan.

Where a vehicle associated with and ADU is parked on a private driveway, a reduced parking space width of 2.5 m and length of 5.0m for each space shall be permitted.

l) Driveways:

Notwithstanding any other provision of this By-law to the contrary, a private driveway with direct access to a private single car wide garage or carport, located within a front yard may be widened to a maximum width of 5.5m to accommodate one additional parking space.

m) Notwithstanding any other provision of this By-law to the contrary, an Additional Dwelling Unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

By-law read and passed this XXth day of XXXXXXXX, 2024.

Choose an item.

---

Elizabeth Roy, Mayor

Choose an item.

---

Christopher Harris, Town Clerk

## Attachment #3

Draft Recommended Zoning By-law Amendment to  
Zoning By-law 2585

## Town of Whitby

### By-law # XXXX-24

## Zoning By-law Amendment

Being a By-law to amend By-law # 2585, as amended, being the Zoning By-law for the Town of Whitby.

Whereas, the Council of the Corporation of the Town of Whitby deems it advisable to amend By-law # 2585.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

- 1.1 Section 2 (Definitions) and Section 26.1 (Downtown Secondary Plan) of By-law# 2585, as amended, is hereby further amended by replacing the definition of “Accessory Apartment” with:

**Additional Dwelling Unit:** means a self-contained dwelling unit located within a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or located within an accessory building to a detached dwelling, semi-detached dwelling, and street townhouse dwelling unit on the same lot. The additional dwelling unit shall consist of one or more rooms that are intended for residential occupancy and shall be accessory and subordinate to the principal residential dwelling on the subject property.

- 1.2 Section 6 General Provisions Table of Contents, Table 6A(1) Residential Parking Requirements, and Section 26 Downtown Secondary Plan Table of Contents of By-law# 2585, as amended, is hereby further amended by deleting and replacing the term “Accessory Apartment” with the term “Additional Dwelling Unit”.
- 1.3 Subsection 6(33) Home Based Business of By-law #2585, as amended, is hereby further amended by deleting provision 6(33)(l).
- 1.4 Subsection 6(32) Accessory Apartments and Subsection 26.2.11 Accessory Apartments of By-law# 2585, as amended, is hereby further amended by deleting and replacing the existing subsections with the following text:

### Additional Dwelling Units

Notwithstanding any other provision of this By-law to the contrary, a maximum of three additional dwelling units shall be permitted on a parcel of residential urban land that permits a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, street townhouse dwelling unit located on a Parcel of Tied

Land, or in an accessory structure related to a detached dwelling, semi-detached dwelling, or street townhouse dwelling unit subject to the following provisions:

a) Additional Dwelling Unit Configurations:

- i) A maximum of two additional dwelling units shall be permitted within a legally permitted principal dwelling, and a maximum of one additional dwelling unit shall be permitted within a related accessory structure; or,
- ii) A maximum of three additional dwelling units shall be permitted within a legally permitted principal dwelling where there is no additional dwelling unit located within an accessory structure; and,
- iii) No more than one additional dwelling unit shall be permitted within an accessory structure.

b) Notwithstanding (a), additional dwelling units shall be permitted on lots containing a legally permitted residential dwelling in any 'Agriculture' Zone provided that the lot is serviced by municipal water and sanitary services, is located within the Town of Whitby Urban Boundary, with the exception that..

- i) For lands situated outside of the Town of Whitby Urban Boundary, a maximum of one additional dwelling unit shall be permitted per lot; and
- ii) No more than one additional dwelling unit shall be permitted within an accessory structure.

c) Any dwelling/lot containing an additional dwelling unit shall be serviced by municipal sanitary and water services. In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.

d) Additional dwelling units are not permitted in a building or structure in any, Environmental Protection, Natural Heritage System, or Hazard designation as per the Town of Whitby Official Plan.

e) Additional dwelling units are not permitted in a building or structure in any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.

f) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a street or lane. The path may be

shared and used collectively where more than one additional dwelling unit exists on a lot.

- g) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
- h) Where an additional dwelling unit is located within an accessory building the following provisions shall apply, whereas all other performance standards associated with accessory structures shall apply:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0 metres
Maximum Building Height:	4.5 metres
Maximum Ground Floor Area:	75 sq. m.

- i) Parking:

Notwithstanding any other provision of this By-law to the contrary, a minimum of two parking spaces shall be provided for the principal dwelling unit and a minimum of one parking space shall be provided for each additional dwelling unit. Parking spaces shall be permitted within a private garage or carport and/or located on a driveway within a front, rear, or exterior side yard.

No minimum parking space requirements are required for any additional dwelling unit situated on lots within a Protected Major Transit Station Area as defined within the Town of Whitby Official Plan.

Where a vehicle associated with and ADU is parked on a private driveway, a reduced parking space width of 2.5 m and length of 5.0m for each space shall be permitted.

- j) Driveways:

Notwithstanding any other provision of this By-law to the contrary, a private driveway with direct access to a private single car wide garage or carport, located within a front yard may be widened to a maximum width of 5.5m to accommodate one additional parking space.



- k) Notwithstanding any other provision of this By-law to the contrary, an Additional Dwelling Unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

By-law read and passed this XXth day of XXXXXXXX, 2024.

Choose an item.

---

Elizabeth Roy, Mayor

Choose an item.

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Christopher Harris, Town Clerk

## Attachment #4

Draft Recommended Zoning By-law Amendment to  
Zoning By-law 5581-05

## Town of Whitby

### By-law # **XXXX-24**

## Zoning By-law Amendment

Being a By-law to amend By-law # 5581-05, as amended, being the Zoning By-law for the Town of Whitby.

Whereas, the Council of the Corporation of the Town of Whitby deems it advisable to amend By-law # 5581-05.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

1.1 Section 3 (Definitions) of By-law# 5581-05, as amended, is hereby further amended by adding the following definition:

**Additional Dwelling Unit:** means a self-contained dwelling unit located within a detached dwelling, semi-detached dwelling, link dwelling, street townhouse dwelling unit, or located within an accessory building to a detached dwelling, semi-detached dwelling, and street townhouse dwelling unit on the same lot. The additional dwelling unit shall consist of one or more rooms that are intended for residential occupancy and shall be accessory and subordinate to the principal residential dwelling on the subject property.

1.2 Section 4.2.1 (a) of By-law# 5581-05, as amended, is hereby further amended by deleting and replacing the existing text as follows:

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include any occupation for gain or profit conducted within a dwelling unit except as in this By-law is specifically permitted.

1.3 Section 4.10.1 (l) of By-law# 5581-05, as amended, is deleted.

1.4 Section 4 General Provisions of By-law# 5581-05, as amended, is hereby further amended by adding the following subsection:

#### (27) Additional Dwelling Units

- a) Notwithstanding any other provision of this By-law to the contrary, for lands located within any Oak Ridges Moraine Agricultural Zone (ORM-A), Oak Ridges Moraine Residential Two Zone (ORM-R2), Oak Ridges Moraine Residential Three Zone (ORM-R3), or Oak Ridges Moraine

Residential Estate Zone (ORM-RE) a maximum of one Additional Dwelling Unit shall be permitted per lot subject to the following provisions:

- i) No more than one additional dwelling unit shall be permitted within an accessory structure if this use is not located within a principal dwelling.
  - ii) In the absence of municipal services, confirmation of sufficient private servicing shall be provided by the Durham Region Health Department.
- b) Notwithstanding any other provision of this By-law to the contrary, for lands within the Protected Countryside of the Greenbelt Plan a maximum of one additional dwelling unit shall be permitted either within an existing legally permitted dwelling or accessory structure that existed on or where building permits were issued prior to July 1, 2017.
  - c) Notwithstanding b) above, new additional dwelling units are not permitted in a building on any lands designated Environmental Protection, or Natural Heritage System or Hazard as per the Town of Whitby Official Plan
  - d) Additional dwelling units are not permitted in a building located on any hazard lands as determined by the Conservation Authority including, but not limited to, the regulatory flood limits, erosion hazard limits or areas without safe access in the event of a natural hazard emergency.
  - e) An additional dwelling unit shall have a common access or separate access to the exterior of the building.
  - f) The entrance to an additional dwelling unit shall be accessible by an unobstructed path of travel measuring a minimum of 1.2 metres in width and minimum 2.1 metres in height to a street or lane. The path may be shared and used collectively where more than one additional dwelling unit exists on a lot.
  - g) Where an additional dwelling unit is located within an accessory building the following provisions shall apply, whereas all other performance standards associated with accessory structures shall apply:

Minimum Interior Side Yard Setback:	1.2 metres
Minimum Rear Yard Setback:	1.2 metres
Minimum Exterior Yard Setback:	3.0 metres
Maximum Building Height:	4.5 metres

Maximum Ground Floor Area:	75 sq. m.
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h) Parking:

Notwithstanding any other provision of this By-law to the contrary, a minimum of two parking spaces shall be provided for the principal dwelling unit and a minimum of one parking space shall be provided for an additional dwelling unit. Parking spaces shall be permitted within a private garage or carport and/or located on a driveway within a front, rear, or exterior side yard.

Where a vehicle associated with and ADU is parked on a private driveway, a reduced parking space width of 2.5 m and length of 5.0m for each space shall be permitted.

i) Driveways:

Notwithstanding any other provision of this By-law to the contrary, a private driveway with direct access to a private single car wide garage or carport, located within a front yard may be widened to a maximum width of 5.5m to accommodate one additional parking space.

j) Notwithstanding any other provision of this By-law to the contrary, an Additional Dwelling Unit shall be permitted within any legally existing Garden Suite that existed on or prior to November 25, 2024.

By-law read and passed this XXth day of XXXXXXXX, 2024.

Choose an item.

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Elizabeth Roy, Mayor

Choose an item.

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Christopher Harris, Town Clerk

# Attachment #5 Public Meeting Minutes

PDP 55-24



## Public Meetings Minutes

June 17, 2024, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Councillor Mulcahy, Chair of Planning and Development  
J. Taylor, Sr. Manager, Zoning and Regulation  
K. Douglas, Sr. Legislative Specialist  
H. Ellis, Council and Committee Coordinator (Recording Secretary)

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### Public Meetings - 7:00 p.m.

K. Douglas, Sr. Legislative Specialist, advised that the Public Meetings are being held in a hybrid meeting format with members of the public attending both in person and virtually. Ms. Douglas stated that Members of Council would receive a written record of all submissions upon publication of the minutes of the Public Meetings. Ms. Douglas provided an overview of the format of the public meetings. She advised that members of the public who wish to be notified of the next report related to any of the public meetings or who wish to be placed on an Interested Parties List for a matter should email the Town's Planning and Development Department at [planning@whitby.ca](mailto:planning@whitby.ca) or call 905.430.4306.

1. PDP 37-24, Planning and Development (Planning Services) Department Report

Re: Town Initiated Official Plan Amendment and Zoning By-law Amendments, Changes to Accessory Apartment (Additional Dwelling Unit) Policies and Regulations, File Number: OPA-2024-W/01, Z-02-24

Justin Malfara, Principal Planner, Zoning and Regulation, provided a PowerPoint presentation which included an overview of the Town Initiated Official Plan Amendment and Zoning By-law Amendment regarding changes to accessory apartments.

The Chair indicated that comments would now be received by members of the public.

John Cockburn, representing Don and Jody Cockburn, Residents, noted Bill 23, the More Homes Built Faster Act and requested that Zoning By-law 5581-05 be modified to permit additional dwelling units on properties situated within the Oak Ridges Moraine. He stated that his parents were seeking to add an additional dwelling unit within their current home located within the Oak Ridges Moraine. He further stated that he and his parents supported the Town initiated changes to Accessory Apartment Policies and Regulations.

There were no further submissions from the public.

The meeting adjourned at 7:20 p.m.

## Attachment #6

# External Agency Comments

### **Central Lake Ontario Conservation Authority (CLOCA)**

Regarding the proposed Official Plan Amendments, language should be included that prohibits additional dwelling units from being established within any hazard lands or within areas that do not have safe access appropriate to the nature of the development and the natural hazard. The Town of Whitby Official Plan already has a definition of hazard lands which is appropriate. This recommendation provides some consistency with Section 3.1 related to Natural Hazards of the Provincial Policy Statement (2020).

Regarding the proposed Zoning By-law Amendments, we suggest the following general wording to be included within the By-laws:

1. Additional dwelling units are not permitted within hazardous lands and/or lands that do not have safe access appropriate to the nature of the development and the natural hazard; or
2. Notwithstanding Statement XXX (a) and (b), additional dwelling units are not permitted within any hazardous lands as determined by the applicable Conservation Authority including, but not limited to, the regulatory flood limits or erosion hazard limits and/or lands that do not have safe access appropriate to the nature of the development and the natural hazard.

**New and Unfinished Business - Planning and Development**

<b>Item Number</b>	<b>Description</b>	<b>Resolution</b>	<b>Meeting Date</b>	<b>Due Date</b>	<b>Revised Date</b>	<b>Explanation/Comments</b>
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	05 May 2025	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement. Policy and Guidelines are underway with anticipated completion in spring 2025.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	02 Jun 2025	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	TBD		The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.



**New and Unfinished Business - Planning and Development**

<b>Item Number</b>	<b>Description</b>	<b>Resolution</b>	<b>Meeting Date</b>	<b>Due Date</b>	<b>Revised Date</b>	<b>Explanation/Comments</b>
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re: Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12 Dec 2022	04 Dec 2023	20 Jan 2025	Report back following completion of DAAP in 2024.
P&D-0019	PDE 05-24, Planning and Development (Engineering Services) Department Report Re: Update Traffic By-law - No Parking on Hunter Street	This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.	24 Jun 2024	28 Oct 2024	02 Jun 2025	Further delay until planning pre-consultation resolved.
P&D-0020	PDE 06-24, Planning and Development (Engineering Services) Department Report Re: Garden Street On-Street Parking Consideration	This item was deferred at the Committee of the Whole meeting on June 10, 2024 to a future meeting to allow Town Staff and affected residents an opportunity to meet and review.	24 Jun 2024	28 Oct 2024	20 Jan 2025	Consultation with residents has occurred. Lay-by design and cost estimates to be included in the report is ongoing.
P&D-0021	Memorandum from T. Painchaud, Sr. Manager, Transportation Services, dated September 6, 2024 regarding Whitburn Street, Speed Hump Engagement Results	2. That Staff be directed to report to Council with information about the cost and other implications associated with removing the speed humps, reducing the number of speed humps, and maintaining the speed humps in their current configuration.	09 Oct 2024	24 Feb 2025		An update regarding the Whitburn Street Speed Hump Engagement Results were provided on the September 6, 2024 CII and the September 23, 2024 Committee of the Whole agenda

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Commercial and Industrial Development Charges Calculation Protocol

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**Report to:** Committee of the Whole

**Date of meeting:** November 25, 2024

**Report Number:** FS 44-24

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner – Financial Services/Treasurer

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

Raymond Law, Manager – Development Finance ext. 2909

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#### 1. Recommendation:

1. That Council approve the use of the proposed protocol for determining applicable commercial and industrial Town of Whitby development charges, as required.

#### 2. Highlights:

- The Town's current Development Charges [By-law #7748-21](#) ("DC By-law") outlines Town Development Charges ("DC") rates for non-residential development with different rates for industrial vs. commercial activities;
- Based on past complaints, clarification is required to address how Town DC rates should be applied/calculated when a development area supports both industrial and commercial activities within the same space;
- The protocol outlined in this report will be utilized in the determination of mixed commercial and industrial use development charges, when the proposed use is not accurately reflected in the existing definitions of the DC by-law;
- The protocol will be posted on the Town's website so non-residential developers will have a clear understanding and how the Town's non-residential DC rates will apply to mixed commercial and industrial proposed developments.

### 3. Background:

Development charges serve as an important funding mechanism to support the growth-related infrastructure necessary for future development in the Town of Whitby. The principle of “growth pays for growth” ensures an equitable approach to financing the infrastructure needed to accommodate future expansion. To maintain fairness, costs are allocated to each development type based on their estimated needs of each category of infrastructure.

Development charges are collected proportionately from each development type. For example, residential development charges include a portion allocated to library services, reflecting the increased demand for such services driven by the increased number of residents. Non-residential development charges do not include recoveries for library services, as these developments typically do not increase the need for libraries. Alternatively, both residential and non-residential developments contribute to traffic levels in the Town, so both types of development charges include components for roads and related infrastructure.

The DC By-law includes both residential and non-residential development charge rates. To ensure equitable allocation of infrastructure costs, residential rates are further categorized by unit types: single/semi-detached, large townhome, small townhome/large apartment, small apartment, and special needs. The rationale is that single/semi-detached units typically generate a higher demand for infrastructure due to a greater estimated population per unit compared to a large townhome, and a large townhome generates higher demand than a small townhome/large apartment, etc., respectively.

Similarly, non-residential development charge rates are categorized by development type to support an equitable approach to financing infrastructure based on the specific needs driven by each type. These rates apply to commercial, industrial, and institutional uses, calculated using employment density assumptions as follows:

- Commercial: 40.0 m<sup>2</sup> per employee
- Institutional: 60.0 m<sup>2</sup> per employee
- Industrial: 120.0 m<sup>2</sup> per employee

This structured approach ensures that development charges are proportionate to the impact each type of development has on the Town’s infrastructure (e.g. impact on the Town’s roads infrastructure related to a non-residential development).

Recently, development applications have been submitted where a single unit encompasses both commercial and industrial uses. The current DC By-law clearly defines commercial and industrial usage when applied to an entire property or when these areas are distinctly separate. However, some non-residential developers have had different interpretations of the Town’s DC By-law as it relates to Town commercial vs. industrial DC rates when a development area supports both industrial and commercial activities within the same space. The difference in interpretation has resulted in complaints on how the Town DC’s were calculated.

Given that the DC By-law remains in effect until June 2026, it is necessary to develop and implement a consistent and equitable protocol in the interim and go forward basis. This protocol will be incorporated into the updated by-law. The protocol must fully support the principles of development charges while being easily understandable and straightforward to administer.

#### 4. Discussion:

In anticipation of future non-residential development that may have components of both commercial and other non-residential uses, a proposed protocol to be followed in future instances is outlined below:

The key factors that were taken into consideration when developing the protocol are:

- **Impact on Municipal Infrastructure**  
Development charge rates for different types of non-residential uses are implemented to account for the varying demands each type of use places on municipal infrastructure. On a per square metre basis, commercial developments have a greater impact on municipal infrastructure due to the greater number of visitors to the site via customers, employees, and deliveries when compared to industrial developments.
- **Application under the current DC By-law**  
Under section 4(2)(c) of the DC by-law, it provides that where a non-residential development has both commercial and other non-residential uses, development charges will be imposed against the different areas as though the uses were separate.
- **Definitions provided in the current DC By-law**  
The DC by-law's definition for commercial and industrial both make reference to being either open to the public, or sales or rentals to the general public.

A decision tree was developed to consistently determine the application of commercial and industrial development charge rates when the proposed use is not accurately reflected in the existing definitions of the DC by-law.

**Decision 1** – Is the business open to and sell to the public?

If no, then the entire Gross Floor Area (“**GFA**”) is assessed as industrial.

If yes, then proceed to Decision 2.

**Decision 2** – Are the products that are sold to the general public manufactured, produced, or processed on site?

If yes, then the entire GFA is assessed as industrial.

If no, then proceed to Decision 3.

**Decision 3** – Is the area where sales to the general public clearly delineated from the other parts of the building that is used for warehousing, storage or distribution?

If no, then the entire GFA is assessed as commercial.

If yes, then proceed to Decision 4.

**Decision 4** – Is the area used for warehousing, storage or distribution primarily intended for goods sold to the public on site?

If yes, then the entire GFA is assessed as commercial.

If no, then the areas used for sales to the public and accessible by the public is assessed as commercial. The remainder of the GFA (including all areas used for warehousing, storage or distribution) is assessed as industrial.

## **5. Financial Considerations:**

There is no financial impact of implementing the proposed protocol. The protocol was developed with principles and approaches consistent with the DC By-law and associated Development Charges Background Study and will be incorporated in the DC By-law update in the future.

## **6. Communication and Public Engagement:**

Subject to Council approval of this report, the protocol will be posted on the Town's website along with the Town's DC By-law to assist non-residential developers better understand how the Town's DC's are consistently and equitably applied to mixed commercial and industrial developments.

## **7. Input from Departments/Sources:**

This report incorporates feedback from the Legal Services Division.

## **8. Strategic Priorities:**

Not applicable.

## **9. Attachments:**

Not applicable.

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	03 Mar 2025	Fishing to be addressed in Parks Bylaw Update
GG-0002	Community and Marketing Services Department Report, CMS 35-18 Re: Cullen Central Park Master Plan	2. That Council direct staff to commence the development of the Cullen Central Park Master Plan with the final Master Plan to be brought forward for Council approval in Q4 2019; and, 5. That Staff identify options to recognize former mayor Marcel Brunelle in Cullen Park.	25 Jun 2018	18 Nov 2019	17 Feb 2025	In the Whitby Sports Complex Construction Tender Results & Project Budget Approval - Parks projects (originally planned for 2024 in the 10-year forecast) will be impacted by this, includes the Cullen Central Park Redevelopment Phase 2. This project will be budgeted in 2025.
GG-0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21 Jun 2021	13 Jun 2022	02 Dec 2024	An update regarding the status of this matter will be provided through a memorandum to Council.
GG-0006	Financial Services Department Report, FS 37-21 Re: Town-Owned Land Strategy	That the properties at Part of Lot 25, 26, Conc. 4, Portion of PIN 26569 0285 (LT), Broadleaf and McKinney, as shown on Attachment #15 and Part Lot 25, Con. 2, now 40R-1655, Part 6, PIN 26532 0244 (LT), known municipally as 500 Garden Street, as shown on Attachment #3 be referred to staff to investigate zoning opportunities that would maximize the land value.	27 Sep 2021	05 Jun 2023	02 Dec 2024	

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	03 Mar 2025	
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20 Mar 2023	25 Mar 2024	03 Mar 2025	Following the recommendations of the Parks and Recreation Master Plan.
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20 Mar 2023	04 Dec 2023	02 Dec 2024	This recommendation is to create a plan that will help guide a Tree Protection By-law
GG-0026-0	CMS 09-23, Community Services Department Report Re: James Rowe House - Food and Beverage RFP	2. That staff enter negotiations with the respondents to the RFP and report back to Council with the results of those negotiations for approval by Council..	27 Nov 2023	03 Jun 2024	03 Mar 2025	A report will be brought to Council at an upcoming meeting.
GG-0026	Installing lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street	That Staff be directed to report to Council on the cost and timelines to install lighting at Town parks within a 1-kilometre radius of 1635 Dundas Street East.	18 Dec 2024	25 Nov 2024		
GG-0027	Replacing Town Park playground surfaces within a 1- kilometre radius of 1635 Dundas Street East	That Staff be directed to report to Council on the cost and timelines to replace Town park playground surfaces with alternative surfaces within 1-Kilometre radius of 1635 Dundas Street East.	18 Dec 2023	25 Nov 2024		

**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0031	Requiring the Region of Durham to consult with the Town of Whitby prior to proposed expropriation requests or orders	That Staff report to Council through a memorandum on the Council Information Index on the legal feasibility of requiring Durham Region to consult with Town of Whitby Planning & Development Staff, CAO, and Council prior to a proposal of expropriation requests on private lands, or orders (for any buildings or lands) not being used for the purpose of providing utilities, (especially if the building is 70,000+ square feet). Which the purpose is to include a request for mandatory consultation with the Town and the Region.	18 Dec 2023	TBD		
GG-0032	Memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible	That the memorandum from H. Ellis, Council and Committee Coordinator, dated October 13, 2023 regarding the Joint Accessibility Advisory and Whitby Diversity and Inclusion Advisory Committee request to participate in the Leading Equitable and Accessible Delivery Program be referred to Staff to report back on the opportunity to participate in this program given corporate resource constraints and commitments.	29 Jan 2024	13 May 2024	28 Oct 2024	



**New and Unfinished Business - General Government**

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0034	LS 13-23, Legal and Enforcement Services Department Report Re: Business Licensing By-law Exception Request - 417 Byron Street North	4. That Council direct staff to review the lodging house provisions within the Business Licensing by-law and report back on the merits of amending the By-law to ensure consistency with other applicable provincial legislation; and, 5. That Council direct staff to review the merits of adding provisions/schedules to the Business Licensing By-law to regulate Rooming Houses in the Town of Whitby.	18 Mar 2024	14 Apr 2025		
GG-0035	CMS 04-24, Community Services Department Report Re: Commemorative Tree and Bench Policy Update	4. That Staff be directed to investigate the installation of a commemorative dedication feature at the waterfront and report back to Council in Q4 2024.	29 Apr 2024	02 Dec 2024		
GG-0036	Memorandum from A. Gratton, Sr. Manager of Enforcement Services, dated June 14, 2024 regarding a Fence By-law Exemption request for 101 Carnwith Drive West	That the Fence By-law exemption request be referred to the Town Clerk and Commissioner of Legal and Enforcement Services to review and report back in Q4 2024 to Council on the existing scope of delegated authority, expanding the percentage variance for delegated authority over existing fence heights, associated fees, and process to handle requests beyond the scope of authority delegated to Staff.	09 Oct 2024	02 Dec 2024	20 Jan 2025	
GG-0037	FS 38-24, Financial Services Department Report Re: Declaration of Surplus - Town-owned lands at Cochrane Street and	That FS 38-24, Financial Services Department Report re: Declaration of Surplus – Town-owned lands at Cochrane Street and Highway 407 be tabled.	28 Oct 2024			