

Town of Whitby Staff Report

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Report Title: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP-28-23

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**

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1. Recommendation:

1. That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.

2. Highlights:

- Planning and Development staff are seeking Council's authorization to initiate public and agency consultation, and to hold a Statutory Public Meeting in accordance with the Planning Act, regarding a Draft Proposed Official Plan Amendment for minor housekeeping and technical revisions to certain Part 2 Secondary Plans and related minor revisions to Part 1 Official Plan.
- The Draft Proposed Official Plan Amendment regarding the various Part 2 Secondary Plans and parent Part 1 Official Plan is generally housekeeping and technical in nature, consisting of:
 - minor text changes to policies for consistency and alignment with Part 1; consistent use of terminology and policy language; land use designations/permissions; elimination of policy duplication; relocation of certain policies; and,
 - minor mapping changes to Schedules, including: consistent use of symbology/colours/hatching/line types; consistent land use designations; minor boundary adjustments to reflect as-built/ implemented development.

- The revisions will provide alignment, consistency and further clarification of policy intent and will not significantly change the intent of any policies.
- Following the Region's conclusion of the Envision Durham Municipal Comprehensive Review (MCR) and associated new Regional Official Plan (ROP), the Town will undertake a subsequent and separate full MCR of the Town's Official Plan to be in conformity with the updated ROP and Provincial Policy Statement and Plans.

3. Background:

The current Official Plan consists of two key sections/parts: Part 1 – Official Plan; and Part 2 – Secondary Plans.

Part 1 of the Official Plan, generally referred to as the “parent” section of the Official Plan, provides general policy directions and a planning framework to guide the development of the Municipality and the assessment and management of the social, economic, and environmental effects of growth in the Municipality.

Part 2 of the Official Plan includes Secondary Plans, which provide more detailed land use designations and policies for specific communities/areas, regarding such matters as development densities, supporting facilities, school sites, parks, road network, etc. In instances where the policies and designations included in the Secondary Plans vary with the policies in Part I, the more specific and detailed policies of the Secondary Plans prevail, provided the overall intent of the Official Plan is maintained.

In 2018, the Official Plan Amendment (OPA) 105 was approved. OPA 105 was the final component of Whitby's last MCR and involved extensive consultation including public open houses, a public opinion survey, public workshops on various themes, and Statutory public meetings on Draft Proposed Amendments released during the MCR.

In 2020, the Local Planning Appeal Tribunal (now Ontario Land Tribunal) approved the Brooklin Community Secondary Plan, which included updated land use designations and policies for both the former Village of Brooklin and expanded urban area of Brooklin.

In December 2020, Council passed Interim Control By-laws #7699-20 and #7700-20 (ICBLs), under Section 38 of the Planning Act. The ICBLs applied to residential lands generally located south of Taunton Road and north of Highway 401, excluding the new West Whitby community and intensification corridors/areas. The ICBLs placed a one year pause on certain types of residential infill/intensification development while a Mature Neighbourhoods Study (MNS) was undertaken for the review of residential infill/intensification land use policies and regulations within the study area.

In March 2023, Council approved OPA 130 regarding the MNS, which has now introduced new policies into the OP to aid in managing appropriate residential infill/intensification in mature neighbourhoods within the Study Area.

In March 2023, Council adopted OPA 126 regarding the review and update of the Downtown Whitby Secondary Plan. The update brings the Downtown Whitby Secondary Plan into conformity with previous Provincial and Regional policy changes, as well as the 2018 MCR update of the Whitby Official Plan. Downtown Whitby is one of a number of Major Central Areas, and Intensification Areas, identified in the Whitby Official Plan, but also includes historic and mature neighbourhoods. The OPA 126 update was prepared in alignment with the recommendations of the Mature Neighbourhoods Study.

With the recent introduction and/or updates of certain Secondary Plans (e.g., Brooklin, Downtown Whitby, Port Whitby) and with the completion of the Mature Neighbourhoods Study, it is timely and appropriate to initiate a further Amendment to ensure alignment and consistency of land use designations and policies across both Part 1 – parent OP, and Part 2 – Secondary Plans.

4. Discussion:

4.1. Overview of Draft Proposed Official Plan Amendment:

Planning and Development staff are proposing minor housekeeping, and technical revisions and updates to relevant sections of Part 1 parent OP and certain Part 2 Secondary Plans. Some Secondary Plans are proposed to be deleted in their entirety where warranted, with certain policies relocated accordingly, while others are proposed to be refined for alignment and consistency with the parent Part 1, and other Part 2 Secondary Plans.

The Town-initiated Amendment process includes Council authorization to initiate an Official Plan Amendment, holding a Statutory Public Meeting in accordance with the Planning Act and bringing forward a final recommended OPA following agency and public consultation.

The proposed housekeeping and technical Amendment is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. That future MCR will be required to reflect policy changes and directives resulting from Durham Region's Envision Durham MCR to address the future expansion of the Brooklin urban area, including the future Hospital lands near Lake Ridge Road and Highway 407, as well as any further changes to Provincial Plans or Planning Policies. Staff will report back to Council at a future date regarding the Town's next MCR.

4.1.1 Proposed Policy (Text) Changes to the Official Plan and Secondary Plans:

The following provides an overview of the types of proposed minor technical and housekeeping text changes:

- Clarification of policies regarding intent;
- Consistency and alignment of policies amongst Part 2 Secondary Plans and Part 1 parent OP;
- Consistency of terminology amongst Part 2 Secondary Plans and Part 1 parent OP;
- Consistency of policy language/phrasing, land use permissions, densities and/or heights, amongst Part 2 Secondary Plans and Part 1 parent OP, where appropriate;
- Consistency and alignment of policies amongst Part 2 Secondary Plans and Part 1 parent OP with new changes in planning legislation;
- Maintaining of unique land use permissions, densities and/or heights where Secondary Plans are more detailed and specific;
- Minor reorganizing/restructuring/cross-referencing for better readability; and,
- Renumbering of sections accordingly, where policies are revised/relocated.

4.1.2 Proposed Schedule (Map) changes:

The types of proposed mapping changes include:

- Minor revisions/updates to reflect as-built/implemented land use designations and symbols;
- Updates to infrastructure and utility locations;
- Relocation of various symbols, where appropriate;
- Minor revisions/updates for road network, including new roads;
- Administrative changes, including changes to map legends;
- Consistency of line types for various boundaries; and
- Consistency of colours for land use designations, to ensure maximum clarity, ease of interpretation, and consistency with other schedules in the parent Official Plan.

4.1.3 Proposed Part 2 Secondary Plan Deletions:

The following Secondary Plans are proposed to be deleted in their entirety, with select policies modified and relocated appropriately within Part 1 of the Official Plan:

- Section 11.4 – Rossland / Garden Urban Central Area Secondary Plan;
- Section 11.6 - Macedonian Village Secondary Plan;
- Section 11.7 - Hamlet of Ashburn Secondary Plan; and,
- Section 11.9 – Thickson / Taunton Community Central Area Secondary Plan.

Although certain Secondary Plans are proposed to be deleted, select policies from those Secondary Plans will be modified and relocated to appropriate sections elsewhere within Part 1 of the Official Plan or within other Secondary Plans.

For example, in the case of the Hamlet of Ashburn Secondary Plan, select policies are proposed to be modified and relocated to the Oak Ridges Moraine Secondary Plan or the Hamlets Section 4.11.3 of parent OP, as appropriate. Other urban area Secondary Plans proposed to be deleted have been substantially built-out; however, certain policies may be retained and relocated where appropriate.

4.1.4 Proposed Part 2 Secondary Plan Amendments:

The following Secondary Plans are proposed to be amended:

- Section 11.8 – Brock / Taunton Major Central Area Secondary Plan;
- Section 11.10 - Taunton North Community Secondary Plan; and,
- Section 11.11 - Oak Ridges Moraine Secondary Plan.

Proposed changes include:

- minor housekeeping and technical revisions to policies, phrasing, and/or terminology for consistency with Part 1 of the Official Plan and other Secondary Plans to provide additional clarification;
- changes to, and/or deletion of, existing policies that are out of date; and,
- relocation of certain existing policies which are more appropriately located elsewhere within the Secondary Plan.

4.1.5 Proposed Part 1 Official Plan Amendments:

Limited and minor housekeeping and technical revisions are also proposed to the Part 1 policies of the Official Plan, related to the Part 2 Secondary Plan review. The purpose of the selected revisions to Part 1 policies are to provide clarification and/or alignment with Secondary Plan policies. As noted in Section 4.3 below, a larger Municipal Comprehensive Review of the Official Plan will take place in the future following the Province's approval of the Region's new ROP through Envision Durham.

The limited and minor changes to Part 1 of the Official Plan, include:

- Revisions to Section 4.4.3.4.1 b) regarding the maximum density permitted within the Low Density Residential designation, for consistency with other recently approved Secondary Plans and the Mature Neighbourhoods Study OPA;

- Revisions to Section 4.6.3 to provide greater flexibility for implementation of non-residential uses within a Mixed Use designation;
- Revisions to Section 8.1.3.1.2 to permit Collector Roads to be added, modified, or deleted without Official Plan Amendment, subject to criteria;
- Revisions to the definition of Net Residential Density to include private laneways in the calculation of density;
- Minor housekeeping and technical revisions for alignment and consistency with Secondary Plans; and,
- Changes to mapping, such as Schedule 'E' – Secondary Plans and Community Improvement Plans, to reflect the proposed deleted Secondary Plans.

4.1.6 Secondary Plans Not Under Consideration:

Secondary Plans that will not have any substantive revisions include:

- Section 11.1 - Port Whitby Community Secondary Plan;
- Section 11.3 - Downtown Whitby Community Secondary Plan, as adopted by Council;
- Section 11.5 - Brooklin Community Secondary Plan; and,
- Section 11.12 - West Whitby Secondary Plan.

However, over the course of this review, minor housekeeping or technical changes may be considered for all Secondary Plans. This may include minor revisions to policies, phrasing, formatting, and/or terminology for alignment and consistency with Part 1 of the Official Plan, and for further clarification of intent.

4.2 Future Official Plan Review and Update:

In 2018, the Region of Durham initiated its Municipal Comprehensive Review (MCR) of the ROP, referred to as "Envision Durham." In February 2023, the Region released the draft new Regional Official Plan for public and agency review. The final recommended new ROP will be brought forward for Regional Council's consideration at a special meeting of Regional Council on May 17, 2023.

In 2022, Lakeridge Health announced that the land south of Highway 407, west of Highway 412, east of Lake Ridge Road and north of Highway 7 was selected as the preferred site for a proposed new hospital for Durham Region. In order to progress with the development of these lands, as well as the urban expansion proposed through the Envision Durham new ROP, the Brooklin Community Secondary Plan will require an Amendment to expand its urban boundary westwards to encompass the future hospital site.

Following the Region's conclusion of the Envision Durham project and Province's approval of the new Regional Official Plan, the Town of Whitby will undertake a MCR of the Town's Official Plan policies, which will include a full, and more substantive review and update policies in both Part 1 and Part 2 of the Whitby

Official Plan as applicable, as well as an update to the Brooklin Community Secondary Plan for the expanded urban area, including the lands for the future hospital site.

Planning and Development staff will report to Council accordingly regarding the future MCR of the Whitby OP.

4.3 Next Steps:

Following Council's authorization to initiate an Amendment, staff will circulate the appropriate materials to all applicable departments and commenting agencies for their review and comment. Staff will also commence public and stakeholder consultation, including a Statutory Public Meeting, in accordance with the Planning Act.

Once all public input and agency comments have been received, reviewed, and assessed, a Final Recommended Official Plan Amendment for the Secondary Plans review will be brought forward for consideration and adoption by Council in accordance with the requirements of the Planning Act.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Public input will be sought through the standard Official Plan Amendment process, and in accordance with the Planning Act. Due to the general housekeeping and technical nature of the Amendment, extensive consultation beyond legislative requirements and past practice is not anticipated. However, a Statutory Public Meeting under the Planning Act will be held. Notices of the public meeting will be advertised in the newspaper and on the Town's website, and other social media platforms as appropriate. All comments received at the Statutory Public Meeting, as well as any subsequent written submissions, will be considered as part of its review and analysis.

7. Input from Departments/Sources:

Upon Council authorization for staff to initiate an Amendment to the Whitby Official Plan, all relevant agencies and departments will be circulated the Draft Proposed OPA for their review and comments.

8. Strategic Priorities:

At the conclusion of this process, the Official Plan including its text and schedules (maps) will be better defined, modernized, and organized, thereby resulting in an enhanced customer and organization service experience.

The Official Plan Amendment process is a public process, in accordance with the Planning Act, that provides the opportunity for the public and agencies to provide input on the proposed Amendment. The recommendations of this report align with the objectives of the Corporate Strategic Plan to inform and engage staff and the

community, and to provide a consistent, optimized, and positive customer service experience.

9. Attachments:

Not Applicable.