

Town of Whitby Staff Report

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Report Title: Town-Initiated Official Plan Review: Terms of Reference

Report to: Committee of the Whole

Date of meeting: September 18, 2023

PDP 38-23

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 staff be authorized to commence the review and update of the Town of Whitby Official Plan, in accordance with the requirements of the Ontario Planning Act;
2. That staff be authorized to finalize the draft Terms of Reference and issue a Request for Proposal to retain the necessary consultant(s) to undertake the review and update of the Town of Whitby Official Plan, in accordance with the Town of Whitby Procurement Policy; and
3. That staff be authorized to initiate the project once consultants are retained and report back to Council on key project milestones.

2. Highlights:

- The purpose of this report is to seek authorization to initiate the process to retain a consulting team and undertake a review and update of the Whitby Official Plan.
- Municipalities are required to review and update their Official Plans every five years per Section 26 of the Planning Act.

- The Whitby Official Plan was last updated in 2018 with a planning horizon to 2031. The 2018 update involved significant changes to previous policies, resulting in a new long-term vision for the Municipality that directs where and how to manage increased growth and development pressure, now and into the future.
- This review and update will build upon the 2018 Official Plan, and other recent Secondary Plan updates, and focus on changes required to comply with the Planning Act, including:
 - Conforming to updated policies of the new [Envision Durham, Regional Official Plan](#), pending approval by the Province;
 - Updating the Brooklin Community Secondary Plan to reflect the expanded Urban Area Boundary to 2051 of approximately 500 hectares, per the new Regional Official Plan;
 - Conforming to changes in Provincial legislation and the new Provincial Planning Statement, pending approval by the Province; and,
 - Ensuring that the vision for the Town of Whitby continues to meet the community's needs, while planning for future growth in a sustainable manner.
- By 2051, Whitby is forecasted to grow a to 244,890 in population, and 95,210 jobs. It is important to update the Official Plan now for conformity and consistency with recent legislative and policy changes, as growth and development continues to place pressure on local housing supply, infrastructure and services.
- Updating the Official Plan is also a priority, as the Regional Municipality of Durham will no longer have Planning Authority to support lower-tier municipalities, once related Bill 23 amendments to the *Planning Act* take effect, pending Provincial proclamation.
- The Official Plan update is approved as part of the 2022-2026 budget and is a priority item in the Corporate Business Plan.

3. Background:

Town of Whitby Official Plan

The Town of Whitby's Official Plan policies address important community-building matters that affect everyone who lives and works here, such as:

- Where should housing, industry, offices, shops, and new roads be located;
- What parts of the Town will be the focus for population growth and what will it look like related to height and density (e.g., major transit station areas, along major roads, within our downtowns);

- Which services and community amenities are needed and where (e.g., hospitals, schools, parks and trails, community centers, active transportation routes);
- Where and how important features of both the natural and urban environment should be protected (e.g., ravines and woodlands, cultural heritage properties, waterfront lands); and,
- What must be considered for growth and development to occur in a sustainable manner and allow for safely designed neighbourhoods.

The Town of Whitby has had an Official Plan since 1974. The current version of the Official Plan adopted in 2018 was based on a significant update including new policy directions resulting in substantive changes to the former 1994 Official Plan.

In addition, Whitby Council adopted the West Whitby Secondary Plan in 2014, the Port Whitby Community Secondary Plan in 2016, the Brooklin Community Secondary Plan in 2017, and the recently updated Downtown Whitby Community Secondary Plan on March 20, 2023.

Given the broad scope and depth of policy changes undertaken for the 2018 Official Plan, as well as the addition of several Secondary Plan updates, the latest review and update will be limited to Provincial and Regional policy conformity and consistency updates, as well as technical updates only.

Region of Durham Official Plan

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan, Envision Durham. The Regional Official Plan was prepared as part of the 2019 Municipal Comprehensive Review undertaken by the Region. The new Regional Official Plan is still pending ministerial approval.

The Town of Whitby is forecasted to grow to 176,360 residents in population and 63,760 jobs to the year 2031. By 2051, the population is forecasted to grow further to 244,890 in population, and 95,210 jobs. These figures are in accordance with information provided through the Envision Durham process.

Key impacts on the Whitby Official Plan resulting from the new Regional Official Plan will include:

- An Expanded Urban Area Boundary to 2051, which includes approximately 500 hectares, generally in north Whitby, west of Brooklin (Refer to Attachment #1);
- A new delineated boundary for the Whitby GO Protected Major Transit Station Area and related policies (Refer to Attachment #1): and,
- Various policy updates. However, many policies either remain the same as those from the previous Regional Official Plan, and/or align with policy updates already implemented through the Whitby 2018 Official Plan.

Provincial Legislative and Policy Framework

Section 26 of the Ontario Planning Act requires Councils to review and update Official Plans no less frequently than 10 years after it comes into effect as a new official plan; and every five years thereafter, unless the plan has been replaced by another new official plan.

Section 26 also requires Official Plans to have regard for matters of Provincial Interest, and to be consistent with the Provincial Policy Statement.

Over the past five years, changes have been made to the Planning Act, the Development Charges Act, and the Ontario Heritage Act, among other pieces of legislation through the Bill 108, *the More Homes, More Choices Act, 2019* and Bill 109, *the More Homes for Everyone Act, 2022*.

Bill 23, *the More Homes Built Faster Act, 2022*, introduced further sweeping changes, such as:

- Removing Planning Approval authority from upper tier municipalities and limiting the role in planning review of Conservation Authorities;
- Allowing as of right zoning to permit up to three residential units per lot (e.g., three units in existing dwelling; two in the main building and one in an accessory building), with no minimum unit sizes; and,
- Changes to cultural heritage conservation processes and policies, parkland policies, and restrictions on the collection of development charges.

More recently, the Provincial government released for public comment in April 2023, changes to the Provincial Policy Statement and elimination of the Growth Plan for the Greater Golden Horseshoe that would result in a new, combined Provincial Planning Statement (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*).

4. Discussion:

Project Scope and Objectives

The project scope and objectives for the Official Plan (OP) Review will be limited to certain planning policy matters, given that a comprehensive review and update of the Whitby Official Plan was completed in 2018. Newly established Secondary Plans (e.g., Brooklin Community Secondary Plan), or updates to existing Secondary Plans have also been completed recently, as well as over the past five to ten years.

The OP Review will require an estimated 24 months to complete, starting in 2024, with adoption of the Final Recommended update OP targeted by the end of 2025 or early 2026.

The Official Plan Review will involve the following components and objectives:

1. Conformity with Envision Durham

- Part I Official Plan and Part II Secondary Plans:
 - Update the Whitby GO Protected Major Transit Station Area boundary and related policies. Include consideration of Inclusionary Zoning for affordable housing;
 - Update Employment Area Lands converted to Mixed Use and Residential land uses;
 - Review and update existing intensification strategies, policies and targets, where required;
 - Review and update residential, commercial, industrial, institutional, environmental, and transportation policies, where required; and,
 - Review and update existing map schedules and map appendices, where required.
- Brooklin Community Secondary Plan Expansion Area:
 - Update the Urban Area Boundary in Whitby and plan for approximately 500 hectares of new Community Area Lands and Employment Area Lands, generally in north Whitby and west of Brooklin, by updating the Brooklin Community Secondary Plan; and,
 - Review and update existing map schedules and policies.

2. Conformity with Provincial Legislation and Policy:

- Review and update relevant policy impacts resulting from Provincial Bill 108 - the *More Homes, More Choices Act, 2019* and Bill 109 - the *More Homes for Everyone Act, 2022*. OP Policies related to complete application requirements, study terms of reference, and pre-consultation processes will also be reviewed for changes implemented through Bill 109.
- Review and update relevant policy impacts resulting from Provincial Bill 23 – the *More Homes Built Faster Act – 2022*. Examples include, but are not limited to:
 - Removal of Upper-Tier Planning Approval Authority;
 - Modified scope of Conservation Authority role in planning review;
 - Updating policies and zoning for Protected Major Transit Station Areas;
 - Changes to parkland dedication and cash-in-lieu policy;
 - Changes to Cultural Heritage Conservation policy;
 - Changes to Site Plan and Urban Design policy;
 - Changes to accessory units and related parking policies; and,
 - Policy impacts related to exemptions from development charges.

- Review and update relevant policy impacts resulting from the new Provincial Planning Statement (formerly the Provincial Policy Statement), and the elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*), as well as any other relevant changes in Provincial Planning legislation and policy over the duration of the Official Plan Review.

3. Technical and Housekeeping Amendments

- Subsequent and related technical and housekeeping amendments will be required such as updates to section numbers and definitions.

Related Initiatives

Since the previous Official Plan update in 2018, the Town of Whitby has either completed or is undertaking various initiatives. These initiatives will be analyzed to inform the current the final updated Official Plan and include:

- Mature Neighbourhoods Policy (OPA 130);
- Downtown Whitby Community Secondary Plan (OPA 126);
- Secondary Plans Update (Technical changes);
- Comprehensive Zoning By-Law Review;
- Community Strategic Plan;
- Development Charges Background Study;
- Economic Development Strategy;
- Climate Change Master Plan;
- Parks and Recreation Master Plan;
- Waterfront Parks and Open Space Master Plan;
- Culture Plan;
- Active Transportation Plan;
- Parking Master Plan Study; and,
- Relevant Environmental Assessment Projects.

Project Phases

The Official Plan Review will be undertaken in four (4) project phases, in addition to the current pre-project Initiation phase.

Project Phase	Estimated Timing
Pre-Project Initiation: Consulting Team Retained, Technical Advisory Committee established.	Current Phase Q4 2023
Phase 1: Background Review and Analysis	Q1 2024 – Q3 2024
Phase 2: Proposed Policy Updates	Q4 2024 – Q1 2025
Phase 3: Draft Official Plan Amendment(s)	Q2 2025 – Q3 2025
Phase 4: Final Recommended Official Plan Amendment(s)	Q4 2025 – Q1 2026

Community Engagement

The retained Consulting team will be responsible for creating a comprehensive OP Review Community Engagement Plan. Key components will involve:

- Regular meetings with a Core Staff Team involving staff leads from Planning, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required.
- Regular meetings with the project Technical Advisory Committee, which will include the Core Staff Team as well as members from the Region of Durham public works/infrastructure, the Central Lake Ontario Conservation Authority, Ministry of Transportation, Elexicon and others to be identified.
- Regular updates to Committee of the Whole, Council and relevant Committees of Council during the key milestones of project phases.
- Landowner/Development Industry consultation.
- Indigenous engagement opportunities.
- Public/Stakeholder Community Open Houses.
- Statutory Public Meeting and Final Recommendation Meeting.

Engagement opportunities will be communicated through an Interested Parties list, Public Notices, information posted on the Town website, and announcements through the Town's social media channels. All project information will be made available and updated during each project phase on a dedicated Connect Whitby project webpage.

Both in-person and virtual engagement opportunities can be provided. In-person events would be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A comment-response matrix will be developed for written comment submissions.

Refer to Attachment #2 for the Official Plan Review Draft Terms of Reference to be included in the Request for Proposals (RFP).

Next Steps (Q4 2023 – Q1 2024):

- Planning staff to continue to work with Procurement staff on the RFP process;
- Publish RFP, followed by review and evaluation of submissions;
- Retain successful consulting team; and,
- Commence Phase 1.

Staff will report back to Council in 2024 on findings from the Phase 1 Background Review and Analysis, and a recommended approach for Phase 2, as well as the overall project Community Engagement Plan.

5. Financial Considerations:

Funding for the Official Plan Review is approved for a total of \$530,000, as part of the 2022-2026 budget.

6. Communication and Public Engagement:

A comprehensive engagement strategy will be developed to provide meaningful engagement opportunities during project phases for the public, as well as a range of stakeholders.

Engagement opportunities will be communicated through an Interested Parties list, Public Notices, information posted on the Town website, and announcements through the Town's social media channels. All project information will be made available and updated during each project phase on a dedicated Connect Whitby project webpage.

Both in-person and virtual engagement opportunities can be provided. In-person events would be held in central, accessible locations. Digital and paper copies of materials will be made available in accessible formats. Engagement summaries will be posted on the project website.

Written comment submissions will be accepted throughout all Phases of the project to inform the Final Recommended Official Plan Amendment(s). A comment-response matrix will be developed for written submissions.

All public and stakeholder feedback will be recorded, summarized, and considered through the OP Review process.

7. Input from Departments/Sources:

A Core Staff Team will be established for the project involving staff leads from Planning, as well as staff from Transportation Planning and Engineering Services, Community Services, Strategic Initiatives, and others as required. The Core Staff Team will meet during each project phase to provide input and feedback on policy updates and engagement planning.

A broader Technical Advisory Committee (TAC) including staff from external agencies will also be established. The TAC will provide technical expertise and review of draft materials, as well as feedback on community engagement planning.

The Draft Proposed Official Plan Amendment(s) and Final Recommended Official Plan Amendment(s) will be circulated for comment to all applicable staff and agencies as required. Comments will be recorded and considered through the OP Review process.

8. Strategic Priorities:

The Official Plan Review will support and advance the Town's strategic pillars of the Community Strategic Plan, by providing policy updates that manage growth and development of the Town in a sustainable manner, resulting in safely designed and inclusive neighbourhoods that support a range of housing options, as well as protecting space for important community amenities, such as parks, schools, healthcare services and more resilient built and natural environments.

The Official Plan Review will provide for increased access to Employment Area lands that will assist Whitby in being more economically innovative and competitive.

The Official Plan Review will involve community and stakeholder consultation to ensure Whitby's government is accountable and responsive to the community's needs as the Municipality grows over time. It will also support the Town's efforts to improve Accessibility and Sustainability and will ensure that all materials are provided in an accessible format.

9. Attachments:

Attachment #1 – Excerpt Map 1. Regional Structure – Urban & Rural Systems,
Envision Durham Regional Official Plan

Attachment #2 – Official Plan Review: Draft Terms of Reference