

Attachment #2

Official Plan Review: Draft Terms of Reference

3.1 Project Scope and Objectives

The Town is seeking proposals from qualified consultants to complete a review and update of the Whitby Official Plan (Official Plan Review) in accordance with the requirements of the Ontario Planning Act.

Municipalities are required to update their Official Plans every five years per Section 26 of the Planning Act.

A comprehensive review and update of the Town's Official Plan was last completed in 2018. The next review and update will focus on conformity and consistency with recent changes to Provincial legislation and policy, as well as the new Region of Durham Official Plan, 'Envision Durham,' which provides for a new planning horizon to 2051.

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

1. Conformity with Envision Durham

A. 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.
- Review and update existing Intensification Strategies, policies and targets, where required.
- Review and update residential, commercial, industrial, institutional, environmental, and transportation policies, where required.
- Review and update existing map schedules and map appendices, where required.

B. 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.
- Review and update existing map schedules and policies.

2. Conformity with Provincial Planning and other Related 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.

4. Related Initiatives

- The Town of Whitby has either completed or is undertaking various studies and initiatives that will be analyzed to inform the Official Plan Review 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, and Waterfront Parks and Open Space Master Plan;
- Culture Plan;
- Transportation Master Plan, Active Transportation Master Plan, Parking Master Plan Study; and,
- Relevant Environmental Assessment Projects.

3.2 Background

The Town of Whitby is one of eight lower tier municipalities within the Region of Durham, situated in the eastern end of the GTA, approximately 40 kilometres east of downtown Toronto. The Town is about 125 km² in size and has a population of approximately 151,000 people with approximately 48,500 households.

The Town extends from the Lake Ontario shoreline in the south to the Oak Ridges Moraine in the north and has a recreational port, two historic downtowns, urban/suburban, industrial, and rural areas, with areas protected by the Greenbelt Plan and Oak Ridges Moraine Conservation Plan and an extensive Natural Heritage System.

Highways 401 and 407 traverse the Town with Highway 412 providing a north-south connection between the two Provincial highways. Also crossing through Whitby in the southern portion of the Town are the CNR and CPR main rail lines. The GO train rail line operates on the CNR with a GO Station situated at Highway 401 and Brock Street South. The GO Station area is recognized as a Protected Major Transit Station Area.

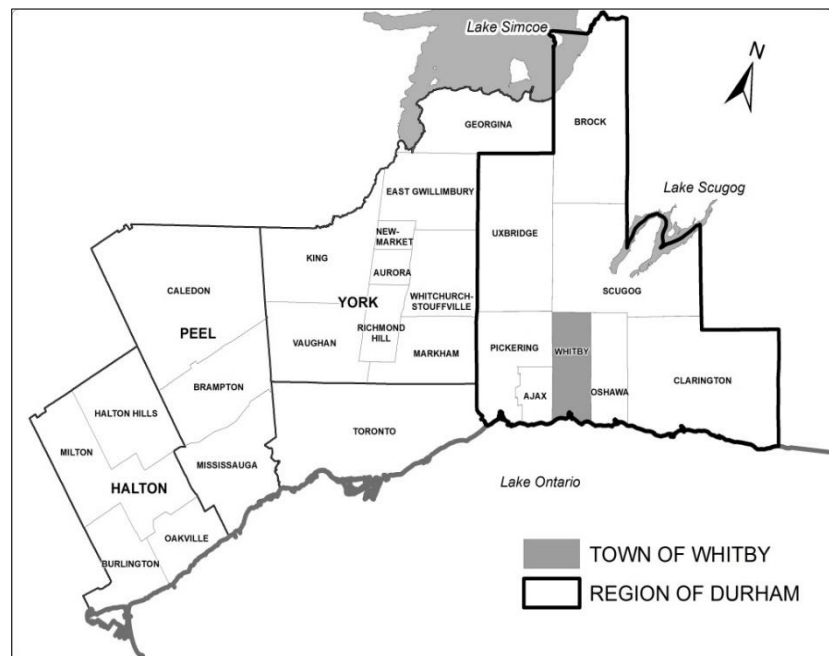


Figure 1: Map showing The Town of Whitby within the GTA and Durham Region

The Town of Whitby has had an Official Plan since 1974. The current version of the Official Plan, adopted in 2018, has a planning horizon to 2031, and involved substantial new policy directions and updates from 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.

3.2.1 Study Area

The Study Area for the Official Plan Review is the entirety of the Municipality. Map 1 of the Whitby Official Plan conceptually illustrates the Town's Municipal Structure and includes the following main elements:

- an Urban Area with an approximate serviced population capacity of 190,760 to the year 2031;
- a rural area which has a population forecast of 2,100 persons to the year 2031;
- an open space system consisting of natural features, the Oak Ridges Moraine, and the Greenbelt;
- the agricultural area;
- a community focal point on the Lake Ontario Waterfront;
- the intensification of land uses in identified central areas and along corridors;
- commercial centres distributed throughout the urban area;
- general industrial, prestige industrial, and business parks in strategic locations; and
- gateway features, at strategic entry points to the Municipality.

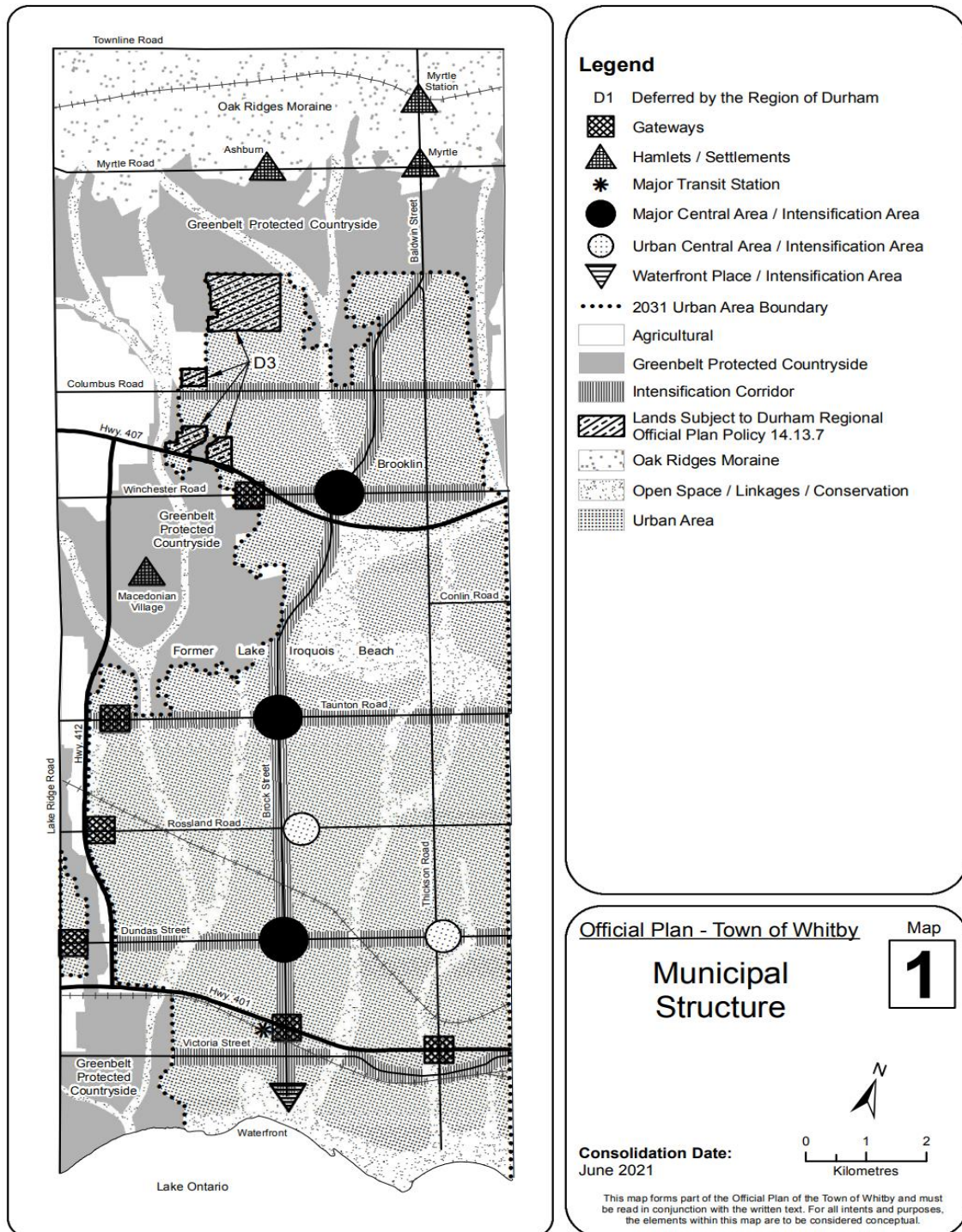


Figure 2: Excerpt Map 1 – Municipal Structure, Whitby Official Plan

The 2051 Urban Expansion Area identified in [Map 1 – Regional Structure – Urban and Rural Systems, Region of Durham Official Plan](#) will be a subset of the Study Area.

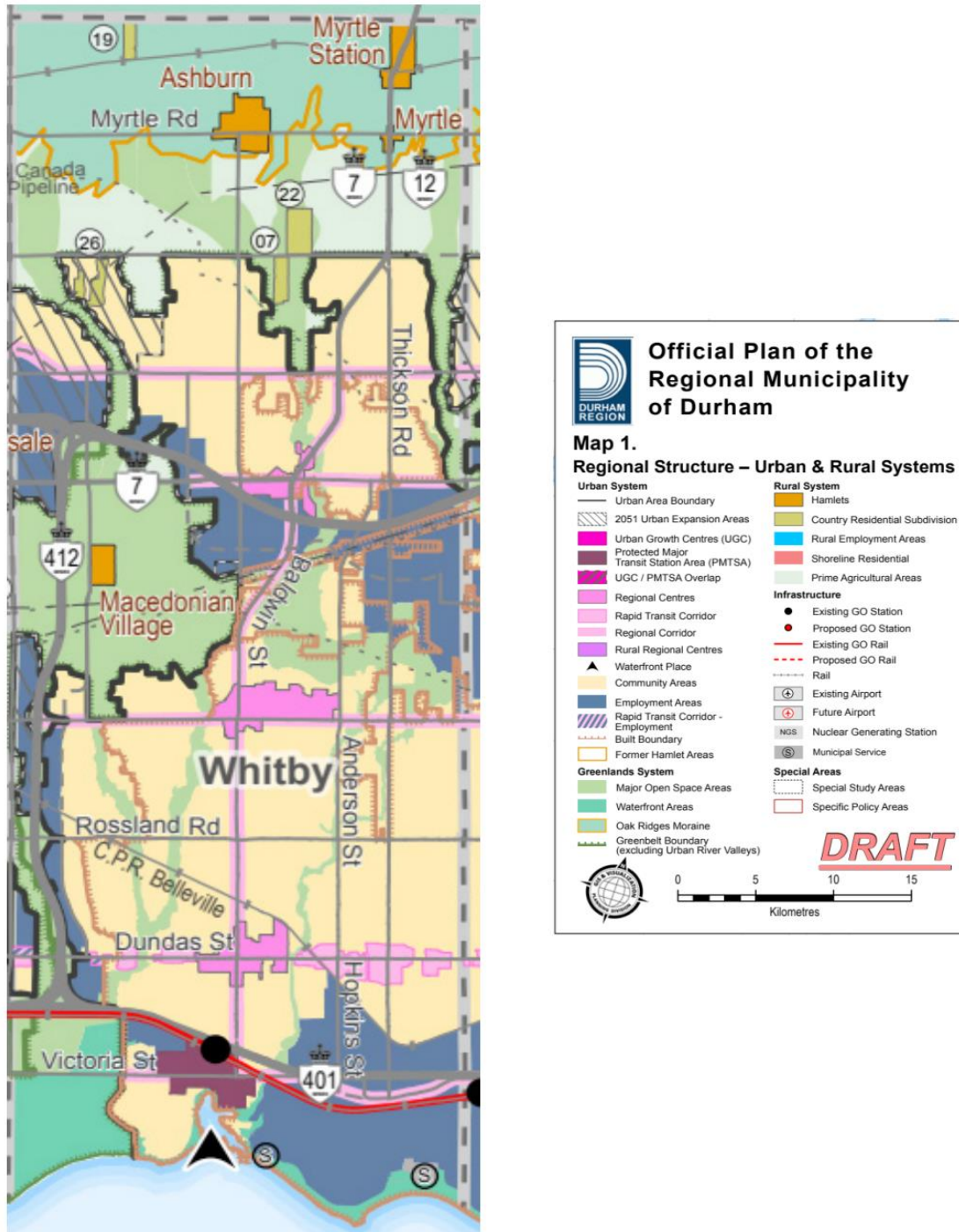


Figure 3: Excerpt Map 1 – Regional Structure – Urban and Rural Systems, Region of Durham Official Plan, Envision Durham

3.2.2. Recent Legislation and Policy Updates

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan completing the 'Envision Durham' exercise. The new Regional Official Plan extends the planning horizon to 2051.

Through Envision Durham, the Region has forecasted Whitby to grow further to 244,890 in population, and 95,210 jobs by 2051 for the Town of Whitby.

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

- an expanded Urban Area Boundary to 2051, including approximately 500 hectares of expanded Community and Employment Area lands, generally in north Whitby, west of Brooklin.
- a delineated boundary for the Whitby Go Protected Major Transit Station Area and related policies.
- Other map and policy updates, such as delineated boundaries and policy updates for Regional Centres.

It should be noted that some policies in the new (Envision Durham) Regional Official Plan remain unchanged from the previous Regional Official Plan, and/or already align with policy updates implemented through the Whitby 2018 Official Plan update.

Several changes to Provincial legislation and policy have also occurred since the adoption of the 2018 Official Plan. The Official Plan Review is required at this time to ensure policies have conformity and consistency with newly introduced and amended legislation such as:

- Bill 108 - the *More Homes, More Choices Act, 2019*;
- Bill 109 - the *More Homes for Everyone Act, 2022*;
- Bill 23 - the *More Homes Built Faster Act – 2022*;
- New Provincial Planning Statement and elimination of the Growth Plan for the Greater Golden Horseshoe (Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023*); and,
- Any future changes released by the Province throughout the duration of the Official Plan Review.

3.3 Detailed Scope of Work

3.3.1 Project Phases

The Official Plan Review will be undertaken in four (4) project phases:

| Project Phase | Estimated Timing |
|--|-------------------|
| 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 |

Phase 1: Background Review and Analysis

Phase 1 will consist of collecting and reviewing all relevant background information, including relevant provincial, regional, and local policies, plans, legislation, and regulations, and undertaking appropriate initial consultations with stakeholders, as outlined below.

- Undertake site visit(s), as required, to gain an understanding of the Brooklin Urban Expansion Area, the general distribution of land uses, location and distribution of public and private spaces, existing parking and transportation facilities, the character of mature neighbourhoods vs. Intensification Areas and Corridors, and the relationship between the two, as well as the Whitby GO Protected Major Transit Station Area.
- Compile and review existing applicable planning documents and studies.
- Land Use and Policy Analysis:
 - Review the Whitby Official Plan (Part I and Part II Plans) inventory of land uses and policies to identify updates required for consistency and conformity with Envision Durham, as well as changes to Provincial legislation and policy.
 - Identify infrastructure and other opportunities and constraints to development and redevelopment of lands within the Brooklin Expansion Area, as well as the overall Study Area;
 - Assess parkland policies, service levels and future needs; and,
 - Consider Cultural Heritage Resources and related matters.
- Transportation Analysis:
 - Review the existing and proposed transportation system within and leading to/from the Study Area, including infrastructure proposals and plans by the Town, MTO, Metrolinx and Region of Durham and identify constraints and

- opportunities for new and missing links for transit and other modes of transportation.
- Identify impacts on and suggested improvements to the existing road network within the Brooklin Expansion Area and the overall Study Area;
 - Propose updates as required to active transportation, transportation demand management and transit initiatives and incentives.
- **Servicing Analysis:**
 - Consult with Town and Regional staff, assess and summarize existing servicing conditions, physical constraints and opportunities from a stormwater management and servicing perspective for the overall Study Area; and,
 - Identify and assess the future capacity of Regional water and sanitary sewer services, as well as Town stormwater management services and constraints within the Brooklin Expansion Area.
 - Review Background Review and Analysis findings, and Phase 1 Community Open House materials, with the project Core Staff team and Technical Advisory Committee.
 - Phase 1 Community Open House (COH) – design and host a Phase 1 COH, including summary materials/reports/poster boards/presentations to introduce the project and provide an overview of the background information and analysis compiled for Phase 1, as well as relevant engagement questions to gather community feedback.
 - Provide a Phase 1 Engagement Summary.
 - Provide Phase 1 findings (including highlights from the Phase 1 Engagement Summary) in the form of a Background Analysis Report.
 - Presentation to Committee of the Whole on Phase 1 Background Analysis Report, as well as the overall Community Engagement Plan for the project (Refer to Section 3.3.3) and proposed next steps for Phase 2.

Phase 2: Proposed Policy Updates

- Review and analyze Phase 1 findings to inform Phase 2 deliverables.
- Prepare proposed policy and land use schedule updates to the Brooklin Community Secondary Plan for the existing Secondary Plan area and the future Expansion Area.
- Prepare proposed policy updates, including proposed updates to land use

schedules, for Part I of the Official Plan and other Part II Secondary Plans.

- Phase 2 Community Open House (COH) – design and host a Phase 2 COH, including summary materials/reports and/or presentations on findings from Phase 1 and how they have informed the proposed policy updates for Phase 2, as well as relevant engagement questions to gather further community feedback.
- Provide a Phase 2 Engagement Summary.
- Provide a Phase 2 findings summary report (including highlights from the Phase 2 Engagement Summary).
- Presentation to Committee of the Whole on Phase 2 findings (including engagement summary) and proposed next steps for Phase 3.

Phase 3: Draft Proposed Official Plan Amendment(s)

- Review and analyze Phase 2 findings to inform Phase 3 Draft Proposed Official Plan Amendment(s) (OPA). This should include:
 - Draft Proposed OPA for an updated Brooklin Community Secondary Plan to reflect the Urban Expansion Area;
 - Draft OPA for updates to the Part I Official Plan and any other Secondary Plan updates to reflect conformity and consistency with the new Regional Official Plan, as well provincial legislation and policy changes; and
 - Draft OPA(s) to include related technical and housekeeping amendments.
- Provide direction on potential implementation, such as Zoning By-law amendment(s).
- Present and review the preliminary Draft Proposed Official Plan Amendment(s) to the Technical Advisory Committee.
- Undertake public and stakeholder consultation on the Draft Official Plan Amendment through the Statutory Public meeting, and any other requested engagement meetings.
- Present at, and record comments from, the Statutory Public Meeting.
- Provide a draft Comment-Response Matrix based on formal written comment submissions.

Phase 4: Final Recommended Official Plan Amendment(s)

- Document, review, analyze, and respond to public and agency input received through Phase 3 and make any further revisions to the Official Plan Amendment(s), as needed.
- Based on the review and feedback from the public, agencies, TAC and stakeholders, Town staff will finalize the Official Plan Amendment as needed to be included in a staff report to be received at a Committee of the Whole meeting for Council's consideration.
- Provide a final Comment-Response Matrix.
- A staff report will present the Recommended Final Official Plan Amendment(s) at a Committee of the Whole meeting for a Council decision on adoption. The report will include a summary of all public and agency comments received. The Consultant will be required to be in attendance at the Committee of the Whole meeting.

3.3.2 Deliverables

There will be numerous deliverables expected from the Consultant throughout the Study. The specific deliverables per phase will be determined with the selected consultant when the Work Plan is finalized.

Expected deliverables include, but are not limited to:

- Developing and delivering the project Community Engagement Plan in collaboration with staff;
- Providing all draft and final project and presentation materials required for each project phase as outlined in Section 3.3.1;
- Providing electronic copies of all reports and presentation materials to the Planning and Development Department;
- Providing an electronic copy of all raw data and analysed background research and information used for the studies;
- Providing a minimum of five (5) hard copies and 1 electronic copy (both in pdf and Word formats) of all final reports;
- Ensuring that all schedules and GIS Data are compatible with ArcMap 10.2.2; and,
- Ensuring that all material meets the standards and requirements of the Town of Whitby and any Provincial Accessibility legislation.

All report and presentation materials must be in a form and of a quality suitable for reproduction and presentation (including hard copy and digital) acceptable to the Town.

All Mapping deliverables provided by the selected consultant shall be:

- based on 1:2,000 metric scale base maps;
- able to be reproduced to appropriate scales;
- in formats suitable for use in GIS applications;
- in ESRI shape files or file geodatabase;
- projected to North American Datum (NAD) 83, Zone 17N; and,
- in hard and digital copy(s) suitable for reproduction.

All studies, reports, drawings, and plans, etc., that result from the Study must be created and provided to the Town in an accessible format compatible to Adobe Acrobat Pro. Please refer to the Town of Whitby's Purchasing webpage for a link on How to Create an Accessible Document (AODA).

3.3.3 Community Engagement Plan

The retained consulting team will be responsible for creating a comprehensive Official Plan Review Engagement Plan. Key meetings and components will involve:

- Regular meetings with a Core Staff Team involving staff leads from Planning and Development, 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 (TAC), 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 Advisory Committees of Council during the key milestones of project phases.
- Landowner/Development Industry meeting(s).
- Indigenous engagement opportunities.
- Public/Stakeholder Community Open Houses.
- Statutory Public Meeting and Final Recommendation Meeting.
- Other meetings as required.

Both in-person and virtual engagement opportunities will be planned. In-person events will 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.

3.4 Roles and Responsibilities

3.4.1 Consultant

The selected Consultant will be responsible for managing the work of the consulting team members consistent with the Work Plan and timelines of the final Terms of Reference and the contract documents executed with the Town. Responsibilities include such matters as:

- project management on behalf of the Consultant team, including regular status meetings with the project staff lead;
- allocating the necessary resources and senior level staff to undertake the scope of work as defined in this RFP and approved work plan, consistent with the approved timelines;
- undertaking research and preparing materials and reports for staff review, public and agency input, and Council;
- providing a Community Engagement Plan
- compiling and synthesizing agency and public comments and consultant responses in a Comment-Response Matrix;
- presenting materials and summary notes/reports at TAC meetings, public open houses, and public meetings, and facilitating public input;
- ensuring the deliverables and supporting activities are accessible and of a high quality;
- engaging with the TAC, stakeholders, and commenting agencies, in liaison with Town staff;
- identifying opportunities for innovation and leading practice;
- meeting the timeframes as identified in the agreed work schedule;

- Identifying and controlling areas of project risk, in co-operation with staff;
- monitoring project expenditures;
- working collaboratively with staff to achieve a mutually acceptable project outcome; and,
- meeting the timeframes as identified in the agreed Work Plan.

3.4.2 Town of Whitby Staff

The Policy and Heritage Planning Section is responsible for study supervision to ensure that the project and materials are satisfactory to the Town of Whitby, subject to Council approval, and are responsible for:

- Project management on behalf of the Town;
- Preparation of staff reports, updates, and information/material to Council;
- Evaluating and reviewing the content and quality of the deliverables;
- Circulation of deliverables to Council, Committees, Stakeholders, and the Public;
- Working collaboratively with the Consultant(s);
- Monitoring progress against the work schedule and project timeframes;
- Exercising budgetary control, subject to Council approvals;
- Identifying and controlling areas of project risk;
- Liaising with the public and various agencies; and
- Communication of engagement opportunities such as maintaining an Interested Parties list, issuing Public Notices, posting project information on the Town website and dedicated project page, and providing announcements through the Town's social media channels.

A Core Project Team will also be established to assist with advancing the Work Plan. This team will undertake the review and analysis of all documentation. They will also attend meetings, presentations, and public consultations, if/as needed.

3.4.3 Technical Advisory Committee

The Study shall be supported by a Technical Advisory Committee (TAC) comprised of staff representatives from various departments and agencies, including:

- Town Planning;
- Town Engineering;
- Town Transportation Planning;
- Town Strategic Initiatives;
- Town Community Services;
- Durham Region
- Central Lake Ontario Conservation Authority
- Others as identified

Responsibilities of the TAC include;

- providing background information;
- identifying key issues to be considered;
- reviewing certain materials and reports;
- providing technical input and analysis at key program stages;
- participating in consultation activities; and
- reviewing and assisting with presentations and the facilitation of public consultation.

3.5 Meetings

The Consultant must identify in the Work Plan where strategic meetings are required with a variety of parties involved in the Study including the Core Project Team and the TAC.

The Consultant, in their submission, should outline a Community Engagement Plan (refer to section 3.3.2) with preferred approaches/methods for public and stakeholder consultation, the proposed structure for each meeting, and estimated costs.

The Consultant will be required to record minutes and follow up actions for these meetings for review by the project manager and Town's lead.

The Consultant shall also be required to provide a feedback summary to staff at the Town of Whitby, for community open houses and public meetings.

The number and timing for milestone meetings may be further refined by the Planning and Development Department and the selected Consultant during finalization of the Work Plan.

The Consultant will attend, at a minimum, the following meetings:

- Study start-up meeting with the Planning Division staff leads, and regular status meetings thereafter;

- Kick off meeting with the Core Staff Team;
- TAC meetings at appropriate points in the study process;
- Two Public Community Open Houses (COH's);
- Relevant Whitby Advisory Committee meetings (to be identified by staff);
- Potential meetings requested by property owners and other stakeholders; and
- Committee of the Whole and/or Council meetings at each project phase including the Statutory Public Meeting and Final Recommendation Meeting.

Note: Costs associated with booking meeting space, notification and advertising for public open houses and public meetings will be at the Town's expense.

3.6 Project Timing and Work Plan

The Official Plan Review will commence following selection of a qualified consultant, with an expected duration of approximately 24 months. It will be overseen by the Policy and Heritage Planning Section of the Planning and Development Department.

It is anticipated that the update and review process will generally adhere to the four phases of the work plan outlined in Section 3.3.1.

A Gantt chart (and any other relevant documents considered relevant by proponent) of the project timeline identifying milestones and deliverables is required.

The Gantt chart must propose a schedule/timeline for the completion of the various stages of the Work Plan. The schedule must include key milestones of the various stages of the work plan, including, the start-up date, timing of each study phase and a target completion date.

In addition to the milestones, regular meetings with the TAC and updates to Committee of the Whole/Council are expected. The timing of delivery of reports should be specified, including preliminary drafts that provide for a reasonable time for review by the Core Staff team and TAC.

3.7 Budget

Council approved funding for the Official Plan Review for a total of \$530,000, as part of the 2022-2026 budget. Per section 3.3.1, following award, the Town reserves the right to remove Phase 4 from the Scope of Work. The cost for Phase 4 must be included in the pricing submitted in the electronic Schedule of Prices.

The Consultant shall be responsible for all costs associated with the organization and attendance at all required stakeholder and public consultations, public meetings/open houses, Technical Advisory Committee meetings, and attendance at Council meetings.

Costs associated with notification and advertising for public meetings/open houses will be coordinated by the Town at the Town's expense.

3.8 Pricing Proposal

Proponents shall provide detailed costing itemizing costs for the various tasks as outlined in Section 3, Terms of Reference, along with hourly rates for each individual proposed to be assigned to the project, disbursements and contingency fees that may be deemed necessary for meetings and correspondence. (Refer to Section 2, Proposal Submission Requirements)

The Work Plan should outline each phase of the work required and the estimated time and costs for completion to allow key personnel to understand the cost versus phase at any point during execution of the project.

Invoicing must be based on completion of each phase and contain an itemized description of the work completed along with the hours of each staff and disbursements.

Provide hourly/per diem rates for assistance with additional work outside of scope, meetings etc.

3.9 Value Added Opportunities

Additional solutions or designs as part of the pricing proposal must be identified separately. Value added opportunities that are included in the cost should be clearly identified as included.

3.10 Other Requirements

All original text, maps, data, reports and other materials or information collected by the consultant team will be considered Town property and will be turned over to the Town at the conclusion of the Study. These materials must be in a form and quality suitable for reproduction and presentation acceptable to the Planning and Development Department.

The release of material related to the Study to any individual, stakeholder, interest group, organization and agency must be consistent with an agreed upon Communication Engagement Plan.