

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: February 26, 2024

Report Number: PDP 09-24

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. Malfara, MCIP RPP

(Acting) Supervisor, Zoning and
Regulation, Principal Planner

1.0 Recommendation:

1. That Council approve Amendment 133 to the Whitby Official Plan, regarding the updated Whitby Official Plan and Secondary Plans, as shown on Attachment #1 to Planning and Development Report PDP 09-24, and that a by-law to adopt Amendment 133 be brought forward for Council's consideration;
2. That the Clerk forward a copy of Planning of Planning and Development Report PDP 09-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment 133 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and
3. That the Clerk send a Notice of Council's decision regarding adoption of Amendment 133 to those persons and agencies who have requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

2.0 Highlights:

- At the June 5, 2023 Committee of the Whole meeting, Council authorized 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 (OP) and Part 2 - Secondary Plans and Schedules.
- The Proposed Official Plan Amendment (OPA) consists of the following:
 - Minor text changes to policies for consistency and alignment with Part 1; consistent use of terminology and policy language; consistency of land use designations/permissions; elimination of policy duplication; and relocation/reorganization of certain policies within the current Official Plan (OP); and
 - Minor mapping changes to Schedules, including consistent use of symbology/colours/hatching/line types; consistent land use designations; and minor boundary adjustments to reflect as-built/implemented development.
- The housekeeping and technical OPA will provide alignment, consistency and further clarification of policy intent and will not significantly change the intent of any existing policies.
- The housekeeping and technical OPA 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.
- On December 6, 2023 a Statutory Public Meeting regarding the Draft Proposed Official Plan Amendment was conducted. There were no deputations made at the meeting in relation to the proposed OPA. Based on public, stakeholder, and agency feedback provided to date, a final recommended Official Plan Amendment has been prepared (refer to Attachment #1).
- It is recommended that Council approve the housekeeping and technical Amendment to the Whitby Official Plan, as outlined in Attachment #1.

3.0 Background:

The Official Plan (OP) consists of two key sections/parts: Part 1 - Official Plan; and Part 2 - Secondary Plans. OP Policies address important community-building directions, including but not limited to:

- 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 development will look like related to height and density (e.g., major transit station areas, along major roads, within our downtowns);
- Which community uses 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.

Part 1 of the OP, 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 impacts 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.

The OP currently includes 12 Secondary Plan areas, as follows:

1. Port Whitby Community Secondary Plan;
2. Lynde Shores Secondary Plan;
3. Downtown Whitby Secondary Plan;
4. Rossland/Garden Urban Central Area Secondary Plan;
5. Brooklin Community Secondary Plan;
6. Macedonian Village Secondary Plan;
7. Hamlet of Ashburn Secondary Plan;
8. Brock/Taunton Major Central Area Secondary Plan;
9. Thickson/Taunton Major Central Area Secondary Plan;
10. Taunton North Community Secondary Plan;
11. Oak Ridges Moraine Secondary Plan; and,
12. West Whitby Secondary Plan.

In 2018, OPA 105 regarding the Town's previous Municipal Comprehensive Review (MCR) was approved. OPA 105 involved extensive consultation including public open houses, a public opinion survey, public workshops on various themes, and Statutory public meetings on Proposed Amendments to the OP.

In addition, recent updates have been approved for the West Whitby Secondary Plan, the Port Whitby Community Secondary Plan, and the Brooklin Community Secondary Plan. Most recently, Council adopted, and the Region approved, an amendment to update the Downtown Whitby Community Secondary Plan. Also, Council recently adopted OPA 130 regarding Mature Neighbourhoods (under appeal), to introduce new policies into the OP to aid in managing appropriate residential infill/intensification in mature neighbourhoods within specific areas of the Town.

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 in advance of the MCR, it was timely and appropriate to initiate a housekeeping and technical Amendment to ensure alignment and consistency of land use designations and policies across both Part 1 - parent OP, and Part 2 - Secondary Plans.

4.0 Discussion:

4.1 Region of Durham Official Plan (2023 Municipal Comprehensive Review)

On May 17th, 2023, Durham Regional Council adopted the new Regional Official Plan, which was prepared as part of the Regional Municipal Comprehensive Review "Envision Durham". The new Regional Official Plan (ROP) is not yet in full force, as final approval is pending from the Ministry of Municipal Affairs and Housing (MMAH).

The housekeeping and technical amendment to the OP will not replace the broader MCR of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. The Town's pending MCR exercise will be required to reflect policy changes and directives resulting from Durham Region's new ROP, once ministerial approval is received, as well as any changes to Provincial Plans or legislation. This initiative is currently underway as part of a separate Planning project.

4.2 Overview of Recommended Official Plan Amendment 133

Planning and Development staff are recommending minor housekeeping and technical revisions and updates to relevant sections of Part 1 parent OP and certain Part 2 Secondary Plans (refer to Attachment #1). Some Secondary Plans will be deleted in their entirety where appropriate, with certain policies

relocated accordingly, while others will be refined for alignment and consistency with the parent Part 1 and other Part 2 Secondary Plans.

4.2.1 Policy (Text) Amendments to the Official Plan and Secondary Plans:

The following provides an overview of the minor housekeeping and technical text changes to Parts 1 and 2 of the OP:

- Clarification of policies regarding intent;
- Consistency and alignment of policies and terminology, including policy language/phrasing to reflect new changes in Planning legislation, land use permissions, densities and/or heights, where appropriate;
- Maintaining unique land use permissions, densities and/or heights where Secondary Plans are more detailed and specific; and,
- Minor reorganizing/restructuring/cross-referencing for better readability, and renumbering of sections accordingly, where policies are revised/relocated.

4.2.2 Schedule (Map) Changes:

Mapping changes include:

- Minor revisions/updates to reflect as-built/implemented land use designations, symbols, road networks, etc.;
- Updates to infrastructure and utility locations;
- Relocation of various symbols to reflect as-built/implemented conditions, where appropriate;
- Administrative changes, including changes to map legends;
- Consistency of colours for land use designations and boundary line types, to ensure maximum clarity, ease of interpretation, and consistency with other schedules in the parent Official Plan; and,
- Relabeling of Schedules accordingly, where Secondary Plans have been deleted.

4.2.3 Part 2 Secondary Plan Deletions:

Many of the Secondary Plan areas have been substantially built-out and certain Secondary Plans are no longer required where the parent OP policies and land use designations would continue to apply. The following

Secondary Plans will be deleted in their entirety, with select policies to be relocated to Part 1 of the OP:

- Rossland / Garden Urban Central Area Secondary Plan;
- Macedonian Village Secondary Plan;
- Hamlet of Ashburn Secondary Plan; and,
- Thicksen / Taunton Community Central Area Secondary Plan.

Although certain Secondary Plans are proposed to be deleted, select policies that are still applicable 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. In all other cases, the parent land uses policies contained within the Part 1 of the OP as well as land use designations shown on Schedule A of the OP would apply.

4.2.4 Part 2 Secondary Plan Changes:

The following Secondary Plans are recommended be retained, however there would be minor revisions to provide consistency and clarity as described above:

- Brock / Taunton Major Central Area Secondary Plan;
- Taunton North Community Secondary Plan;
- Oak Ridges Moraine Secondary Plan; and,
- Lynde Shores Secondary Plan.

4.2.5 Part 1 Official Plan Changes:

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

- Revisions to Section 4.4.3.4.1 b) regarding a maximum density of 35 UPH permitted within the Low Density Residential designation, for consistency with other recently approved Secondary Plans and the Mature Neighbourhoods Study OPA;
- Revisions to Section 8.1.3.1.2 to permit Collector Roads to be added, modified, or deleted without Official Plan Amendment, subject to certain 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, to reflect as built conditions and the deleted Secondary Plans.

4.2.6 Secondary Plans Currently Not Under Consideration for Review:

Secondary Plans that will not have substantive revisions, if any, include:

- Port Whitby Community Secondary Plan;
- Downtown Whitby Community Secondary Plan, as adopted by Council and approved by the Region;
- Brooklin Community Secondary Plan; and,
- West Whitby Secondary Plan.

5.0 Input from Departments/Sources:

The Draft Proposed Official Plan Amendment 133 and supporting documents were circulated to 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 Amendment application:

- Fire and Emergency Services Department;
- Engineering Services Division; and,
- Finance and Treasury.

External Agencies

The following external agencies have no comments/no objections to the Official Plan Amendment application:

- 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;
- 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.

Central Lake Ontario Conservation Authority Comments

It is CLOCA's understanding that this update 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. CLOCA further understands that the future MCR will be undertaken separately to reflect policy changes and directives resulting from Durham Region's Envision Durham MCR, as well as any relevant changes to Provincial Plans or Planning Policies at that time.

CLOCA has reviewed the draft proposed amendment and has no objection to approval, provided and has suggested revisions regarding certain policies related to required reports and studies (for consistency); and regarding terminology (for consistency).

Staff note that certain policies have been revised accordingly and other revisions will be addressed through the MCR (refer to Attachment #2).

Region of Durham Comments

The Region's review of the proposed Amendment did not identify any concerns, however, in an attempt to provide greater clarity with respect to lot creation on private or partial services, the Regional Health and Planning Departments recommend an update to Policy 4.11.3.3.

Staff have revised the policy accordingly (refer to Attachment #2)

6.0 Financial Considerations:

Not applicable.

7.0 Communication and Public Engagement:

A Public Information Meeting was held on December 6, 2023, providing the public and interested persons and agencies an opportunity to comment on the Official Plan Amendment. The meeting minutes are included in Attachment # 3. No public submissions were received at the Public Meeting.

Two (2) written submissions were received regarding the Draft Proposed OPA and potential impact on their privately-initiated development applications. The comments received from the two Interested Parties pertained to clarification surrounding amendments to the Low Density Residential section of the parent Part 1 Official Plan – more specifically what density (UPH) value was proposed. Staff have clarified with those Interested Parties that although the proposed revision to the density within the Low Density Residential designation within Part 1 of the Official Plan (S.4.4.3.1 (b)) was inadvertently omitted from the version presented at the Public Meeting, it has been revised to be consistent with Secondary Plans and the Mature Neighbourhoods Study OPA (i.e. changed from 30 UPH to 35 UPH in the parent OP).

Interested Parties have been notified of this meeting.

8.0 Strategic Priorities:

The housekeeping and technical Amendment 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.

9.0 Attachments:

- Attachment 1: Recommended Official Plan Amendment 133 with Tracked Changes
- Attachment 2: Comment-Response Matrix
- Attachment 3: Public Meeting Minutes, December 6, 2023