

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 240m² 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

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.