

Town of Whitby Staff Report

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Report Title: Official Plan Amendment Application and Zoning By-law Amendment Application for 605 Winchester Road West, by 693316 Ontario Limited, File No. DEV-19-21 (OPA-2021-W/06, Z-12-21)

Report to: Committee of the Whole

Date of meeting: January 13, 2025

Report Number: PDP 03-25

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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Recommendation:

- 1. That Council approve Official Plan Amendment Number 142 to the Whitby Official Plan (File: OPA-2021-W/06), as shown on Attachment #5, and that a By-law to adopt Official Plan Amendment Number 142 be brought forward for consideration by Council; and**
- 2. That Council approve an amendment to Zoning By-law No. 1784 (Z-12-21), as outlined in Report PDP 03-25.**

1. Highlights:

- Applications for an Official Plan Amendment and Zoning By-Law Amendment have been submitted by The Biglieri Group on behalf of 693316 Ontario Limited, for the land located south of Winchester Road West, west of Cochrane Street, municipally addressed as 605 Winchester Road West, to permit a proposed golf course expansion.
- The proposed development is consistent with the Provincial Planning Statement, and meets the overall intent, goals and objectives of the Town of Whitby Official Plan and Envision Durham.

- The subject land is located within the Protected Countryside designation of the Greenbelt Plan, within the Natural Heritage System. Under the Greenbelt Plan, a golf course is considered as a major recreational use. The proposed development meets the overall intent of the Greenbelt Plan.
- The proposed development would provide a 7 hole expansion to the approved (not constructed) Devil's Den Golf Course located on the abutting lands to the west.
- If approved, a related Site Plan application will proceed through the Commissioner of Planning and Development at a future date.

2. Background:

2.1 Site and Area Description

The subject land is municipally known as 605 Winchester Road West and is situated on the south side of Winchester Road West, west of Cochrane Street, and is approximately 19.5 hectares (48.2 acres) in size (refer to Attachment #1).

The subject land is currently occupied by a single detached dwelling and several accessory agricultural buildings on the north east portion of the property (refer to Attachment #2).

Surrounding land uses include existing agricultural and residential land uses to the north and east, a woodlot/valley lands to the south, and an existing golf driving range/beach volleyball courts and approved (not constructed) golf course to the west (refer to Attachment #2).

2.2 Applications and Proposed Development

The proposed development applications seek to permit a 7 hole expansion to the approved (not constructed) Devil's Den Golf Course located on the abutting lands to the west.

The purpose of the proposed amendment to the Town of Whitby Official Plan is to permit the proposed golf course use within the Major Open Space land use designation.

The purpose of the Zoning By-law Amendment is to change the zoning of the subject land from Agricultural (A) to an appropriate zone category to permit the development of the proposed golf course use.

The proponent also submitted an application for an amendment to the Regional Official Plan to permit the proposed golf course use. The ROPA application (ROPA File: OPA 2021-006) was being processed by the Durham Region Planning & Economic Development Department. However, it has since been determined that an amendment to the ROP (Envision Durham) is not required.

The proponent will also be required to submit a Site Plan application for review and approval prior to undertaking any site alteration or development on the subject land.

2.3 Documents Submitted in Support

A number of reports and studies have been submitted in support of the proposed development and have been reviewed by the Town and relevant external agencies, including the following:

- A Planning Rationale Report prepared by The Biglieri Group Ltd. dated May 2021;
- A Stormwater Management Report inclusive of Pre & Post Drainage, Water Balance, and Erosion & Sediment Control Plans, prepared by Crozier and Associates Ltd. dated April 2021;
- A Hydrogeological Assessment and Well Monitoring Letter, prepared by Soil Engineers Ltd. dated January 2021 and revised April 2023;
- An Archaeological Assessment, prepared by Archeoworks Inc. dated March 2021;
- An Environmental Impact Study prepared by GHD dated March 2021 and revised June 2022;
- A Phase 1 Environmental Site Assessment, prepared by Soil Engineers Ltd. dated December 2020;
- A Phase 2 Environmental Site Assessment, prepared by Soil Engineers Ltd. dated March 2023;
- A Slope Stability Assessment, prepared by Soil Engineers Ltd. dated February 2023;
- A Tree Inventory and Preservation Plan, prepared by Kuntz Forestry dated December 2020;
- A Landscape Plan set inclusive of Edge Management, Vegetation Enhancement, Landscape Cost Estimates, Grading & Layout, Site Mitigation, Sustainability, Conservation, and Drainage Plans, prepared by Carrick Design Inc. dated February 2021 and revised April 2022;
- An Agricultural Impact Assessment, prepared by Colville Consulting Inc. dated February 17, 2021; and
- A Site Plan, prepared by The Biglieri Group Ltd. dated March 2023 (refer to Attachment #3).

3. Discussion:

3.1 Provincial Planning Policies

In accordance with the Provincial Planning Statement (2024), Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. An Agricultural Impact Assessment was undertaken by the proponent and it was confirmed that the proposed development does not adversely impact surrounding agricultural operations.

Prior to the repeal of a Places to Grow Plan (PTGP), upper-tier municipalities were permitted to refine provincial mapping of the agricultural land base through a municipal comprehensive review (MCR). As part of the Envision Durham process, the subject land has been designated as Major Open Space which permits major recreational uses subject to certain criteria.

In addition to the PPS, the subject land is located within the Protected Countryside designation of the Greenbelt Plan, within the Natural Heritage System. Under the Greenbelt Plan, a golf course is considered a major recreational use. Applications to establish or expand a major recreational use in the Natural Heritage System are to be accompanied by vegetation enhancement plans and conservation plans (Section 4.1.2). In addition, a Landscape Plan inclusive of an Edge Management and Vegetation Enhancement Plan was submitted by the proponent. The submitted materials were reviewed by the Town, Region, and Central Lake Ontario Conservation Authority (CLOCA). The plans were deemed acceptable.

3.2 Former Region of Durham Official Plan (Envision Durham)

The subject land is designated “Major Open Space Areas” in the Envision Durham Official Plan. “Major Open Space Areas” are predominantly for conservation and a full range of agricultural, agricultural-related and secondary uses. Uses including Major Recreational Uses (golf courses) may be considered subject to policies contained within Envision Durham and the Greenbelt Plan.

In accordance with Section 7.1.9 of the Envision Durham Official Plan, development or site alteration within Major Open Space Areas and/or the Greenbelt Natural Heritage System must demonstrate that:

- a) there will be no negative impacts on key natural heritage features or key hydrologic features or their functions;

- b) connectivity between key natural heritage features or key hydrologic features located within 240 metres of each other is maintained, or where possible, enhanced;
- c) the removal of natural features not identified as key natural heritage features or key hydrologic features is avoided and such features are incorporated into the planning and design of the proposed use, wherever possible; and
- d) the disturbed area of any site does not exceed 25% and the impervious surface does not exceed 10% of the total developable area, except for major recreational uses and aggregate extraction areas. With respect to golf courses, the disturbed area shall not exceed 40% of the site. The use of low impact development, such as permeable pavers and grassed swales is encouraged to achieve this requirement.

In accordance with the submitted development proposal, approximately 61% of the developable area will remain intact and enhancement plantings will be completed to improve the connectivity between the existing wildlife corridors. Furthermore, no buildings are being proposed to be located on the proposed golf course expansion area.

Further, Section 7.1.12 of Envision Durham states that new and expanding major recreational uses and accessory facilities within Major Open Space Areas may be permitted by amendment to this Plan, or an area municipal official plan where appropriate policies are in place, in accordance with the requirements of Policy 7.1.11 and the following:

- a) a hydrogeological study addressing the protection of water resources;
- b) a best management practices report that addresses design, construction and operating considerations, including traffic and a demonstration of how the application of pesticides, fertilizers and water, nutrient and biocide use will be minimized, including the establishment and monitoring of targets; and
- c) that new natural self-sustaining vegetation be located in areas that maximize the ecological value of the area.

In accordance with the above policies, no further amendment to Envision Durham is being pursued to implement the proposed development as it is deemed unnecessary.

3.3 Town of Whitby Official Plan

The subject land is designated “Major Open Space” on Schedule ‘A’ – Land Use of the Town of Whitby Official Plan (OP) (refer to Attachment #4). Lands designated “Major Open Space” are intended to “establish, maintain, preserve, and enhance an integrated and linked system of public open spaces, natural heritage and hydrologic features, agricultural lands, rural uses, parkland, and

recreational facilities that meets the needs of present and future residents and maintains a healthy and resilient Natural Heritage System”.

New major recreational uses (golf courses) may be considered subject to the policies of Sections 4.9.3.10, 4.9.3.11, and 4.9.3.12, as applicable, and the relevant policies of the Envision Durham Official Plan.

In accordance with Section 4.9.3.12 of the Official Plan, new major recreational uses shall require an amendment to the Official Plan and are subject to the relevant policies of Section 5, 4.9.3.10, and 4.9.3.11 of the OP. Proposals for a major recreational use shall also be accompanied by a hydrogeological study addressing the protection of the water resource, including a water balance assessment, and a Best Management Practices report as defined in the Envision Durham Official Plan.

Section 4.9.3.10 of the Official Plan states that proposals for new non-agricultural uses on lands designated as Major Open Space outside of the Urban Area boundary may be considered subject to a site specific Zoning By-law amendment and in accordance with the following criteria:

- a) the location is appropriate, and the use is compatible with surrounding land uses and the rural environment;
- b) the proposed development does not adversely impact surrounding agricultural operations as demonstrated by an agricultural impact assessment if required by the Municipality;
- c) the proposed development conforms with the Minimum Distance Separation formulae where applicable;
- d) the parcel is of an appropriate size for the proposed use;
- e) the site fronts on an open public road and can be adequately serviced with an individual private drilled well and waste disposal system on a sustainable basis;
- f) the use is outside of the Natural Heritage System shown on Schedule “C” and, where required, an Environmental Impact Study (EIS) demonstrates that the proposed development does not have a negative impact on the natural heritage features and related ecological functions;
- g) the implementing Zoning By-law regulates the size and scale as appropriate;
- h) a site plan is approved for the site, as necessary, to the satisfaction of the Municipality;

- i) any applicable requirements of the Durham Regional Official Plan and Greenbelt Plan are addressed; and
- j) the proposal complies with any other applicable requirements of the Municipality, Region of Durham, Conservation Authority, or Province.

Section 4.9.3.11 of the Official Plan requires that:

- a) The disturbed area of any site does not exceed 40 percent, and the impervious surface does not exceed 10 percent of the total developable area;
- b) At least 30 percent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation;
- c) Connectivity along the system and between natural heritage or hydrologic features located within 240 metres of each other is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape;
- d) Compatibility of the project with the natural surroundings is optimized and, wherever possible, natural features should be incorporated into the planning and design of development proposals; and

The supporting studies and plans sufficiently address the above criteria in order to support an amendment to the Town's OP to permit a golf course expansion use within the Major Open Space land use designation as outlined in Attachment #5.

3.4 Zoning By-law 1784

The subject land is zoned Agricultural (A) in Zoning By-law 1784, which permits a variety of agricultural and agricultural related uses (refer to Attachment #6).

An amendment to the Zoning By-law is required to permit the additional use of a golf course.

3.5 Future Application

Should the Official Plan and Zoning By-law Amendments be approved, a Site Plan Application will be required, and shall be reviewed and processed by the Commissioner of Planning and Development prior to any site alteration and development.

4. Financial Considerations:

Not applicable.

5. Communication and Public Engagement:

5.1 Public Meeting

A Statutory Public Meeting was held on September 13, 2021 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested parties and agencies the opportunity to make representation in respect of the applications. There were no deputations made at the public meeting. Refer to Attachment #7.

6. Input from Departments/Sources:

Internal Departments

The following internal departments have reviewed the relevant documents and have no comments/no objections to the Official Plan Amendments and Zoning By-law Amendments:

- Whitby Fire and Emergency Services;
- Planning and Development Department - Planning Services – Landscape (Comments to be provided at the Site Plan stage);
- Planning and Development Department – Engineering Services (Comments to be provided at the Site Plan stage);
- Whitby Corporate Services – Sustainability (Comments to be provided at the Site Plan stage);
- Whitby Accessibility - (Comments to be provided at the Site Plan stage);
- Whitby Building Services; and
- Whitby Corporate Services – Tax.

Refer to Attachment #8 for additional detailed comments.

External Agencies

The following external agencies have reviewed the relevant documents and have no comments/no objections to the Official Plan and Zoning By-law Amendments:

- Elexicon;
- Enbridge;
- Durham District School Board;
- Bell; and
- Ministry of Transportation (MTO).

Refer to Attachment #8 for additional detailed comments.

Central Lake Ontario Conservation Authority (CLOCA)

Based on their review of the submitted documentation, CLOCA is satisfied that all previous comments have been addressed to their satisfaction and have no objection to the approval of the proposed Official Plan and Zoning By-law Amendment.

A permit from CLOCA will be required for any site alteration and/or grading within lands regulated through Ontario Regulation 41/24.

CLOCA staff have recommended that the lands to be designated Major Open Space through the site specific Zoning By-law Amendment be conveyed to a public body. Since CLOCA owns and operates a Conservation Area on the lands bordering the south boundary of this property, if the valleyland within this property were to be conveyed to a public body, CLOCA would appreciate the opportunity to discuss acquisition of these lands as part of this process.

7. Strategic Priorities:

The recommendations contained in the staff report will support Strategic Pillar 3: Whitby's Economy in the Community Strategic Plan. More specifically the proposed development will assist in the creation of jobs and local economic growth and will also help with the expansion of Whitby's commercial tax base.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

8. Attachments:

- Attachment #1 Location Sketch
- Attachment #2 Aerial Context Map
- Attachment #3 Proponent's Proposed Site Plan
- Attachment #4 Excerpt from Town of Whitby Official Plan Schedule 'A'
- Attachment #5 Draft Proposed Official Plan Amendment Number 142
- Attachment #6 Excerpt from Zoning By-law 1784
- Attachment #7 Minutes from the September 13, 2021, Public Meeting
- Attachment #8 Agency & Stakeholder Detailed Comments