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# The Regional Municipality of Durham Report

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To: Regional Council  
From: Commissioner of Planning and Economic Development  
Report: #2023-P-15  
Date: May 17, 2023

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**Subject:**

Decision Meeting Report

Envision Durham – Recommendations on the new Regional Official Plan, File: D12-01

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**Recommendations:**

That Regional Council:

- A) Adopt the new Regional Official Plan as contained in Attachment #1 to Commissioner's Report #2023-P-15 by passing the adopting by-law in Attachment #2;
- B) Declare to the Minister of Municipal Affairs and Housing that the new Regional Official Plan, as adopted, forms Regional Council's long-term strategy for guiding and integrating growth management, development, land use, infrastructure and servicing planning, together with financial and capital investment, and meets the requirements of Subsections 26 (1) (a), (b) and (c) of the Planning Act, RSO 1990, Chapter P.13 as per Section 26 (7) of the Act;
- C) Authorize Regional staff to send a copy of this report and a "Notice of Adoption" to all Envision Durham Interested Parties, Durham's area municipalities, Indigenous communities, conservation authorities having jurisdiction within the Region of Durham, the Durham Agricultural Advisory Committee, Durham Environment and Climate Advisory Committee, the Durham Active Transportation Committee, the Building Industry and Land Development (BILD) – Durham Chapter, Durham Region Home Builders' Association, other agencies and service providers that may have an

- interest in the planning of long-term growth in the region (e.g. school boards, hospitals, utility providers, etc.) as identified in Attachment #3, the Regional Director of the Ministry of Municipal Affairs and Housing Central Municipal Services Office, and all other persons or public bodies who requested notification of this decision;
- D) Authorize Regional staff to undertake any technical housekeeping refinements that may be necessary to perfect Council's adoption of the Regional Official Plan within the statutory 15-day period, prior to submission to the province;
- E) Authorize the Regional Clerk to submit the Council-adopted Regional Official Plan, to the Ministry of Municipal Affairs and Housing for approval, along with the required records of consultation, a Declaration that the statutory requirements for giving Notice and holding of a public meeting and open house have been complied with, statements of conformity and consistency with provincial plans and policies, and a copy of this report and Council's decision;
- F) Direct Regional staff to work with Provincial staff to obtain approval of the new Regional Official Plan, and report to Committee and Council as necessary; and
- G) Request the Province of Ontario through its review and decision-making on the Regional Official Plan and further proclamation of Bill 23 to reaffirm its support for upper tier official plans as an essential part of its commitment to protecting the financial and economic well-being of its municipalities; ensuring coordination of planning activities by public bodies; supporting the orderly development of safe and healthy communities; protecting ecological systems including natural features, functions and areas, as well as other matters of provincial interest provided under section 2 of the Planning Act.
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## **Report:**

### **1. Purpose**

- 1.1 The purpose of this Special Meeting of Durham Regional Council is to consider adoption of the final draft Regional Official Plan ROP (i.e. Decision Meeting). Following adoption by Regional Council, the new ROP will be sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. A special meeting of Council is a specific requirement of the Planning Act in relation to completion of new Official Plans.
- 1.2 Regional municipalities surrounding Toronto were formed in the 1970s in recognition that these areas would be subject to significant growth pressure and that the

efficient provision of various services, such as arterial roads, transit, policing, sewer and water systems, waste disposal, region-wide land-use planning and development and health and social services can be operated more efficiently through this model. Upper-tier official plans have played a significant role in shaping local communities, while enabling coordination of infrastructure and service investments, and creating a climate for economic development while allowing for effective local decision-making. An official plan for Durham Region has been in place since 1976 and has served as an invaluable tool for guiding land use decision making across the region.

- 1.3 In the coming years, the Region is expected to see an accelerated pace of growth. With a provincial forecast that nearly doubles the Region's population and employment to 1.3 million residents and 460,000 jobs by 2051, growth pressures within and surrounding existing communities require consistent policy guidance and coordination so that required Regional services, systems and infrastructure can be planned and delivered in an efficient, cost effective and predictable manner.
- 1.4 The final draft ROP (Attachment #1) signals the magnitude of anticipated change, one that the Municipal Comprehensive Review has examined carefully through detailed study, and extensive public and stakeholder engagement. Envision Durham constitutes the Region's Municipal Comprehensive Review (MCR) as mandated by the province. Given the scope of change and the age of the current ROP, it is intended that the existing ROP will be repealed and replaced with this new more contemporary land use planning document. The final draft ROP reflects the current requirements of the Growth Plan for the Greater Golden Horseshoe (2020), the Provincial Policy Statement (2020), other related provincial policy and legislation, and also considers consultation and engagement conducted by the Region throughout the Envision Durham process.

## **2. Background**

- 2.1 Envision Durham was a multi-year project that was initiated by authorization of Regional Council in May 2018 (see Report [#2018-COW-93](#)). Extensive opportunities for public input and engagement have been provided. Regional staff, with the assistance of consultants, prepared and consulted on a series of discussion papers, proposed policy directions reports, technical studies, and draft mapping throughout the process. A summary can be found on the project web page at [www.durham.ca/EnvisionDurham](http://www.durham.ca/EnvisionDurham).
- 2.2 The recommended ROP presents policies and strategic directions that will guide decision making on future growth, infrastructure and service delivery, land use

planning, and development related matters during a time of significant growth. Envision Durham ensures that the new ROP conforms with existing Provincial Plans or does not conflict with them; has regard to matters of Provincial interest; and is consistent with the Provincial Policy Statement (2020). Consistent with the provincial Growth Plan, the draft new ROP has a planning horizon of 2051.

- 2.3 The completion of Envision Durham enables the initiation of extensive Regional service and infrastructure planning to support planned levels of growth, while supporting Durham's eight area municipalities as they initiate their own MCRs and conformity exercises.

### **3. Previous Reports and Decisions**

- 3.1 Since 2018, numerous reports on various aspects of the Envision Durham process have been prepared by Regional planning staff, supported by work prepared by the Envision Durham Growth Management Study consultant team. Everything associated with the Envision Durham process has been posted on the Envision Durham website. The process has been highly collaborative and transparent. A list of previous reports and decisions related to the Envision Durham MCR is available on the project web page within the [Document library](#).

### **4. Notice of Special Meeting**

- 4.1 Notification of the meeting time and location of this Special Meeting of Regional Council was sent to all those who requested notification, including the Envision Durham interested parties list, in accordance with Regional Council procedure.
- 4.2 In addition, a "Notice of Special Meeting" regarding Regional Council's consideration of the final draft ROP was advertised in newspapers across the region the week of April 3, and again the week of April 10, 2023.
- 4.3 Once the materials to be considered at this Special Meeting, including the recommended final draft ROP, were available to the public on May 3 at [www.durham.ca/EnvisionDurham](http://www.durham.ca/EnvisionDurham), additional notification was provided to the interested parties list, as well as through the Region's website, social media channels, and via a public service announcement.
- 4.4 A decision of Durham Regional Council on the final draft ROP is anticipated at this Special Meeting of Council on May 17, 2023.

## 5. Public Meetings and Submissions

- 5.1 In accordance with the Planning Act, a “Notice of Public Open House” and “Notice of Public Meeting” regarding the release of the draft new ROP was advertised in newspapers across the region the week of February 6, 2023, as well as through the Region’s website, social media channels, via public service announcement, and notification to every person registered on the Envision Durham interested parties list (approximately 790 individuals).
- 5.2 A Public Open House was held in-person on Monday March 6, 2023 from 6:00 pm to 8:00 pm in the main atrium on the first floor of Durham Regional Headquarters (605 Rossland Road East, Whitby). The purpose of the Public Open House was to provide the public with the opportunity to ask questions, discuss the draft new ROP and provide comments and information to staff. Approximately 100 people registered and/or attended this in-person open house. A copy of the poster boards displayed at this event are [accessible here](#).
- 5.3 The statutory Public Meeting was held on Tuesday March 7, 2023 as part of the regularly scheduled Planning and Economic Development Committee meeting in Council Chambers at Durham Regional Headquarters in Whitby. Participants were also able to view the meeting remotely via live stream. The purpose of the Public Meeting was to provide interested parties with an opportunity to make a submission to Durham’s Planning and Economic Development Committee relative to the draft new ROP. Approximately 20 people delegated to Committee during this hybrid public meeting. An archived recording of the public meeting is [accessible here](#).
- 5.4 Eighteen individuals spoke at the Public Meeting following the staff presentation (two individuals withdrew their request to delegate prior to the meeting). Details of their delegations are contained within the Public Meeting Minutes (Attachment #4). In addition, Legislative Service received 10 letters of correspondence in response to the Public Meeting. A summary of the submissions received, and staff’s response, is available at [www.durham.ca/DraftROPSubmissions](http://www.durham.ca/DraftROPSubmissions) (Attachment #5).

## 6. Consultation and Key Submissions

- 6.1 In February 2019, the first stage (“Discover”) commenced, with a public launch of the engagement program, including the introduction an online project hub ([durham.ca/EnvisionDurham](http://durham.ca/EnvisionDurham)) and a public opinion survey (Report [#2019-P-4](#)), posing a series of questions on a variety of planning and development topics across the region. Over 2019, the second stage (“Discuss”) released six theme-based discussion papers, each of which provided background information and included a

workbook, posing separate questions on specific topics. Additional information on the discussion papers is [accessible here](#).

- 6.2 On March 2, 2021, the Region released Proposed Policy Directions that were developed and informed based on best practice reviews, research, public engagement and feedback received during Stages 1 and 2 of the Envision Durham process, as noted above. The Proposed Policy Directions were intended to respond to submissions received throughout Stage 2, a summary of which can be found at [www.durham.ca/EnvisionDurhamSubmissions](http://www.durham.ca/EnvisionDurhamSubmissions).
- 6.3 The refinement of proposed policies, and the preparation of the draft new ROP was informed by public and agency feedback received through the Proposed Policy Directions, the Growth Management Study – Phase 1 (Alternative Land Needs Scenarios), the draft Regional Natural Heritage System, and the review of the Provincial Agricultural System consultations. A summary can be found [here](#).
- 6.4 On November 10, 2022, the Region released draft Settlement Area Boundary Expansions and Area Municipal Growth Allocations required to accommodate the Region’s population and employment forecasts to 2051, as directed by Regional Council at its meeting in May 2022. Report [#2022-INFO-91](#) was available for public review and comment until January 18, 2023.
- 6.5 On February 10, 2023, the Region released the draft version of the new ROP for public and agency feedback in advance of the Public Open House and Public Meeting. Comments were requested by April 3, 2023. At the time of preparing this report, the Region had received:
  - a. Approximately 150 written submissions from area municipalities, conservation authorities, public agencies, community organizations, consultants on behalf of property owners, and members of the public;
  - b. 207 similarly worded emails requesting Regional Council to “pause the Envision Durham Official Plan Review now!”;
  - c. 12 similarly worded emails supporting the March 1, 2023 Regional Council Agenda Motion 11.2 on impacts of the release and development of Greenbelt Plan lands;
  - d. 81 similarly worded emails opposing the extension of Rossland Road East in Oshawa and requesting the preservation of the Harmony Valley Conservation Area;

- e. 15 similarly worded emails requesting that Regional Council not approve the draft ROP, citing concerns that an excess land inventory will undermine affordability, safe and efficient transportation and transit, local food systems, and decarbonization goals; and
  - f. 249 comments received through an online public mapping viewer illustrating the Regional Structure (Map 1), wherein 49 of those comments related to opposition to the extension of Rossland Road East in Oshawa and requesting the preservation of the Harmony Valley Conservation Area.
- 6.6 A summary of the submissions received and staff responses, including on the Settlement Area Boundary Expansions and area municipal growth allocations detailed in the Public Meeting Report [#2023-P-6](#), are available at [www.durham.ca/DraftROPSubmissions](http://www.durham.ca/DraftROPSubmissions) (Attachment #5).

### **Key Submissions**

- 6.7 The submissions on the draft new ROP vary from support to opposition, with many providing suggested policy refinements, including:
- a. Several requests from and on behalf of landowners in Brooklin (Whitby) south of Columbus Rd., west of Ashburn Rd., east of Coronation Rd., and north of Hwy. 407, requesting lands be converted from Employment Area to Community Area citing poor access, smaller lot sizes, compatibility, and need for housing.
    - Staff note that these areas are part of a chain of smaller Employment Area parcels located along Highway 407 in Whitby. A future interchange is shown in the recommended ROP at Cochrane Street, which is nearby, providing access to the highway. Staff's recommendation that these lands be designated Employment Areas remains unchanged.
  - b. Comments from Mark Mitanis, Weston Consulting, on behalf of Rundle Road Corp., owners of 521 and 531 Rundle Rd. in Clarington (related to BER-3) requesting that the subject lands be included in the proposed Settlement Area Boundary Expansion (SABEs) as Employment Areas. In addition, comments received from Jayson B. Schwarz requesting 2271 Rundle Rd. in Clarington be included as a SABE.

- Proposed expansions for Clarington were developed based on logical extensions of existing urban areas while maintaining the integrity of urban separators to the greatest extent possible. Suitable SABE locations have been provided elsewhere in Clarington and no further expansions are required to accommodate the 2051 forecasts.
- c. Comments and delegation from Adam Santos, Weston Consulting, on behalf of the owner of lands referred to as the Beaverton Commons requesting reconsideration of CNR-23 to support an Employment Area conversion request to allow a senior/retirement facility.
- Employment Area conversion requests were considered through Report [#2021-P-25](#). This conversion request was reconsidered in Report [#2022-INFO-91](#) noting that there is a shortage of Employment Areas and surplus of Community Areas for Brock Township.
  - A senior/retirement facility would be isolated/disconnected from the broader community and present potential erosion/conflicts to the broader Employment Area.
  - Staff have not recommended an Employment Area conversion of this site.
- d. Comments from Ajax resident Steve Parish expressing concern that the proposed SABE in northeast Pickering (within the Carruthers Headwaters) will cause significant flooding impacts downstream in the Town of Ajax, with little ability to control or mitigate adverse effects given that the jurisdiction and powers of Conservation Authorities has been restricted by Bill 23.
- New development in the headwaters area of Carruthers Creek require further study and assessment through exercises including a secondary plan and subwatershed study. The Carruthers Creek Watershed Plan will provide guidance in this regard. Development will not be permitted until it can be demonstrated that flood/hazard impacts can be mitigated as outlined in Section 5.7 of the recommended ROP. Conservation Authorities continue to have the authority to review and comment on developments with respect to natural hazards/flooding.



- e. Comments and delegations from Max Lysyk and Joanna Fast, Evans Planning Group on behalf of 1345 Winchester Rd. E. in Oshawa (related to BER-66) requesting that the Employment area designation on the property be reduced to a narrower band and that lands north of the 407 on other lands be redesignated to Employment Areas in exchange.
- Lands in proximity to the Harmony Rd. interchange, south of Hwy. 407, offer the opportunity to accommodate large format employment uses in proximity to a goods movement corridor. The proposed alternative location north of Hwy. 407 is irregularly shaped, more narrowed, and bisected by environmental features. Shallow depth employment blocks are less able to accommodate a broad range of employment users and may therefore become more susceptible to conversion in the future.
  - The proponent has suggested, that in respect of recent provincial initiatives and announcements regarding the need for housing, that more lands are needed for residential purposes. To be clear, there is more than enough land designated in this new OP to meet the Region's residential needs. On balance, it is more important to maintain this large contiguous area for future employment than to add more Community Area lands in this location. Staff continue to recommend that the lands be designated Employment Areas.
- f. Comments and delegation from Matthew Cory, Malone Given Parsons, on behalf of the Northeast Pickering Landowners Group (NEPLOG, related to BER-13) requesting a larger SABE for northeast Pickering (1,289 hectares) than what has been identified by the recommended ROP (1,195 hectares). NEPLOG has also presented their own NHS mapping and requests that it be utilized for the delineation of the NHS in northeast Pickering. NEPLOG also requests a reduced Employment Area of 233 hectares be allocated, with a greater weighting of employment lands on the south side of Hwy. 407 and a reduced strip of employment lands on the north side of Hwy. 407.
- The land area differences between NEPLOG and Regional staff is largely attributed to differences in the environmental datasets. The Regional NHS has been utilized in the Region's work, which is based on a combination of the existing system identified in the Carruthers Creek Watershed Plan and the system found in the City of Pickering Official Plan.

- Regional staff continue to support the distribution of proposed Employment Areas in northeast Pickering as shown in the recommended ROP, except however that a small portion of employment area between Sideline 4 and Kinsale Rd to the south of Hwy. 407 has been shifted. The lands north of Hwy. 407 are particularly well suited for employment use, given they are large, contiguous, and relatively free of environmental constraints.
- g. In addition, Matthew Cory, Malone Given Parsons, on behalf of the Northeast Pickering Landowners Group (NEPLOG) is requested that the Region create a Rural Lands designation. For example, lands south of the Oak Ridges Moraine Conservation Plan and outside of settlement areas be designated as Rural Lands, given that a rural land use designation, in their view, provides more appropriate land uses in and around new settlement areas.
- An assessment of rural lands found that implementation of the Provincial Agricultural System would result in a Rural System that would predominantly be designated as Prime Agricultural Areas with minimal land designated as Rural Lands. The retention of Major Open Space Areas (MOSA) facilitates the maintenance of a land base for rural-type land uses, while also recognizing key environmental features. Policies within the recommended ROP support this intent by permitting the development of non-agricultural uses, or “rural land uses” within MOSA, subject to criteria.
- h. Comments and a delegation from Don Given, Malone Givens Parsons, on behalf of Richard Wannop for 1520, 1540 and 1580 Reach St. in Scugog, requesting reconsideration of CNR-17 to support the conversion of 40 hectares of the subject property from Employment Area to Community Area, citing that Scugog has a surplus of Employment Area and these lands are constrained for employment uses given the costly servicing infrastructure required and that the conversion is now unanimously supported by the Township of Scugog Council.
- Regional staff continue to recommend the lands in this area not be converted on the basis that the site is large, regularly shaped and suitable for employment uses. The site forms part of the largest and most contiguous Employment Area in north Durham and has the potential to satisfy unmet employment needs for all of northern Durham.

- In particular, the Reach Street properties are subject to a pre-servicing of employment lands initiative that will see the advancement of Regional services to the property.
- Regional staff had Watson & Associates review this matter at the request of the Township of Scugog. The following is a summary of Watson's response:
  - (a) While the Township is expected to have a surplus of employment lands within the planning horizon, it is important to emphasize that the employment forecast for Durham Region and Scugog is a minimum.
  - (b) The existing lack of municipal water and wastewater services within the Scugog Employment Area lands has resulted in a narrow range of permitted employment uses which can operate on the Township's employment lands. Historically, this has effectively limited demand for the Employment Area lands within Scugog. However, with municipal services these lands will become more attractive to employment investment.
  - (c) The Region's Growth Management Study assumes that a long-term servicing solution will be developed for the Port Perry Employment Area, which would then result in an increase in the Township's investment attractiveness across a broader range of sectors, and lead to an increase in demand relative to historical patterns.
  - (d) Converting lands within the Port Perry Employment Area would potentially set a precedent for future employment conversion requests, potentially eroding the supply of employment land within Scugog and causing further disruption to existing business operations within this area. In this regard, comments received from Rachelle Larocque, The Biglieri Group Ltd., on behalf of 1501 and 1541 Scugog Line 6 (directly to the south) are requesting that the eastern portion of their lands also be converted from Employment to Community Area.
- i. A series of 207 similarly worded emails request Regional Council to "pause the Envision Durham Official Plan Review now!" A further 15 similarly worded emails request that Regional Council not approve the draft ROP, citing concerns that an excess land inventory will undermine affordability, safe and efficient transportation and transit, local food systems, and decarbonization goals.

- It is important that the Region continue its progress on the draft new ROP. The completion of the MCR this spring will enable the initiation of extensive service and infrastructure planning to support the Region's forecasted levels of growth while supporting Durham's eight area municipalities as they initiate their own MCRs, conformity exercises and housing pledge commitments. The ROP is the culmination of extensive research, mapping, best practices, updated policies and consultation which will benefit all of Durham's municipalities as they commence their detailed planning work to 2051.
  - The final draft ROP represents the Region's provincially mandated exercise to ensure that the ROP conforms with Provincial Plans or does not conflict with them; has regard to matters of provincial interest; and is consistent with the current Provincial Policy Statement.
  - Staff do not support pausing the MCR process.
- j. Comments and delegation from Shahram Emami requesting lands at 1945 Seventh Concession Rd. be included in the SABE for Pickering as Employment Areas (related to BER-12).
- The subject property and other "Whitebelt" lands in proximity to the federal airport lands in Pickering (i.e. Special Study Area #1) are proposed to remain outside of the Urban Area Boundary until such time that a final federal decision to build an airport is made, at which point they could be planned for airport compatible uses. In April 2019, Durham Regional Council confirmed its support for the development of an airport in Pickering; focusing on innovation, investment and employment within a model of sustainable operations. Pickering's Employment Area land need can be met through the allocation of employment lands in northeast Pickering. Mr. Emami contends that with the change in Pickering Council's position to not support a new airport that his lands should therefore be designated now. Sufficient employment lands are designated in this new Plan, including employment lands in northeast Pickering, to meet forecast needs for employment over the long term.
- k. A series of 12 similarly worded emails support the March 1, 2023 Regional Council Agenda Motion 11.2 which pertains to the removal of lands from the Greenbelt I Durham. In addition, Elizabeth Calvin on behalf of the Green Durham Association expressed concerns related to the impacts of development in the Duffins Rouge Agricultural Preserve and the adjacent Rouge National Urban Park.

- Motion 11.2 was defeated at the Regional Council meeting held on March 1, 2023.
  - The Greenbelt lands removed by the province within Pickering (including the recently repealed Duffins Rouge Agricultural Preserve), Ajax and Clarington have been identified as Special Study Areas in the recommended ROP. This approach reflects the province's stated intention to return removed lands back to the Greenbelt if certain milestones are not achieved (i.e. progress on planning approvals by 2023, and homes under construction by 2025). The proposed policies in the recommended ROP mirror the province's requirements for development within these areas. As the province is both the approval authority for the new ROP and the authority to be satisfied as to the progress of development in the Greenbelt Removal Areas, any modifications to the ROP due to Greenbelt removals will form part of a future provincial decision.
- I. Comments and delegations from Bryce Jordan, GHD; and Lucy Stocco, Tribute Communities, requesting the reconsideration of SABE BER-39, north of Newcastle in Clarington.
- The eastward expansion for a Community Area SABE has been proposed for Newcastle. Comments from Municipality of Clarington indicated support of the SABEs as proposed by the Region. The expansion of the Urban Area Boundary to encompass the lands to the north of Newcastle has not been recommended at this time.
- m. Comments and delegation from David Aston, MHBC Planning, requesting the redesignation of a portion of 2765 Townline Rd. in Pickering (located on Third Concession Road, opposite Valley Farm Road) from Major Open Space Area (MOSA) to Community Area.
- These lands are designated as Natural Area, a sub-category of Pickering's Open Space System. Additionally, Policy 12.1.3 within the recommended ROP recognizes that the boundaries and alignments of the components of the Urban System are approximate. Sufficient flexibility is provided to define exact boundaries at such time as area municipal official plans and zoning by-laws come into effect.

- The subject site is also affected by the future Valley Farm Road extension, a Type C Arterial Road in the Pickering Official Plan, that is planned to connect to Palmer's Sawmill Road. The future right-of-way for the road will impact the potential developable area of the site.
- n. A series of 81 similarly worded emails opposing the extension of Rossland Road East in Oshawa and requesting the preservation of the Harmony Valley Conservation Area.
- The Rossland Road Extension is not a new proposal under Envision Durham. The recommended ROP mapping maintains protection for the Rossland Road Extension, which has been designated since the first Regional Official Plan was approved by the province in 1976.
  - In 2005, the Region completed a Class Environmental Assessment (EA) for the Rossland Road Extension from Harmony Road to east of Townline Road to establish the north limit of residential development in the area. The extension addresses a missing east-west link in the transportation network between Taunton Road and Adelaide Avenue and connects residential subdivisions in the eastern urban area of Oshawa. It also provides opportunities for emergency service, transit service and active transportation movement across the Harmony Creek Tributary and forms part of the Regional Cycling Plan.
  - In 2017, the Durham Transportation Master Plan (TMP), confirmed the need for the Rossland Road Extension as part of the future arterial road network.
  - Since more than 10 years have elapsed since completion of the Class EA study and no work on implementation of the project has been completed, a review of the previous study and an EA Addendum will be required before the project can proceed. The EA Addendum will provide another opportunity for public input on the proposed Rossland Road Extension while also reviewing the environmental impacts and mitigating measures from the previous study.
- o. Comments from the Town of Whitby requesting a lower density target of 100-150 persons and jobs per hectare for Regional Centres located along Rapid Transit Corridors, such as historic Downtown Whitby.

- Regional and Town staff met to discuss the minimum density target for Regional Centres located along the Rapid Transit Corridor. Note that the Regional Centre is defined as the downtown Whitby “Intensification Area” for the purposes of this target, and not the entirety of the downtown Whitby Secondary Plan Study Area. The target functions as a minimum overall, long-term target. Policies in Section 5.2 acknowledge certain sites or areas may have heritage/cultural value and should be preserved and that the target is not applied on an individual parcel basis.
  - The Town has flexibility in determining which areas within the Centre should be intensified and which should be maintained or “gently” intensified. A reference to “maximum” building heights in Policy 5.2.6 has been added to reflect existing context. Further, a reference to built heritage, in addition to cultural heritage, was added to Policy 5.2.8 e) as a consideration for development within Strategic Growth Areas. The density target of 150 persons and jobs per hectare can be achieved through ground related dwelling forms and gentle density. The Region’s [Housing Intensification Study](#), prepared in 2021 as part of the Envision Durham Growth Management Study, includes density precedents that demonstrates that density can be achieved with a mix of ground-related and low-rise buildings.
- p. Comments from Mark Jacobs, The Biglieri Group Ltd., requesting an expansion to the boundary of the Hamlet of Caesarea in Scugog (related to BER-30).
- Changes to the hamlet boundaries are not permitted at this time. Current provincial policy does not permit the further rounding out of Hamlets located within the Greenbelt Plan Boundary. Designations within deferral area will remain Prime Agricultural and Waterfront Area in the recommended ROP.
  - Changes to the deferral area of the hamlet boundaries in the draft ROP for Caesarea were the result of a technical mapping error. The deferral area was captured in error and incorporated into the hamlet boundary. This error has been corrected in the enclosed recommended ROP. The hamlet boundary illustrated in the recommended ROP does not include the deferral area.

- q. Comments from Grant Morris, Grant Morris Associates Ltd., requesting to permit residential development at three locations within the region, including: 3580 Audley Rd. in Kinsale (Pickering); 1037 and 1067 Arthur St. in Newcastle (Clarington); and, 1854 and 1858 Liverpool Rd. in Pickering.
- Staff offer the following clarification to the various properties noted within this submission:
    - (a) The Urban Area Boundary in the vicinity of Kinsale is proposed to extend to the Greenbelt Plan Boundary including portions of 3580 Audley Rd. as a Community Area designation which would permit residential development, if designated by the City of Pickering through their secondary plan;
    - (b) The Urban Area Boundary is proposed to extend east of Arthur St. and south of Concession Rd. 3 in Newcastle and include 1037 and 1067 Arthur St. as Community Areas, which could include permissions for residential development;
    - (c) 1854 and 1858 Liverpool Rd. are already within the current ROP's Urban Area Boundary. 1854 Liverpool Rd. is within the Urban Growth Centre delineation. The regional Natural Heritage System (NHS) overlay within the recommended ROP is comprised of the provincial NHS and approved area municipal NHSs. Policy 7.4.2 of the recommended ROP permits refinement of the regional NHS, outside of provincial NHS areas, through the secondary planning process and/ or approved development applications.
- r. Comments from Mark Flowers, Davies Howe LLP, on behalf of Bridgebrook Corp. pertaining to servicing policies that could apply to development within the Uxbridge Urban Area.
- Policy 4.1.8 of the recommended ROP has been revised to remove reference to the Municipal Act;
  - Policy 4.1.26 a) allows for the consideration of communal systems, therefore there is not a need to revise this policy;
  - No change is proposed to Policy 4.1.27; and
  - Policy 9.1.2. b) has not been revised as the phrase provides additional detail regarding the conditions of the Special Study Area.



- s. Comments from Ryan Guetter, Weston Consulting, expressing general support for policy directions related to 113 Down Rd. in the Courtice Waterfront Area (Clarington). Mr. Guetter requests that the new ROP and Special Study Area #4 remove the requirement for a future amendment to the ROP before development can proceed, given that the Secondary Plan will also address other priorities of Clarington, including the identification of a potential future waterfront park;
  - Regional staff maintain that a ROP Amendment (ROPA) will be required to remove the Special Study Area from the lands, given the proximity of nearby Regional facilities once the conditions are satisfied. A change in land use would be applied at that time of a Regional Council approved ROPA.

### **Engagement with Indigenous Communities**

- 6.8 Envision Durham's communications plan was developed to proactively create opportunities to meet and share information on this project with our Indigenous communities. The region spans a portion of the territories covered by the Williams Treaties of 1923. Therefore, outreach was focused on the traditional territories of the seven First Nations included in the Williams Treaties, including:
  - a. The Mississaugas of Scugog Island, Alderville, Curve Lake, and Hiawatha; and
  - b. The Chippewas of Beausoleil, Georgina Island and Rama.
  - c. Additional outreach included service organizations such as the Assembly of First Nations, Métis Nation of Ontario and Oshawa and Durham Métis Council.
  - d. At the suggestion of the province, the draft ROP was also shared with the:
    - Mississaugas of the Credit First Nation;
    - Huron-Wendat First Nation; and
    - Kawartha Nishnawbe First Nation community.
- 6.9 Upon launching Envision Durham, Regional staff sent letters to the Chiefs and staff of the above communities and organizations to introduce the project and to arrange to meet to share information and seek insights early in 2019.
- 6.10 Regional staff followed up on these written letters with a series of phone calls and emails to various parties that resulted in an in-person meeting with the Curve Lake First Nation (July 19, 2019), which included staff from the CAO's Office engaged in consulting on the Strategic Plan at the time.

6.11 Regional staff have been circulating materials since the initiation of the project and have hosted five touch-point meetings with consultation staff on behalf of the Mississaugas of Scugog Island First Nation (MSIFN) since 2022 to share information related to the project, and to receive and discuss comments on various matters of interest to the MSIFN.

6.12 The following highlights the MSIFN's comments submitted on the draft ROP:

- a. Suggestions for creating a more meaningful Traditional Territorial Acknowledgement;
- b. Refinements to the Prologue that recognize the MSIFN community members who continue to live within Durham today;
- c. Strengthen general economic development policies to recognize Indigenous economic reconciliation;
- d. Balancing the demand for housing with the need for protecting natural heritage lands;
- e. Strengthening policies to require green infrastructure and resilient development, where possible;
- f. Requesting policies that highlight the importance of maintaining existing wetlands and other known carbon sinks, including the need for area municipalities to develop wetland strategies to ensure stewardship and monitoring of wetland loss;
- g. Requesting refinements and additions to the built and cultural heritage policies;
- h. Requesting review and potential refinement to a range of draft policies within the Greenlands System Chapter, namely related to permitted uses within key natural heritage features, Greenbelt Urban River Valleys, the Regional NHS, woodlands and wetlands, and the Water Resources System;
- i. Requesting consideration of OCAP principles (i.e. ownership, control, access, and possession) that establish how First Nations data should be collected, protected, used, and/or shared in relation to the use of Traditional Ecological Knowledge, and update draft policies accordingly; and
- j. Requesting that draft Policy 7.7.6 incorporate the development of invasive species management plans.

6.13 As part of Regional staff's regularly scheduled MCR check-in meetings with MSIFN engagement staff, extensive discussions have taken place regarding these comments. In addition to providing clarification, a round of reviews of proposed staff responses and/or proposed policy revisions has also taken place. As a result of these discussions, revisions have been addressed in large part directly within the recommended ROP, as follows:

- a. Revised Traditional Territory Acknowledgement to recognize all seven Williams Treaty First Nations, as well as including a map of the area covered by the Williams Treaties;
- b. Updated description within the Prologue to recognize that this territory remains home to the MSIFN to this day;
- c. Revisions to draft Policy 2.1.5 to encourage and recognize economic reconciliation for Indigenous communities;
- d. Addition of a Nature-based Climate Solutions preamble to recognize the role of wetlands in carbon sequestration;
- e. Series of revisions to policies within the Built & Cultural Heritage section related to archaeological practices;
- f. New objective for Complete Communities that complements Built & Cultural Heritage section to recognize the connection to land and the built environment through Indigenous cultures and traditions;
- g. New policy to maintain and enhance wetland coverage through stewardship and restoration, where possible;
- h. Updated draft Policy 7.5.8 to include aquatic habitat;
- i. New policy to guide implementation of traditional ecological knowledge sharing through adherence to ownership, control, access and possession (OCAP) principles; and
- j. Updated draft Policy 7.7.6 to incorporate assistance in the development of invasive species management plans, where applicable.

6.14 In addition to the above comments, MSIFN are opposed to Council's decision to endorse Land Need Scenario 2a and opposed to the northeast Pickering SABE. MSIFN propose that the northeast Pickering SABE be relocated to Clarington's "Whitebelt" areas. They request that an Opportunity and Cost Study on losing ecosystem services in northeast Pickering, and a Cumulative Effects Assessment on the impact of northeast Pickering SABE on Williams Treaties First Nations harvesting rights, be completed.

- a. Extensive study has been undertaken through the Carruthers Creek Watershed Plan (CCWP) which was endorsed by Regional Council in June 2021, and the TRCA Board of Directors in September 2021. A series of Land Use Management Recommendations form part of the CCWP provide guidance regarding how development can be accommodated within the headwaters while also improving ecological conditions. On July 20, 2021, TRCA stated in a public letter: "The draft CCWP does not state that development in the headwaters of Carruthers Creek should not proceed. Instead, it identifies potential impacts of development and proposes a series of mitigation

measures to manage those impacts should development be considered within the headwaters.”

- b. The proposed SABEs within the recommended ROP are outside of the Greenbelt Plan Area. High level designations are provided through the ROP, but detailed land uses and facilities, and the examination of impact from development on features and functions will form part of the City’s secondary plan process currently underway. Regional staff have already connected MSIFN and their consultation team with staff at the City of Pickering that are leading the secondary plan process.
- c. The recommended ROP has followed the criteria under the Growth Plan and the Provincial Land Needs Assessment Methodology. Although the policies have not been amended to also require the conduct of the requested Cumulative Effects Assessment and Opportunity/Cost Study, any further study could form part of future development review processes. Regional staff would like to continue the conversation with MSIFN, the City, the province and other interested parties related to cumulative effects and the value of ecosystem services.
- d. In addition, it should be noted that Municipality of Clarington is not supportive of further expansion into the Clarington “Whitebelt” beyond what is currently proposed.

6.15 The Huron-Wendat First Nation submitted comments on the draft ROP with respect to engaging Indigenous communities, land acknowledgement, archaeological resources, environmental resources, and public art honouring cultural resources. As a result, the recommended ROP was revised as follows:

- a. Traditional Territory Acknowledgement expanded to include reference to other Indigenous communities, in addition to the Mississaugas of Scugog Island First Nation.
- b. Built environment policies addressing area municipal official plan and secondary plan requirements related to providing for a vibrant and attractive public realm incorporating art, culture and heritage have been expanded to include engaging with Indigenous communities and incorporating Indigenous history and art commissioning, where appropriate, with a focus on cultural heritage.

- c. A new policy was added to engage with the appropriate Indigenous community to identify interpretive and commemorative opportunities to ensure the long-term protection of any archeological resources, in the case where the preservation of a site containing archaeological resources of Indigenous, First Nation or Metis origin is not possible.

## **7. Overview of Key Changes in the Recommended ROP**

- 7.1 The draft ROP as presented within Section 4 of the Public Meeting Report [#2023-P-6](#) is predominantly reflected in the recommended ROP, with updates to policies and mapping that have occurred to address comments and undertake technical/housekeeping updates. To assist in Council and members of the public's review of the recommended ROP, Attachment #6 provides an overview of key changes made to the recommended ROP as a result of the feedback received during the above noted consultation exercise.

## **8. Declaration that the new Official Plan meets the requirements of the Planning Act**

- 8.1 Section 26 (7) of the Planning Act states that Council by resolution shall declare to the approval authority that the Official Plan meets the requirements of subclauses 26 (1) (a), (b) and (c) of the Planning Act. Pursuant to section 26, the adopted official plan is to:
  - a. conform with provincial plans such as the Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan and Lake Simcoe Protection Plan, or not conflict with them;
  - b. have regard to the matters of provincial interest listed in Section 2 of the Planning Act. Section 2 details matters of provincial interest such as:
    - the protection of ecological systems, including natural areas, features and functions;
    - the protection of the agricultural resources;
    - the conservation and management of natural resources and the mineral resource base;
    - the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
    - the supply, efficient use and conservation of energy and water;

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
  - the minimization of waste;
  - the orderly development of safe and healthy communities including accessibility, the adequate provision and distribution of educational, health, social, cultural and recreational facilities, and, provision of a full range of housing, including affordable housing;
  - the adequate provision of employment opportunities;
  - the protection of the financial and economic well-being of the province and its municipalities;
  - the co-ordination of planning activities of public bodies;
  - the resolution of planning conflicts involving public and private interests;
  - the protection of public health and safety;
  - the appropriate location of growth and development;
  - the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
  - the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and
  - the mitigation of greenhouse gas emissions and adaptation to a changing climate;
- c. be consistent with policy statements issued under subsection 3 (1). 2015, c. 26, s. 24 (1), such as the Provincial Policy Statement.

8.2 It is recommended that Council declare that the new Regional Official Plan, as adopted, forms Regional Council's long-term strategy for guiding and integrating growth management, development, land use, infrastructure and servicing planning and meets the requirements of Section 26 (1), (a), (b) and (c) of the Planning Act.

## **9. Implications of Bill 23**

9.1 Should certain components of the More Homes Built Faster Act (i.e. Bill 23) be proclaimed as proposed, the Region would be defined as an upper-tier municipality without planning responsibility, with approval authority on development planning matters being assumed by the lower tier municipalities, (much of which has already been delegated to Durham's area municipalities). A specific proclamation date is not known at this time; however, the province has advised that it does not expect to proclaim those aspects of Bill 23 that affect upper-tier planning responsibilities until

the winter 2024, at the earliest. Under Bill 23, future updated or new area municipal official plans and amendments will require Ministerial approval, (not Regional approval as is currently the case). Ministerial decisions on planning matters cannot be appealed by the Region.

- 9.2 If those aspects of Bill 23 are ultimately proclaimed such that the Region ceases to have an official plan under the Planning Act, staff recommend that Council continue to recognize and rely on this new Regional Official Plan to inform decisions pertaining to the delivery and coordination of regional infrastructure and services.

## **10. Proposed 2023 Provincial Planning Statement**

- 10.1 On April 6, 2023, the province released a proposed new Provincial Planning Statement (2023 PPS), which is intended to replace the current Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (both were last updated by the province in 2020). Comments on the newly proposed legislative and policy changes are required by June 5, and the province has advised that it expects the new PPS to come into force in the fall of 2023. As noted in Report [#2023-INFO-29](#), staff are in the midst of preparing a Regional position that will come forward to Regional Planning and Economic Development Committee on June 6<sup>th</sup>. Regional staff will work with Provincial staff through the approval process to consider any modifications that may be required to the ROP if the 2023 PPS comes into force prior to the new ROP's approval.

## **11. Relationship to Strategic Plan**

- 11.1 This report aligns with/addresses all the strategic goals and priorities in the Durham Region Strategic Plan. The new Official Plan reflects Council's land use vision for the Region to 2051 and is Council's principal guiding document with respect to the delivery of regional infrastructure and services.

## **12. Conclusion**

- 12.1 Envision Durham, the Region's MCR has been a highly consultative process since its formal public launch in 2019. The adoption of the new ROP as a data driven, future focused guiding document for the growth and development of the Region is the final deliverable of the process so that it may be considered by the Minister of Municipal Affairs and Housing.

- 12.2 Envision Durham and the new ROP highlights how planning for land use, infrastructure, services, transportation, natural and rural systems are intrinsically interconnected. The ROP and the role of Regional planning is vital in ensuring that these components are coordinated. The future proclamation of Bill 23 as it relates to the role of upper-tier planning and the ROP will pose distinct challenges to planning, as well as coordinating services and infrastructure as Durham strives to meet its future growth demands.
- 12.3 It is recommended that Regional Council adopt the final draft ROP (Attachment #1) and direct staff to forward the new ROP to the province for approval. The new ROP will be forwarded to the Minister in a package, along with a form and submission checklist as required by MMAH, which includes but is not limited to: records of consultation; declaration that requirements for giving notice and holding a public meeting and open house have been complied with; and, statements of conformity and consistency with provincial plans and policies. Prior to the submission to the province, it is recommended that Regional staff be authorized to undertake any technical housekeeping on the Regional Official Plan as may be necessary following adoption.
- 12.4 It is also recommended that, following the Special Meeting, a copy of this report and a “Notice of Adoption” be sent to all Envision Durham Interested Parties, Durham’s area municipalities, Indigenous communities, conservation authorities having jurisdiction in the Region of Durham, the Durham Agricultural Advisory Committee, Durham Environment and Climate Advisory Committee, the Durham Active Transportation Committee, the Building Industry and Land Development (BILD) – Durham Chapter, Durham Region Home Builders’ Association, other agencies and service providers that may have an interest in the planning of long-term growth in the region (e.g. school boards, hospitals, utility providers, etc.), and all other persons or public bodies who requested notification of this decision.

### **13. Attachments**

- Attachment #1: [Final draft Regional Official Plan \(www.durham.ca/newROP\)](http://www.durham.ca/newROP)
- Attachment #2: [New Regional Official Plan By-law](#)
- Attachment #3: [Agencies and Service Providers for Circulation](#)
- Attachment #4: [Public Meeting Minutes – March 7, 2023](#)
- Attachment #5: [Submissions Table \(www.durham.ca/DraftROPSubmissions\)](http://www.durham.ca/DraftROPSubmissions)



Attachment #6: [Key Changes from Draft ROP \(February 10, 2023\) to Final Draft ROP \(May 3, 2023\)](#)

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP, PLE  
Commissioner of Planning and  
Economic Development

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer