

PLANNING AND DEVELOPMENT COMMITTEE

ITEM: PL 77-07

MAY 28TH, 2007

SUBJECT: WHITBY OFFICIAL PLAN REVIEW
TOWN OF WHITBY

RECOMMENDATIONS

1. That, in accordance with Section 26 of the *Planning Act*, a Special Meeting of Council be held for the purpose of determining the need for a review and update of the Whitby Official Plan;
2. That Council endorse, in principle, the preliminary work program for the Whitby Official Plan Review as shown on Attachment #2;
3. That Staff be authorized to prepare a preliminary Terms of Reference for consulting services for the Whitby Official Plan Review;
4. That Staff obtain public input on the Community's preference for future growth through the Official Plan Review; and
5. That a copy of Planning Report, Item PL 77-07 be forwarded to the Regional Municipality of Durham and its area municipalities, agencies, and stakeholder/community groups for information.

ORIGIN

The *Planning Act*, as recently amended by the *Planning and Conservation Statute Law Amendment Act* (Bill 51), requires that an Official Plan Review (OP Review) must be undertaken, not less frequently than every five years, to ensure that it: conforms to, or does not conflict with provincial plans; has regard for matters of provincial interest; and, is consistent with Provincial Policy Statement (PPS). In addition, the Province has introduced a number of legislative and policy changes that would affect land use planning at the local level, such as the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, and the Provincial Policy Statement. The Region of Durham has also recently adopted Official Plan Amendment (OPA) #114, which includes revised rural, environmental, commercial and transportation policy components, with which the Whitby Official Plan must also conform. There are a number of other emerging planning trends/issues, as well as department and agency policy initiatives that may also be addressed through an OP Review. Accordingly, the purpose of Planning Report, Item PL 77-07 is to outline and seek authorization to initiate the review and update of the Whitby Official Plan.

Further, on April 23rd, 2007, Council directed Planning Staff to obtain input from the public on the Community's preference for future growth and that staff report back on a proposed methodology to obtain this input (see Item PL 46-07). The purpose of this report is also to recommend that, further to Council direction, Planning Staff obtain public input on the Community's preference for future growth through the OP Review by survey. The Department is now researching the cost, survey options and consultants able to assist the Municipality in this regard. A further report to the Planning Committee and Council will be required. The cost implications of the survey are not included in the budget forecast and have yet to be determined.

ATTACHMENTS

Introductory Discussion Paper - including Appendices Attachment #1
(Previously circulated under separate cover)

Preliminary Proposed Work Program for the Whitby Official Plan Review Attachment #2

BACKGROUND

Need for Official Plan Review

Since approval of the Whitby Official Plan in 1995, the Province has introduced several legislative and policy changes (e.g. *Oak Ridges Moraine Conservation Act* and Plan; Provincial Policy Statement, 2005; *Greenbelt Act* and Greenbelt Plan; *Places to Grow Act* and Growth Plan for Greater Golden Horseshoe; *Planning Act* amendments under Bill 51) that affect land use planning at the local municipal level. There are also other Provincial initiatives, such as the Highway 407 Environmental Assessment and identification of Provincially Significant Wetland Complexes, that should be addressed through the OP Review.

The Region of Durham has been undertaking their Official Plan Review over the past few years, and last fall, adopted OPA No. 114 (although under appeal to the Ontario Municipal Board), which includes revised rural, environmental, commercial and transportation policy directions. The Region is also completing an update to their Transportation Master Plan next year, and will have other Official Plan Amendments to the Regional Official Plan arising from the Provincial Growth Plan conformity exercise, that should also be addressed through the Whitby OP Review.

As outlined in the Introductory Discussion Paper in Attachment #1, there are a number of other ongoing internal matters such as emerging trends and issues, proposed Transportation Master Plan, Brooklin Heritage Conservation District Plan, as well as external policy initiatives, such as CLOCA's floodplain regulations, mapping, and other management plans, that may also be addressed through the Whitby OP Review.

Lastly, Council has directed Planning Staff to obtain input from the public on the Community's preference for future growth and that staff report back on a proposed methodology to obtain this input (see Item PL 46-07). The following provides a brief context of Durham's growth prospects.

The current Whitby Official Plan (1995) anticipated a 2011 Whitby population target of 125,000. The existing Regional Official Plan (1993) anticipated a 2021 Whitby population target of 163,000. The Region's recent OPA #114 has deferred consideration of the area municipal population and employment forecasts and allocation pending the legislated conformity exercise to implement the Province's Growth Plan. Prior to release of the Final Growth Plan, the Region of Durham had forecasted a 2031 Regional population of 1,050,000 persons including 226,000 in Whitby. However, the Province's Growth Plan, to which the Regional Official Plan must now conform, projects a 2031 Regional population of 960,00 persons for Durham Region – 90,000 persons less than the Region's previous forecast. Forecasted employment is also less by 50,000 jobs. Therefore, decreased Regional population and employment forecasts will have a corresponding decrease in growth allocation for each municipality, as well as a corresponding decrease in the amount of urban land needed.

The Provincial Government, through the Growth Plan has determined that the Greater Golden Horseshoe (GGH) area will grow by 3.7 million people between 2001 and 2031. Of that growth, approximately twelve percent (12%) is to occur in Durham Region (430,000 persons). It has also already allocated population and employment forecasts to each Region and single-tier municipality in the GGH. Yet to be determined is the level of growth to be re-allocated to each area municipality within each Region, which will occur through the Region's Growth Plan conformity exercise and 'Sub-Area Assessment'. The Province's Growth Plan requires that a 'Sub-Area Assessment' be undertaken to determine the allocation of the projected Regional population, and corresponding land needs for each of the Region's area municipalities for future urban expansion. This will also include some population growth expected to be achieved through intensification.

There will be an appropriate opportunity to consult with the public on a preference for future growth, once the population allocations and land needs are known (likely within the next year) through the 'Sub-Area Assessment' exercise. It should be noted that it is difficult to obtain public input on the community's preference for the quantum of future growth in advance of the 'Sub-Area Assessment' exercise that determines the distribution of growth, population allocation and corresponding land needs being proposed by the Province. The distribution or assignment of new living and employment areas will be established at the regional level through the Durham Region Official Plan and conformity with the Provincial Growth Plan. Whitby and its residents will have the opportunity to provide input through the Region's consultation process. It should also be noted that should Whitby residents and/or Council decide early on, not to accept any or all of the proposed population allocation and corresponding urban expansion proposed through the 'Sub-Area Assessment', then a Whitby allocation could be distributed to other municipalities within Durham Region. As the Official Plan is intended to guide future growth and development, the OP Review and associated public consultation (e.g. surveys, open houses, public

meetings), is an appropriate process to address this matter.

ANALYSIS

Official Plan Review

The Whitby Official Plan, approved in 1995, has provided an effective framework for land use planning over the past 12 years. However, as previously mentioned, a number of new land use planning policy initiatives at various levels of government, have been introduced since the Whitby Official Plan was approved. There have been numerous Amendments to the Whitby Official Plan since 1995. In order to effectively plan for the next 30 years, to ensure ongoing effectiveness of the Official Plan, to conform to new and changing Provincial, Regional, Department and Agency land use planning policy initiatives, a review of the Whitby Official Plan should be undertaken.

As outlined in the Introductory Discussion Paper (see Attachment #1), the Whitby Official Plan Review will, among other matters as may be directed by Council, focus on:

- Implementation of new Provincial policy initiatives;
- Conformity with the Durham Region Official Plan;
- Growth Management, Intensification and future urban land needs;
- Sustainable Community Planning and Design;
- Review and update of existing Whitby Official Plan policies; and
- Other 'technical' and 'housekeeping' matters.

Introductory Discussion Paper

The Introductory Discussion Paper shown on Attachment #1, is intended as a comprehensive starting point, to outline and discuss recent planning policy initiatives and emerging trends and issues that affect land use planning at the local municipal level. The three Appendices to the Introductory Discussion Paper provide a brief overview of the structure of the current Whitby Official Plan, a summary of Official Plan Amendments since 1995, and selected statistical trends, since 1991 that attempts to measure change since the preparation of the existing Official Plan.

The Introductory Discussion Paper was circulated to all Town Departments for review and comments. Comments received have been considered and incorporated into the Introductory Discussion Paper.

Preliminary Work Plan

It is intended that the Whitby Official Plan Review be undertaken in four (4) Phases, over the next three to four years, as follows:

- Phase 1: Issues Discussion and Direction Report (discusses issues and provides rationale for future policy direction);
- Phase 2: Recommended Policy Direction(s) (provides recommended additions, deletions and revisions to OP policies);
- Phase 3: Draft Whitby Official Plan Amendment(s); and
- Phase 4: Recommended Whitby Official Plan Amendment(s).

The OP Review process is proposed to follow two main streams:

- Short-term – to address such issues as conformity with Bill 51, PPS, Greenbelt Plan, Regional OPA #114, implementation of identified Provincially Significant Wetlands, and minor housekeeping/technical amendments; and
- Longer-term – to address such issues as expansion of urban area boundaries, growth management, intensification, and overall conformity with upper-tier and Provincial plans. Much of this work will be contingent on the speed and outcome of the ongoing Region's conformity exercise for the Provincial Growth Plan targeted for completion in 2009.

It should be noted that due to the protracted nature of the issues to be addressed through the OP Review, several Official Plan Amendments may be required at various points during the OP Review. Planning Staff will report back to Committee with periodic status updates and any revisions to the workplan.

Attachment #2 outlines a proposed preliminary work plan for the Official Plan Review. It is anticipated that the work plan would be revised, pending input received from the Special Meeting of Council, departments, agencies, and stakeholder groups.

Assistance from Consultant(s)

As an Official Plan Review is such a large project, comprising a variety of complex issues, undertaken over several years, it is recommended that consulting services be obtained to assist staff throughout the OP Review, where internal resources and/or expertise are either limited or unavailable. The Official Plan Review will be led and managed by the Planning Department. An internal municipal advisory team will also be established to assist Planning Staff in advancing this project.

Public Consultation

As an integral component of the Whitby Official Plan Review, each phase of the Review will include consultation with the public, agencies and stakeholders, in accordance with the *Planning Act*, and as determined by Council.

In order to provide effective consultation, the OP Review will also include release and circulation/distribution of a variety of information, documentation, surveys, notices and updates through such media as the Town of Whitby website, newsletters, and

advertisements in local newspaper(s). Most importantly, open houses and statutory public meetings under the *Planning Act* will be held at strategic points throughout the Review for various topics (e.g. proposed policy direction, Draft OPA, Recommended OPA). A mailing list of interested parties, commenting agencies, and community groups will be maintained for the purposes of future notification. Staff will also look to employing an outreach program to receive input through presentations to community service groups and agencies.

Next Steps

Special Meeting of Council

As noted above, the *Planning Act* requires that a Special Meeting of Council be held to determine the need for an Official Plan Review. It is anticipated that the Special Meeting of Council regarding the OP Review will be scheduled for September, 2007, during the evening, in Council Chambers of the Whitby Municipal Building. As outlined in the *Planning Act*, the intent of the meeting is to hear submissions and views of the public in consideration of topics to be included in the OP Review.

In accordance with the requirements of the *Planning Act*, Notice of the meeting is required the *Planning Act* to be published at least once a week, in each of two separate weeks, at least thirty (30) days prior to the Special Meeting of Council. Notice of the Special Meeting of Council will also be provided to commenting agencies, stakeholder/community groups, and any interested parties, as well as published on the Town's website.

Once submissions have been received, Planning Staff will report back to Committee and Council summarizing the comments and concerns outlined in the OP Review submissions.

Terms of Reference / Requests for Proposals

It is recommended that Council authorize staff to prepare a preliminary Terms of Reference for a Request for Proposal for professional planning consulting services to assist with the OP Review. In order to avoid further delay in commencing the OP Review, and due to the substantial lead time required for issuance of Requests for Proposals and timing for the recommendation of the selected consultant, it is necessary to begin preparation of the Terms of Reference prior to the Special Meeting of Council in September. The preliminary Terms of Reference will include the topics identified in the Introductory Discussion Paper. Any other topics for consideration identified at the Special Meeting of Council, or as the result of input from the public and agencies, or as directed by Council, can also be included in the Terms of Reference prior to issuing the Request for Proposals.

As noted, the OP Review will be managed by the Planning Department. The Planning Department will report back to Committee regarding a proposed Terms of Reference and the Request for Proposals in the Fall of 2007. It is unknown whether the proposal submissions will be from multi-disciplinary firms or a group of firms teaming to complete the OP Review. Subconsultants may be retained by the lead consultant where necessary (e.g. to design, undertake, and analyse public surveys).

Subsequent to the Special Meeting of Council and upon receipt of public and agency comments, Planning Staff will report back to Planning and Development Committee to finalize the workplan for the OP Review, and to finalize the Terms of Reference and issue a Request for Proposal for selection of a qualified consultant(s) to assist in the OP Review.

FINANCIAL IMPLICATIONS

With the exception of costs associated with a survey regarding the public's preference of future growth, the costs of the Official Plan Review (i.e. the preliminary work program shown on Attachment #2) have been included in the 2007 Capital Budget and 10 Year Forecasts.

SUMMARY AND CONCLUSION

Based on an assessment of the internal and external forces affecting land use planning policies at the local level, Planning staff conclude that there is a timely need to undertake a comprehensive review in order to effectively plan for the next 30 years.

Accordingly, Planning Staff recommend that:

- a Special Meeting of Council be held for the purpose of determining the need for a review and update of the Whitby Official Plan;
- Council endorse the preliminary work program for the Whitby Official Plan Review;
- Staff prepare a preliminary Terms of Reference for consulting services for the OP Review;
- public input be obtained on the Community's preference for future growth through the OP Review; and
- a copy of this report be forwarded to the Regional Municipality of Durham and its area municipalities, agencies, and stakeholder/community groups for information.

RBS/LC/EB