

August 20, 2023

MGP File: 17-2666

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3

via email: andrew.doersam@ontario.ca

Attention: Mr. Andy Doersam

**RE: ERO File No. 019-7195
Approval of the Durham Region Official Plan
Comments on behalf of the Brooklin North Landowners Group**

Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Brooklin North Landowners Group (“BNLG”), who own multiple properties in the Brooklin Community Secondary Plan (“BCSP”) Area. MGP has participated in the Durham Region Official Plan Review (“Envision Durham”) process since 2021 and has been monitoring and providing input, including prior letters, meetings with staff, deputations to Council, and by participating in the Region’s public engagement sessions.

BNLG supports the Region’s adoption of a new regional official plan to guide development to 2051 and to update policies from the existing official plan originally adopted in 1993 to align with recent provincial direction. BNLG reiterates its support to have the new official plan approved as soon as possible to allow local planning processes to continue expeditiously and have housing built faster.

On behalf of BNLG, this letter provides a summary of the outstanding comments on the new Durham Region Official Plan (“New ROP”) that is currently available for public consultation through ERO File Number 019-7195.

BNLG continue to have concerns with the New ROP that it believes can be addressed by the Minister through modifications to the New ROP, primarily:

- 1) Onerous policy requirements, particularly for affordable housing and municipal servicing, should be softened to allow for maximum flexibility and implementation at a lower-tier level; and
- 2) A Rural Lands designation should be introduced in the New ROP and the lands surrounding the Brooklin Community Secondary Plan Area, south of the Oak Ridges Moraine identified as Prime Agricultural be redesignated to such Rural Lands.

The following sections of this letter outline and detail each of BNLG’s outstanding concerns.

1.0 General Comments

1.1 Policy Requirements are Too Onerous

While we appreciate the efforts to provide guidance for land use planning in lower-tier municipalities, we believe that many of the policies in the New ROP are overly prescriptive, which may impede the implementation of the New ROP at a local level. We suggest that the New ROP adopt a more general tone that provides flexible guidance on land use and development matters. A copy of our suggested policy changes is found in Attachment A to this letter.

Generally, we note that numerous policies within the New ROP are excessively onerous or prescriptive, particularly in relation to reports or studies that are required for the development approvals process. Given the recent changes to the planning framework in Ontario brought about by Bills 23 and 97, we have suggested a number of revisions to the New ROP policies that identify hard requirements through the use of the words “shall”, “will”, or “require”, and replace them with “should”, “may”, and “encourage” together with “where appropriate”. Such changes would enable greater flexibility and better align with the new provincial priorities and directions being undertaken, including through the initial release of the 2023 Provincial Planning Statement, which a draft was recently circulated for public consultation and is now with the Ministry for review.

As the lower-tier municipalities will be ultimately responsible for the implementation of the New ROP, we note that where required, such policies may be re-assessed at the time of implementation into the lower-tier municipality’s planning policy framework, and be more restrictive, as necessary, for each municipality.

Furthermore, a number of policies in the New ROP identify requirements to be completed “prior to development” (e.g. Policies 3.3.47, 3.3.50, 5.7.8). We request that all references to this language be replaced with “during the development approvals process”.

It is inappropriate to require any studies, background work, or consultation prior to any development (which is defined generally as any lot creation, change in land use, or construction of buildings and structures, any of which requires approval under the Planning Act). Rather, good planning intends that any required studies, background work, or consultation be conducted as part of the development approvals process, and the regional policy framework should reflect this process.

Policy 3.3.50 also requires development proponents to provide a copy of the Stage 2 archaeological assessment where archaeological resources are found to the First Nation or Metis and “receive a response” prior to development proceeding. We believe that it is not appropriate to require a response in all instances and that receiving a response is not a policy requirement under any proponent’s duty to consult. It may not be possible to receive a response in a timely manner, or a lack of response may indicate there is no concern, all of which should not delay the development approvals process.

1.2 A Balanced Approach to Growth

A number of policies in the New ROP appear to prioritize one type of growth, or one location of growth, over another. For example:

Objective iii (Section 3.1):

Promote residential growth in the region by prioritizing intensification of existing residential areas.

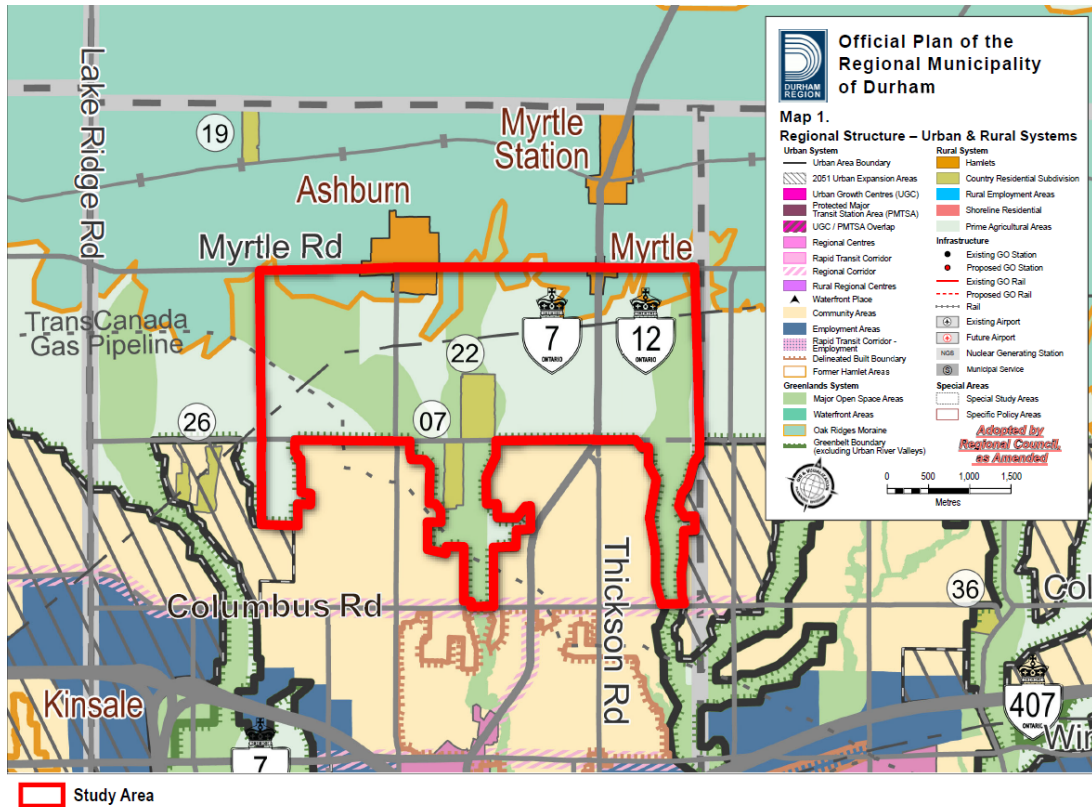
4.1.2 Prioritize the provision of municipal water and sewage services within Urban Areas to development and redevelopment applications which produce an intensive and compact form of development to optimize the use of the services. This includes prioritizing the provision of municipal services and infrastructure to Strategic Growth Areas.

It is inappropriate to prioritize the intensification of existing residential areas or Strategic Growth Areas as the sole focus of residential growth in the Region. Balanced region-wide growth can only be achieved through a combination of intensification, new designated greenfield area (“DGA”) growth, and rural settlements. Prioritizing only intensification may lead to an imbalance in growth patterns, resulting in strain on existing infrastructure and services in those areas. Encouraging a mix of different types of growth, including development within the DGAs, will assist in creating a balanced community. The current housing crisis necessitates a variety of housing options for residents. Prioritizing only intensification may limit the availability of these options, whereas different types of growth can meet the diverse needs of the community, including market-based housing in the DGA.

1.3 Proposed Rural Lands Designation on Surrounding Lands

Lands abutting the Brooklin Community Secondary Plan area are proposed to be designated Prime Agricultural Area or Greenlands, Major Open Space Areas on Map 1, Regional Structure, of the New ROP (See Figure 1).

Figure 1: Study Area



The most current Provincial guideline regarding the implementation procedures of refining agricultural land mapping is the ‘Implementation Procedures for the Agricultural System in Ontario’s Greater Golden Horseshoe’ (“Provincial Implementation Procedures”) issued by OMAFRA dated March 2020. Section 3.3.2.1 of the Provincial Implementation Procedures provides that the municipality may refine Prime Agricultural Areas under specific circumstances, including, but not limited to, the following:

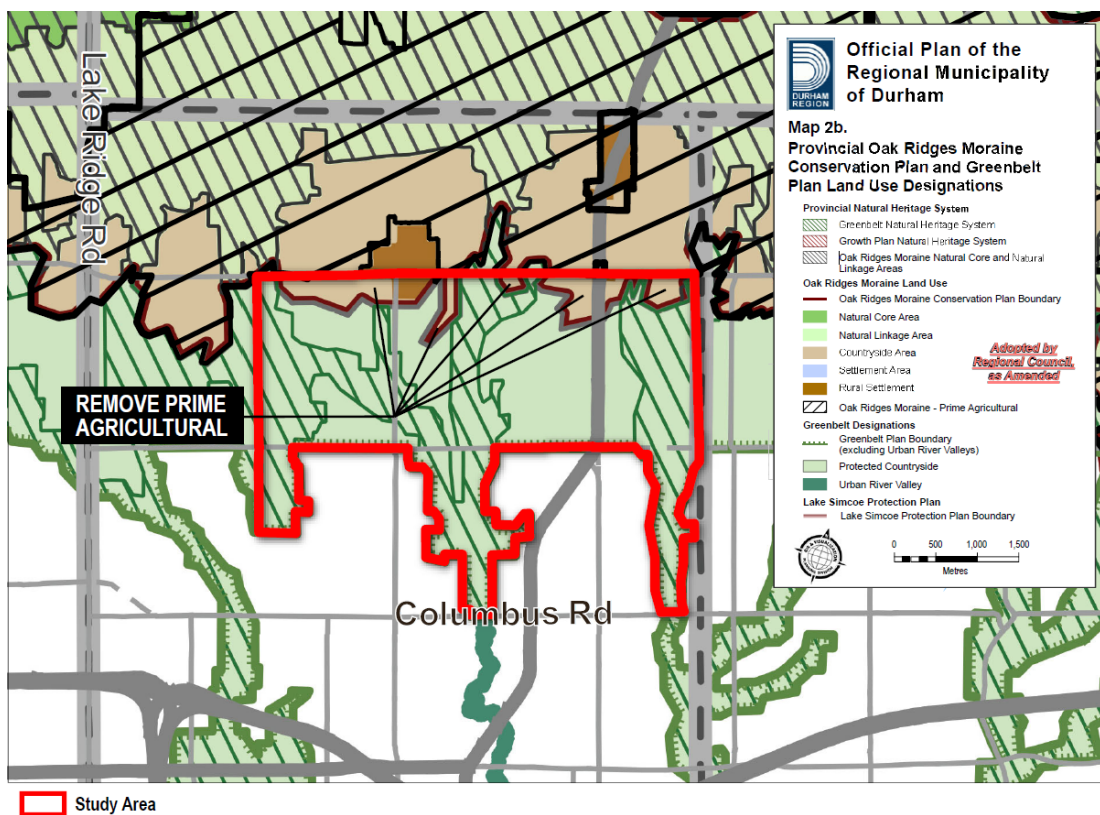
- To make minor technical adjustments;
- To account for settlement area boundaries and additional refinements to settlement area boundaries in effect as of July 1, 2017.

We recognize that in accordance with the policies of the PPS, Growth Plan and the Provincial Implementation Procedures, the Region conducted agricultural studies as background studies for the preparation of the Draft ROP; however, these were conducted prior to the finalization of the SABEs. Further agricultural analysis should be completed to account for the Prime Agricultural Areas that are now fragmented and have direct interface with lands designated for urban uses.

As such, we request that 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 provides more appropriate land uses in and around new settlement areas. This also would provide a designated Rural Area, that continues to permit agricultural uses, but also provides for a recreational and rural interface between the Region’s urban area and the

prime agricultural and environmental areas to the north. As a result of the imminent development within the BNLG lands for urban uses, impacts on the existing agricultural areas adjacent to the Brooklin Community Secondary Plan area are likely unavoidable. The unintended consequence of identifying the periphery as “Prime Agricultural Areas” will result in small, fragmented parcels of lands within the Greenbelt Plan Area which will be left vacant and unused, and are too small to be economically viable for agriculture, and surrounded by conflicting urban uses. These lands would be essentially sterilized, contributing neither community nor agricultural benefit to either the community or municipality. As such, we recommend that these areas be re-evaluated under the New ROP and re-designated as Rural Lands, which will continue to permit agricultural uses in addition to other rural uses in accordance with proposed Policy 7.1.6 (See Figure 2).

Figure 2: Requested Modification to Map 2B to Remove Prime Agricultural Overlay

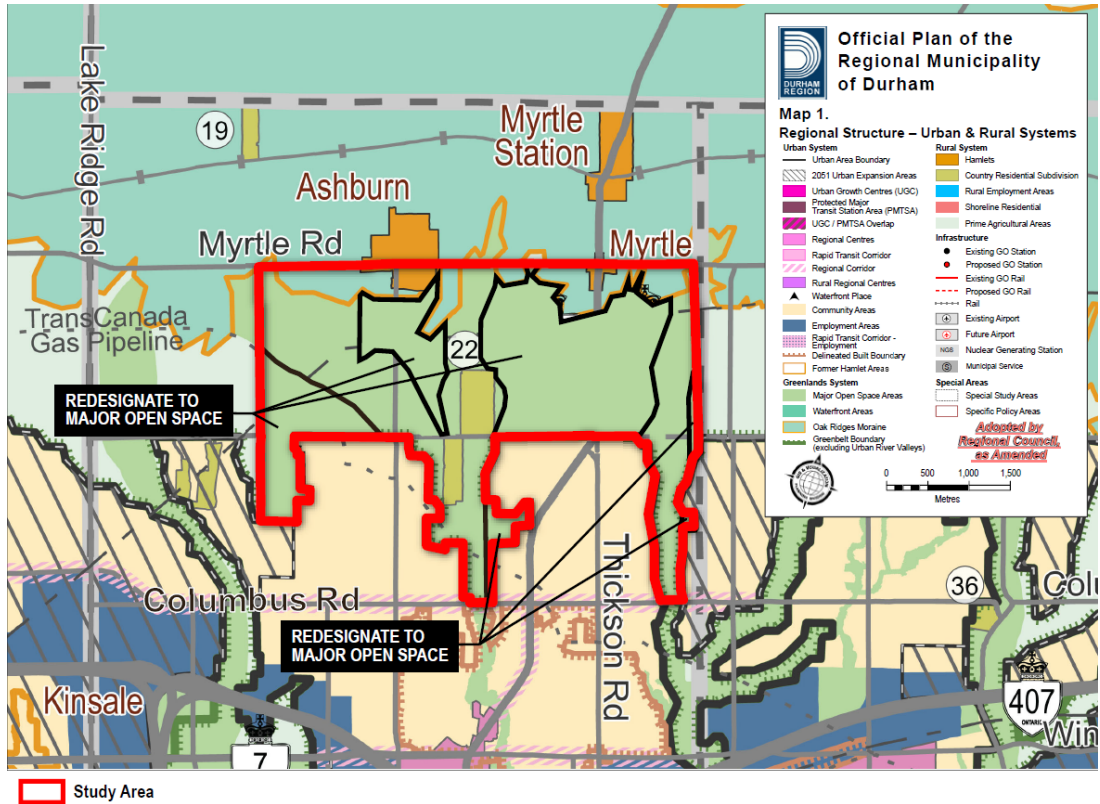


The New ROP should include a rural land use designation, given that the PPS and Provincial Plans anticipate having either a Prime Agricultural Area or Rural Lands designation outside of settlement areas as the primary land use designations. The Region’s use of the Major Open Space Area designation as a surrogate for Rural and Environmental lands generally results in too little Rural lands being planned for in the Region, and the permissions of the Major Open Space Area designation do not align with the Rural Lands policies of the PPS and Provincial Plans.

Failing a new rural land use designation, we request that the entirety of the Prime Agricultural Areas surrounding the BCSP area be re-designated to Major Open Space Areas and or another designation within the Rural System that acknowledges a wider range of uses including

agricultural, rural, recreational, open space, and natural heritage preservation. For lands within the Greenbelt Plan surrounding the BCSP area, the Major Open Space Area designation on those lands should permit a more flexible list of permitted uses that is consistent with the Greenbelt Plan Rural Lands designation, including recreational, tourism, institutional, and resource-based commercial and industrial uses.

Figure 3: Requested Modification to Map 1 to Designate Lands to Major Open Space



2.0 Conclusion

We thank you for the opportunity to provide comments on the New ROP. We are pleased to see the changes implemented by the Region through the public consultation process, however we have outstanding concerns regarding a number of policies that have yet to be addressed. We have limited our suggested policy solutions in this letter to address our most notable concerns with regard to the BNLG. We would be happy to meet with you to discuss our comments or answer any questions.

Yours very truly,
Malone Given Parsons Ltd.



Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

cc. Brooklin North Landowners Group

Attachments:

A: Durham Regional Official Plan Proposed Policy Modifications Table

B: Brooklin North Landowners Group Comments Letter dated May 16, 2023

ATTACHMENT A

Durham Regional Official Plan Proposed Policy Modifications Table	
Regional Council-Adopted ROP	BNLG Proposed Modifications to ROP
3.1 Diverse & Available Supply of Housing	
<p><i>Goals</i></p> <p>iii. Promote residential growth in the region by prioritizing intensification of existing residential areas</p>	<p><i>Goals</i></p> <p>iii. Promote residential growth in the region by prioritizing intensification of existing residential areas <u>encouraging a balance of intensification and development within designated greenfield areas.</u></p>
<p><i>Affordable Housing</i></p> <p>3.1.20 Require that at least 25% of all new residential units produced throughout the region to be affordable to low and moderate income households.</p>	<p><i>Affordable Housing</i></p> <p>3.1.20 Require that <u>Encourage</u> at least 25% of all new residential units produced throughout the region to be affordable to low and moderate income households.</p>
<p><i>Affordable Housing</i></p> <p>3.1.21 Require that at least 35% of all new residential units created in Strategic Growth Areas to be affordable to low and moderate income households.</p>	<p><i>Affordable Housing</i></p> <p>3.1.21 Require that <u>Encourage</u> at least 35% of all new residential units created in Strategic Growth Areas to be affordable to low and moderate income households.</p>
<p><i>Rental Housing</i></p> <p>3.1.30 Require an amendment to the Regional and area municipal official plan, for the conversion of existing rental housing units to condominium tenure affecting six or more units, supported by information that demonstrates the following...</p>	<p><i>Rental Housing</i></p> <p>3.1.30 Require an amendment to the Regional and area municipal official plan, for the conversion of existing rental housing units to condominium tenure affecting six or more units, supported by information that demonstrates the following...</p>
3.3 Complete Communities	
<p>3.3.1 Support the development of healthy, sustainable and complete communities that incorporate:</p>	<p>3.3.1 Support the development of healthy, sustainable and complete communities that incorporate, <u>where appropriate:</u></p>

ATTACHMENT A

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<ul style="list-style-type: none"> a) a mix of housing options, including affordable and market-based housing options, in accordance with Section 3.1; b) employment opportunities in accordance with Policy 2.1.13; c) community hubs that cluster together community uses, services, facilities, and shopping, in accordance with Policies 3.3.26 to 3.3.28; d) active transportation and the use of multi-modal transportation options; e) institutional facilities and amenities, including educational facilities, places of worship, health care facilities and long-term care homes; f) safe, publicly accessible recreation areas, parks, open spaces, trails and other recreation facilities; g) age-friendly and universally accessible spaces for residents of all ages and abilities through universal accessibility design principles, in accordance with Policies 3.3.14 to 3.3.16; h) healthy, local and affordable food options, including urban agriculture; i) enhanced and protected natural environment; j) vibrant places and spaces, including a public realm characterized by compact built form; and k) climate resilient development, with an emphasis on the reduction of GHG emissions, in accordance with Sections 3.2 and 4.1. 	<ul style="list-style-type: none"> a) a mix of housing options, including affordable and market-based housing options, in accordance with Section 3.1; b) employment opportunities in accordance with Policy 2.1.13; c) community hubs that cluster together community uses, services, facilities, and shopping, in accordance with Policies 3.3.26 to 3.3.28; d) active transportation and the use of multi-modal transportation options; e) institutional facilities and amenities, including educational facilities, places of worship, health care facilities and long-term care homes; f) safe, publicly accessible recreation areas, parks, open spaces, trails and other recreation facilities; g) age-friendly and universally accessible spaces for residents of all ages and abilities through universal accessibility design principles, in accordance with Policies 3.3.14 to 3.3.16; h) healthy, local and affordable food options, including urban agriculture; i) enhanced and protected natural environment; j) vibrant places and spaces, including a public realm characterized by compact built form; and k) climate resilient development, with an emphasis on the reduction of GHG emissions, in accordance with Sections 3.2 and 4.1.
3.3.4 Require area municipal official plans and secondary plans to include:	3.3.4 Require Encourage area municipal official plans and secondary plans to include:

ATTACHMENT A

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<ul style="list-style-type: none"> a) policies that ensure high quality and sustainable urban design; b) sufficient, publicly accessible greenspace and parks in Urban Areas, where feasible and appropriate; c) provisions for a vibrant and attractive public realm incorporating art, culture and heritage, and contributing to a sense of place and identity. This may include engaging with Indigenous communities and incorporating Indigenous art and history, where appropriate; d) parking management policies and standards in accordance with Policy 8.3.4, including: <ul style="list-style-type: none"> i. minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses; ii. shared parking requirements, where possible, reflecting variances in parking demand between complementary uses on a time-of-day, weekday/weekend and monthly basis; iii. on-street parking requirements; iv. building designs that orient main pedestrian entrances to face the public street, provide a pedestrian-friendly urban form and discourage the placement of surface parking spaces between v. the main building entrance and the adjacent major street, where appropriate; vi. discouraging surface parking while designing surface parking lots to enable further development; 	<ul style="list-style-type: none"> a) policies that ensure high quality and sustainable urban design; b) sufficient, publicly accessible greenspace and parks in Urban Areas, where feasible and appropriate; c) provisions for a vibrant and attractive public realm incorporating art, culture and heritage, and contributing to a sense of place and identity. This may include engaging with Indigenous communities and incorporating Indigenous art and history, where appropriate; d) parking management policies and standards in accordance with Policy 8.3.4, including: <ul style="list-style-type: none"> i. minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses; ii. shared parking requirements, where possible, reflecting variances in parking demand between complementary uses on a time-of-day, weekday/weekend and monthly basis; iii. on-street parking requirements; iv. building designs that orient main pedestrian entrances to face the public street, provide a pedestrian-friendly urban form and discourage the placement of surface parking spaces between v. the main building entrance and the adjacent major street, where appropriate; vi. discouraging surface parking while designing surface parking lots to enable further development;

ATTACHMENT A

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<p>and preferential locations for carpooling and car-sharing spaces and bicycle storage requirements;</p> <p>e) street designs that:</p> <ul style="list-style-type: none"> i. provide connections with adjacent neighbourhoods; ii. provide a connected grid pattern of streets with safe and convenient travel options; iii. extend sight lines and view corridors; iv. divide larger sites into smaller development blocks, where appropriate; v. provide access and addresses for new development; vi. balances the needs and priorities of the various users and uses within the right-of-way; vii. allow visibility, access and prominence of unique natural and human-made features; and viii. provide uninterrupted access for emergency vehicles. 	<p>and preferential locations for carpooling and car-sharing spaces and bicycle storage requirements;</p> <p>e) street designs that:</p> <ul style="list-style-type: none"> i. provide connections with adjacent neighbourhoods; ii. provide a connected grid pattern of streets with safe and convenient travel options; iii. extend sight lines and view corridors; iv. divide larger sites into smaller development blocks, where appropriate; v. provide access and addresses for new development; vi. balances the needs and priorities of the various users and uses within the right-of-way; vii. allow visibility, access and prominence of unique natural and human-made features; and viii. provide uninterrupted access for emergency vehicles.
<p><i>Built & Cultural Heritage</i></p> <p>3.3.47 Require areas identified as having archaeological potential by the Region or the area municipality to be studied to their fullest extent prior to development of a property. The proponent shall provide the municipality, the Region and the First Nations or Metis identified as having cultural and/or local heritage within the area with a copy of the provincial assessment letter confirming the reports have been filed with the provincial Register prior to any grading or development occurring on a site.</p>	<p><i>Built & Cultural Heritage</i></p> <p>3.3.47 Require areas identified as having archaeological potential by the Region or the area municipality to be studied to their fullest extent prior to development during the development approvals process. The proponent shall should provide the municipality, the Region and the First Nations or Metis identified as having cultural and/or local heritage within the area with a copy of the provincial assessment letter confirming the reports have been filed with the provincial Register prior to any grading or development occurring on a site.</p>

ATTACHMENT A

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<p><i>Built & Cultural Heritage</i> 3.3.50 Ensure that, where archaeological resources are found to be of Indigenous, First Nation or Metis origin, the proponent and/or their archaeological consultant are required to:</p> <ul style="list-style-type: none"> a) through a Stage 2 archaeological assessment, provide a copy of the findings and receive a response from the First Nation or Metis identified as having cultural and/or local heritage within the area prior to development proceeding; and b) through a Stage 3 archaeological assessment, notify and receive a response from the First Nation or Metis identified as having cultural and/or local heritage within the area in advance of onsite assessment work. 	<p><i>Built & Cultural Heritage</i> 3.3.50 Ensure that, where archaeological resources are found to be of Indigenous, First Nation or Metis origin, the proponent and/or their archaeological consultant are required to:</p> <ul style="list-style-type: none"> a) through a Stage 2 archaeological assessment, provide a copy of the findings and receive a response from the First Nation or Metis identified as having cultural and/or local heritage within the area prior to development proceeding <u>during the development approvals process</u>; and b) through a Stage 3 archaeological assessment, notify and receive a response from the First Nation or Metis identified as having cultural and/or local heritage within the area in advance of onsite assessment work.
<p>4.1 Municipal Servicing</p>	
<p><i>Objectives:</i> i. Ensure adequate municipal water supply and sanitary sewage services are provided to support planned levels of intensification and development within Urban Areas as appropriate, with an emphasis on Strategic Growth Areas.</p>	<p><i>Objectives:</i> i. Ensure adequate municipal water supply and sanitary sewage services are provided to support planned levels of intensification and development within Urban Areas as appropriate, with an emphasis on Strategic Growth Areas.</p>
<p><i>Regional Infrastructure & Services</i> 4.1.2 Prioritize the provision of municipal water and sewage services within Urban Areas to development and redevelopment applications which produce an intensive and compact form of development to optimize the use of the services. This includes prioritizing the provision of municipal services and infrastructure to Strategic Growth Areas.</p>	<p><i>Regional Infrastructure & Services</i> 4.1.2 Prioritize the provision of municipal water and sewage services within Urban Areas to development and redevelopment applications which produce an intensive and compact form of development to optimize the use of the services. This includes prioritizing the provision of municipal services and infrastructure to Strategic Growth Areas.</p>

ATTACHMENT A

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<p>4.1.8 The Region shall not be compelled to supply water or sewage to a development, property or building where sufficient capacity does not exist. Connections will only be provided when it is determined the water and/or sewage system has sufficient capacity to accommodate planned growth.</p>	<p>4.1.8 The Region shall not be compelled to supply water or sewage to a development, property or building where sufficient capacity does not exist. Connections will only be provided when it is determined the water and/or sewage system has sufficient capacity to accommodate planned growth. <u>in accordance with Provincial policies and guidelines, including the D-5 series of guidelines.</u></p>
<p><i>Aligning Growth & Infrastructure Planning</i> 4.1.36 Agree to draft approval of a plan of subdivision in Urban Areas in circumstances where full municipal services are not immediately available, provided that the draft approval does not over-commit servicing capacity identified through a servicing master plan or an approved Environmental Assessment, the lands are appropriately designated for development, and other Regional conditions have been satisfied.</p>	<p><i>Aligning Growth & Infrastructure Planning</i> 4.1.36 Agree to draft approval of a plan of subdivision in Urban Areas in circumstances where full municipal services are not immediately available, provided that the draft approval does not over-commit servicing capacity identified through a <u>entail approval of development that is beyond the planned or design capacity of infrastructure (in compliance with the Province’s servicing guidelines) and</u> servicing master plan or an approved Environmental Assessment, the lands are appropriately designated for development, and other Regional conditions have been satisfied.</p>
<p>5.2 Strategic Growth Areas</p>	
<p><i>Designated Greenfield Areas</i> 5.4.9 Require development within Community Areas on lands that are greater than approximately 20 hectares to proceed through secondary planning exercises that include the following elements: a) a mix of diverse and compatible land uses and a full range of housing options, including additional residential units and affordable housing, to support</p>	<p><i>Designated Greenfield Areas</i> 5.4.9 Require <u>Encourage</u> development within Community Areas on lands that are greater than approximately 20 hectares <u>400 hectares</u> to proceed through secondary planning exercises that include the following elements: a) a mix of diverse and compatible land uses and a full range of housing options, including additional residential units and affordable housing, to support</p>

ATTACHMENT A

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<p>complete communities, vibrant neighbourhoods, active transportation and transit use;</p> <p>b) the implementation of the applicable watershed plan policies, in accordance with Section 7.3. For areas where a watershed plan has not been developed, Policy 7.3.2 shall apply;</p> <p>c) the implementation of appropriate stormwater management techniques to ensure that the risks of downstream flooding are addressed;</p> <p>d) the principles of sequential, orderly and phased development;</p> <p>e) the availability, feasibility and timing of providing full municipal water supply and sanitary sewerage services, in accordance with Section 4.1;</p> <p>f) an assessment of how development will affect the natural, built and cultural environments, including:</p> <ul style="list-style-type: none"> i. where new growth is adjacent to existing Rural Settlements, how new development is planned in a manner that is sensitive to the character of existing Rural Settlements; ii. where there are existing Major Open Space designations or components of the regional natural heritage system in the secondary plan area, they shall be subject to an environmental study to determine the extent of lands that may be considered for development, and subject to an appropriate designation in an area municipal official plan; 	<p>complete communities, vibrant neighbourhoods, active transportation and transit use;</p> <p>b) the implementation of the applicable watershed plan policies, in accordance with Section 7.3. For areas where a watershed plan has not been developed, Policy 7.3.2 shall apply;</p> <p>c) the implementation of appropriate stormwater management techniques to ensure that the risks of downstream flooding are addressed;</p> <p>d) the principles of sequential, orderly and phased development;</p> <p>e) the availability, feasibility and timing of providing full municipal water supply and sanitary sewerage services, in accordance with Section 4.1;</p> <p>f) an assessment of how development will affect the natural, built and cultural environments, including:</p> <ul style="list-style-type: none"> i. where new growth is adjacent to existing Rural Settlements, how new development is planned in a manner that is sensitive to the character of existing Rural Settlements; ii. where there are existing Major Open Space designations or components of the regional natural heritage system in the secondary plan area, they shall be subject to an environmental study to determine the extent of lands that may be considered for development, and subject to an appropriate designation in an area municipal official plan;

ATTACHMENT A

Durham Regional Official Plan Proposed Policy Modifications Table	
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<p>g) transportation needs for all modes, including increased opportunities for active transportation and public transit use;</p> <p>h) the growth management objectives, policies and targets of this Plan, including any area specific density targets;</p> <p>i) an assessment of the area municipal services and facilities required to support the development of the area, including whether they are within the financial capability of the area municipality over the full life cycle;</p> <p>j) an assessment of the potential for land use conflicts between existing agricultural uses and new Urban System uses, and the potential means to alleviate such conflicts;</p> <p>k) an assessment of key natural heritage features and/or key hydrologic features within the secondary plan area, as well as connections between and among key natural heritage features and/ or key hydrologic features, and the water resource system to inform appropriate development within that area;</p> <p>l) land use compatibility, including the requirements of Policies 5.5.22 to 5.5.36; and</p> <p>m) additional requirements apply to lands within the 2051 Urban Expansion Areas, as outlined in Section 5.7.</p>	<p>g) transportation needs for all modes, including increased opportunities for active transportation and public transit use;</p> <p>h) the growth management objectives, policies and targets of this Plan, including any area specific density targets;</p> <p>i) an assessment of the area municipal services and facilities required to support the development of the area, including whether they are within the financial capability of the area municipality over the full life cycle;</p> <p>j) an assessment of the potential for land use conflicts between existing agricultural uses and new Urban System uses, and the potential means to alleviate such conflicts;</p> <p>k) an assessment of key natural heritage features and/or key hydrologic features within the secondary plan area, as well as connections between and among key natural heritage features and/ or key hydrologic features, and the water resource system to inform appropriate development within that area;</p> <p>l) land use compatibility, including the requirements of Policies 5.5.22 to 5.5.36; and</p> <p>m) additional requirements apply to lands within the 2051 Urban Expansion Areas, as outlined in Section 5.7.</p>
Employment Areas, Land Use Compatibility & Major Facilities	
<p>5.5.11 Only consider of the conversion of lands within Employment Areas designated on Map 1 to non-employment uses through a municipal comprehensive review.</p>	<p>5.5.11 Only consider of the conversion of lands within Employment Areas designated on Map 1 to non-employment uses through a municipal comprehensive review.</p>

ATTACHMENT A

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2051 Urban Expansion Areas & Future Expansions	
<p>5.7.7 Apply the following additional requirements as part of a secondary plan process and subwatershed study for lands located within the Pickering, Whitby, Oshawa and Clarington 2051 Urban Expansion Areas:</p> <ul style="list-style-type: none"> a) the preparation of a hydrologic and hydraulic assessment; b) delineate and assess natural hazards to determine how they will be mitigated (i.e. the risk of flooding and erosion will not increase) which could include the application of regional flood control and/or downstream infrastructure improvements; c) identify how the Natural Heritage System and Water Resource System will be protected, enhanced, and restored; d) identify how water quality and quantity will be protected, including demonstrating how stormwater quality and quantity, and extended detention/erosion control measures will be achieved; and e) determine how flood mitigation solutions, where required, will be funded, including identification of the responsible parties for providing the funding, completion of associated cost sharing agreements, and timing for implementation. This includes the cost of any necessary studies, engineering design, and actual construction and maintenance of flood mitigation works. 	<p>5.7.7 Apply the following additional requirements as part of a secondary plan process and subwatershed study for lands located within the Pickering, Whitby, Oshawa and Clarington 2051 Urban Expansion Areas, where appropriate:</p> <ul style="list-style-type: none"> a) the preparation of a hydrologic and hydraulic assessment; b) delineate and assess natural hazards to determine how they will be mitigated (i.e. the risk of flooding and erosion will not increase) which could include the application of regional flood control and/or downstream infrastructure improvements; c) identify how the Natural Heritage System and Water Resource System will be protected, enhanced, and restored; d) identify how water quality and quantity will be protected, including demonstrating how stormwater quality and quantity, and extended detention/erosion control measures will be achieved; and e) determine how flood mitigation solutions, where required, will be funded, including identification of the responsible parties for providing the funding, completion of associated cost sharing agreements, and timing for implementation. This includes the cost of any necessary studies, engineering design, and actual construction and maintenance of flood mitigation works.

ATTACHMENT A

Durham Regional Official Plan Proposed Policy Modifications Table	
Regional Council-Adopted ROP	BNLG Proposed Modifications to ROP
<p>5.7.8 Apply, in addition to Policy 5.7.7, the following additional requirements as part of a secondary plan process and subwatershed study for lands located within the Pickering 2051 Urban Expansion Area:</p> <p>a) prior to the approval of a secondary plan, ensure that all other applicable policies of the Carruthers Creek Watershed Plan have been addressed, including those directed to area municipalities related to existing and future natural hazards/downstream water flows; and assess the impacts of existing Minister’s Zoning Orders and Airport Site Order and Zoning Regulations which currently restricts the development of these lands as a result of the potential for a future airport to the west. Development shall not proceed until such time it has been demonstrated that the relevant requirements, including those related to noise and building height restrictions have been met. Satisfying the requirements of this policy may be dependent on future actions first being undertaken by provincial and federal levels of government, as described in Policy 5.5.36.</p>	<p>5.7.8 Apply, in addition to Policy 5.7.7, the following additional requirements as part of a secondary plan process and subwatershed study for lands located within the Pickering 2051 Urban Expansion Area:</p> <p>a) <u>Require the secondary plan to include a policy that ensures that,</u> prior to the approval of a secondary plan <u>development approvals,</u> ensure that all other applicable policies of the Carruthers Creek Watershed Plan have been addressed, including those directed to area municipalities related to existing and future natural hazards/downstream water flows; and</p> <p>b) assess the impacts of existing Minister’s Zoning Orders and Airport Site Order and Zoning Regulations which currently restricts the development of these lands as a result of the potential for a future airport to the west. Development shall not proceed until such time it has been demonstrated that the relevant requirements, including those related to noise and building height restrictions have been met. Satisfying the requirements of this policy may be dependent on future actions first being undertaken by provincial and federal levels of government, as described in Policy 5.5.34.”</p>
<p>11.1 General Implementation Policies</p>	
<p>11.1.5 Require that applicants pre-consult with the Region, in accordance with the provisions of this Plan, prior to the submission of any development application for which the Region is a commenting authority.</p>	<p>11.1.5 Require that applicants pre-consult with the Region, in accordance with the provisions of this Plan, prior to the submission of any development application for which the Region is a commenting authority.</p>

ATTACHMENT A

Durham Regional Official Plan Proposed Policy Modifications Table	
Regional Council-Adopted ROP	BNLG Proposed Modifications to ROP
11.1.7 Require the preparation and submission of background reports, studies, documents and materials, as set out in Table 1, with the application, to the satisfaction of the Region.	11.1.7 Require the preparation and submission of <u>any one or more of the</u> background reports, studies, documents and materials, as set out in Table 1, with the application, to the satisfaction of the Region.

May 16, 2023

MGP File: 17-2666

Envision Durham
The Regional Municipality of Durham
Planning and Economic Development Department
605 Rossland Road
Whitby, ON L1N 6A3

via email: EnvisionDurham@durham.ca

Attention: Envision Durham

**RE: Brooklin North Landowners Group Response to Envision Durham –
Comments on the Recommended Regional Official Plan (May 2023)**

Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Brooklin North Landowners Group (“BNLG”), who own multiple properties in the Brooklin Community Secondary Plan Area. The purpose of this letter is to respond to Special Meeting Decision Report #2023-P-15, Recommendations on the new Regional Official Plan (“Recommended ROP”), File: D12-01, released on May 3, 2023 and to be presented to Council at its Special Meeting on May 17, 2023. We are writing on behalf of BNLG to provide comments on the Recommended ROP for Council’s consideration prior to adoption of the Recommended ROP.

1.0 General Comments

1.1 Policy Requirements are Too Onerous

While we appreciate the efforts to provide guidance for land use planning in lower-tier municipalities, we believe that many of the policies in the Recommended ROP are overly prescriptive, which may impede the implementation of the Recommended ROP at a local level. We suggest that the Recommended ROP adopt a more general tone that provides flexible guidance on land use and development matters.

In this regard, numerous policies within the Recommended OP are excessively onerous or prescriptive, particularly in relation to reports or studies that are required for the development approvals process. Given the recent changes to the planning framework in Ontario brought about by Bills 23 and 97, we urge the Region to reconsider the Recommended OP policies that identify hard requirements through the use of the words “shall”, “will”, or “require”, and replace them with “should”, “may”, and “encourage”, together with “where appropriate”. Such changes would enable greater flexibility and better align with the new provincial priorities and directions being undertaken, including through the initial release of the 2023 Provincial Planning Statement, which a draft is currently available for public consultation.

As the lower-tier municipalities will ultimately be responsible for the implementation of the Recommended ROP, we note that where required, such policies may be re-assessed at the time of implementation into the lower-tier municipality's planning policy framework, and be more restrictive, as necessary, for each municipality.

Furthermore, a number of policies in the Recommended ROP identify requirements to be completed "prior to development" (e.g. Policies 3.3.47, 3.3.50, 5.7.8). We request that all references to this language be replaced with "during the development approvals process".

It is inappropriate to require any studies, background work, or consultation prior to any development (which is defined generally as any lot creation, change in land use, or construction of buildings and structures, any of which requires approval under the Planning Act). Rather, good planning intends that any required studies, background work, or consultation be conducted as part of the development approvals process, and the regional policy framework should reflect this process.

Policy 3.3.50 also requires development proponents to provide a copy of the Stage 2 archaeological assessment where archaeological resources are found to the First Nation or Metis and "receive a response" prior to development proceeding. We believe that it is not appropriate to require a response in all instances and that receiving a response is not a policy requirement under any proponent's duty to consult. It may not be possible to receive a response in a timely manner, or a lack of response may indicate there is no concern, all of which should not delay the development approvals process. We request that the words "and receive a response from" be deleted from Policies 3.3.50 a) and b).

1.2 A Balanced Approach to Growth

A number of policies in the Draft ROP appear to prioritize one type of growth, or one location of growth, over another. For example:

Objective iii (Section 3.1):

Promote residential growth in the region by prioritizing intensification of existing residential areas.

4.1.2 Prioritize the provision of municipal water and sewage services within Urban Areas to development and redevelopment applications which produce an intensive and compact form of development to optimize the use of the services. This includes prioritizing the provision of municipal services and infrastructure to Strategic Growth Areas.

It is inappropriate to prioritize the intensification of existing residential areas or Strategic Growth Areas as the sole focus of residential growth in the Region. Balanced region-wide growth can only be achieved through a combination of intensification, new designated greenfield area ("DGA") growth, and rural settlements. Prioritizing only intensification may lead to an imbalance in growth patterns, resulting in strain on existing infrastructure and services in those areas. Encouraging a mix of different types of growth, including development within the DGAs, will assist in creating a balanced community. The current housing crisis

necessitates a variety of housing options for residents. Prioritizing only intensification may limit the availability of these options, whereas different types of growth can meet the diverse needs of the community, including market-based housing in the DGA.

2.0 Other Comments

In addition to the comments above, we have identified several miscellaneous comments and revisions for the Region's consideration:

*3.1.20 ~~Require~~ **To encourage** that at least 25% of all new residential units produced throughout the region to be affordable to low and moderate income households.*

*3.1.21 ~~Require~~ **To encourage** that at least 35% of all new residential units created in Strategic Growth Areas to be affordable to low and moderate income households.*

*3.3.1 Support the development of healthy, sustainable and complete communities that incorporate, **where appropriate**:*

- a) a mix of housing options, including affordable and market-based housing options, in accordance with Section 3.1;*
- b) employment opportunities in accordance with Policy 2.1.13;*

3.3.4 Require area municipal official plans and secondary plans to include:

- ~~*d) parking management policies and standards in accordance with Policy 8.3.4, including:*~~
 - ~~*i) minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses;*~~
 - ~~*ii) shared parking requirements, where possible, reflecting variances in parking demand between complementary uses on a time of day, weekday/weekend and monthly basis;*~~
 - ~~*iii) on-street parking requirements;*~~

We request that the Region delete subsection D of this policy as Regions should not be requiring a parking management plan. To put parking requirements in a Regional Official Plan is inappropriate and should be delegated to local official plans and zoning by-laws.

4.1.36 Agree to draft approval of a plan of subdivision in Urban Areas in circumstances where full municipal services are not immediately available, provided that the draft approval does not over-commit servicing capacity identified through a servicing master plan or an approved Environmental Assessment, the lands are appropriately designated for development, and other Regional conditions have been satisfied.

We believe that Policy 4.1.36 should be modified to simplify its language and ensure consistency with the D5 guidelines regardless of whether draft plans have been approved or

not. These modifications will help to ensure that the policy is clear and consistent.

5.4.9 Require development within Community Areas on lands that are greater than approximately ~~20~~ 200 hectares to proceed through secondary planning exercises that include the following elements:

3.0 Conclusion

We thank you again for the opportunity to provide comments on the Recommended OP. We ask that you please adopt the modifications suggested herein, prior to the adoption of the Official Plan.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,
Malone Given Parsons Ltd.



Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

cc. Brooklin North Landowners Group