



Planning and Development Committee

Agenda

Date: October 22, 2019
Time: 7:00 PM
Location: Council Chambers, 2nd Floor
Municipal Administrative Centre
40 Temperance Street
Bowmanville, Ontario

Inquiries & Accommodations: For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending, please contact: Samantha Gray, Committee Coordinator, at 905-623-3379, ext. 2106 or by email at sgray@clarington.net.

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*Late Item added after the Agenda was published.

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| 1. | Call to Order | |
| 2. | New Business – Introduction | |
| | Members of Committee are encouraged to provide the Clerk’s Department, in advance of the meeting, a copy of any motion the Member is intending to introduce, (preferably electronic) such that staff could have sufficient time to share the motion with all Members prior to the meeting. | |
| 3. | Adopt the Agenda | |
| 4. | Declaration of Interest | |
| 5. | Announcements | |
| 6. | Adoption of Minutes of Previous Meeting | |
| 6.1 | Minutes of a Regular Meeting of September 30, 2019 | 6 |
| 7. | Public Meetings | |
| 7.1 | Applications for a Draft Plan of Subdivision and Zoning By-law Amendment | 20 |
| | Applicant: BV Courtice Partners LP (Trolleybus Urban Development) | |
| | Report: PSD-042-19 | |
| | Location: 1828, 1830, 1832, 1834, 1836, 1840 Nash Road and 3056, 3090, 3112, 3124, 3136, 3142, 3150, 3158 Hancock Road, Courtice | |
| 7.2 | Application for a Proposed Zoning By-law Amendment | 22 |
| | Applicant: East Penn Canada Power Battery Sales Ltd. | |
| | Report: PSD-043-19 | |
| | Location: 1840 Energy Drive, Courtice | |

- 7.3 Application for a Proposed Zoning By-law Amendment 24
Applicant: Werrcroft Farms
Report: PSD-044-19
Location: 6115 & 6171 Vannest Road, Solina

8. Delegations

No Delegations

9. Communications – Receive for Information

- 9.1 Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham, Regarding Employment Lands Servicing Project Status Report #2019-EDT-15 26
- 9.2 Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham, Regarding Envision Durham – Environment and Greenlands System Discussion Paper Report #2019-P-36 27
- 9.3 Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham, Regarding Envision Durham – Engagement and Outreach – Public Opinion Survey Summary Report #2019-P-35 29

10. Communications – Direction

- 10.1 Brian Bridgeman, Commissioner of Planning and Economic Development, Region of Durham, Regarding Provincial Policy Statement Review, Proposed Policies Report #2019-P-42 31
(Motion to Endorse)

11. Presentations

- 11.1 Steve Usher, SLR Consulting, Regarding Report PSD-047-19 Clarington Transformer Station, Peer Review
- 11.2 Dale Leadbeater, SLR Consulting, Regarding Unfinished Business Item 14.2 Resolution #C-333-19 Next Steps on Zone Clarington
- 11.3 Lisa Backus and Tracey Webster, Regarding Unfinished Business Item 14.2 Resolution #C-333-19 Next Steps on Zone Clarington

12. Planning Services Department Reports

| | | |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 12.1 | PSD-042-19 Applications by BV Courtice Partners LP (Trolleybus Urban Development) for a Draft Plan of Subdivision and Zoning By-law Amendment to permit 151 subdivision at the north-west corner of Hancock Road and Nash Road in Courtice. | 45 |
| 12.2 | PSD-043-19 Proposed Rezoning to permit East Penn battery facility located at 1840 Energy Drive, Courtice) | 59 |
| 12.3 | PSD-044-19 Application by Werrcroft Farms to Amend Zoning By-law 84-63 and Zoning By-law 2005-109 to Facilitate a Surplus Farm Dwelling Severance, 6115 & 6171 Vannest Road | 71 |
| 12.4 | PSD-045-19 Applications by Werrcroft Farms Ltd. to amend the Clarington Official Plan and Zoning By-law 2005-109 to facilitate a surplus farm dwelling severance at 8800 Middle Road, Darlington | 81 |
| 12.5 | PSD-046-19 Renaming of King Street in Haydon and a remnant of King Street in Bowmanville | 95 |
| 12.6 | PSD-047-19 Clarington Transformer Station, Peer Review Update | 108 |
| 12.7 | PSD-048-19 St. Mary's Cement Air Quality Monitoring – Options for Retaining an Air Quality Expert | 123 |

13. New Business – Consideration

14. Unfinished Business

| | | |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 14.1 | PSD-039-19 Exemption Request for 10 Victoria Street from Interim Control By-law [Referred from the October 7, 2019 Council Meeting] <u>Link to Report PSD-039-19</u> | |
| 14.2 | Resolution #C-333-19, Regarding Next Steps on Zone Clarington [Referred from the October 7, 2019 Council Meeting] | 143 |

- 14.3 PSD-041-19 Community Vision for Jury Lands, Urban Design Master Plan + Design Guidelines for Former Ontario Boys Training School and WWII Prison of War Camp 30 – Amendment No 121 to the Clarington Official Plan

[Tabled from the October 7, 2019 Council Meeting]

[Link to Report PSD-041-19](#)

- 14.4 Confidential Report LGL-013-19 10 Victoria Street – Exemption from Part Lot Control

[Referred from the October 7, 2019 Council Meeting]

15. Confidential Reports

16. Adjournment

Planning and Development Committee

Minutes

Date: September 30, 2019
Time: 7:00 PM
Location: Council Chambers, 2nd Floor
Municipal Administrative Centre
40 Temperance Street
Bowmanville, Ontario

Present Were: Mayor A. Foster, Councillor R. Hooper, Councillor J. Jones,
Councillor J. Neal, Councillor C. Traill, Councillor M. Zwart

Regrets: Councillor G. Anderson

Staff Present: A. Allison, L. Backus, A. Burke, F. Langmaid, J. Gallagher,
S. Gray, K. Richardson, C. Salazar

1. Call to Order

Councillor Neal called the meeting to order at 7:00 PM.

2. New Business – Introduction

There were no new business items added to the Agenda.

Suspend the Rules

Resolution # PD-121-19
Moved by Councillor Traill
Seconded by Councillor Hooper

That the Rules of Procedure be suspended to hear the delegations regarding
Report PSD-040-19, Next Steps on Zone Clarington first.

Carried

3. Adopt the Agenda

Resolution # PD-122-19
Moved by Mayor Foster
Seconded by Councillor Jones

That the Agenda for the Planning and Development Committee meeting of
September 30, 2019 be adopted as presented.

Carried

4. Declaration of Interest

Councillor Zwart declared a direct interest in Report PSD-039-19 Exemption Request for 10 Victoria Street from Interim Control By-law.

Councillor Zwart declared a direct interest in Report LGL-013-19 10 Victoria Street – Exemption from Part Lot Control.

5. Announcements

Members of Committee announced upcoming community events and matters of community interest.

6. Adoption of Minutes of Previous Meeting

There were no minutes of previous meetings to be adopted, as the previous meeting was the Joint General Government and Planning and Development Committee meeting of September 9, 2019 and the minutes have been approved.

7. Public Meetings

There were no Public Meetings.

8. Delegations

8.1 Libby Racansky, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Libby Racansky, was present regarding Report PSD-040-19, Next Steps on Zone Clarington. Ms. Racansky made a verbal presentation to accompany an electronic presentation. She stated that our natural features and resources are under threat and residents need to protect them. Ms. Racansky explained that the potential costs to mail additional notices could be allocated to the rehabilitation of natural areas under threat in our community. She stated that Environmental Protection (EP) is identified for many reasons including:

- they may be recharge or discharge areas for creeks;
- they may serve as a Source Water Protection like Courtice north;
- they may be wetlands, marshes, meadows, forest or agricultural lands; and
- they may contain habitat for creatures that are helping us to maintain healthy environment.

Ms. Racansky advised the Committee that she would like more lands to be identified as EP. She stated that not all lands can be developed into subdivisions and that EP lands have to be protected for future generations. Ms. Racansky stated that local actions can have a negative effect beyond the Municipality of Clarington border. She advised the Committee that we have to make good decisions now. Ms. Racansky concluded by explaining that for the fairness of all taxpayers, not just rural residents, the EP zoned urban lands document should be dealt with first, not after new development applications.

8.2 Gord Robinson, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Gord Robinson, was present regarding Report PSD-040-19, Next Steps on Zone Clarington. Mr. Robinson is concerned with how new zoning will impact rural areas and agricultural areas. He noted that, if a motion from the previous term of Council had been passed, the public would have been notified when the Official Plan was adopted and he would not be here tonight. Mr. Robinson stated that he is concerned that 50% of land was rezoned to Environmentally Protected (EP) with the approval of the Official Plan using outdated maps. He would like to know what criteria was used to expand the EP zone. Mr. Robinson advised the Committee that he spoke with staff from the City of Oshawa and they indicated that they walked the properties with the Conservation Authority before approving their Official Plan. He explained that he does not accept recommendation two contained in Report PSD-040-19 and that letters should be sent to all affected property owners. Mr. Robinson mentioned that some property owners have spoken with Planning Staff regarding their property and have been asked to sign off on a statement that they are satisfied with the explanation and agree to expansion of EP lands on their property. He mentioned that it was his understanding that the 90 and 30 metre setback would be removed. Mr. Robinson asked that the site visits not start until the spring runoff is complete and that all setbacks be the same in urban and rural Clarington. He noted that, when the notification letter is sent, it reference the portions of the property that has been rezoned and that Council review the letter before it is sent to residents.

8.3 Julia Perry, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Julia Perry, was present regarding Report PSD-040-19, Next Steps on Zone Clarington. Ms. Perry is concerned with the proposed changes to the EP zoning on her property. She advised the Committee that currently 40% is designated EP lands, and the proposed zoning changes would render 90% of her property EP and 10% environmental review. Ms. Perry explained that all areas of her property would be affected and any future renovations could be denied or restricted. She noted that the change would also add additional costs for permits and environmental assessments. Ms. Perry explained that the creek on her property is dry in the summer, and should not be included as a water feature. She stated that she consulted with real estate agents and was advised that the proposed changes will decrease her property value. Ms. Perry would like the Committee to reconsider the EP expansion and would like a site visit. She explained that she is disappointed that it took a volunteer organization to hear about the EP amendment, and was not notified from the Municipality.

8.4 Doug Sirrs, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Doug Sirrs, was present regarding Report PSD-040-19, Next Steps on Zone Clarington. Mr. Sirrs advised the Committee that he is a real estate agent, and previously an environmental engineer at General Motors. He stated that he is a supporter of EP lands and expansion but is concerned with the current process. Mr. Sirrs noted that residents need to be notified upfront if their land is going to change. He explained that every property owner should be informed that their property is affected by the zoning changes and told what it means to have EP lands on their property, the restrictions, and the process to be followed if they want to make any changes on their property. Mr. Sirrs stated that the site review process should not be for the property owner to prove that the EP land should be changed. He noted that we should find the balance between protecting the environment and land owners abilities to enjoy their property.

8.5 Steven Chandler, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Steven Chandler, was present regarding Report PSD-040-19, Next Steps on Zone Clarington. Mr. Chandler explained that he owns a 30 acre property that has A1 zoning, which is currently 5% EP but will now be 90% EP. He stated that the EP designation is unfair and unreasonable. Mr. Chandler advised the Committee that the agricultural community is the highlight of this municipality and that it is important for it to be protected but the uses should not be limited. He stated that there should be impact studies done that highlight the adverse effects on property owners. Mr. Chandler explained that the EP designation restricts and limits homeowners with no guarantee for approval of future projects. He explained that the maps being used are not consistent with CLOCA's floodplain map. He concluded by stating that property owners have to accept the natural heritage system, do not have to accept the model of protection chosen.

Councillor Traill left the meeting at 7:51 pm.

8.6 Bev Oda, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Bev Oda, was present regarding Report PSD-040-19, Next Steps on Zone Clarington. Ms. Oda stated that she is concerned that now her entire property is EP zoned. She explained that she was not notified that her property would be affected by the amendments. Ms. Oda stated that any notice given to affected property owners should include more information in language the public can understand. She believes that Recommendation 2 in Report PSD-040-19 does not meet the intent of Council's direction from the July 2, 2019 Council meeting. Ms. Oda explained that receiving non-addressed mail does not serve the public interest. She stated that sending addressed mail to the affected property owners is a cost effective option and would meet Council's intent from the July 2, 2019 Council meeting. Ms. Oda read a portion of a letter sent from Mayor Foster to Minister Clark on September 17, 2019. She suggested that the request for an extension be made beyond the three years. Ms. Oda would like to know why a desktop review has not already done to address any mapping issues. She

explained that the eight step process proposed by staff does not include timelines, cost or resource requirements.

Councillor Traill returned to the meeting at 7:54 pm.

Suspend the Rules

Resolution # PD-123-19
Moved by Mayor Foster
Seconded by Councillor Hooper

That the Rules of Procedure be suspended to extend the delegation for an additional 2 minutes.

Carried

Ms. Oda concluded by requesting that staff inform the public in a way they can understand and comprehend and provide them with the information needed to comment in a meaningful and informed way. She would like the Committee to ensure there is openness, transparency and accountability when making a decision.

8.7 Jeungsoon Shin, Regarding Report PSD-040-19, Next Steps on Zone Clarington

Jeungsoon Shin advised the Clerk's Department, prior to the meeting, that she would be unable to attend as a delegation.

8.8 Marilyn Morawetz, Jury Lands Foundation, Regarding Report PSD-041-19, Jury Lands Official Plan Amendment

Marilyn Morawetz, Jury Lands Foundation, was present regarding Report PSD-041-19, Jury Lands Official Plan Amendment. Ms. Morawetz supports the recommendations contained in Report PSD-041-19 and asks the Committee to approve them. She advised the Committee of the importance of making a decision on the property. Ms. Morawetz explained that the increased density proposed by the developers will negatively impact the future uses for this site. She would like to know if the Municipality has been given any assurances by the land owners that the project will move forward. Ms. Morawetz stated that the land owners neglected to act on, or comply with, the standard requirements for buildings and damages occurred.

Suspend the Rules

Resolution # PD-124-19
Moved by Mayor Foster
Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the delegation for an additional 2 minutes.

Carried

She noted that, in 2016, an agreement was made such that the owners would sign over a building, but the transaction has never happened. Ms. Morawetz explained that the nature of the lands and the uses of the buildings will be able to co-exist with the future development.

Suspend the Rules

Resolution # PD-125-19
Moved by Councillor Jones
Seconded by Mayor Foster

That the Rules of Procedure be suspended to extend the delegation for an additional 1 minute.

Carried

She requested that the Committee approve recommendations contained in Report PSD-041-19.

8.9 Emma West, Bousfields Inc., Regarding Report PSD-041-19, Jury Lands Official Plan Amendment

Emma West, Bousfields Inc., was present regarding Report PSD-041-19, Jury Lands Official Plan Amendment. Ms. West explained that she has reviewed the Report and provided comments to staff. She is requesting that, before the Official Plan Amendment is approved, the following changes be considered:

- The maximum height in the local corridor area be increased from four stories to six stories;
- In the north portion of the property allow for 30% of portion to be 6 stories;
- A secondary emergency access be reviewed when plans are submitted; and

Ms. West stated that Lambs Road is a local corridor area and the requests are consistent with the Region, Provincial and Municipal plans. She answered questions from the Committee.

8.10 Bob Schickedanz, Far Sight Homes, Regarding Report PSD-041-19, Jury Lands Official Plan Amendment

Bob Schickedanz, Far Sight Homes, was present regarding Report PSD-041-19, Jury Lands Official Plan Amendment. Mr. Schickedanz owns land in the northern section of this block. He explained that it takes time and effort to implement and create a new community. Mr. Schickedanz stated that the site is unique and the cost to develop is significantly higher than normal development. He would like the access to the northern block of land be triggered by engineering staff not the number of units. Mr. Schickedanz explained that, for the development to be economically feasible and produce reasonable priced homes, the density needs to be increased. He mentioned that the increased density means that more residents will be able to enjoy the features of the property.

8.11 Ryan Guetter, Weston Consulting, Regarding PSD-036-19, Application by National Homes (Prestonvale) Inc. to permit a 112 Unit Townhouse Development at the Northeast Corner of Prestonvale Road and Bloor Street, Courtice

Ryan Guetter, Weston Consulting, was present regarding PSD-036-19, Application by National Homes (Prestonvale) Inc. to permit a 112 Unit Townhouse Development at the Northeast Corner of Prestonvale Road and Bloor Street, Courtice. Mr. Guetter explained that the Region has confirmed that the development will not negatively impact the intersection and traffic. He noted that the Region has committed to address any future issues. Mr. Guetter provided an update on the access to the public trails, and displayed a photo outlining the trail links. He concluded by requesting that the Committee support the recommendations contained in Report PSD-036-19. Mr. Guetter answered questions from the Committee.

8.12 Enzo Bertucci, Far Sight Homes, Regarding Report PSD-041-19, Jury Lands Official Plan Amendment

Enzo Bertucci, Kaitlin Corporation, was present regarding Report PSD-041-19, Jury Lands Official Plan Amendment. Mr. Bertucci explained that he has had productive meetings with staff. He would like minor amendments made to what is provided in Report PSD-041-19. Mr. Bertucci stated that they have submitted a letter to staff and the Committee with the proposed amendments they are requesting. He explained that their proposal is no different than common developments within the Region. Mr. Bertucci would like to see a greater range in density on the property, and that the six stories will make ensure the buildings are more accessible. He stated the six stories is not high density and is still mid-range. Mr. Bertucci explained that they do not want to delay the project and it is close to being acceptable for all parties. He explained that the development footprint got smaller after the land for the Municipal Park was increased, but they still need to ensure they can meet the minimum standards for the property. Mr. Bertucci stated that, if the minor amendments proposed can be approved, then the project can move forward immediately, but if they are not approved the site becomes undevelopable.

Alter the Agenda

Resolution # PD-126-19
Moved by Councillor Traill
Seconded by Councillor Jones

That the Agenda be altered to consider Item 12.2, Report PSD-041-19, Community Vision for Jury Lands, Urban Design Master Plan + Design Guidelines for former Ontario Boys Training School and WWII Prison of War Camp 30 – Amendment No 121 to the Clarington Official Plan at this time.

Carried

Resolution # PD-127-19
Moved by Councillor Traill
Seconded by Mayor Foster

That Report PSD-041-19, Community Vision for Jury Lands, Urban Design Master Plan + Design Guidelines for former Ontario Boys Training School and WWII Prison of War Camp 30 – Amendment No 121 to the Clarington Official Plan, be tabled to the Planning and Development Committee meeting in October 2019.

Tabled

Recess

Resolution # PD-128-19
Moved by Councillor Traill
Seconded by Councillor Jones

That the Committee recess for 10 minutes.

Carried

The meeting reconvened at 9:51 PM with Councillor Neal in the Chair.

9. Communications – Receive for Information

There were no communications to be received for information.

10. Communications – Direction

10.1 Memo from Anne Greentree, Municipal Clerk, Regarding the October 21, 2019 Planning and Development Committee Meeting

Resolution # PD-129-19
Moved by Councillor Jones
Seconded by Councillor Zwart

That staff be directed to reschedule the October 21, 2019 Planning and Development Committee meeting to October 22, 2019; and

That all necessary people are notified and signs updated to the new rescheduled date.

Carried

11. Presentations

12. Planning Services Department Reports

12.1 PSD-040-19 Next Steps on Zone Clarington

Councillor Neal left the Chair.

Mayor Foster chaired this portion of the Agenda.

Resolution # PD-130-19

Moved by Councillor Neal

Seconded by Councillor Traill

That Staff shall take all steps necessary to amend Clarington's Official Plan such that the Natural Heritage designation in Map D and Environmental Protection Area in Map A of the Official Plan for rural lands shall be limited to:

- a. Provincially Significant Wetland;
- b. Areas identified by CLOCA as being within a floodplain;
- c. Areas identified by the GRCA as being within a Floodplain;
- d. Land designated on the current Region of Durham Official Plan, Schedule B Map B-1 as containing Key Natural Heritage and Hydrologic Features;
- e. Land which is Significant Woodland;

That Staff are to provide a memo to Council on what is not included in paragraph 1 which is mandatory under provincial legislation;

The minimum vegetation zone set out in the Greenbelt Plan shall not be included in the mapping in the Official Plan;

That Planning notify all rural property owners and residents regarding the Official Plan approved in 2017 by Durham Region, and the zoning by-law review project (Zone Clarington) by Canada Post through addressed mail services for those living in Clarington, and to owners outside the Municipality;

That Staff shall submit to Council, for approval at the next Council Meeting, a draft of the letter giving "written notice" to "every landowner materially affected" as previously directed in PD-103-19 and PD-104-19. Further that such written notice shall be in an envelope addressed to each of the landowners registered on the title of each of the properties materially affected;

Any subsequent amendments to the Official Plan taking place following an inspection by staff of properties be at no cost to the landowners for application fees;

That in accordance with the Budget Policy, Staff are authorized to re-allocate budget allocations to fund the communication in paragraph 4;

That Report PSD-040-19 be received, and that all interested parties listed in Report PSD-040-19 and any delegations be advised of Council's decision; and

That Council's decision and a copy of Report PSD-040-19 be forwarded to the Region of Durham, CLOCA, the GRCA, and the Ministry of Municipal Affairs and Housing.

Yes (6): Mayor Foster, Councillor Hooper, Councillor Jones, Councillor Neal, Councillor Traill, and Councillor Zwart

Absent (1): Councillor Anderson

Carried on a recorded vote (6 to 0)

Councillor Neal returned to the Chair.

Recess

Resolution # PD-131-19
Moved by Councillor Neal
Seconded by Councillor Zwart

That the Committee recess for 5 minutes.

Carried

The meeting reconvened at 10:10 PM with Mayor Foster in the Chair.

Resolution # PD-132-19
Moved by Mayor Foster
Seconded by Councillor Traill

That Staff be directed to report back on the expertise and costs required to achieve the expected service level for site visits and identifying environmental features.

Carried

12.2 PSD-041-19 Community Vision for Jury Lands, Urban Design Master Plan + Design Guidelines for Former Ontario Boys Training School and WWII Prison of War Camp 30 – Amendment No 121 to the Clarington Official Plan

Report PSD-041-19 was considered earlier in the meeting during the delegation portion of the agenda.

13. New Business – Consideration

14. Unfinished Business

14.1 PSD-036-19 Application by National Homes (Prestonvale) Inc. to permit a 112 unit townhouse development at the northeast corner of Prestonvale Road and Bloor Street, Courtice [Referred from the September 9, 2019 Joint Committee meeting]

Councillor Neal left the Chair.

Councillor Hooper chaired this portion of the Agenda.

Resolution # PD-133-19

Moved by Mayor Foster

Seconded by Councillor Traill

That Report PSD-036-19 be received;

That the application for Draft Plan of Subdivision (S-C-2017-0010) submitted by National Homes (Prestonvale) Inc. be supported subject to conditions as generally contained in Attachment 1 to Report PSD-036-19;

That no further public meeting is required for future application for Common Elements Condominium;

That the Durham Regional Planning and Economic Development Department and Municipal Property Assessment Corporation be forwarded a copy of Report PSD-036-19 and Council's decision; and

That all interested parties listed in Report PSD-036-19 and any delegations be advised of Council's decision.

**Carried as Amended Later in the Meeting
See following motion**

Resolution # PD-134-19

Moved by Councillor Neal

Seconded by Councillor Jones

That the foregoing Resolution #PD-133-19 be amended by adding the following after the second paragraph:

That the applicant be directed to pay the costs to erect a temporary stop sign at Robert Adams Drive and Prestonvale Road.

Carried Later in the Meeting, see following motion

Suspend the Rules

Resolution # PD-135-19
Moved by Councillor Traill
Seconded by Councillor Jones

That the Rules of Procedure be suspended to extend the meeting for an additional 20 minutes.

Carried

Resolution # PD-136-19
Moved by Mayor Foster
Seconded by Councillor Traill

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing resolution #PD-134-19 for a second time.

Carried

The foregoing Resolution #PD-134-19 was then put to a vote and carried.

The foregoing Resolution #PD-133-19 was then put to a vote and carried as amended.

14.2 PSD-039-19 Exemption Request for 10 Victoria Street from Interim Control By-law [Referred from the September 9, 2019 Joint Committee meeting]

Councillor Neal returned to the Chair.

Councillor Zwart declared an indirect interest in Report PSD-039-19. Councillor Zwart left the room and refrained from discussion and voting on this matter.

Resolution # PD-137-19
Moved by Mayor Foster
Seconded by Councillor Hooper

That Report PSD-039-19, Exemption Request for 10 Victoria Street from Interim Control By-law be referred to the Planning and Development Committee Meeting of October 21, 2019.

Referred

Councillor Zwart returned to the meeting.

14.3 Paragraph Three of Resolution #C-247-19 - Recommendation to Add Two (2) Properties to the Municipal Register [Tabled from the September 16, 2019 Council Meeting]

Lifted from the Table

Resolution # PD-138-19
Moved by Mayor Foster
Seconded by Councillor Jones

That the matter of Paragraph Three of Resolution #C-247-19 - Report PSD-030-19, Recommendation to Add Two (2) Properties to the Municipal Register, be lifted from the table.

Carried

Resolution # PD-139-19
Moved by Mayor Foster
Seconded by Councillor Hooper

That Paragraph Three of Resolution #C-247-19 - Report PSD-030-19, Recommendation to Add Two (2) Properties to the Municipal Register, as stated below, be referred to the Planning and Development Committee meeting of November 12, 2019:

That 816 Regional Road 17, Newcastle be added to the Municipal Register.

Referred

15. Confidential Reports

15.1 LGL-010-19 Zone Clarington – Requirement for Official Plan Conformity

Resolution # PD-140-19
Moved by Mayor Foster
Seconded by Councillor Jones

That Confidential Report LGL-010-19 be received for information.

Carried

15.2 LGL-013-19 10 Victoria Street – Exemption from Part Lot Control

Councillor Zwart declared an indirect interest in Report LGL-013-19. Councillor Zwart left the room and refrained from discussion and voting on this matter.

Resolution # PD-141-19
Moved by Mayor Foster
Seconded by Councillor Jones

That Report LGL-013-19, 10 Victoria Street – Exemption from Part Lot Control be referred to the Planning and Development Committee meeting of October 21, 2019.

Referred

16. Adjournment

Resolution # PD-142-19
Moved by Mayor Foster
Seconded by Councillor Hooper

That the meeting adjourn at 11:13 PM.

Carried

Mayor

Deputy Clerk

Notice of Public Meeting

A land use change has been proposed, have your say!

The Municipality is seeking public comments before making a decision on an application to amend the Zoning By-law for a proposed Plan of Subdivision.

Proposal

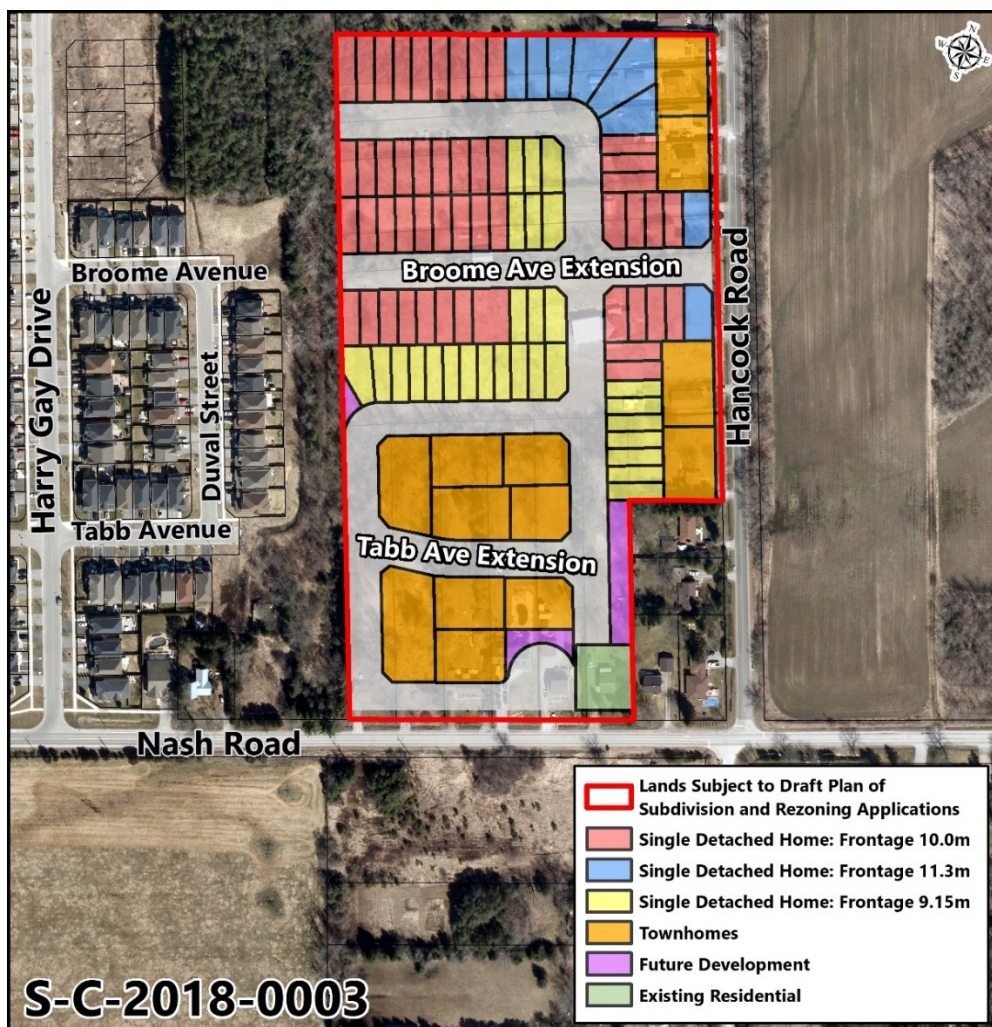
BV Courtice Partners LP (Trolleybus Urban Development) proposes to amend Zoning By-law 84-63 to facilitate a Draft Plan of Subdivision. The proposed Draft Plan of Subdivision would permit 151 residential lots, consisting of 85 single detached dwellings and 66 townhouse dwellings, the extension of Tabb and Broome Avenue's and new north-south and east-west roads.

The application has been deemed complete.

Property

Address: 1828, 1830, 1832, 1834, 1836, 1840 Nash Road and 3056, 3090, 3112, 3124, 3136, 3142, 3150, 3158 Hancock Road, Courtice.

The properties are located on at the north-west corner of Nash Road and Hancock Road, east of Courtice Road.



How to be Informed

The proposed amendment, additional information and background studies are available for review at the Planning Services Department and on our website at clarington.net/developmentproposals

Questions? Please contact Brandon Weiler 905-623-3379, extension 2424, or by email at bweiler@clarington.net

How to Provide Comments

Speak at the Public Meeting:

***Please note:** This public meeting was originally scheduled for October 21, 2019. Due the Federal Election the meeting date has been changed as noted below.

Date: **Tuesday, October, 22, 2019**
Time: 7:00 pm
Place: 40 Temperance Street, Bowmanville, ON L1C 3A6
Council Chambers, Municipal Administrative Centre

Or write to the Planning Services Department to the attention of Brandon Weiler

File Number: S-C-2018-0003 and ZBA2018-0044

Freedom of Information and Protection of Privacy Act

The personal information you submit will become part of the public record and may be released to the public. Questions about the information we collect can be directed to the Clerk's Department at 905-623-3379, extension 2102.

Accessibility

If you have accessibility needs and require alternate formats of this document or other accommodations please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

Appeal Requirements

If you do not speak at the public meeting or send your comments or concerns to the Municipality of Clarington before the by-law is passed: a) you will not be entitled to appeal the decision to the Local Planning Appeal Tribunal; and b) you will not be able to participate at a hearing of an appeal before the Local Planning Appeal Tribunal, in the opinion of the Board or the Tribunal, there are reasonable grounds to do so.



Faye Langmaid, FCSLA, RPP
Acting Director of Planning Services

I:\Department\Application Files\SC-Subdivision\S-C-2018\S-C-2018-0003 Trolleybus (Nash & Hancock)\Public Notice\REVISED Public Meeting Notice S-C-2019-0003_10'01'2019.docx

A land use change has been proposed, have your say!

The Municipality is seeking public comments before making a decision on an application to amend the Zoning By-law.

Proposal

East Penn Canada Power Battery Sales Ltd. has requested amendments to Energy Park Prestige Exception (MO2-1) Zone regulations to permit:

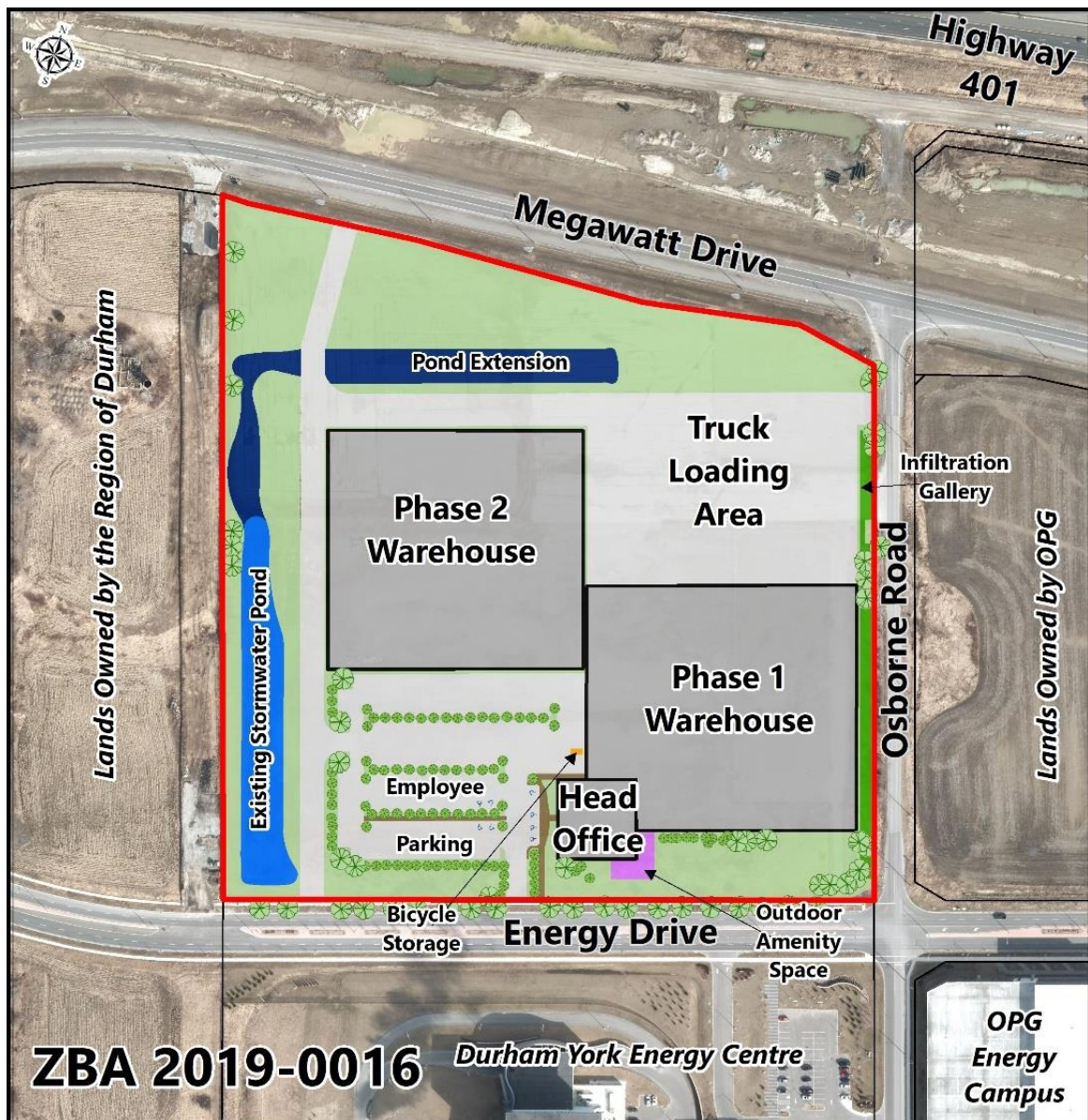
15,330 sq.m. industrial warehouse (Ph1);

2,950 sq.m. office (Ph1); and, an additional 13,935 sq.m. industrial warehouse (Ph2).

The application is complete.

Property

1840 Energy Drive, Courtice



How to be Informed

The proposed amendment, additional information and background studies are available for review at the Planning Services Department. **Questions?** Please contact Anne Taylor Scott 905-623-3379, extension 2414, or by email at ataylorsscott@clarington.net

How to Provide Comments

Speak at the Public Meeting:

Date: Tuesday, October 22, 2019

Time: 7:00 pm

Place: 40 Temperance Street, Bowmanville, ON L1C 3A6
Council Chambers, Municipal Administrative Centre

Or write to the Planning Services Department to the attention of Anne Taylor Scott
ataylorsscott@clarington.net

File Number: ZBA 2019-0016

Freedom of Information and Protection of Privacy Act

The personal information you submit will become part of the public record and may be released to the public. Questions about the information we collect can be directed to the Clerk's Department at 905-623-3379, extension 2102.

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Appeal Requirements

If you do not speak at the public meeting or send your comments or concerns to the Municipality of Clarington before the by-law is passed: a) you will not be entitled to appeal the decision to the Local Planning Appeal Tribunal; and b) you will not be able to participate at a hearing of an appeal before the Local Planning Appeal Tribunal, in the opinion of the Tribunal, there are reasonable grounds to do so.



Faye Langmaid, FCSLA, RPP
Acting Director of Planning Services
/nl

I:\Department\Application Files\ZBA-Zoning\2019\ZBA2019-0016 1840 Energy Drive\Public Meeting\East Penn Public Meeting Notice1.docx

Notice of Public Meeting

A land use change has been proposed, have your say!

The Municipality is seeking public comments before making a decision on an application to amend the Zoning By-laws to facilitate the severance of a dwelling rendered surplus due to a farm consolidation.

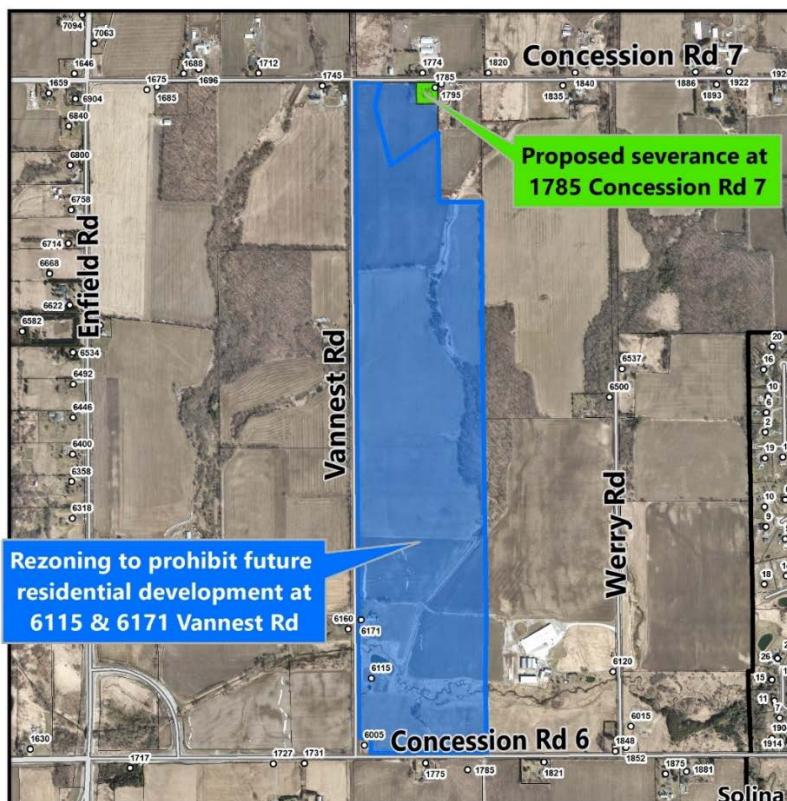
Proposal

Werrcroft Farms wants to sever a parcel of land with a detached dwelling at 1785 Concession Rd 7. This is permitted since the dwelling is considered surplus after consolidating farm parcels. As part of the approval, the retained parcel with the remaining farmland at 6115 & 6171 Vannest Road must be rezoned to prohibit any future residential development. The application has been deemed complete.

Property

6115 & 6171 Vannest Road, Solina

This is a large farm parcel of approximately 77 hectares just west of Solina between Concession Road 6 and Concession Road 7.



Rezoning to prohibit future residential development at 6115 & 6171 Vannest Rd

Proposed severance at 1785 Concession Rd 7

Werrcroft Farms
1785 Concession Road 7
6171 Vannest Road
6115 Vannest Road

Area Subject To
Proposed Zoning
By-Law Amendment

ZBA2019-0013



How to Provide Comments

Speak at the Public Meeting:

Date: **Tuesday, October 22, 2019**
Time: 7:00 pm
Place: 40 Temperance Street, Bowmanville, ON L1C 3A6
Council Chambers, Municipal Administrative Centre

Or write to the Planning Services Department to the attention of Mark Jull

***Please note:** This public meeting will now be on Tuesday, October 22, 2019, so it will not conflict with Election Day for the Federal Election, which is Monday, October 21, 2019.

File Number: ZBA2019-0013 (cross reference ROPA2019-006)

How to be Informed

The proposed Zoning By-law amendment along with additional information and background studies are available for review at the Planning Services Department and on our website at clarington.net/developmentproposals **Questions?** Please contact Mark Jull at 905-623-3379, extension 2426 or by email at mjull@clarington.net

Freedom of Information and Protection of Privacy Act

The personal information you submit will become part of the public record and may be released to the public. Questions about the information we collect can be directed to the Clerk's Department at 905-623-3379, extension 2102.

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Appeal Requirements

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A handwritten signature in blue ink that reads "Faye Langmaid". The signature is written in a cursive style.

Faye Langmaid, FCSLA, RPP
Acting Director, Planning Services Department

I:\Department\Application Files\ZBA-Zoning\2019\ZBA2019-0013 6115 Vannest Road\Public Notice\ZBA2019-0013 PM Notice_10'30'19.docx



The Regional
Municipality of
Durham

Corporate Services
Department –
Legislative Services

605 Rossland Rd. E.
Level 1
P.O. Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Fax: 905-668-9963

durham.ca

THIS LETTER HAS BEEN FORWARDED
TO THE EIGHT AREA CLERKS

September 27, 2019

Ms. A. Greentree
Clerk
Municipality of Clarington
40 Temperance Street
Bowmanville, ON L1C 3A6

Dear Ms. Greentree:

**RE: Employment Lands Servicing Project Status (2019-EDT-15),
Our File: D02**

Council of the Region of Durham, at its meeting held on September 25, 2019, adopted the following recommendations of the Planning & Economic Development Committee:

- “A) That the preliminary criteria as outlined in Report #2019-EDT-15 of the Commissioner of Planning and Economic Development for the prioritization of pre-servicing of Employment Lands projects be endorsed; and
- B) That a copy of Report #2019-EDT-15 be circulated to Durham Local Area Municipalities.”

Please find enclosed a copy of Report #2019-EDT-15 for your information.

Ralph Walton

Ralph Walton,
Regional Clerk/Director of Legislative Services

RW/tf

c: B. Bridgeman, Commissioner of Planning and Economic
Development



September 27, 2019

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Dear Minister Clark:

The Regional
Municipality of
Durham

**RE: Envision Durham – Environment and Greenlands System
Discussion Paper (2019-P-36), Our File: D12**

Corporate Services
Department –
Legislative Services

Council of the Region of Durham, at its meeting held on September 25, 2019, adopted the following recommendations of the Planning & Economic Development Committee:

605 Rossland Rd. E.
Level 1
P.O. Box 623
Whitby, ON L1N 6A3
Canada

- “A) That [Report #2019-P-36](#) of the Commissioner of Planning and Economic Development be received for information; and
- B) That a copy of [Report #2019-P-36](#) be forwarded to Durham’s area municipalities; conservation authorities; the Ministry of Municipal Affairs and Housing; the Ministry of Natural Resources and Forestry; the Ministry of Environment, Conservation and Parks; and the Durham Environmental Advisory Committee for review and comment.”

905-668-7711
1-800-372-1102
Fax: 905-668-9963

Please find enclosed a copy of [Report #2019-P-36](#) for your review and comment. If you have any questions, please contact Kristy Kilbourne, Senior Planner, in our Planning Division at 905-668-7711, ext. 2545.

durham.ca

Ralph Walton

Ralph Walton,
Regional Clerk/Director of Legislative Services

RW/tf

c: Please see attached list

- c: M. Harris, Acting Manager, Community Planning and Development,
Ministry of Municipal Affairs and Housing
- The Honourable John Yakabuski, Minister of Natural Resources and
Forestry
- The Honourable Jeff Yurek, Minister of Environment, Conservation
and Parks
- N. Cooper, Clerk, Town of Ajax
- B. Jamieson, Clerk, Township of Brock
- A. Greentree, Clerk, Municipality of Clarington
- M. Medeiros, Acting Clerk, City of Oshawa
- S. Cassel, Clerk, City of Pickering
- J.P. Newman, Clerk, Township of Scugog
- D. Leroux, Clerk, Township of Uxbridge
- C. Harris, Clerk, Town of Whitby
- C. Darling, Chief Administrative Officer, Central Lake Ontario
Conservation Authority
- L. Laliberte, CAO/Secretary-Treasurer, Ganaraska Region
Conservation Authority
- M. Majchrowski, Chief Administrative Officer, Kawartha Conservation
Authority
- M. Walters, Chief Administrative Officer, Lake Simcoe Region
Conservation Authority
- J. MacKenzie, Chief Administrative Officer, Toronto & Region
Conservation Authority
- Durham Environmental Advisory Committee
- B. Bridgeman, Commissioner of Planning and Economic Development



September 27, 2019

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Dear Minister Clark:

The Regional
Municipality of
Durham

Corporate Services
Department –
Legislative Services

605 Rossland Rd. E.
Level 1
P.O. Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Fax: 905-668-9963

durham.ca

**RE: Envision Durham – Engagement and Outreach – Public
Opinion Survey Summary (2019-P-35), Our File: D12**

Council of the Region of Durham, at its meeting held on September 25, 2019, adopted the following recommendations of the Planning & Economic Development Committee:

- “A) That [Report #2019-P-35](#) of the Commissioner of Planning and Economic Development be received for information; and
- B) That a copy of [Report #2019-P-35](#) be forwarded to Durham’s area municipalities; conservation authorities; and the Ministry of Municipal Affairs and Housing for information.”

Please find enclosed a copy of [Report #2019-P-35](#) for your information.

Ralph Walton

Ralph Walton,
Regional Clerk/Director of Legislative Services

RW/tf

c: Please see attached list

- c: M. Harris, Acting Manager, Community Planning and Development,
Ministry of Municipal Affairs and Housing
- N. Cooper, Clerk, Town of Ajax
- B. Jamieson, Clerk, Township of Brock
- A. Greentree, Clerk, Municipality of Clarington
- M. Medeiros, Acting Clerk, City of Oshawa
- S. Cassel, Clerk, City of Pickering
- J.P. Newman, Clerk, Township of Scugog
- D. Leroux, Clerk, Township of Uxbridge
- C. Harris, Clerk, Town of Whitby
- C. Darling, Chief Administrative Officer, Central Lake Ontario
Conservation Authority
- L. Laliberte, CAO/Secretary-Treasurer, Ganaraska Region
Conservation Authority
- M. Majchrowski, Chief Administrative Officer, Kawartha Conservation
Authority
- M. Walters, Chief Administrative Officer, Lake Simcoe Region
Conservation Authority
- J. MacKenzie, Chief Administrative Officer, Toronto & Region
Conservation Authority
- B. Bridgeman, Commissioner of Planning and Economic Development



The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2019-P-42
Date: October 1, 2019

Subject:

Provincial Policy Statement Review, Proposed Policies (ERO #019-0279), File: L35-03

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That Commissioner's Report #2019-P-42 be endorsed as Durham Region's response to the Environmental Registry's posting (ERO #019-0279) for the Provincial Policy Statement Review – Proposed Policies, including the following recommendations:
- i) That, for clarification purposes, the term "Provincial Interest" be defined in the PPS, or that a reference to section 2 of the Planning Act be included;
 - ii) That a policy be included in Policy 1.1.1 that encourages the preparation and implementation of community energy plans as a component of planning for healthy, liveable and safe communities;
 - iii) That the term "market-based" in Policy 1.1.1.(6) be revised to "market informed" to better reflect the provincial policy-led planning system, and the Region's long-term planning objectives that support the provision of affordable and supportive housing, while encouraging a more compact urban form that is sensitive to local conditions;
 - iv) That the Province be requested to either release an updated Land Needs Assessment guidance document, or confirm the existing draft document, to

- help the Region advance Envision Durham, the Region's Municipal Comprehensive Review;
- v) That the PPS continue to use the word "shall" in policies 1.1.3.6, 1.1.3.7 and 1.6.7.2 to assist with the implementation of orderly and sequential development and complete communities;
 - vi) That the references to Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the PPS be reinstated in Policy 1.1.3.8 to ensure that the review of Settlement Area boundaries is systematic, well planned and comprehensive;
 - vii) That natural heritage and hydrologic systems be added as criteria for consideration in the adjustment of Settlement Area boundaries to ensure that these reviews are systematic, well-planned and comprehensive and in sync with the Growth Plan;
 - viii) That the proposed wording changes to the land use compatibility policies in Policies 1.2.6.1 and 1.2.6.2 not be supported, as the changes could lead to greater conflict between sensitive uses and industrial/manufacturing uses;
 - ix) That the Province be requested to provide additional guidance regarding the appropriate transition area, or distance separation, between industrial and manufacturing uses and non-employment uses, including providing additional clarity regarding Places of Worship that are regarded as sensitive land uses;
 - x) That the term "regional economic development corporation" in Policy 1.3.2.5 be changed to "Planning Authority" to be consistent with other policies in the PPS;
 - xi) That the Province be requested to confirm whether it intends to release updated population and employment forecasts for the Greater Golden Horseshoe that would allow the Region to use a 25-year planning horizon in its Municipal Comprehensive Review;
 - xii) That the Province clarify that the upper-tier planning authority is the level which has responsibility for ensuring residential growth can be accommodated for a minimum of 12 years, and that the three-year supply of residential units is also maintained at the Regional level. In addition, it should be clarified that the upper or single-tier municipality would be responsible for defining the "regional market area";

- xiii) That the proposed wording changes to Policy 1.6.6.3 be revised to address and safeguard the financial and operational risks to a municipality associated with privately-owned communal services;
 - xiv) That proposed Policy 1.6.6.7 of the PPS be deleted related to the integration of stormwater and water/sewer planning, as the responsibilities of municipalities in single-tier and two-tier systems differ;
 - xv) That Policy 1.6.7.5 not be deleted as its removal is inconsistent with the PPS overall, as the Province and municipalities are to support the timely planning and implementation of transportation infrastructure improvements, coincident with the scale and pace of development, and the failure to provide this statement does not support the principle of promoting transit supportive development;
 - xvi) That, for clarification purposes, the term “wayside” not be deleted from the heading in Policy 2.5.5, as the policy is specific to wayside pits and quarries;
 - xvii) That the Province provide guidance regarding how excess fill can be managed by the planning and development approvals process and suggest that excess fill can be managed through engineering approvals for developments following the draft approval stage;
 - xviii) That the definition of the term “conserved” remain the same as per the 2014 PPS to recognize that municipalities do not have the authority to “approve” or adopt archaeological and heritage impact assessments; and
 - xix) That a reference to climate data be added to the definition of “impacts of a changing climate”.
- B) That a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing, and Durham’s area municipalities and conservation authorities.
-

Report:**1. Purpose**

- 1.1 The purpose of this report is to respond to ERO Posting #019-0279 which requests comments on proposed changes to the current (2014) Provincial Policy Statement (PPS).

2. Background

- 2.1 The Planning Act requires that the Minister of Municipal Affairs and Housing undertake a review of the PPS, at a minimum, every ten years. On July 22, 2019 the Province released, for consultation purposes, proposed policy changes to the 2014 PPS. A copy of the proposed changes to the PPS can be downloaded from the province's website [Provincial Policy Statement Review Proposed Policies](#). The deadline for comment is October 21, 2019. A copy of this report will be sent to the Minister following receipt by Committee, recognizing that formal comments from the Region will be sent following the Regional Council on October 23, 2019. Ministry of Municipal Affairs and Housing staff have been advised they will be receiving the Region's official comments shortly after the deadline.
- 2.2 The current version of the PPS came into effect April 30, 2014. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS applies province-wide, and not just to the municipalities within the Greater Toronto Area. The PPS sets the policy foundation for regulating the development and use of land and is complemented by provincial plans such as the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), the Greenbelt Plan, and the Oak Ridges Moraine Conservation Plan.
- 2.3 The PPS fosters conditions for development, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.
- 2.4 The PPS consists of:
- a. A preamble; description of legislative authority, how to read the PPS; and Vision for Ontario's Land Use Planning System,
 - b. A set of detailed policies addressing three major areas of Provincial interest:
 - Building Strong Healthy Communities;
 - Wise Use and Management of Resources;
 - Protecting Public Health and Safety;
 - c. An explanation of how the PPS is to be implemented and interpreted;
 - d. A Natural Heritage Protection Reference map; and
 - e. Definitions.

2.5 The Durham Regional Official Plan (ROP) implements the PPS and provincial plans by providing Durham Region specific policies. The ROP defines the intent of Regional Council in the guidance of growth and development in the Region. In exercising its approval authority, Regional Council ensures that the area municipal official plans and amendments are consistent with the ROP, the PPS and provincial plans.

3. Proposed Revisions to the PPS

3.1 According to the Province, the proposed revisions are intended to:

- Encourage the development of an increased mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater predictability;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

4. Comments

4.1 The comments below are presented by section, with specific recommendations in **bold**.

Preamble

4.2 A proposed new paragraph in the Preamble states that “official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas”. It is unclear if the term is referring to “provincial interests” as defined within section 2 of the Planning Act, 1990 or whether it includes other interests. **It is recommended, for clarification purposes, that the term “Provincial Interest” be defined in the PPS, or that a reference to section 2 of the Planning Act be included.**

Building Strong Healthy Communities

4.3 Section 1.1 of the PPS provides direction on managing and directing land use to achieve efficient and resilient development and land use patterns. In Durham, a Community Energy Plan has been endorsed to improve energy efficiency, support the development of renewable energy, reduce air pollution and support economic development initiatives based on a low carbon pathway. The reduction in energy use and reduced GHG emissions depends on the implementation of compact urban form, the implementation of robust transit services, the construction of

energy efficient buildings, and the development of diverse energy resources.

Although policy 1.1.1 of the PPS is consistent with these objectives, it is recommended that a policy be included that encourages the preparation and implementation of community energy plans as a component of planning for healthy, liveable and safe communities.

- 4.4 A proposed change to the PPS includes changes to Policy 1.1.1 b) which currently states: “[*Healthy, liveable and safe communities are sustained by*] b) *accommodating an appropriate range and mix of residential (including second units affordable housing and housing for older persons)...*” The policy is proposed to be revised such that municipalities would be required to plan for “accommodating an appropriate **market-based** range and mix of residential types”. The term “market-based” has been included several times throughout the document. This proposed change is at odds with Ontario’s provincial policy-led planning system¹. This approach would require planning for development that is dictated by the current market as opposed to broader long-term planning policy objectives, including the provision of affordable and supportive housing, and development practices that support the efficient use of land. Since the “market” can be affected by a wide variety of forces such as interest rates, the value of land, the geographic characteristics of sites and changing demographics, defining the market can be open to widely differing viewpoints. However, it is acknowledged that in the conduct of Land Needs Assessments (LNAs) as part of a Municipal Comprehensive Review, experts are mindful of regional market conditions and variations when they prepare development forecasts. These exercises strike a balance between accommodating forecasted housing needs while accommodating other planning policy objectives. Therefore, **it is recommended that the term “market-based” in Policy 1.1.1 (6) and throughout the document be revised to “market informed” to better reflect the provincial policy-led planning system, and the Region’s long-term planning objectives that support the provision of affordable and supportive housing, while encouraging a more compact urban form that is sensitive to local conditions.**
- 4.5 Further, since the Region is currently engaged in undertaking its Land Needs Assessment work, **it is recommended that the Province be requested to either release an updated Land Needs Assessment guidance document, or confirm**

¹ The PPS states, “Ontario’s provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.” (Part III, PPS)

the existing draft document, to help the Region advance Envision Durham, the Region's Municipal Comprehensive Review. In the absence of this certainty, the timing of the MCR could be delayed.

- 4.6 Transit-supportive development is enhanced by the requirement being added to several of the policies in Section 1 of the PPS, including Section 1.1.1 that promotes the integration of land use planning, growth management, transit-supportive development and the optimization of transit investments. These proposed changes are supported as they are consistent with the Region's current planning policies in both the ROP and the Region's Transportation Master Plan, 2017.
- 4.7 The nature of a number of policies throughout the PPS have been changed from "shall" to "should", making them less prescriptive. For example, the proposed PPS Policy 1.1.3.7 would read "Planning authorities should establish and implement phasing policies" as opposed to "shall" establish. There is a concern that providing discretion in this policy could enable development to proceed in a non-sequential or potentially haphazard manner. This type of wording change can be the subject of hearings at the LPAT, where debate on provincial policy intent is adjudicated. Further, the replacement of the word "shall" with "should" in policies 1.1.3.6, and 1.6.7.2 would introduce discretion for development other than "compact urban form" in designated growth areas, which is inconsistent with the PPS that provides policy direction for the efficient use of land and resources. This notion that non-sequential growth is permissible may create unnecessary confusion when interpreting PPS policies, and could detract from policies directed toward building complete communities that support transit and a healthy environment. Therefore, **it is recommended that the PPS continue to use the word "shall" in policies 1.1.3.6, 1.1.3.7 and 1.6.7.2 to assist with the implementation of orderly and sequential development and complete communities.**
- 4.8 The proposed PPS maintains the policy requiring the expansion of a settlement area boundary only at the time of a comprehensive review. However, the proposed PPS removes the requirement to examine the natural heritage system or natural hazards as the reference to Section 2, Wise Use and Management of Resources, and Section 3, Protecting Public Health and Safety, has been deleted. **It is recommended that the references to Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the PPS be reinstated in Policy 1.1.3.8 to ensure that the review of Settlement Area boundaries is systematic, well-planned and comprehensive.**

- 4.9 The Settlement Area boundary policies have also been revised to allow adjustments of Settlement Area boundaries outside a municipal comprehensive review if there is no net increase in land within Settlement Areas. This is consistent with the Growth Plan for the Greater Golden Horseshoe, although some of the criteria that must be satisfied are inconsistent between the two documents and could cause unnecessary confusion. For example, both the proposed PPS and the Growth Plan require that when examining Settlement Area boundary adjustments, the impact on the agricultural system be addressed, but the proposed PPS does not reference key hydrologic features or the natural heritage system. **It is recommended that natural heritage and hydrologic systems be added as criteria for consideration in the adjustment of Settlement Area boundaries to ensure that the review is systematic, well-planned and comprehensive.** This systematic evaluation of settlement area boundary expansions avoids a piecemeal and inconsistent approach.
- 4.10 Section 1.2.2 of the PPS is proposed to be revised to state that Planning Authorities **shall** (emphasis added) engage with Indigenous communities and coordinate on land use planning matters. The current PPS “encourages” Indigenous engagement. Over the past few years, the Region has been working to enhance its engagement practices with Indigenous communities through staff education and training, as well as through engagement on the Community Strategic Plan and the Municipal Comprehensive Review. As such, the proposed change to the PPS is consistent with Regional practice. However, this new requirement may have an impact on Regional staff’s ability to meet the new (shorter) planning application approval timelines, depending on a First Nation Council’s capacity to review and comment on planning applications.
- 4.11 Major industrial/manufacturing facilities are to be planned to avoid impacts on sensitive land uses. The land use compatibility policies in the PPS speak to the potential adverse effects from odour, noise and other contaminants, and risks to public health and safety. The existing PPS policies appear to be weakened through the proposed addition of a caveat statement in Policy 1.2.6.1 that states “if avoidance is not possible, minimize and mitigate any potential adverse effects”. A new policy is proposed (Policy 1.2.6.2) that indicates the conditions where avoidance is not possible, and alternative locations are not reasonable, then impacts can be minimized and mitigated in accordance with relevant guidelines and standards pertaining to odour, noise contaminants and risk to public health and safety. **It is recommended that the proposed wording changes to the land use compatibility policies in the PPS not be supported, as the changes could lead to greater conflicts between sensitive uses and**

industrial/manufacturing uses.

- 4.12 The proposed PPS would add a policy (Policy 1.3.2.3) to ensure an appropriate “transition” between industrial/manufacturing uses and non-employment uses. The Region is supportive of this addition as it is consistent with land use planning practices that support land use compatibility. **However, it is recommended that the Province be requested to provide additional guidance regarding the appropriate transition area, or distance separation, between industrial and manufacturing uses and non-employment uses, including providing clarity regarding facilities such as Places of Worship that are regarded as sensitive land uses.**
- 4.13 Proposed Policy 1.3.2.5 would allow for the conversion of employment areas to non-employment uses outside of a municipal comprehensive review, provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally-significant by a regional economic development corporation. This is similar to policies in the Growth Plan. Staff continue to support the systematic evaluation of employment land conversion requests through the Municipal Comprehensive Review process. **As an editorial comment, it is recommended that the term “regional economic development corporation” in Policy 1.3.2.5 be changed to “Planning Authority”, to be consistent with other policies in the PPS.**
- 4.14 The land use planning horizons for the protection of employment areas has been changed from 20 years to 25 years, and the supply of housing to be maintained has changed from 10 years to 12 years. The Region is currently undertaking a Municipal Comprehensive Review of the ROP to plan for 2041 population and employment forecasts, as prescribed in Schedule 3 the Growth Plan (roughly a 20-year planning horizon). **It is recommended that the Province be requested to confirm whether it intends to release updated population and employment forecasts for the Greater Golden Horseshoe that would allow the Region to use a 25-year planning horizon in its Municipal Comprehensive Review.**
- 4.15 Under Policy 1.4.1 of the PPS, planning authorities are required to provide a mix of housing options and densities required to meet the projected requirements of current and future residents of the regional market area. In order to do so, planning authorities are directed to maintain at all times the ability to accommodate residential growth for a minimum of 12 years through residential intensification and redevelopment, and if necessary lands which are designated and available for residential development. The threshold for the accommodation of residential

growth was previously 10 years. The increase to 12 years is supported. Planning authorities are also required to maintain at all times, where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

- 4.16 There has been confusion in the past as to whether the implementation of Policy 1.4.1 is the responsibility of the upper-tier municipality, or each individual area municipality due to the reference to “planning authorities”. This confusion has persisted, despite the policy stating it is for the “regional market area”. Although the “regional market area” is a defined term in the PPS, referring to the upper or single-tier municipality, it can be a larger area, depending on circumstances. Where a two-tier planning system is in effect, as in Durham Region, **it is recommended that the Province clarify that the upper-tier planning authority is the level which has responsibility for ensuring residential growth can be accommodated for a minimum of 12 years, and that the three-year supply of residential units is also to be maintained at the Regional level. In addition, it should be clarified that the upper or single-tier municipality would be responsible for defining the “regional market area”.**
- 4.17 Proposed revisions to Policy 1.6.6.3 would permit the implementation of private communal water services in multi-unit/lot development in rural settlements. The use of privately-owned communal services can be problematic, particularly if these services fail, and there is an expectation for the Region to assume the service. The policy should clarify that ownership and maintenance of a communal system/service would be the responsibility of the condominium corporation or private owner in perpetuity, such that it does not become a future burden to taxpayers. **It is recommended that the proposed wording changes to Policy 1.6.6.3 address the financial and operational risks to a municipality associated with communal services.**
- 4.18 Policy 1.6.6.7 states that stormwater management shall “be integrated with planning for sewage and water services”. It is unclear how this policy should be implemented as sewage, water and stormwater are independent services that serve different purposes, service areas, and flow directions. Further, within Durham Region, stormwater management is primarily the responsibility of the area municipalities, while water and sewer services are the Region’s responsibility. This proposed change to the PPS could imply that an upper-tier municipality would be responsible for stormwater management, which is a departure from current

practice. **It is recommended that Policy 1.6.6.7 of the proposed PPS be deleted related to the integration of stormwater and water/sewer planning, as the responsibilities of municipalities in single-tier and two-tier systems differ.**

- 4.19 Policy 1.6.7.5, which states: *“Transportation and land use considerations shall be integrated at all stages of the planning process”* is proposed to be deleted. This is inconsistent with the Growth Plan which takes the approach that land use and transportation need to be planned together. For example, the compact urban form required by PPS policies requires that transit and active modes of transportation be planned in tandem with this type of infrastructure. Additionally, since it is required that transit supportive considerations be incorporated into development, it is equally important that transportation and land use considerations be incorporated into all stages of the planning process to ensure that development is implemented in accordance with transit supportive policy. The deletion of this policy seems to be in conflict with other policies that support the timely planning and implementation of transportation infrastructure improvements with development, and the promotion of transit supportive development. **It is therefore recommended that Policy 1.6.7.5 not be deleted, as its removal is inconsistent with the PPS overall, as the Province and municipalities are to support the timely planning and implementation of transportation infrastructure improvements, coincident with the scale and pace of development, and the failure to provide this statement does not support the principle of promoting transit supportive development.**

Wise Use and Management of Resources

- 4.20 A policy was added to allow municipalities to choose to manage wetlands not identified as Provincially Significant in accordance with guidelines developed by the Province. The impact of this policy can be further assessed when the guidelines are released by the Province, however, it appears that the policy is giving municipalities the ability to protect smaller and less-significant wetlands, which is supported.
- 4.21 The term “changing climate” has been added throughout the document, recognizing the importance of preparing for the impacts of climate change. This is an enhancement to the 2014 PPS, which focused on “considering” climate change. These additions are supported.
- 4.22 A new policy encouraging planning authorities to use an agricultural system approach is proposed to be added. The Region, has implemented this practice

through the “Prime Agricultural Areas” designation in the ROP. This change is supported.

- 4.23 Section 2.5.5 of the proposed PPS deletes the term “wayside”. A wayside pit is a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project/contract. It is unclear why this term would be deleted when the policy speaks to “wayside pits”. **It is recommended that, for clarification purposes, the term “wayside” not be deleted from Policy 2.5.5 as the policy is specific to wayside pits and quarries.**

Protecting Public Health and Safety

- 4.24 There is a note at the beginning of this section stating that policies related to natural hazards are subject to ongoing review by the Province’s Special Advisor on Flooding. Further changes may be considered as a result of this review.
- 4.25 The proposed PPS adds a new policy regarding excess soil that reads as follows: *“Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment”*. Management of excess soil is regulated by municipalities through Fill By-laws, which are passed under the authority of the Municipal Act, 2001. **As such, it is recommended that the Province provide guidance regarding how excess fill can be managed by the planning and development approvals process. It is suggested that excess fill can be managed through engineering approvals for developments following the draft approval stage.**

Implementation and Interpretation

- 4.26 Additionally, the Province highlights the importance it places on increasing the housing supply by adding a policy regarding the need to facilitate a timely and streamlined development approvals process, that identifies and fast-tracks priority applications, and reduces the time needed to process residential and priority applications. This direction is consistent with changes the Province has recently made to the Planning Act through Bill 108, which has shortened the timelines for the processing of Planning applications. However, the term “priority application” has not been defined, nor have any criteria been provided on how a municipality may determine priority applications. As currently written, this could lead to different interpretations across the Province. Municipalities will need to develop criteria to determine what constitutes a “priority application” (such as affordable housing and employment) in their jurisdiction, and consider what type of support will be

provided to facilitate a timely and streamlined development approvals process.

Definitions

- 4.27 The definition of “conserved” has been revised to state that archaeological and heritage impact assessments are approved or adopted by the planning authority. Municipalities do not have the authority to do so under the Ontario Heritage Act. As such, **it is recommended that the definition of the term “conserved” remain as per the 2014 PPS to recognize that municipalities do not have the authority to “approve” or “adopt” archaeological and heritage impact assessments.**
- 4.28 The definition for “impacts of a changing climate” is very broad and refers to the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels, including extreme weather events and increased climate variability. There is no mention of quantitative data to support illustration of the impacts of a changing climate. **It is recommended that a reference to climate data be added to the definition of “impacts of a changing climate”.**

5. Conclusions and Recommendations

- 5.1 The province has proposed revisions to the PPS which are the subject of this report. Additional revisions are recommended to improve the effectiveness of the PPS, remove inconsistencies, and to clarify policy and terminology, as detailed in this report.
- 5.2 It is recommended that this report be endorsed as the Region’s submission to the Environmental Registry’s posting (ERO 019-0279) for the Provincial Policy Statement Review – Proposed Policies.
- 5.3 This report was prepared in consultation with Corporate Services – CAO’s Office, Corporate Services – Legal Services, the Works Department and Social Services – Housing Services.

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | | |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------|
| Report To: | Planning and Development Committee | | |
| Date of Meeting: | October 22, 2019 | Report Number: | PSD-042-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: | |
| File Number: | S-C-2018-0003, ZBA2018-0014 | By-law Number: | |
| Report Subject: | Public Meeting - Applications by BV Courtice Partners LP (Trolleybus Urban Development) for a Draft Plan of Subdivision and Zoning By-law Amendment to permit 151 subdivision at the north-west corner of Hancock Road and Nash Road in Courtice. | | |

Recommendations:

1. That Report PSD-042-19 be received;
2. That the proposed Draft Plan of Subdivision and Zoning By-law Amendment submitted by BV Courtice Partners LP (Trolleybus Urban Development) continue to be processed including the preparation of a subsequent report; and
3. That all interested parties listed in Report PSD-042-19 and any delegations be advised of Council's decision.

Report Overview

The Municipality is seeking the public's input on applications for a proposed Draft Plan of Subdivision and Zoning By-law Amendment submitted by BV Courtice Partners LP (Trolleybus Urban Development) to permit 151 residential lots, consisting of 85 single detached dwellings and 66 townhouse dwellings, the extension of Tabb and Broome Avenue's and new north-south and east-west roads.

1. Application Details

Owner/Applicant: BV Courtice Partners LP (Trolleybus Urban Development)

Proposal: Draft Plan of Subdivision

The proposed Draft Plan of Subdivision would permit 151 residential lots, consisting of 85 single detached dwellings and 66 townhouse dwellings, the extension of Tabb and Broome Avenue's and new north-south and east-west roads.

Zoning By-law Amendment

To rezone the subject lands from "Agricultural (A)" and "Environmental Protection (EP)" zones to appropriate zones that would permit the singles detached and townhouse dwelling units.

Area: 6.78 Hectares

Location: 1828, 1830, 1832, 1834, 1836, 1840 Nash Road and 3056, 3090, 3112, 3124, 3136, 3142, 3150, 3158 Hancock Road, Courtice.

| | | |
|--------------|-------------------|-----------------|
| Roll Number: | 1828 Nash Road | 181701009010300 |
| | 1830 Nash Road | 181701009010200 |
| | 1832 Nash Road | 181701009010100 |
| | 1834 Nash Road | 181701009010000 |
| | 1836 Nash Road | 181701009009900 |
| | 1840 Nash Road | 181701009009800 |
| | 3056 Hancock Road | 181701009009300 |
| | 3090 Hancock Road | 181701009009200 |
| | 3112 Hancock Road | 181701009009100 |
| | 3124 Hancock Road | 181701009009000 |

| | |
|-------------------|-----------------|
| 3136 Hancock Road | 181701009008900 |
| 3142 Hancock Road | 181701009008800 |
| 3150 Hancock Road | 181701009008700 |
| 3158 Hancock Road | 181701009008600 |

Within Built Boundary: Yes

2. Background

- 2.1 The Hancock Neighbourhood Plan was originally approved by Council in September 1998. The neighbourhood plan was amended in April 2013 to the current plan. The plan was amended in 2013 due to:
- Identification of Provincially Significant Wetlands by the Ministry of Natural Resources; and
 - Release of Provincial Growth Plans and Region; and
 - Durham Official Plan Amendment 128.
- 2.2 The neighbourhood plan update in 2013 changed the street pattern and lot patterns to the current plan (Figure 1). The Neighbourhood plan is intended to guide development. The exact lot pattern and street layouts are to be determined at the application stage once the required studies, including Environmental Impact Study, Traffic Impact Study, etc., have been submitted to support the application.
- 2.3 Since the Hancock Neighbourhood Plan was updated in 2013 there have been three developments approved in the Hancock Neighbourhood (See Figure 2). Development of the approvals has occurred or is proceeding with the exception of the 19 single detached dwellings, directly west of the subject lands, which were approved as a draft plan of subdivision in 2015. Final approval has not been issued (outlined in blue below, in Figure 2).
- 2.4 In May 2018 BV Courtice Partners LP (Trolleybus Urban Development) submitted Draft Plan of Subdivision and Zoning By-law Amendment applications. The applications were deemed incomplete as a comprehensive Environmental Impact Study was still in the process of being completed. The applications were circulated to internal departments and external agencies for preliminary comments. Preliminary comments were provided to the applicant in November 2018. The applicant submitted the outstanding Environmental Impact Study but requested staff not conduct a public meeting to allow them to address some of the comments provided and resubmit a revised plan that addressed the preliminary staff comments.

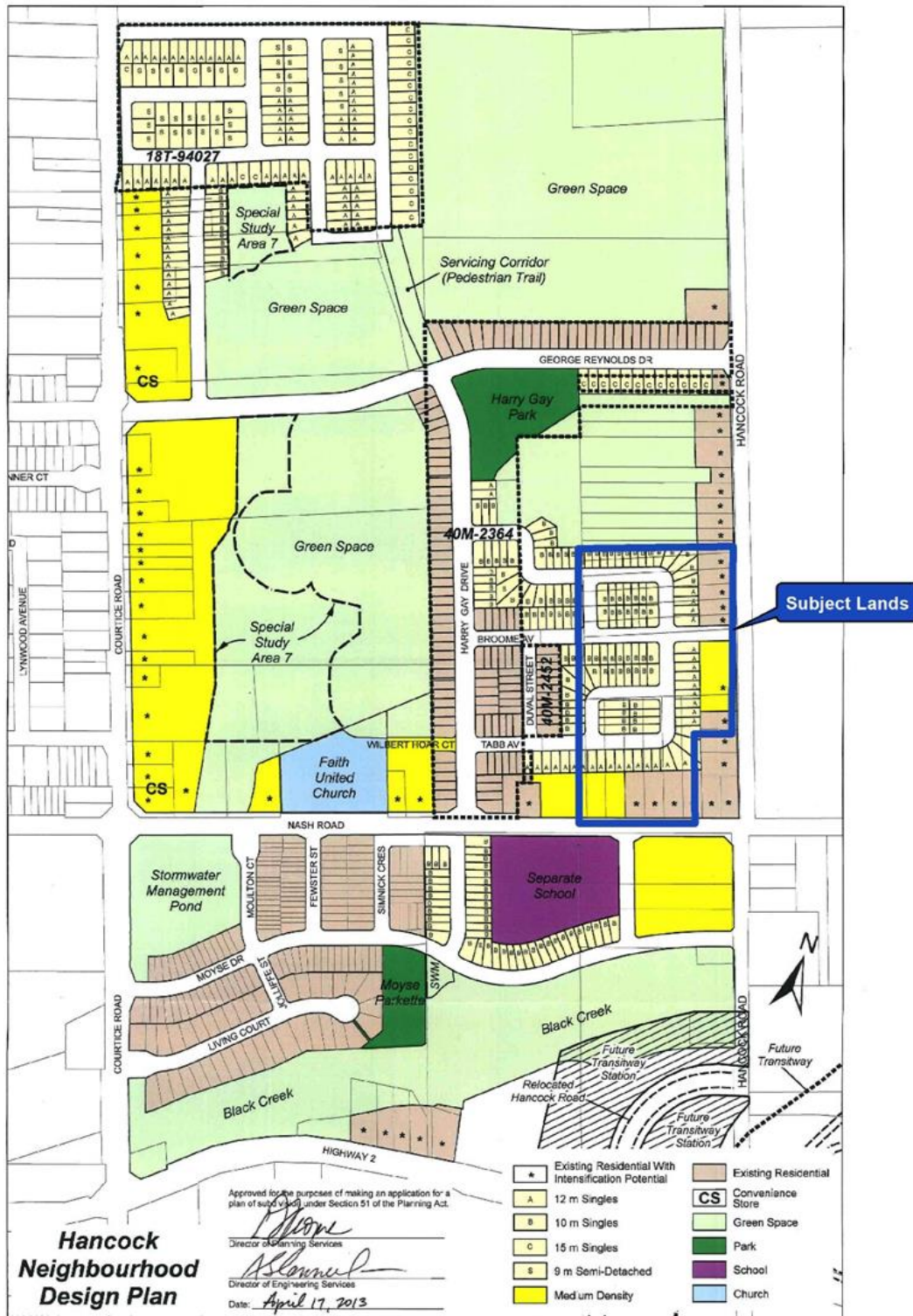


Figure 1: Approved Hancock Neighbourhood Plan with subject lands identified.



Figure 2: Subject lands and surrounding development approvals in the Hancock Neighbourhood.

2.5 In August 2019, the applicants submitted revised applications with amended studies. The applicants have submitted the following studies in support of the applications:

- Functional Servicing and Stormwater Management Report;
- Planning Rationale Report;
- Environmental Impact Study;
- Environmental Noise Assessment;
- Phase One and Two Environmental Site Assessment;

- Urban Design Brief; and
- Traffic Impact Study

2.6 The revised studies are being reviewed by staff and agencies and will be summarized in a future report.

3. Land Characteristics and Surrounding Uses

3.1 The subject lands consist of six parcels on Nash Road and eight parcels on Hancock Road. All of the parcels currently have a single detached dwellings and accessory buildings on the lands with the exception of 1830 Nash Road which is currently vacant. The properties were mainly used as residential on private services with the exception of 3090 Hancock Road.

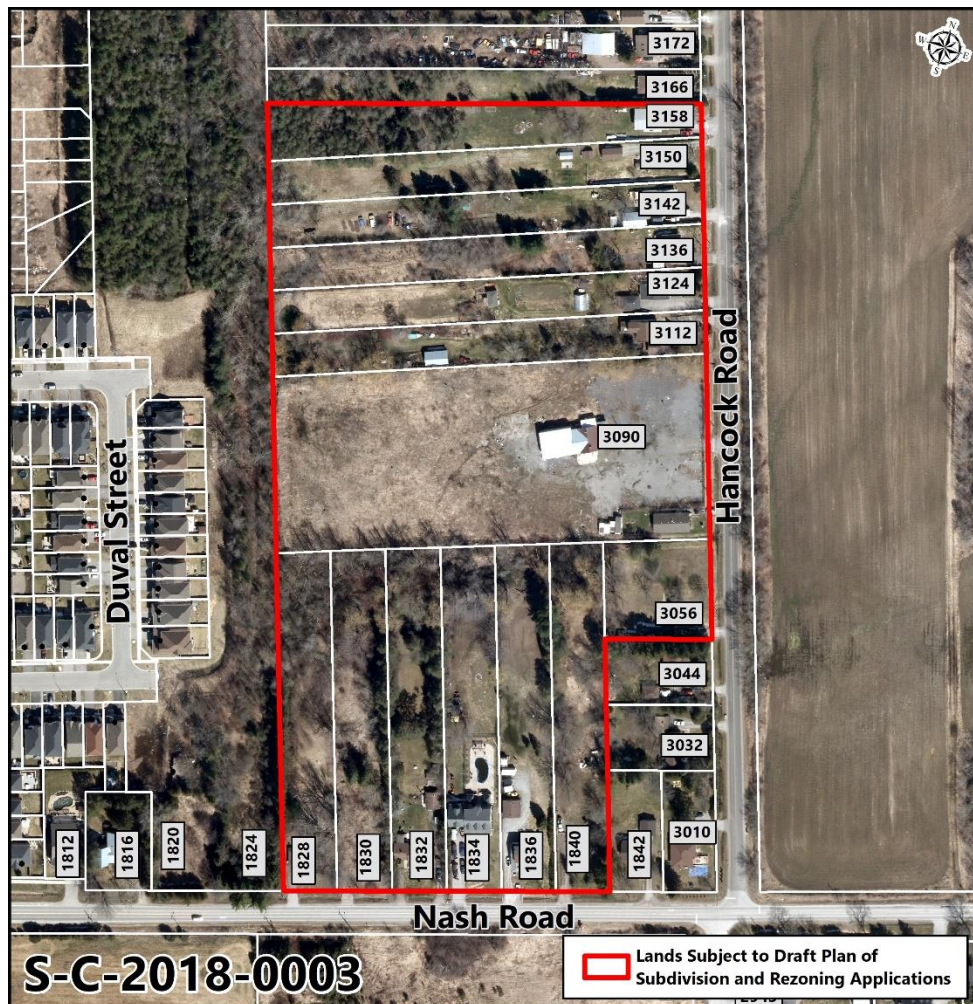


Figure 3: Subject lands.

- 3.2 In addition to having a single detached dwelling on the south end of the property, 3090 Hancock Road has a centrally located garage that was used as part of a former auto wrecker yard (Figure 4). The auto wrecker use had existed on the property since 1964 according to the information submitted in the Environmental Site Assessment, until purchased by the applicant.
- 3.3 As shown in Figure 2, in Section 2 above, there is a parcel of land to the west of the subject lands that separates the existing subdivision to the west. A portion of those lands have been draft approved but cannot be developed until the auto wrecker operation ceases. The remainder of the lands will be subject to future Planning Act applications. Final subdivision approval will be required prior to Tabb Avenue and Broome Avenue being connected to the proposed plan of subdivision.



Figure 4: 3090 Hancock Road former auto wrecker business with remaining garage.

The surrounding uses are as follows:

North - Single detached dwellings, woodlot and Provincially Significant Wetland

South - Single detached dwellings and Agricultural

East - Agricultural

West - Single detached dwellings

4. Provincial Policy

Provincial Policy Statement

- 4.1 The Provincial Policy Statement encourages planning authorities to create healthy, livable and safe communities by accommodating an appropriate range and mix of housing types and development patterns, while making efficient use of land and infrastructure.
- 4.2 Healthy and active communities should be promoted by planning public streets to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity. Compact and diverse developments promote active modes of transportation such as walking and cycling.

Provincial Growth Plan

- 4.3 The Provincial Growth Plan encourages municipalities to manage growth by directing population growth to settlement areas, such as the Courtice Urban Area. Municipalities are encouraged to create complete communities by promoting a diverse mix of land uses, a mix of employment and housing types, high quality public open space and easy access to local stores and services.
- 4.4 The subject lands are within the defined Built Boundary and within the Urban Boundary of Courtice. Growth is to be accommodated by directing a significant portion of new growth to the built-up areas through intensification and efficient use of existing services and infrastructure. A minimum of 40 percent of all residential development occurring annually within each upper tier municipality will be within the built-up area.

5. Official Plans

Durham Regional Official Plan

- 5.1 The Durham Region Official Plan designates the subject lands Living Areas. Living Areas permit the development of communities incorporating the widest possible variety of housing types, sizes and tenure to provide living accommodations that address various socio-economic factors.
- 5.2 The Region of Durham Official Plan identifies Key Natural Heritage and Hydrologic Features on the subject lands. Development or site alteration is not permitted in Key

Natural Heritage and Hydrologic Features, including any associated vegetation protection zone, as determined through an Environmental Impact Study.

- 5.3 Nash Road is a Type B Arterial Road in the Region's Official Plan.

Clarington Official Plan

- 5.4 The Clarington Official Plan designates the subject lands Urban Residential and Environmental Protection Area along the north limits of the proposal. The Urban Residential designation is predominately intended for housing purposes. A variety of densities, tenure and housing types are encouraged, generally up to 3 stories in height.
- 5.5 Natural Heritage Features are identified and mapped on the subject lands, including being within the Lake Iroquois Beach. The natural heritage features are designated Environmental Protection Area. The natural heritage system is to be protected and enhanced for the long term to promote responsible stewardship and provide sustainable environmental, economic and social benefits. Studies will determine the appropriate development limit and buffers in accordance with the Official Plan.
- 5.6 Nash Road is a Type B Arterial Road and Hancock Road is a collector road within the Clarington Official Plan.
- 5.7 The minimum density for edge of neighbourhoods and adjacent to arterial roads is 19 units per hectare and the predominant built form is ground related units including townhouses and single detached dwellings.

Hancock Neighbourhood Design Plan

- 5.8 Within the Hancock Neighbourhood Design Plan the subject lands are identified with a mix of 10m and 12m single detached dwellings, existing residential and medium density along Nash Road and Hancock Road.
- 5.9 Environmentally sensitive areas have been identified in the Hancock Neighbourhood Plan (Figure 5). The areas were identified based on information received from the Ministry of Natural Resources and Forestry and preliminary work completed by Niblett Environmental Associates. An Environmental Impact Study is required to assess the features on each site, determine buffers and identify development limits.
- 5.10 The existing residential designation was included to recognize existing dwellings where the long term plans were not known. The designation did not indicate a new dwelling form, i.e. medium residential identified on the former auto wrecker site, as the dwellings may have remained; however, the designation allows for alternative dwelling forms should redevelopment be proposed.

5.11 The Hancock Neighbourhood Plan includes the extension of Broome Avenue to Hancock Road, the Extension of Tabb Avenue and new local roads.

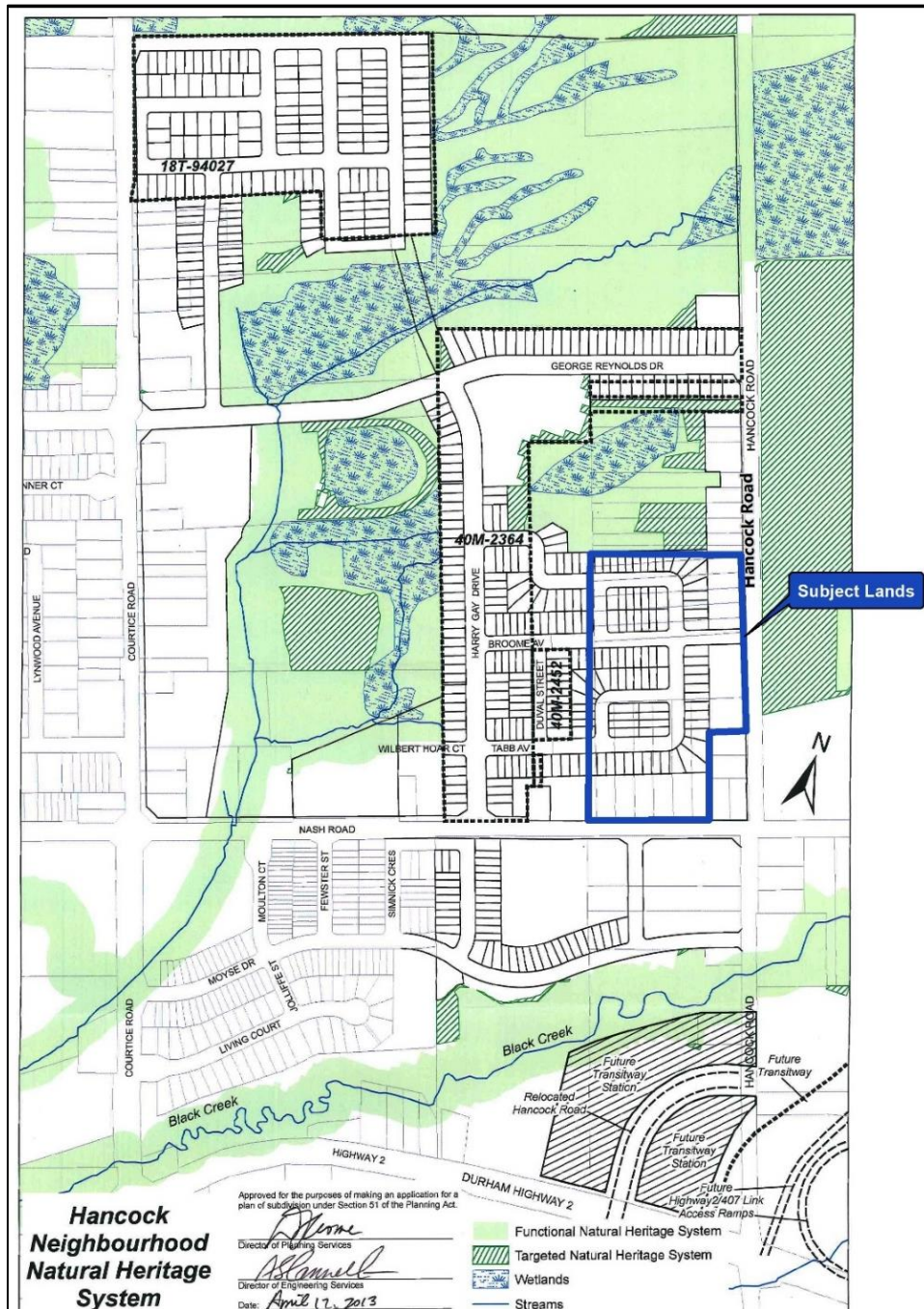


Figure 5: Approved Hancock Neighbourhood Plan Natural Heritage System with subject lands identified

5.12 Approved Neighbourhood Plans will continue to provide guidance for the development of neighbourhoods unless superceded by a Secondary Plan. If a proposed development is not in keeping with the intent of the neighbourhood design plan the plans would need to be amended to a Secondary Plan.

6. Zoning By-law

6.1 Zoning By-law 84-63 zones the subject lands “Agricultural (A) Zone”. A Zoning By-law Amendment is required to permit the proposed single detached and townhouse dwelling units within the subdivision.

7. Public Notice and Submission



Figure 6: Revised public meeting sign posted on Hancock Road

- 7.1 Public notice was mailed to each landowner within 120 metres of the subject lands on September 20, 2019 and Public Meeting signs were installed fronting on Nash Road and Hancock Road on September 20, 2019.
- 7.2 On September 30, 2019 Council directed staff to move the October 21, 2019 Planning and Development Committee meeting to October 22, 2019 to avoid conflict with the Federal Election. Staff sent revised notice on October 1, 2019 and the signs on the site were revised on October 4, 2019.

- 7.3 Staff have received correspondence, written and verbal, from several area residents and land owners with concerns with the applications. The concerns identified include:
- Increased traffic in the neighbourhood. Also, increased traffic on Hancock Road as the only access to the subdivision until lands to the west are developed will be via Hancock Road;
 - Concerns with parking on public streets given the number of dwellings and townhouses being proposed;
 - Many residents walk on Hancock Road, which is a rural road, and the increased traffic will make it dangerous as there are no sidewalks;
 - The proposed development is not in keeping with the existing rural residential neighbourhood character. There are no townhouses in the surrounding neighbourhood;
 - Concerns with the trees that will be removed to facilitate the development;
 - Durham Region Transit does not service this neighbourhood;
 - Townhouses will target lower income families and devalue the neighbourhood;
 - Concern regarding potential impact on resident wells in the neighbourhood;
 - The lands to the east, currently agricultural lands, drain towards the neighbourhood and can cause a lot of standing water on properties, especially during the spring months. Some residents are concerned the development may increase the amount of water on their properties or the potential for flooding on their properties;
 - Concerns regarding the proposed servicing to ensure it is consistent with previous development approvals to the west;
 - Questions and concerns regarding the remediation of the former autowrecker yard on the lands at 3090 Hancock Road; and
 - Impact on local parks and schools with an increase in population in the surrounding neighbourhood.

8. Agency Comments

Regional Municipality of Durham

- 8.1 Comments from Durham Region Planning, Works and Transit Departments have not been received at the time of finalizing this report but will be included in a subsequent report.

Central Lake Ontario Conservation Authority

- 8.2 Comments from the Central Lake Ontario Conservation Authority have not been received at the time of finalizing this report but will be included in a subsequent report.

Other Agencies

- 8.3 Canada Post, Hydro One, and Rogers have indicated that they have no concerns with the applications but request to be included in the detailed design process for servicing should the applications be approved.

9. Departmental Comments

Engineering Services

- 9.1 The Engineering Services Department has identified concerns with the proposed stormwater management system, the on-street parking plan, and road layout. The applicant will be required to provide additional details to address Engineering's concerns.

Emergency and Fire Services

- 9.2 The Emergency and Fire Services Department have no concerns with the applications.

10. Discussion

- 10.1 The subject lands include natural heritage features identified in the Clarington Official Plan and Hancock Neighbourhood Plan including a woodlot and Provincially Significant Wetlands. The applicants have submitted an Environmental Impact Study and Geotechnical Report that municipal staff and conservation authority staff are currently reviewing.
- 10.2 When the Hancock Neighbourhood Plan was updated in 2013 there were many unknowns with regards to how redevelopment of the subject lands would occur. Specifically, how would land consolidation occur and will the existing dwellings remain or be removed. As the majority of lands have been consolidated it provides an opportunity to develop a subdivision that is consistent with the Hancock Neighbourhood Plan while introducing new elements consistent with the policies of the Clarington Official Plan.
- 10.3 The applicants proposed plan of subdivision maintains many of the elements of the Hancock Neighbourhood Plan. However, some elements differ from the plan, mainly in the central and south portions of the site adjacent to Nash Road. Townhouses or

medium density forms of residential were indicated or anticipated along Nash Road and Hancock Road but not internal to the neighbourhood.

- 10.4 The applicants have proposed a window street adjacent to Nash Road that requires a temporary cul-de-sac. This is to provide servicing and access to the lots as direct access cannot be achieved from Nash Road which is an arterial road.
- 10.5 Staff have suggested an alternative design be considered including a new street connection to Nash Road instead of a window street. A new connection would eliminate the need for a window street and temporary cul-de-sac which may not be temporary as there is no timeline for when future development on the lands to the east may occur.
- 10.6 Aspects of the applicant's proposal and subdivision design will be reviewed in more detail, as additional agency and department comments become available. There is an opportunity to provide better development that frames the window street adjacent to Nash Road and provides more options to integrate the future developments to the east and west.
- 10.7 The purpose of the Public Meeting is to provide an opportunity for further public input. These public comments will be compiled, discussed with the applicant and addressed in a subsequent staff report.

11. Concurrence

Not Applicable.

12. Conclusion

The purpose of this report is to provide background information on the Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by BV Courtice Partners LP (Trolleybus Urban Development) to permit a 151 unit subdivision for the Public Meeting under the Planning Act. Staff will continue processing the application including the preparation of a subsequent report.

Staff Contact: Brandon Weiler, Planner, (905) 623-3379 ext. 2424 or bweiler@clarington.net.

Interested Parties:

List of Interested Parties available from the Planning Services Department.

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------|
| Report To: | Planning and Development Committee | |
| Date of Meeting: | October 22, 2019 | Report Number: PSD-043-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: |
| File Number: | ZBA2019-0016 | By-law Number: |
| Report Subject: | Public Meeting - Proposed Rezoning to permit East Penn battery facility located at 1840 Energy Drive, Courtice) | |

Recommendations:

1. That Report PSD-043-19 be received;
2. That the proposed application for Rezoning ZBA 2019-0016 continue to be processed including the preparation of a subsequent report; and
3. That all interested parties listed in Report PSD-043-19 and any delegations be advised of Council's decision.

Report Overview

This is a public meeting report to provide background information regarding a rezoning application to permit a significant industrial development in Clarington's Energy Business Park in Courtice.

The lands are owned by East Penn Canada Power Battery Sales Ltd. The proposed amendment to zoning regulations will facilitate the relocation of their warehouse, distribution centre and national head office to Clarington. The first phase of development is for 15,330 square metres of industrial warehouse, 2,950 square metres of office space, with a future second phase of warehouse space having an area of 13,935 square metres.

1. Application Details

- 1.1 Owner/Applicant: East Penn Canada Power Battery Sales Ltd.
- 1.2 Agent: D.G. Biddle & Associates Limited
- 1.3 Proposal: Proposed amendment to regulations in the Energy Park Prestige Exception (MO2-1) Zone
- 1.4 Area: 9.85 hectares (24.35 acres)
- 1.5 Location: 1840 Energy Drive, Courtice
Part of Lot 27, Broken Front Concession
Former Township of Darlington
- 1.6 Roll Number: 1817 010 050 008900
- 1.7 Within Built Boundary: Yes

2. Background

- 2.1 On September 13, 2019, East Penn submitted an application to amend the Zoning By-law. The purpose of the rezoning is to amend the setback regulations in the existing Energy Park Prestige Exception (MO2-1) Zone. The effect would be to allow for the relocation of the East Penn battery warehouse and head office (currently located in Ajax) to the Energy Drive site. (See Figure 1: Key Map).

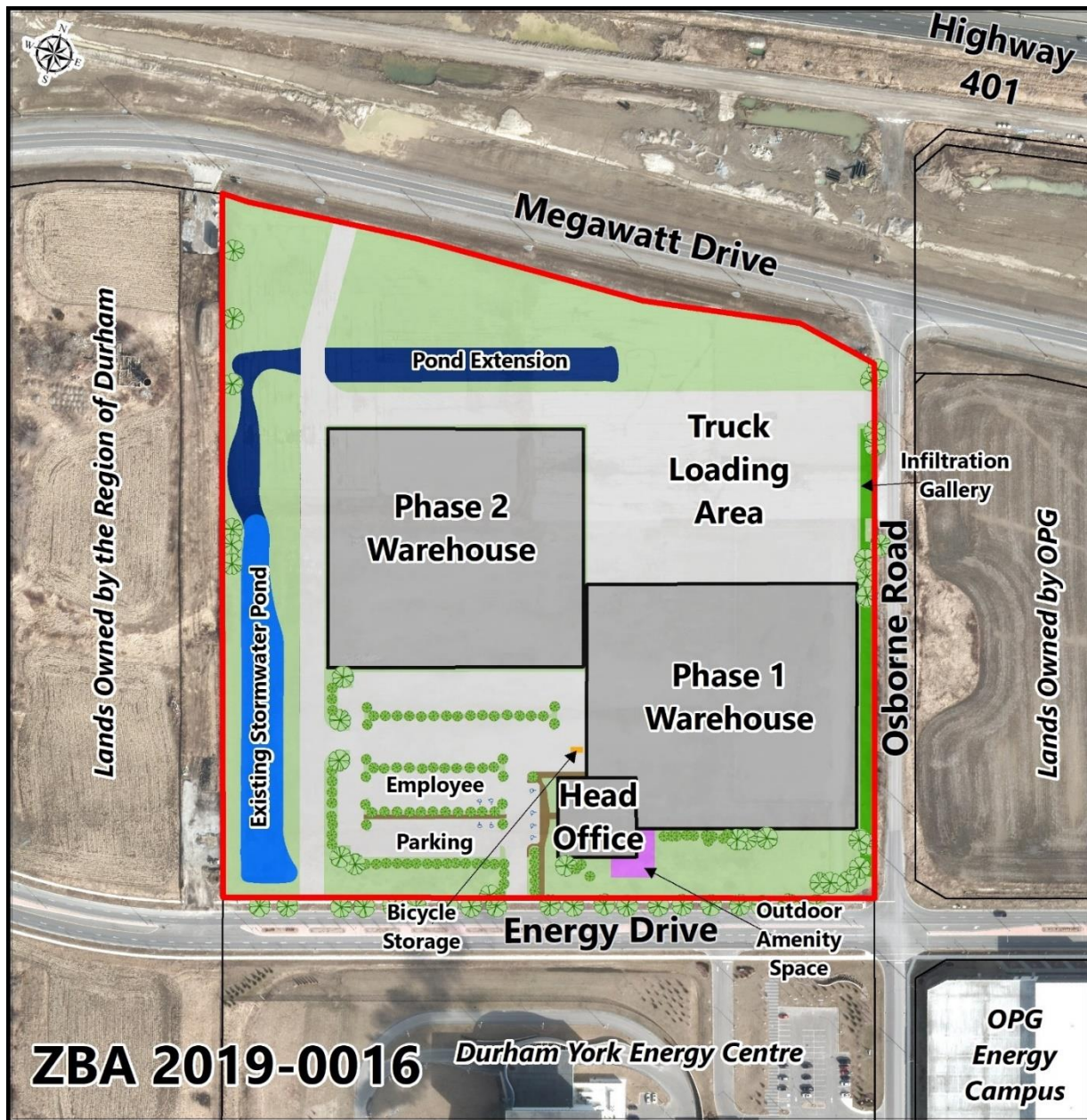


Figure 1: Key Map

2.2 The business involves battery post-production, distribution and recycling. The office component will serve as the national headquarters of East Penn. The total building floor space proposed for the site including all phases would total 32,215 square metres (close to 350,000 square feet). The company has 17 warehouse facilities across Canada.

2.3 The applicant has submitted the following studies and reports in support of the development. These are reviewed under Section 7 of this report:

- Planning Opinion Letter
- Functional Servicing and Stormwater Management Report
- Traffic Impact Study
- Phase I and II Environmental Site Assessment

3. Land Characteristics and Surrounding Uses

3.1 The subject lands are currently vacant of buildings or structures. The lands were once the location of Manheim's Auto Auction and used for parking and storage of off-lease cars until approximately 2010.

3.2 The site is relatively flat and drains west to an existing watercourse and stormwater pond at the western edge of the site. There is a berm located along the south end of the site adjacent to Energy Drive.



Figure 2: View of Site towards Southeast

3.3 The surrounding uses are as follows:

North - Megawatt Drive, realigned Highway 401 and off-ramps

South - Existing Energy from Waste facility and OPG's Durham Energy Complex

East - Vacant Industrial Lands owned by Ontario Power Generation

West - Vacant Industrial Lands owned by the Region of Durham

4. Provincial Policy

Provincial Policy Statement

- 4.1 Settlement areas are the focus of growth and development. Appropriate land uses are based on efficient use of land, resources and infrastructure.
- 4.2 Economic development and competitiveness is supported by an appropriate mix and range of employment uses. Municipalities are to provide opportunities for a diversified economic base, including providing for a range and choice of suitable sites for employment uses. The necessary infrastructure to support current and projected needs shall be provided. Employment areas in proximity to major goods movement facilities and corridors for employment uses that required those locations shall be protected.
- 4.3 Natural features shall be protected and appropriate stormwater management facilities must be provided.
- 4.4 The proposed amendments are consistent with the Provincial Policy Statement.

Provincial Growth Plan

- 4.5 Forecasted growth is directed to settlement areas on full municipal services. Complete communities offer and support opportunities for all people to access an appropriate mix of jobs, local store and services, housing, transportation and public service facilities.
- 4.6 Economic development and competitiveness in the Greater Golden Horseshoe is supported by making more efficient use of vacant and underutilized employment lands and increasing employment densities. Transit connections should be planned to major employment areas. Municipalities may identify and protect prime employment areas along major goods movement facilities and corridors, including major highway interchanges.
- 4.7 Transportation policies of the Growth Plan support planning for multimodal access to all land uses including employment areas. Municipalities will provide for priority routes for goods movement to facilitate the movement of goods into and out of employment areas, and provide alternate routes connecting to the provincial network.
- 4.8 Detailed storm water management plans must be completed, and must be informed by a subwatershed plan or equivalent, incorporate integrated treatment including low impact development techniques and green infrastructure and establishing planning, design and construction practices to minimize environmental impacts.

- 4.9 The proposed amendment conforms to the direction of the Growth Plan for the Greater Golden Horseshoe and will contribute to employment generation in the designated Built-up area.

5. Official Plans

Durham Regional Official Plan

- 5.1 The Durham Region Official Plan designates the lands as “Employment Area”. Employment Areas are intended accommodate uses that may require access to the highway, rail and/or shipping facilities, separation from sensitive uses, or may benefit from locating close to similar uses. Uses permitted in this area may include manufacturing, assembly, and processing of goods, service industries, research and development industries, and warehousing.

Clarington Official Plan

- 5.2 The Clarington Official Plan designates the subject lands Business Park.
- 5.3 A small area of land is identified as part of the natural heritage system. This area is associated with a small tributary of Tooley Creek.
- 5.4 Business Parks have prime exposure along Highway 401 and major arterial roads. Development within Business Parks is intended for employment uses exhibiting the highest standard of building design and landscaping in order to provide an attractive appearance that reflects or takes advantage of such high visibility. Goals, objectives and policies applicable to Business Parks shall be set out in Secondary Plans.
- 5.5 A minimum density target of 30 jobs per gross hectare is required adjacent to the Highway 401 Corridor.

Clarington Energy Business Park Secondary Plan

- 5.6 The Secondary Plan designates the subject lands a mix of Prestige Employment Corridor and Light Industrial 1.
- 5.7 The intent of the Energy Business park policies is to promote growth in the energy and environment sectors of the regional economy and to create an energy cluster.
- 5.8 The Prestige Employment Corridor designation permits business office; research and development facilities; university and college facilities; manufacturing, assembling and

fabricating facilities; warehousing (ancillary to the uses listed above) and commercial or technical schools.

- 5.9 The Light Industrial 1 designation permits business office; research and development facilities; manufacturing, assembling and fabricating facilities; industrial processing of waste materials, and warehousing (ancillary to the uses listed above).
- 5.10 The Secondary Plan provides urban design standards with respect to streetscaping, site layout and design, landscaping and location of parking and loading areas.
- 5.11 The proposed amendment to zoning regulations continue to conform to the Secondary Plan direction. The plan policies, including urban design directives, will be further reviewed and implemented at the site plan stage.

6. Zoning By-law

- 6.1 Zoning By-law 84-63 zones the subject lands Energy Park Prestige Exception (MO2-1) Zone. The MO2-1 Zone permits the proposed energy-related and office space however the applicant proposes to amend the setback regulations to fit the development on the site.

7. Summary of Background Studies

Planning Opinion Letter

- 7.1 The Planning Opinion letter reviews the development in the context of the Durham Regional Official Plan, the Clarington Official Plan and the Clarington Energy Park Secondary Plan.
- 7.2 The proposed uses for the site conform to the Secondary Plan. The orientation of the building will be along Energy Drive, with loading areas to the north. Screening, berming and landscaping will address views from Highway 401.
- 7.3 The report acknowledges that the Secondary Plan and existing Zoning may have contemplated the development of several smaller parcels and buildings versus one large development. The requested rezoning will tailor the zoning to the proposed massing and scale of the development.
- 7.4 Building materials, urban design elements and landscaping are intended to reflect the prestige designation as it relates to high visibility along Energy Drive and Highway 401, appropriate screening of loading and service areas.

- 7.5 Due to the size and operation requirements of the proposed uses, the Zoning By-law setbacks cannot be adhered to, triggering the need for amendments to setbacks. The consultant provided a draft zoning by-law amendment for consideration.

Functional Servicing Report

- 7.6 The study and preliminary servicing drawing demonstrate the site can be serviced by existing water and sanitary sewers and connections that exist at the south property limit along Energy Drive.
- 7.7 Stormwater management will be addressed on-site in accordance with the Clarington Energy Business Park Master Drainage Plan (AECOM, March 2011). Two private stormwater management ponds are proposed – one to the north of the warehouse, and one along the westerly edge of the property. The ponds will be designed to address water quantity and water quality. An infiltration gallery is proposed along the east limit of the building will be designed to accept all water collected on the roof top of the development.
- 7.8 The report also provides recommendations on sediment and erosion controls to be implemented during the construction phase.

Traffic Impact Study

- 7.9 The Traffic Impact Study finds that the road network and intersections proximate the site will continue to operate within acceptable levels of service. However, the study does identify left turning movements at Courtice Road ramps associated with Highway 401 that are forecasted to operate at a poor level of service. The turning movements would be improved by signalization.
- 7.10 The report identifies that the area is in transition because of construction related to Highway 418 and should be monitored as traffic patterns stabilize.
- 7.11 The report identifies that while the local road network of Energy Drive, Osborne Road and Megawatt Drive can accommodate the proposed development that the broader issue of turning movements at the Courtice Road ramps will require review and recommendations as part of the overall Secondary Plan review and transportation planning for the neighbourhood.
- 7.12 The study also recommends implementing strategies such as transit connections and active transportation linkages as alternatives to vehicular access to the site.

Phase I and II Environmental Site Assessment

- 7.13 Both a Phase I and a Phase II Environmental Site Assessment were completed in accordance with the Ministry of Environment, Conservation and Parks guidelines, and the Region of Durham's Site Contamination Protocol. From the soil and water sample testing, no exceedances were noted from the Qualified Person. Since the proposed development is not considered a sensitive use, no further study is required, and the site is cleared for development from a soil and water contamination perspective.

8. Public Submissions

- 8.1 A notice of the Public Meeting was mailed on October 1, 2019. Three public meeting signs were posted on the subject property. The Notice was posted on the municipal website, in social media platforms and in the Clarington e-update.
- 8.2 At the time of writing this report, no area land owners or residents have contacted staff regarding the proposal.

9. Agency Comments

Regional Municipality of Durham

- 9.1 Regional Planning provided informal comments advising they have no objections to the rezoning subject to clearance of Regional interests such as: The Region's Site Contamination Protocol, Archaeology and Regional Works requirements as part of a Holding Provision on the site and/or as part of the future site plan approval process.

Central Lake Ontario Conservation Authority.

- 9.2 The Central Lake Ontario Conservation Authority has no objections to the zoning by-law amendment. The Engineering drawing and functional servicing report are under review and will be finalized as part of the site plan application.

Ministry of Transportation

- 9.3 The Ministry of Transportation has no objections to the rezoning. The functional servicing report and traffic impact study are under review and will be finalized as part of the site plan application.

Durham Regional Police Communications

- 9.4 The Communications Department of DRPS has no objections.

10. Departmental Comments

Engineering Services

- 10.1 Engineering Services has no objection to the rezoning. Functional servicing and grading plans for the site are satisfactory and may be refined during the site plan approval stage.
- 10.2 Standard comments with respect to financial requirements, boulevard works, entrance construction, road occupancy and site alteration will be forwarded to the applicant and to be address at the site plan stage.
- 10.3 A cash-in-lieu of parkland payment will be required as a condition of site plan approval.

Emergency and Fire Services

- 10.4 Emergency and Fire Services does not object to the rezoning and provided comments relating to requirements for fire hydrant connections and is to be reflected on the site plan submission.

Building Division

- 10.5 The Building Division has no comments or objections to the rezoning.

Accessibility Committee

- 10.6 The Committee does not object to the rezoning. The Committee provided guidance on site design to provide for accessible parking; barrier-free path of travel throughout the site; and accessible outdoor amenity space for employees. The Committee will continue to be circulated during the site plan process.

11. Discussion

- 11.1 The proposed energy-related use is permitted by the Official Plan, the Clarington Energy Park Secondary Plan and the Zoning By-law, as amended.
- 11.2 The existing Zoning By-law for the Energy Park was approved in 2006. At the time the by-law was drafted to implement the Clarington Energy Park Secondary Plan. A site-specific zone was created for this parcel to recognize the existing Manheim Auto Auction facility.

- 11.3 The existing Secondary Plan appears to have contemplated the site being split into southern parcels fronting Energy Drive, and northern parcels along Megawatt Drive (former South Service Road).
- 11.4 The north half of the site is designated as a Prestige Employment Corridor, while the southern half of the site is designated as Light Industrial 1 in the Secondary Plan. The permitted employment uses in both designations are very similar and include office, research and development, manufacturing, fabricated and assembly uses and warehousing ancillary to office uses. The Prestige Employment Corridor differs slightly in that additional uses such as post-secondary uses, and commercial/technical schools are permitted. The Prestige Employment Corridor policies highlight the high degree of visibility from Highway 401. Development should take advantage of these views, however any service or loading areas should be appropriately screened.
- 11.5 Zoning regulations were drafted when the ultimate end-user of the site was not known. They did not contemplated the entire property would redevelop with one large use, but rather developed as multiple lots, buildings and uses.
- 11.6 The developable area of the parcel has also been impacted by construction along Highway 401 and works related to the Highway 418 interchange. South Service Road (now Megawatt Drive) has been relocated by the Ministry of Transportation. The road has shifted south between 65 and 95 metres. Land previously owned by Manheim's was acquired by the Ministry of Transportation to facilitate the road realignment.
- 11.7 The Secondary Plan and zoning for the Energy Park are currently being revisited. Given the Secondary Plan policies, the proposed East Penn applications provide an opportunity to revisit zone regulations and the relationship between the building and Energy Drive and Osborne Road and its visibility to Highway 401 specifically for this property.
- 11.8 During review of the preliminary site plan, it is apparent that adjustments to minimum and maximum setbacks, and slight adjustments to landscape open space, and parking area location on the lot will be necessary.
- 11.9 The Traffic Impact Study indicates that the ramps at Courtice Road and Highway 401 operate at a reduced level of service. However, transportation planning for the area includes the future installation of 3 sets of signals at: the Courtice ramps on the north side of the 401; the ramps on the south side of Highway 401, and again where Courtice Road meets Energy Drive and Megawatt Drive. These improvements are to be completed by the end of 2019.

11.10 To address the policies of the Secondary Plan, the following design considerations, beyond zoning regulations, must be addressed by East Penn and their consulting team:

- Treatment at the corner of Energy Drive and Osborne Road – building must be designed with emphasis at the intersection, including landscape design elements. Applicant to considered incorporating public art into design.
- Building design and treatment along streets to ensure high quality architecture and building materials within the public realm. Accessible entrances via the public right-of-way.
- Sustainability and energy efficiency elements to be encouraged and highlighted during site and building design.
- Active transportation pathways through the site with connections to the broader neighbourhood.
- Treatment along Megawatt Drive to be sensitive to the site’s high visibility along Highway 401. Berming and landscaping to be installed to screen loading and services areas up to the first storey. Structures and signage visible above the first storey to be upgraded given the site’s location along the Prestige Employment Corridor. 3-D modelling of these views will be required at the site plan stage.

11.11 East Penn submitted a site plan application on October 8, 2019 which is in circulation. A recommendation report regarding rezoning will be prepared once staff is satisfied that the site design has undergone initial review by staff and agencies, to ensure all necessary amendments to the Zoning By-law are considered.

12. Concurrence

Not Applicable.

13. Conclusion

It is recommended that the application continue to be processed. A recommendation report and amending Zoning By-law will be drafted upon resolution of the above issues.

Staff Contact: Anne Taylor Scott, Senior Planner, 905-623-3379 ext. 2414 or ataylorsscott@clarington.net

The following is a list of the interested parties to be notified of Council’s decision:

Jim Bouchard, East Penn Canada
Mike Bouchard, East Penn Canada
John Papanicolaou, East Penn Canada
Michael Fry, D.G. Biddle & Associates Ltd.
Michael Carswell, D.G. Biddle & Associates Ltd.

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Report To: | Planning and Development Committee | |
| Date of Meeting: | October 22, 2019 | Report Number: PSD-044-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: |
| File Number: | ZBA2019-0013 | |
| Cross Reference: | ROPA2019-006 | By-law Number: |
| Report Subject: | Public Meeting - Application by Werrcroft Farms to amend Zoning By-law 84-63 and Zoning By-law 2005-109 to facilitate a surplus farm dwelling severance, 6115 & 6171 Vannest Road, | |

Recommendations:

1. That Report PSD-044-19 be received;
2. That the application to amend Zoning By-laws 84-63 and 2005-109 continue to be processed and that a subsequent report be prepared;
3. That all interested parties listed in Report PSD-044-19 and any delegations be advised of Council's decision.

Report Overview

The Municipality is seeking the public's input on Werrcroft Farms' applications to amend Zoning By-law 84-63 and Zoning By-law 2005-109 to facilitate the severance of a dwelling rendered surplus as a result of a non-abutting farm consolidation.

The land to be severed is a 0.43 hectare parcel at 1785 Concession Rd. 7 and would remain zoned Agricultural (A) in Zoning By-law 2005-109.

The land to be retained is a 76.8 hectare parcel at 6115 & 6171 Vannest Road and is currently zoned by both Zoning By-law 84-63 and Zoning By-law 2005-109. The application proposes zoning by-law amendments to both Zoning By-laws to prohibit further residential development.

1. Application Details

- 1.1 Owner/Applicant: Werrcroft Farms
- 1.2 Agent: Hugh Stewart – Clark Consulting Services
- 1.3 Proposal: To rezone the retained farm parcel to prohibit future residential development
- 1.4 Area: 76.8 hectares
- 1.5 Location: 6115 & 6171 Vannest Road, Part Lot 28 Concession 6, Former Township of Darlington
- 1.6 Roll number: 1817-010-130-28900
- 1.7 Within Built Boundary: No

2. Background

- 2.1 Werrcroft Farms have submitted separate applications for different surplus farm dwelling severances. This Zoning By-law Amendment application (ZBA2019-0013) and the associated Regional Official Plan Amendment (ROPA2019-006) pertains to lands addressed 1785 Concession Rd 7, and 6115 & 6171 Vannest Road. Separate applications have been submitted for lands addressed 8800 Middle Road (COPA2019-0001, ROPA2019-003, and ZBA2019-011). See Figure 1.

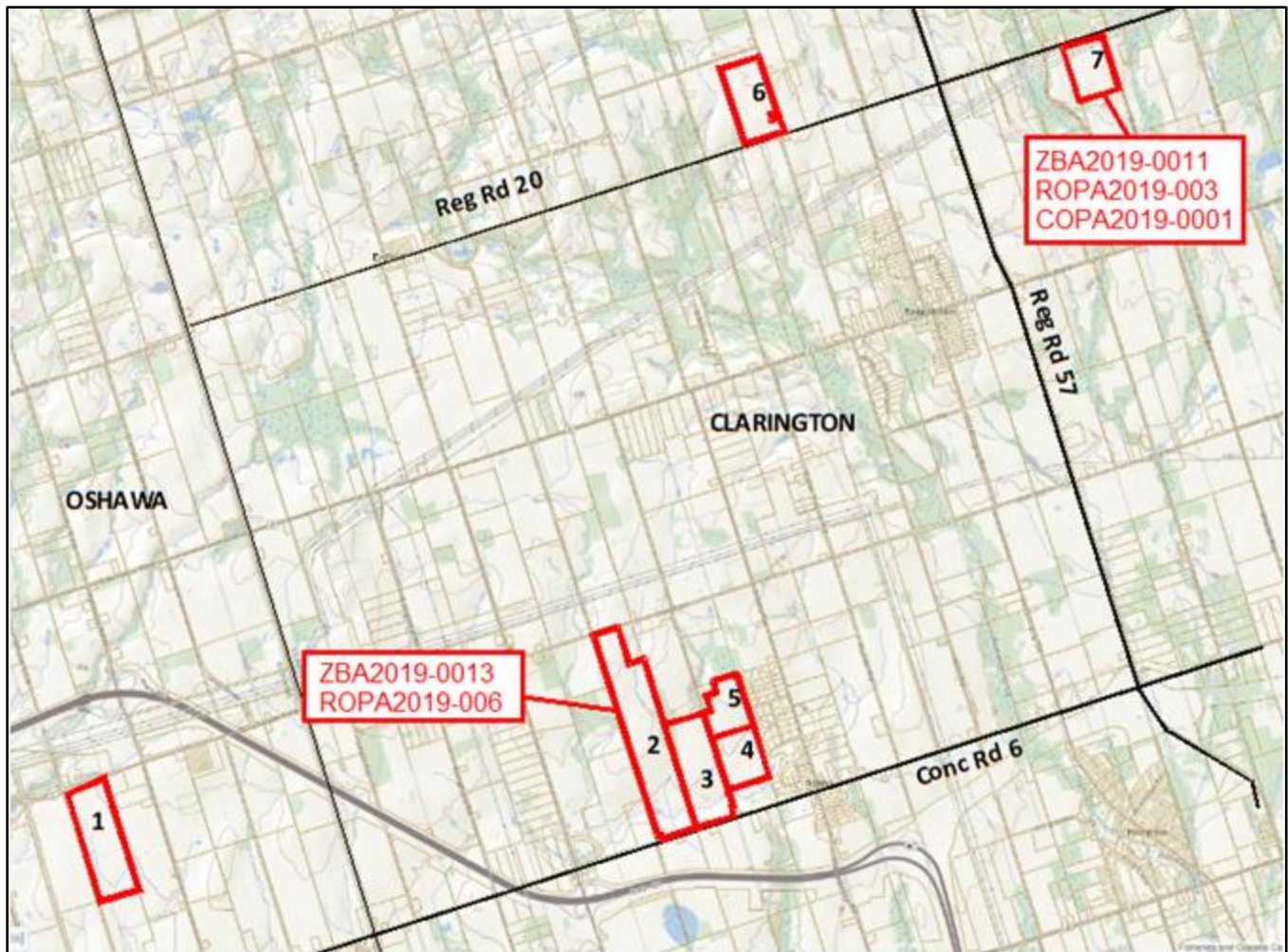


Figure 1: Werrcroft Properties. Subject property of this report (ZBA2019-0013) identified as #2

- 2.2 On August 14, 2019, Clark Consulting Services submitted an application on behalf of Werrcroft Farms for Zoning By-law Amendments to facilitate the severance of a farm dwelling rendered surplus due to the consolidation of non-abutting farm parcels. These Zoning By-law Amendments would prohibit the establishment of new residential uses or dwellings on the retained lands.
- 2.3 A Regional Official Plan Amendment is required to sever a farm dwelling rendered surplus due to the consolidation of non-abutting farm parcels. On August 14, 2019, Clark Consulting Services, on behalf of Werrcroft Farms Ltd., submitted an application to amend the Durham Region Official Plan (ROPA2019-006) to permit the severance of a dwelling at 1785 Concession Rd 7 rendered surplus as a result of the consolidation of non-abutting farm parcels. See Figure 2. If approved, and no appeals are received, the

applicant will then submit a Land Division application to the Region. As a condition of approval of these applications, the retained parcel must be rezoned to prohibit further residential development or severances.

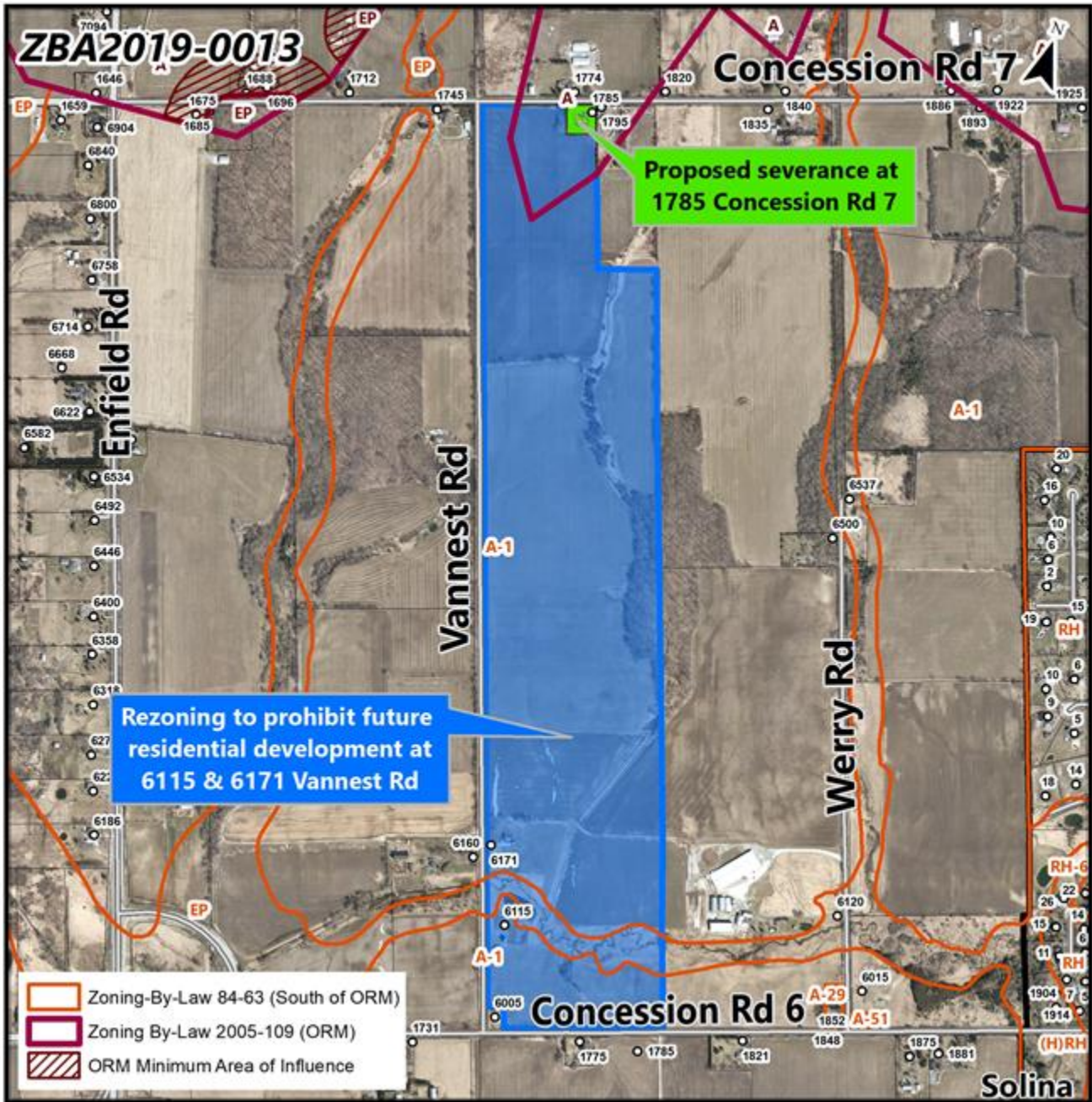


Figure 2: Map showing land to be severed and retained

Non-abutting Farm Parcels

- 2.4 According to Planners at the Region of Durham, the application was accepted as non-abutting consolidation since the applicant only intends to consolidate the retained farm parcel with their existing land holdings (see Figure 1) and do not intend to merge this parcel with their abutting lands which are all owned by Werrcroft Farms, but share different names on title. Currently, the Regional Official Plan does not address ownership to the degree which requires a farmer to consolidate abutting farm parcels. Regional Planning staff advised this matter will be further examined as part of the Region's on-going Municipal Comprehensive Review process.

Merging of Properties

- 2.5 The 0.43 hectare lot to be severed is part of a previous farm parcel of approximately 10 hectares and addressed 1785 Concession Rd 7. Werrcroft Farms owned the lands immediately to the south (addressed 6115 & 6171 Vannest Road) and purchased the 10 hectare parcel on September 22, 2016 (see Figure 2). They inadvertently registered the two properties in the same name, so they merged on title. At the time of the merging of 1785 Concession Rd 7 had a house on it, and 6115 & 6171 Vannest Road had the original farm house and a building permit had been issued for a second dwelling for farm help.

Multiple Dwellings on One Parcel

- 2.6 On June 2, 2016, almost four months prior to the inadvertent merging of parcels, a building permit (BP16.0563) was issued to move a heritage house from Oshawa to 6115 Vannest Road (see Figure 2). This heritage house was on one of the Werrcroft Farms properties that was sold and identified to be demolished (to make way for the 407). This heritage house would have been a second dwelling on the farm parcel as it already had a mid-1800 farm house at 6171 Vannest Road. At the time of building permit issuance, the second dwelling was permitted for farm worker accommodations.
- 2.7 Though the building permit to move the heritage house was issued in June 2016, the house was moved after the inadvertent merging of properties in September 2016. This created a situation with three detached dwellings on one parcel.
- 2.8 The Planning Justification Report has brought to staff's attention the existence of two dwelling units in the original farm house at 6171 Vannest Road. The principle unit is for the applicant's daughter who is active in the farm operation, and the secondary unit is identified for a tenant who has no interest in the farm. Zoning By-law 84-63 allows a converted dwelling containing not more than 2 dwelling units and occupied by employees on the same lot or members of the owner's immediate household. The

municipality has no record of when the original farm house was converted into two dwelling units.

3. Land Characteristics and Surrounding Uses

- 3.1 The parcel to be severed is approximately 0.43 hectares addressed 1787 Concession Rd 7, and has a single detached dwelling, a detached garage, and a shed. The parcel to be retained is approximately 76.8 hectares and is addressed 6115 & 6171 Vannest. The farm is an active dairy farm that also grows soy beans and corn.
- 3.2 The surrounding uses in all directions are agricultural and rural residential.

4. Provincial Policy

Provincial Policy Statement

- 4.1 The Provincial Policy Statement (PPS) protects prime agricultural areas for long-term agricultural uses. The PPS also permits lot creation for the severance of surplus farm dwellings that result from farm consolidation, provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.
- 4.2 The proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan

- 4.3 The Greenbelt Plan protects prime agricultural areas for long-term agricultural uses. Within the Protected Countryside, surplus farm dwelling severances are permitted provided the following:
 - The dwelling was in existence prior to December 16, 2004;
 - The surplus dwelling area is limited in size; and
 - That no new dwellings are permitted on the severed farm lands.
- 4.4 The proposed lot size conforms with the Ministry of the Environment, Conservation and Parks and the Region of Durham Health Department policies regarding minimum lot size requirements.
- 4.5 The proposal is consistent with the Greenbelt Plan.

5. Official Plans

Durham Region Official Plan

- 5.1 The Durham Region Official Plan designates the property “Prime Agricultural Area.” Section 9A.2.10 grants the severance of a farm dwelling rendered surplus as a result of a non-abutting farm consolidation by amendment to the Regional Official Plan. The applicant has applied for a Regional Official Plan Amendment.

Clarington Official Plan

- 5.2 The Clarington Official Plan designates the land to be severed “Prime Agricultural.” The retained lands are designated “Prime Agricultural” and “Environmental Protection.” The severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farms is permitted without amendment to the Clarington Official Plan.
- 5.3 The proposal is consistent with the Clarington Official Plan.

6. Zoning By-law

- 6.1 The property is split between two different Zoning By-laws: Zoning By-law 2005-109, which covers the lands within the Oak Ridges Moraine; and Zoning By-law 84-63, which covers the lands outside of the Moraine.
- 6.2 The parcel to be severed is entirely within the Oak Ridges Moraine and zoned Agricultural (A) in Zoning By-law 2005-109. The retained parcel is zoned by both Zoning By-law 84-63 and Zoning By-law 2005-109. This means that both Zoning By-laws will need to be amended to prohibit future residential development.

7. Summary of Background Studies

Planning Justification Report

- 7.1 A report prepared by Clark Consulting was submitted in support of the application. The report concludes that the applications to support the surplus farm dwelling severance meets the objectives and requirements of the Provincial Policy, Region of Durham Official Plan policies and Clarington Official Plan policies.
- 7.2 The report also concludes the proposal meets the policies of the Minimum Distance Separation formulae.

Phase One Environmental Site Assessment Report

- 7.3 A Phase One Environmental Site Assessment Report was prepared by GHD Limited. It finds that the lands to be severed have a low risk of environmental concern and no further environmental evaluation is warranted.

8. Public Notice and Submissions

- 8.1 Public notice was mailed to each landowner within 300 metres of the subject lands on September 19, 2019. A revised notice was mailed on October 1, 2019 to advise that the date of the meeting was changed to October 22, 2019.
- 8.2 On September 27, 2019 public meeting signs were installed on the property, fronting onto Concession Road 6, Concession Road 7, and Vannest Road. On October 3, 2019 these signs were updated to reflect the change from October 21, 2019 to October 22, 2019. As of the writing of this report no enquiries have been received.

9. Agency Comments

- 9.1 The application was circulated to the Durham Planning and Durham Health Department. Neither department has concerns with the application. The Central Lake Ontario Conservation Authority was also circulated, but for informational purposes only.

10. Departmental Comments

- 10.1 The application was circulated to the Clarington Engineering and the Clarington Operations Departments. Neither department has concerns with the application.

11. Discussion

Policy on Surplus Farm Dwelling Severances

- 11.1 The Provincial Policy Statement (PPS) encourages the long term viability of agricultural areas and limits opportunities to create new parcels in rural and agricultural areas. The PPS encourages farm consolidations and recognizes that farmers may not want to be landlords when acquiring additional lands. The PPS permits severances of dwelling lots rendered surplus as the result of farm consolidation. When a surplus farm dwelling is severed the PPS requires that no new residential dwellings are permitted on the retained lands.

- 11.2 Following this policy direction, the Durham Regional Official Plan encourages farm consolidation where possible and provides the regulations for surplus farm dwelling severances. The severance of a farm dwelling rendered surplus due to the consolidation of non-abutting farm parcels may be permitted but requires an amendment to the Official Plan. One of the conditions of approval is that the retained lands be zoned to prohibit residential development. The Regional Official Plan also stipulates that no further severances shall be permitted from the retained lands.
- 11.3 The applicant has submitted a Regional Official Plan Amendment (ROPA-2019-006) to allow for a surplus dwelling as a result of a non-abutting farm consolidation. Should this Amendment be approved, and the subsequent Land Division application be approved, a Zoning By-law Amendment is required to prohibit any new residential uses on the farm parcel.
- 11.4 The Clarington Official Plan also encourages farm consolidation and may permit the severance of surplus farm dwellings without an amendment to the Official Plan, subject to criteria similar to those in the Regional Official Plan. The retained farm parcel must be zoned to prohibit further severances or the establishment of a residential dwelling. The Clarington Official Plan requires the resulting farm parcel be a minimum of 40 hectares.

Zoning

- 11.5 The 0.43 hectare parcel to be severed is entirely zoned Agricultural (A) within Zoning By-law 2005-109. Following the provision in section 4.9.3 of the By-law, this parcel does not require a rezoning.
- 11.6 The 76.8 hectare retained farm parcel has differently zoned areas. A portion to the north is zoned Agricultural (A) in the Oak Ridges Moraine Zoning By-law 2005-109. An east-west band near the southern part of the property is zoned Environmental Protection (EP) in Zoning By-law 84-63. The remainder is zoned Agricultural (A-1) in Zoning By-law 84-63.
- 11.7 The application for Zoning By-law Amendment would prohibit any future residential development on the retained farm parcel fulfilling the requirements of Provincial Policy, the Durham Region Official Plan, and Clarington's Official Plan.

12. Concurrence

Not Applicable.

13. Conclusion

The purpose of this report is to provide background information on the development applications submitted by Werrcroft Farms for the Public Meeting under the *Planning Act*. Staff will continue processing the application including the preparation of a subsequent report upon resolution of the identified issues.

Staff Contact: Mark Jull, Planner I, 905-623-3379 ext. 2426 or mjull@clarington.net.

Interested Parties:

The following interested parties will be notified of Council's decision:

Werrcroft Farms Ltd.
Bob Clark

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------|
| Report To: | Planning and Development Committee | | |
| Date of Meeting: | October 22, 2019 | Report Number: | PSD-045-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: | |
| File Number: | COPA2019-0001 & ZBA2019-0011 | By-law Number: | |
| Cross Reference: | ROPA2019-003 | | |
| Report Subject: | Applications by Werrcroft Farms Ltd. to amend the Clarington Official Plan and Zoning By-law 2005-109 to facilitate a surplus farm dwelling severance at 8800 Middle Road, Darlington | | |

Recommendation:

1. That Report PSD-045-19 be received;
2. That the Municipality of Clarington has no objections to the approval of ROPA 2019-003 to allow the severance of a non-abutting surplus dwelling;
3. That Amendment No. 118 to the Clarington Official Plan as contained in Attachment 1 of Report PSD-045-19 be adopted;
4. That the application to amend Zoning By-law 2005-109 be approved and the By-law contained in Attachment 2 of Report PSD-045-19 be passed;
5. That the Region of Durham Planning and Economic Development Committee and Municipal Property Assessment Corporation be forwarded a copy of Report PSD-045-19 and Council's decision; and
6. That all interested parties listed in Report PSD-045-19, and any delegations be advised of Council's decision.

Report Overview

Werrcroft Farms Ltd. has submitted applications to amend the Clarington Official Plan and Zoning By-law 2005-109. The applications are to facilitate a surplus farm dwelling severance at 8800 Middle Road in Darlington. The Official Plan amendment will permit the retained farm parcel to be less than 40 hectares. The Zoning By-law amendment will prohibit residential dwellings on the retained farm parcel. This report recommends that Council approve the Clarington Official Plan and Zoning By-law amendments as contained in Attachments 1 and 2 of this report and advise the Region of Durham Planning and Economic Development Department they have no objection to the approval of ROPA 2019-003.

1. Application Details

1.1 Owner/Applicant: Kevin Werry, Werrcroft Farms Ltd.

1.2 Agent: Bob Clark, Clark Consulting Services

1.3 Proposal **General**

To facilitate a surplus farm dwelling severance at 8800 Middle Road. The retained farm parcel will be 21.73 hectares in size and will consolidate with non-abutting farmlands owned by Werrcroft Farms Ltd. The severed residential parcel will be 0.41 hectares in size.

Official Plan Amendment

To permit the retained farm parcel at 8800 Middle Road to be less than 40 hectares in size.

Rezoning

To rezone the retained farm parcel at 8800 Middle Road to prohibit residential dwellings on the lot.

1.4 Area: 22.14 hectares (54.7 acres)

1.5 Location: South-west corner of Regional Road 20 and Middle Road, Former Township of Darlington

1.6 Roll Number: 181701015008900

1.7 Within Built Boundary: No

2. Background

- 2.1 Werrcroft Farms Ltd. have submitted separate applications for different surplus farm dwelling severances. This Clarington Official Plan Amendment and Zoning By-law Amendment application (COPA2019-0001 and ZBA2019-0011) and the associated Regional Official Plan Amendment (ROPA2019-003) pertain to the lands addressed 8800 Middle Road. Separate applications have been submitted for the lands addressed 1785 Concession Road 7 and 6115 & 6171 Vannest Road (ROPA2019-006 and ZBA2019-013).

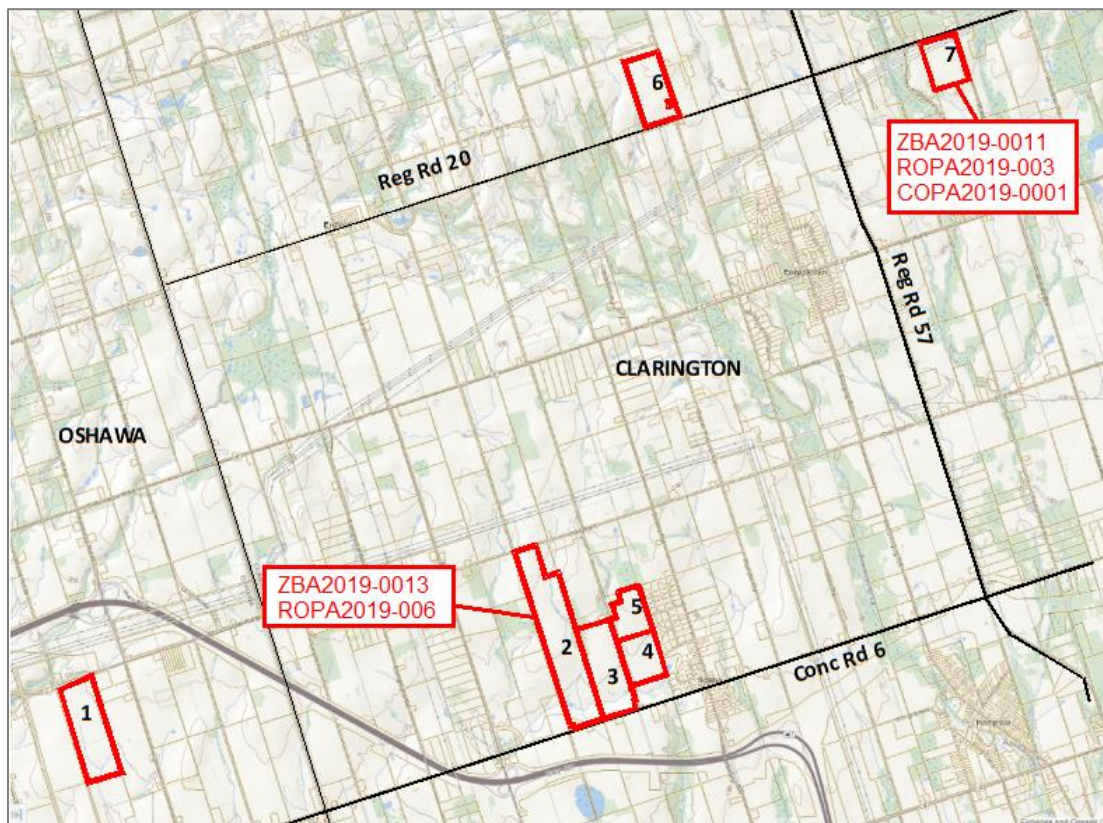


Figure 1: Werrcroft Farms Ltd. holdings (subject property identified as #7).

- 2.2 Should these applications and the Regional Official Plan Amendment be approved, a future land division application for 8800 Middle Road will be submitted to the Durham Region Land Division Committee to permit the severance of a surplus farm dwelling as a result of the consolidation of non-abutting farm parcels (see Figure 2).
- 2.3 The Regional Official Plan Amendment is required to permit the severance of a farm dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm and wishing to sever the surplus dwelling lot. The Region of Durham's Planning & Economic Development Committee held a public meeting to inform the public of this application on September 3, 2019.

2.4 As part of a surplus farm dwelling severance, the Clarington Official Plan requires the retained farm parcel to be a minimum of 40 hectares. An Official Plan Amendment was submitted to permit the retained farm parcel with an area of 21.73 hectares. The retained parcel will consolidate with non-abutting farmlands owned by Werrcroft Farms Ltd. A Zoning By-law Amendment is required to prohibit the establishment of a future residential use on the retained farm parcel, in compliance with Provincial, Regional, and Local policies.

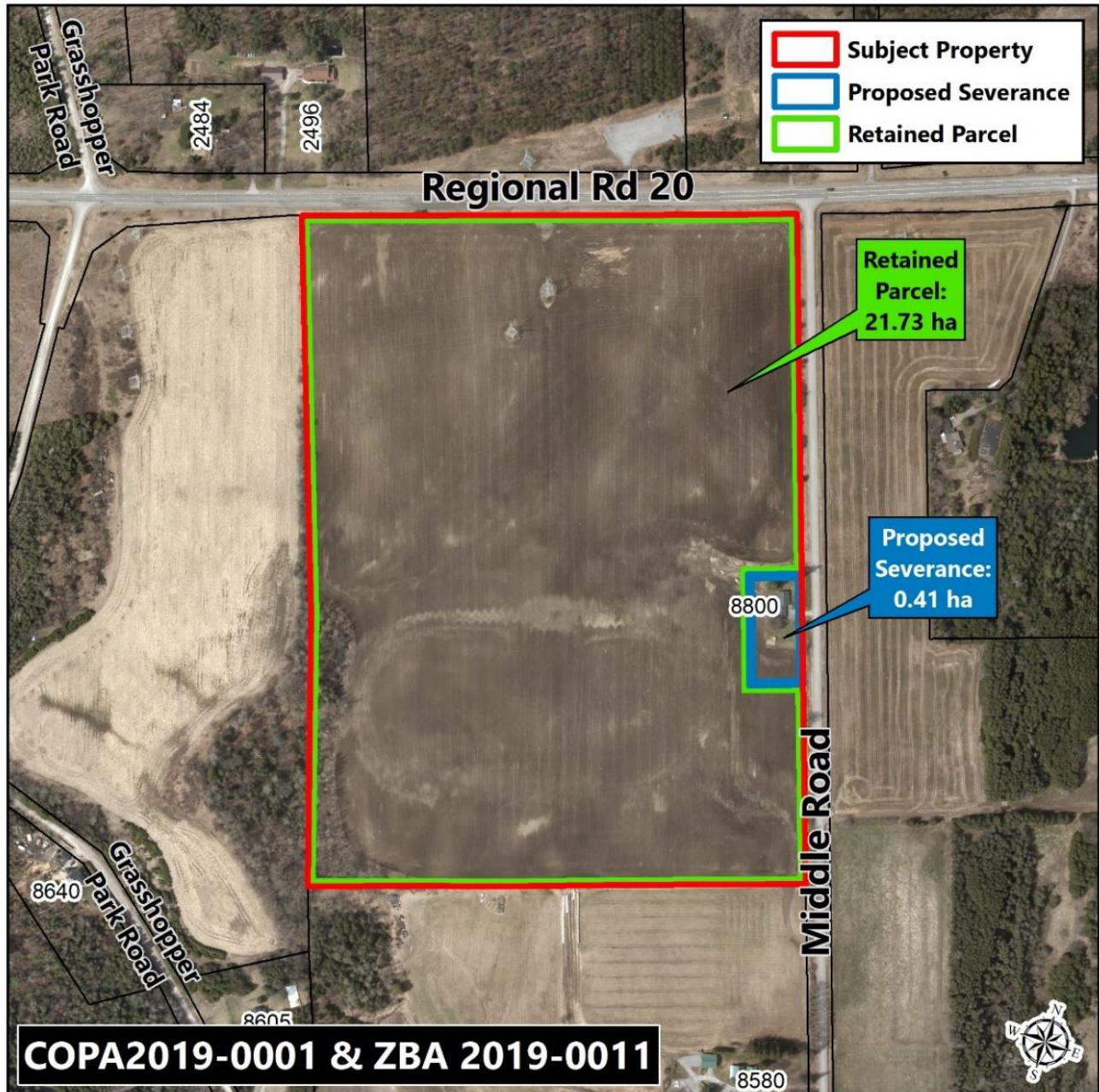


Figure 2: Proposed retained and severed parcels

2.5 The applicant has submitted the following studies in support of the applications:

- Planning Justification Report and Minimum Distance Separation Review; and
- Phase I Environmental Site Assessment.

3. Land Characteristics and Surrounding Uses

3.1 The subject lands are 22.14 hectares (54.7 acres) with an existing single detached dwelling on the east side of the property, fronting onto Middle Road. There is a wooded area located in the south-west corner of the property and a hydro corridor running across the property in the north. The majority of the property is farmed for corn and feed grain crops that support the owner's dairy operation.

3.2 The surrounding uses are as follows:

North: Regional Road 20, hydro corridor, agricultural lands and woodlands;

South: Agricultural lands;

East: Middle Road, agricultural lands and woodlands; and

West: Agricultural lands and woodlands.



Figure 3: Surplus farm dwelling at 8800 Middle Road

4. Provincial Policy

Provincial Policy Statement

- 4.1 The Provincial Policy Statement (PPS) protects prime agricultural areas for long-term agricultural uses. The PPS permits lot creation in prime agricultural areas for the severance of a surplus farm dwelling as a result of farm consolidation.
- 4.2 The proposal is consistent with the Provincial Policy Statement.

Greenbelt Plan

- 4.3 The policies of the Greenbelt Plan are intended to protect prime agricultural areas for long-term agricultural uses. Within the Oak Ridges Moraine Area of the Greenbelt, lot creation is permitted in the Countryside Area for the severance of a surplus farm dwelling as a result of farm consolidation, provided that the surplus dwelling area is limited in size and no new residential dwellings are constructed on the retained parcel of farmland.
- 4.4 The proposal is consistent with the Greenbelt Plan.

5. Official Plans

Durham Region Official Plan

- 5.1 The Durham Region Official Plan designates the property “Countryside Area” and “Prime Agricultural Area” within the Oak Ridges Moraine Area designation. The consent policies of the Plan state that the severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farms is permitted through amendment to the Plan, and provided that the surplus dwelling area is limited in size and the retained farm parcel be rezoned to prohibit the establishment of a residential dwelling.
- 5.2 The applicant has submitted an application for an amendment to the Durham Region Official Plan. The Region of Durham’s Planning & Economic Development Committee held a public meeting to inform the public of this application on September 3, 2019. A presentation was made outlining the details of the report. No one in attendance made a submission or asked any questions.

Clarington Official Plan

- 5.3 The Clarington Official Plan designates the property as “Prime Agriculture Area” and “Environmental Protection Area”. The severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farms is permitted, provided that the farm is a minimum of 40 hectares, the surplus dwelling lot is less than 0.6 hectares and the

retained farm parcel be rezoned to prohibit the establishment of any new residential uses.

- 5.4 The retained farm parcel will be 21.73 hectares in size and the surplus dwelling lot will be 0.41 hectares. The applicant has submitted an application for an amendment to the Clarington Official Plan to permit the farm parcel to be 21.73 hectares, as opposed to the minimum required 40 hectares.

6. Zoning By-law

- 6.1 Zoning By-law 2005-109 zones the subject lands “Prime Agriculture (A) Zone” and “Environmental Protection (EP) Zone” with a Minimum Area of Influence. The proposed Zoning By-law Amendment would rezone the agriculturally zoned portion of the retained farm parcel to prohibit any residential uses and will fulfil the requirements of Provincial policy and Durham Region and Clarington Official Plan policies.

7. Summary of Background Studies

- 7.1 A Planning Justification report prepared by Clark Consulting was submitted in support of this application. The report concludes that the application to sever a surplus farm dwelling meets the objectives and requirements of the Provincial Policy Statement, Region of Durham Official Plan policies and the intent of the Clarington Official Plan policies. As part of the report a map identifying the other farm parcels owned by Werrcroft Farms Ltd. was provided. A total of eight land holdings, including the subject lands, make up the Werrcroft Farms Ltd. operation (see Figure 4).
- 7.2 The report also addresses the Minimum Distance Separation formulae. The report concludes that the application meets the policies of the Minimum Distance Separation formulae.
- 7.3 A Phase I Environmental Site Assessment was also submitted. The report concluded that a Phase II review is not required.

8. Public Notice

- 8.1 Public notice was mailed to each landowner within 300 metres of the subject lands on August 15, 2019 and Public Meeting signs were installed fronting onto Regional Road 20 and Middle Road on August 19, 2019. A notice of this recommendation report scheduled for the Planning and Development Committee Meeting on October 22, 2019 was mailed to the interested parties on September 23, 2019.
- 8.2 Staff received one call from a real estate agent who is interested in the surplus dwelling that has been listed for sale.

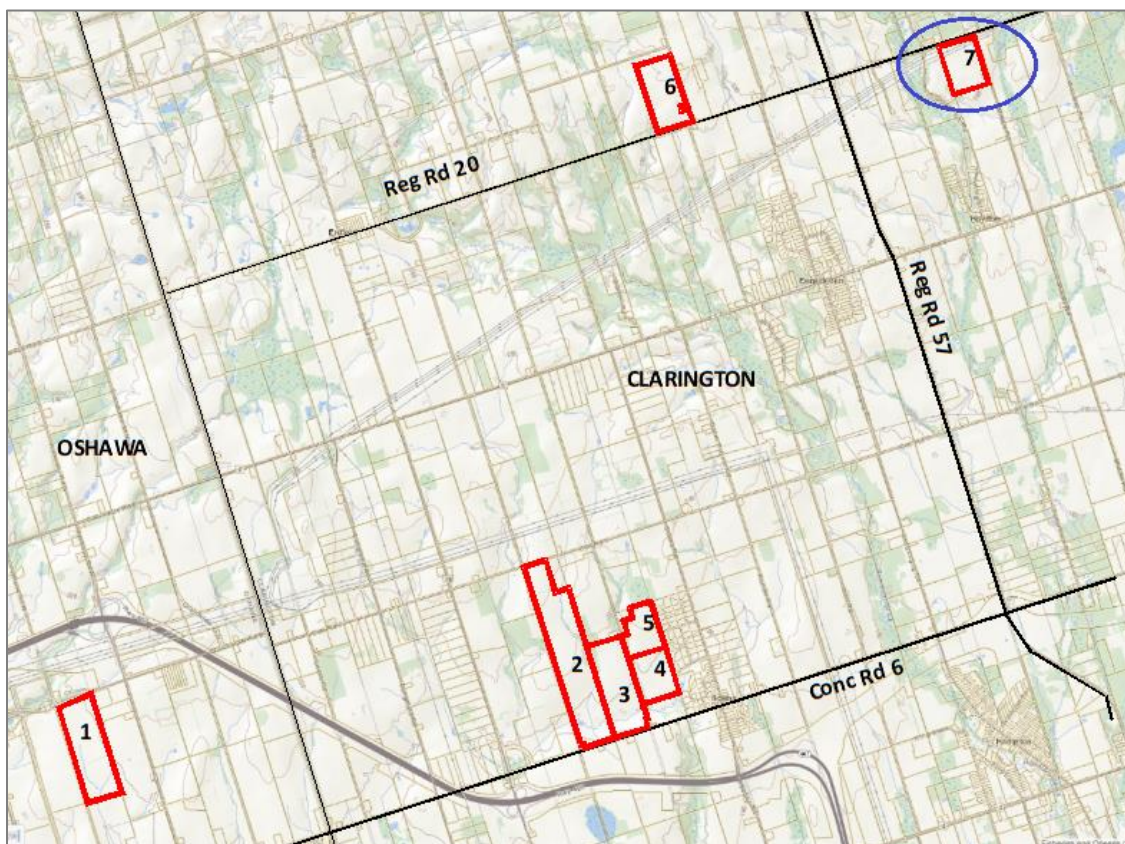


Figure 4: Location of farm parcels owned by Werrcroft Farms Ltd.

9. Agency Comments

Durham Region

- 9.1 Durham Region Planning, Works Department and Health Department have no objections to the applications.

Central Lake Ontario Conservation Authority

- 9.2 Central Lake Ontario Conservation Authority have no objection to the applications.

Other Agencies

- 9.3 Hydro One have no objections to the applications.

10. Departmental Comments

- 10.1 The Clarington Building Division, Engineering Services Department and Emergency and Fire Services Department have no objections to the applications.

11. Discussion

- 11.1 The Provincial Policy Statement encourages the long-term viability of agricultural areas and limits the opportunities to create new parcels in the rural area. Severances of surplus farm dwellings are permitted by the Province, as it is recognized that farmers may not be interested in acting as landlords when acquiring additional farmland. The Durham Region and Clarington Official Plans allow farm consolidation when possible to ensure long-term viability of agricultural operations. The Plans set out regulations for the severance of a surplus farm dwelling as a result of farm consolidation. The Zoning By-law will only come into effect once both the Regional and Local Official Plan Documents have been approved.
- 11.2 The Clarington Official Plan policies require that when a surplus dwelling is severed from a farm parcel that is non-abutting, the farm parcel must have a minimum lot area of 40 hectares. The purpose of this policy is to ensure that the lands are viable for a farm operation upon severing. This application proposes an amendment to the Clarington Official Plan to permit the retained farm parcel to be 21.73 hectares. In this case, the existing lot is considered smaller than a typical agriculture parcel, as it is only 22.14 hectares. Werrcroft Farms Ltd. have been farming this property for over 50 years. The operation of this farm and the seven other land holdings support the overall operation of the owner's dairy farm.
- 11.3 The proposed severance does not alter the existing land use of the retained farm parcel. The land has been used for farming operations prior to the severance and will continue to be used for agricultural purposes by the same owner. It is staff's opinion that the retained lands will be a viable farm parcel as part of Werrcroft Farms Ltd. holdings and meets the intent of the Official Plan policies.
- 11.4 When a surplus farm dwelling is severed, the Regional and Clarington Official Plans in conformity with the Provincial Policy Statement require the retained farm parcel to be rezoned to prohibit the establishment of a new residential dwelling on the lot. The proposed zone for the retained portion of the lot, with the exception of the "Environmental Protection (EP)" area, is "Prime Agricultural Exception (A-1) Zone". This zone only permits the non-residential uses set out in the regulations of the "Prime Agriculture (A) Zone". This will prohibit future residential uses from being established.
- 11.5 There have been no objections to this application from any circulated agencies or the public to date.

12. Conclusion

It is respectfully recommended that Council approve the applications to amend the Clarington Official Plan (see Attachment 1) and Zoning By-law 2005-109 (see Attachment 2) and advise the Region of Durham the Municipality of Clarington has no objection to approval of ROPA 2019-003.

Staff Contact: Isabel Lima, Planner I, (905) 623-3379 ext. 2428 or ILima@clarington.net

Attachments:

Attachment 1 – Official Plan Amendment

Attachment 2 – Zoning By-law Amendment

Interested Parties:

A list of interested parties to be notified of Council's decision is:

Werrcroft Farms Ltd.

Bob Clark

Marlene Boyle



Amendment Number 118

To The Municipality of Clarington Official Plan

Purpose: To permit the severance of a non-abutting surplus farm dwelling of 0.41 hectares with a retained farm parcel of 21.73 hectares. The Official Plan amendment will permit the retained farm parcel to be less than 40 hectares.

Basis: This amendment is based on an application submitted by Werrcroft Farms Ltd. to permit the severance of a surplus farm dwelling as a result of the consolidation of non-abutting farm parcels. This application was supported by a Planning Justification Report and Minimum Distance Separation Review and has been reviewed by public agencies and municipal staff. Consideration has also been given to Provincial Policy and the current Durham Regional Official Plan.

Actual Amendment: The Clarington Official Plan is hereby amended as follows:

1. In Section 23.19.4. iii), Table 23-1 “Surplus Farm Dwelling Lot Exceptions” by adding the following exception:

| Table 23-1 Surplus Farm Dwelling Lot Exceptions | | | | |
|------------------------------------------------------------|-----------------------|------------------------------------------------|------------------------------------------|---------------------------------------|
| Exception No. | Assessment No. | Legal Description | Area of Surplus Dwelling Lot (ha) | Area of Remainder of Land (ha) |
| 9 | 010-150-08900 (2019) | Part Lot 13, Conc. 8 former Twp. of Darlington | 0.41 | 21.73 |

Implementation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the implementation of the Plan, shall apply in regard to this Amendment.

Interpretation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

Corporation of the Municipality of Clarington

By-law Number 2019-_____

being a By-law to amend By-law 2005-109, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 2005-109, as amended, of the Corporation of the Municipality of Clarington for ZBA2019-0011;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Section 13.0 "Agricultural Zone Category" is hereby amended by adding thereto, the following new Special Exception zone 13.4 as follows:

"13.4 A Exception Zones

13.4.1 A-1 Zone

Notwithstanding Section 13.2, the lands zoned A-1 on the Schedules to this By-law may only be used for the Non-Residential Uses set out in Section 13.2.1."

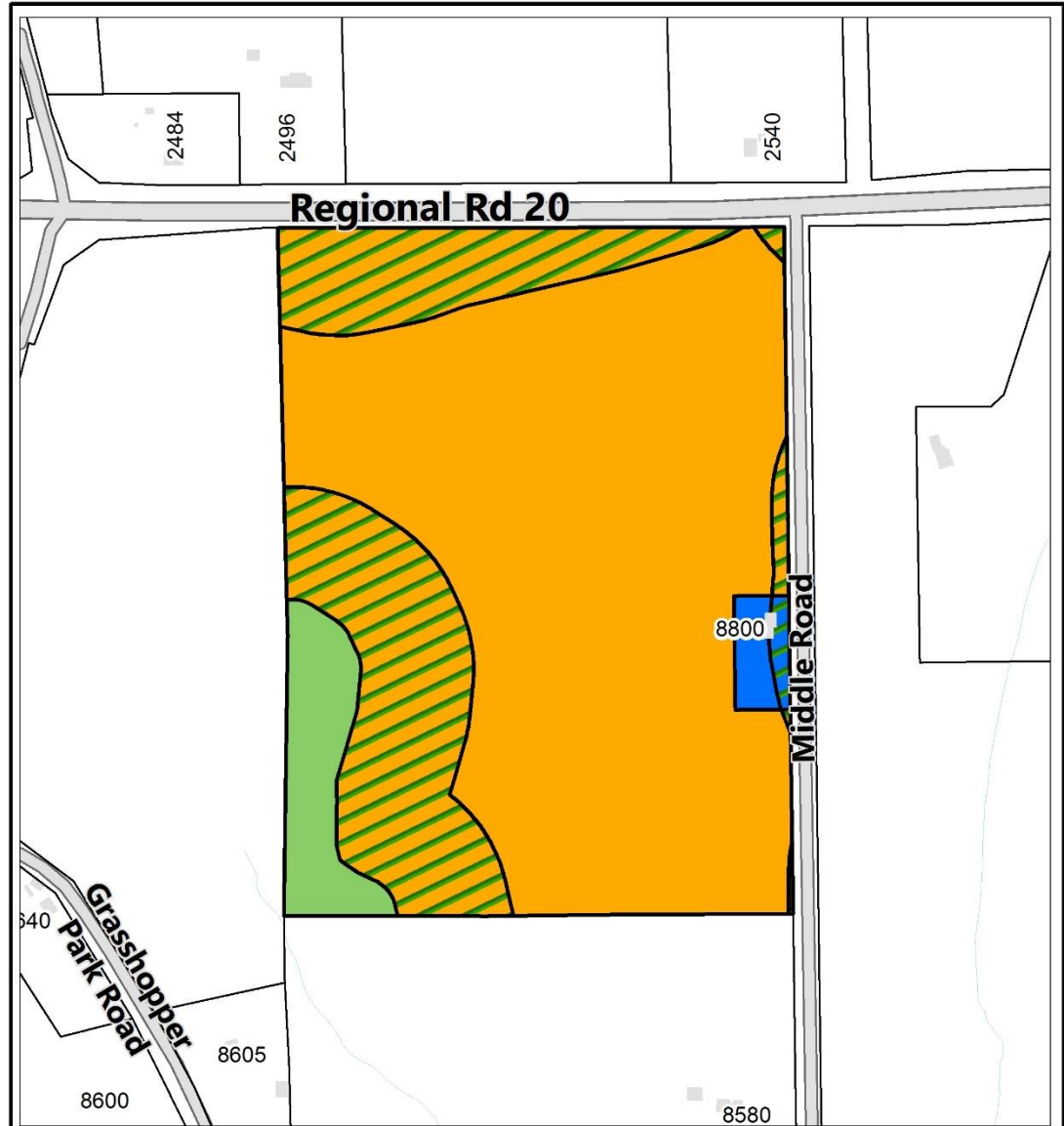
2. Schedule 'E3' to By-law 2005-109, as amended, is hereby further amended by changing the zone designation from "Prime Agricultural Zone (A)" to "Prime Agricultural Exception Zone (A-1)" as illustrated on the attached Schedule 'A' hereto.
3. Schedule 'A' attached hereto shall form part of this By-law.
4. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 24 (2) and 34 of the *Planning Act*.

By-Law passed in open session this _____ day of _____, 2019.

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk

This is Schedule "A" to By-law 2019- , passed this day of , 2019 A.D.



-  Zoning Change From "A" To "A-1"
-  Zoning to Remain "A"
-  Zoning to Remain "EP"
-  Zoning To Remain "Environmental Protection Minimum Area of Influence"



Zoning By-Law 2005-109 • ZBA 2019-0011
Map: E3 & E11

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | |
|-------------------------|-------------------------------------------------------------------------------|----------------------------------|
| Report To: | Planning and Development Committee | |
| Date of Meeting: | October 22, 2019 | Report Number: PSD-046-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: |
| File Number: | PLN 25.1.58 | By-law Number: |
| Report Subject: | Renaming of King Street in Haydon and a remnant of King Street in Bowmanville | |

Recommendations:

1. That Report PSD-046-19 be received;
2. That the By-law shown in Attachment 1 to Report PSD-046-19 be approved to:
 - a. rename King Street in Haydon to Grasshopper Park Road; and
 - b. rename the remnant portion of King Street in Bowmanville to Kings Hill Lane;
3. That all affected landowners receive a goodwill payment, in accordance with the Municipality of Clarington's Goodwill Payment Policy for Municipally Initiated Street Name Changes, to recognize the inconvenience and time associated with the street name changes;
4. That a copy of Report PSD-046-19 and Council's decision be forwarded to the Durham Regional Police Service and the Durham Regional Planning and Economic Development Department; and
5. That all interested parties listed in Report PSD-046-19 and any delegations be advised of Council's decision.

Report Overview

Over the past year, it has been brought to Staff's attention that there are two duplicate King Street names in Clarington that have led to some confusion for mail delivery. Some residents have also expressed concerns about potential response delays in the event of an emergency response. To address these two situations, Staff held two Public Information Sessions one in each respective area to obtain public input.

The response in Haydon for the street name change to Grasshopper Park Road was generally positive. About half of the impacted residents attended the meeting or provided comments.

In Bowmanville, the majority of residents who attended the Public Information Centre did not support the options presented. Since there were concerns with the street name change, Staff conducted a survey, as suggested by one of the residents. The results of the survey led to greater consensus for the name change to Kings Hill Lane.

Based on the feedback from the public, and the safety concerns, it is Staff's recommendation that both streets be renamed.

1. Background

- 1.1 The amalgamation of many townships into what is today known as the Municipality of Clarington, has resulted in many duplicate or similar sounding names. In the mid 90's Bell Canada and the Region of Durham implemented a new 9-1-1 response system which lead to the evaluation of street names in order to eliminate duplicate names which had the potential to cause confusion. King Street was among the street names that were considered, at the time, there were six duplicate King Streets throughout Clarington.
- 1.2 King Street in Haydon became a public street in 1977, Figure 1. It was one of the street names that were considered to change as part of the new 9-1-1 response system. However, at the time, it was decided not to change the name because the municipal addresses in Haydon were in the 8000's, while the Bowmanville addresses along King Street were in the 100's. Also, there was sufficient differentiation between the hamlet and the town.
- 1.3 Since then, Clarington has grown substantially as a municipality, reaching just over 100,000 people. As Clarington grows, it becomes difficult to keep track of, and be aware of, any duplicate street names, unless someone is familiar with the area. It also becomes increasingly important to clearly differentiate street names to avoid any potential errors from occurring in an emergency response. Furthermore, technology has evolved since the 90's. Less people use telephone land lines, rather many residents use cellphones, making the ability to trace a phone call to an address difficult.



Figure 1 – Existing King Street segment in Haydon

- 1.4 In Bowmanville a remnant section of what used to be Highway 2, is named King Street, Figure 2. With the realignment of Highway 2, this portion of King Street became disconnected from the main artery. There are no records that it was considered for a street name change as part of the 9-1-1 project, likely because the name was Old Highway 2 at the time. At some point this segment of the road was changed to King Street without going through the renaming procedure. The Region of Durham has indicated that we cannot revert back to the previous street name “Old Highway 2” due to similar sounding street names in Clarington.



Figure 2 – Existing King Street remnant in Bowmanville under consideration

2. Comments

- 2.1 Discussions with the Clarington Emergency & Fire Services Department, as well as the Engineering Services Department have indicated that duplicate or similar sounding street names is a public safety concern.
- 2.2 In the past, most 9-1-1 calls were made by landline which are hard wired making it easy to recognize addresses through the automated system. Today, many people use cellular devices as their main phone making it more difficult to pinpoint the person's location. The radius is not always accurate. A recognized road with limited variations, such as Grasshopper Park Road, will eliminate the potential of error and facilitate better response services.
- 2.3 The Region of Durham is an approval authority for naming or renaming streets within the Region. If names sound similar to other names in the Region, the name will be rejected due to the risks or concerns with an error occurring during an emergency response situation. The Region of Durham has been consulted throughout the street renaming process and recommend the renaming of both King streets.

3. Public Input

Public Information Centres

- 3.1 There were two meetings held in each respective community on June 25th and 26th to provide information on the proposed changes to the street names and obtain input from the affected property owners and tenants. Notice of the Public Information Centre was sent out to all affected residents on June 11, 2019.
- 3.2 The Haydon residents were generally receptive to changing the street name from King Street to Grasshopper Park Road. The majority of them acknowledged the potential safety concerns that could result from having duplicate street names within Clarington. Out of the 22 affected households, 9 people representing 6 households attended the meeting or provided comments. One household expressed opposition to the name change. They stated that it is an inconvenience and that it could be an expensive process to get records updated. Also, many of the residents in Haydon recently went through an address change because Canada Post changed their postal codes earlier this year. Despite this, most residents supported the street name change.
- 3.3 In Bowmanville, the majority of residents who attended the Public Information Centre did not support the proposed street names, some accepted that changing the name but have concerns. A total of 12 people representing 7 households attended the meeting and two property owners provided written submissions. There are 21 affected properties. Some of the comments include:
 - If the street name has to change, residents would prefer it revert back to the “Old Highway 2” name to maintain the history of the road as being part of the main artery. Staff consulted with the Region to revert back to the previous name, but it was rejected due to the similar sounding names in Clarington, as there is a Highway 2 in Courtice.
 - The majority of residents are opposed to Rhonda Boulevard because the address numbers will have to change. Rhonda Boulevard is the existing street that connects with King Street, from the south.
 - Residents would prefer a street name that recognizes the historical significance of the road or the connection to the monarchy by keeping the word “King”.
 - There is already confusion because the name had changed from Old Highway 2 to King Street without the residents being consulted.
 - Many residents expressed concerns with the inconvenience it will cause, and the expense associated with changing documentation and records and felt it was unwarranted.

- 3.4 At the meeting it was suggested that a survey be conducted with different options to gain additional feedback, especially from the residents who were not able to attend the meeting. Since there were concerns with the street name change, staff conducted a survey. The survey was mailed to all affected residents in August 2019. The majority of residents returned the survey, with the exception of 2. Below is a summary of the results of the survey and Attachment 2 contains the full record.

Summary of Survey Results for Bowmanville

- 3.5 Five options were given to residents to rank in order of their preference (1 representing their most preferred option and 5 being their least preferred). The five options were as follows:

- **Option 1** – No change
- **Options 2 & 3** – A new street name that contains the word “King”. The Region has approved two names: “Kings Vista” or “Kings Hill Lane”.
 - **Option 2** – Kings Vista
 - **Option 3** – Kings Hill Lane
- **Option 4** – A completely new street name from the list of approved street names according to the current Clarington Street Naming Policy, which is to name it after a War Dead or War Veteran tied to the local area of Bowmanville.
- **Option 5**– Continue with the connecting street name, Rhonda Boulevard. This option required a renumbering of the house number, resulting in the replacement of the physical address on the house.

- 3.6 Staff received 23 responses to the survey. Option 1 (no change) was slightly more favourable than Option 3. The split was 60/40, respectively. Of those that wanted to see a change, Option 3 (Kings Hill Lane) was the most favourable. Many residents chose Option 3 (Kings Hill Lane) as either their first or second choice.

- 3.7 It is also interesting to note that seven residents chose “no change” as one of their least favourite options, while only two stated that Option 3 was one of their least favourite (ranked it either a 4 or 5). Three residents did not rank the options at all. They stated that no change was their only preferred option.

4. Discussion

- 4.1 The concerns with the duplicate King Street names was brought to Staff’s attention by the local residents from each respective area. Some residents have stated that they have had an issue with their mail and parcel deliveries. If there are errors being made for deliveries, then there is potential for errors in an emergency response situation.

- 4.2 The Municipality is not necessarily required to eliminate all duplicate street names but does have an obligation to provide unique addressing information for the emergency response system. If an issue has been identified and the municipality is made aware of the situation, it warrants a review and analysis to determine if a name change is necessary.
- 4.3 The most important reason to examine the King Street name duplication is for public safety. It is good practice to eliminate any potential errors for future emergency response incidents. Valuable time may be lost when trying to locate a residence and in these types of situations, every second counts.
- 4.4 To avoid confusion, and potential issues in an emergency, it is recommended that both street names be changed, especially since the Bowmanville King Street remnant is adjacent to the main King Street through Bowmanville. The remnant of King Street under review is physically disconnected from the main road. Having no direct access to the main road could result in someone looking for an address along the main road and missing it since the two roads do not connect.
- 4.5 It is impossible to avoid all errors but if there is an opportunity to reduce the risk, staff believe it should be considered. Therefore, a unique street name should be considered to resolve this issue.
- 4.6 The street renaming in Haydon will affect 22 households, while the street renaming in Bowmanville will affect 21 households. Property owners and/or tenants would receive a goodwill payment for the inconvenience and time associated with the street name change as per the Municipality of Clarington policy regarding Municipally Initiated Street Name Changes.
- 4.7 Since many residents in Bowmanville did not like the continuation of Rhonda Boulevard because their address numbers would also have to change, Staff looked at several other options for the renaming of "King Street", considering the resident's suggestion. Kings Hill Lane was the most popular choice. This keeps the word "King" in the name and ties it to the historical significance of the road.
- 4.8 Staff recognize some property owners are concerned about the inconvenience associated with a change of address. However, staff do not believe it outweighs the risks associated with having duplicate street names.
- 4.9 In addition to the public safety concerns, residents expressed frustration resulting from missed deliveries or billing being sent to the wrong location. A new street name should improve this issue.

- 4.10 Staff recommend the identified segments of King Street in Haydon and Bowmanville be renamed to eliminate the duplicate King Street names. King Street in Haydon would become Grasshopper Park Road, which provides for a continuous street name. The remnant of King Street in Bowmanville would become Kings Hill Lane, keeping the word “King” in the name, which retains the historical connection to Highway 2/King Street and the British monarchy.

5. Concurrence

- 5.1 This report has been reviewed by the Fire Chief who concurs with the recommendations.

6. Conclusion

- 6.1 It is respectfully recommended that the proposed street name changes be approved and that Staff be authorized to distribute the goodwill payments in accordance with the Municipality’s policy for Municipally Initiated Street Name Changes.

Staff Contact: Nicole Zambri, Planner II, 905-623-3379 ext. 2422 or nzambri@clarington.net .

Attachments:

Attachment 1 – By-law

Attachment 2 – Results from survey in Bowmanville

Attachment 3 – Memo from Fire Chief

A list of interested parties is on file with the Planning Services Department.

Corporation of the Municipality of Clarington

By-law Number 2019-_____

being a By-law to amend municipal street names in the Municipality of Clarington.

Whereas the Council of the Corporation of the Municipality of Clarington deems it appropriate to amend certain municipal street names in the Municipality of Clarington;

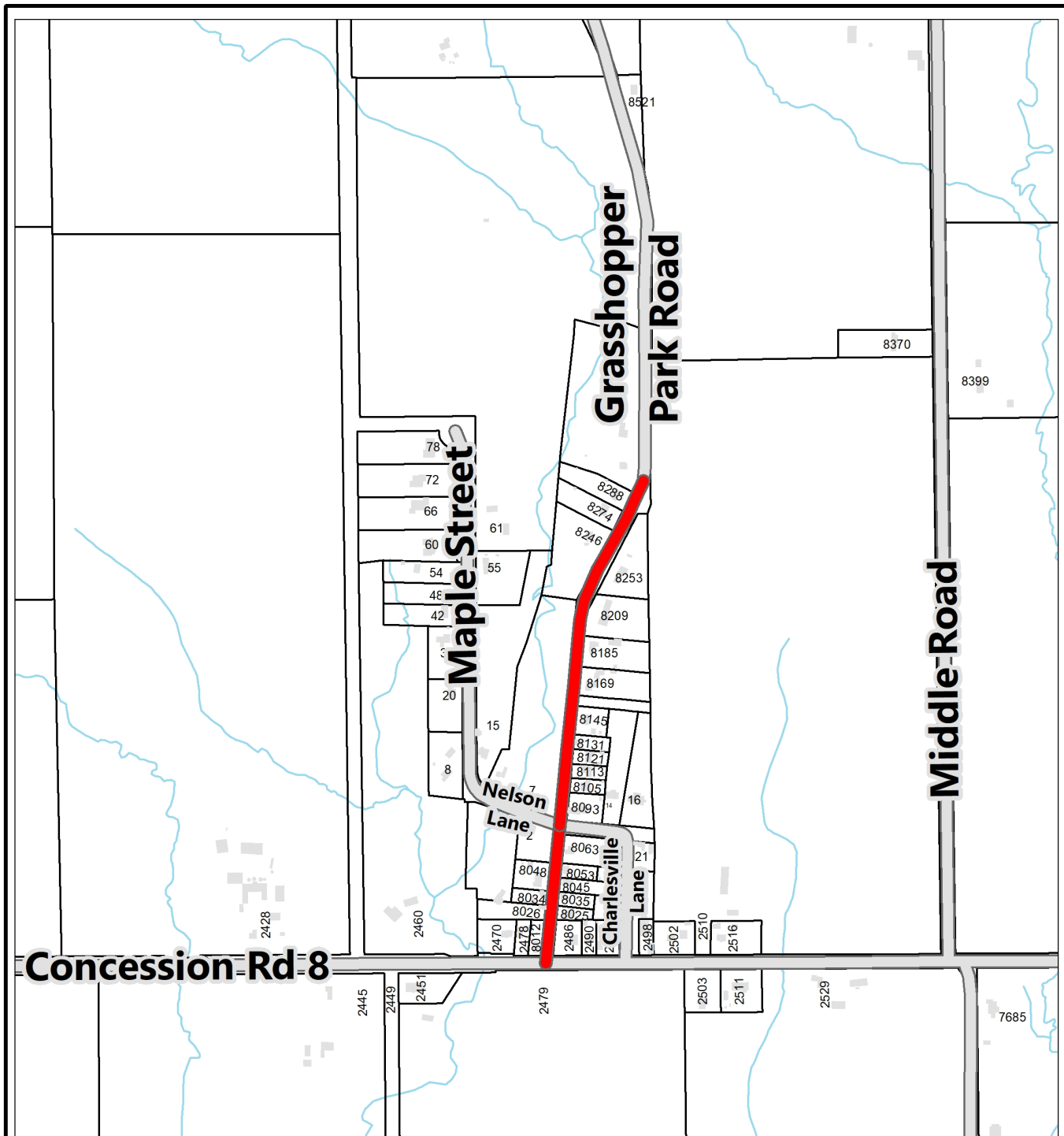
Now Therefore Be It enacted as By-law for the Municipality of Clarington, as follows:

1. Change the name of King Street in Haydon to Grasshopper Park Road as shown in Schedule 'A' to this By-law;
 2. Change the name of the remnant of King Street in Bowmanville to Kings Hill Lane, for the portion shown on Schedule 'B' to this By-law.
2. This By-law shall come into effect on the date of the passing hereof.

By-Law passed in open session this _____ day of October 2019

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk



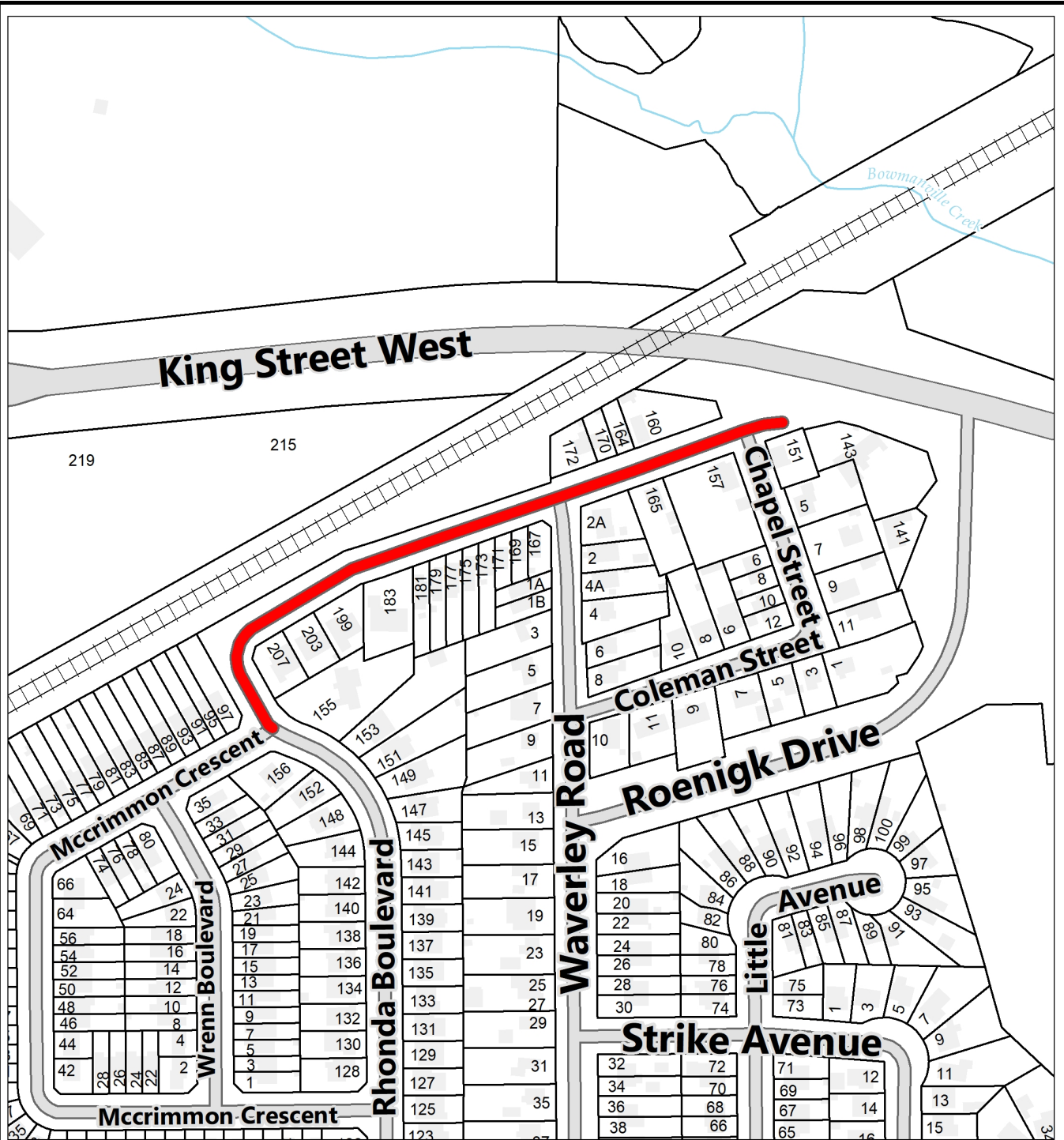
 Street Name Change from "King Street" To "Grasshopper Park Road"



Adrian Foster, Mayor

Haydon - PLN 25.1.58

C. Anne Greentree, Municipal Clerk



 **Street Name Change from
"King Street" To "Kings Hill Lane"**



Adrian Foster, Mayor

Bowmanville - PLN 25.1.58

C. Anne Greentree, Municipal Clerk

Full results of the survey in Bowmanville

Residents were asked to rank the options listed below, with #1 representing their most preferred option and #5 being their least preferred option.

- Option 1** – No change
- Option 2** – Kings Vista
- Option 3** – Kings Hill Lane
- Option 4** – A name from the War Dead or War Veteran list
- Option 5** – Continue with the connecting street name, Rhonda Boulevard

| Response | Opt 1 | Opt.2 | Opt.3 | Opt.4 | Opt.5 |
|--------------|-----------|-----------|-----------|-----------|-----------|
| 1 | 5 | 2 | 1 | 3 | 4 |
| 2 | 5 | 2 | 1 | 3 | 4 |
| 3 | 5 | 2 | 1 | 3 | 4 |
| 4 | 5 | 4 | 1 | 2 | 3 |
| 5 | 4 | 2 | 1 | 3 | 5 |
| 6 | 4 | 2 | 1 | 3 | 5 |
| 7 | 4 | 3 | 1 | 2 | 5 |
| 8 | 3 | 2 | 1 | 4 | 5 |
| 9 | 1 | 3 | 2 | 4 | 5 |
| 10 | 1 | 4 | 2 | 3 | 5 |
| 11 | 1 | 3 | 2 | 4 | 5 |
| 12 | 1 | 3 | 2 | 4 | 5 |
| 13 | 1 | 3 | 2 | 5 | 4 |
| 14 | 1 | 2 | 3 | 4 | 5 |
| 15 | 1 | 2 | 3 | 5 | 4 |
| 16 | 1 | 2 | 3 | 4 | 5 |
| 17 | 1 | 2 | 3 | 5 | 4 |
| 18 | 1 | 5 | 4 | 2 | 3 |
| 19 | 1 | 2 | 5 | 3 | 4 |
| 20 | 3 | 3 | 3 | 1 | 2 |
| 21 | 1 | 2 | 2 | 2 | 2 |
| 22 | 1 | 2 | 2 | 2 | 2 |
| 23 | 1 | 2 | 2 | 2 | 2 |
| Total | 52 | 59 | 48 | 73 | 92 |

Note: The highlighted cells represent the surveys that were not completed correctly. They only ranked one or two options. By default, the next number in the ranking was applied to the boxes that were left unanswered for the purpose of tallying the votes.

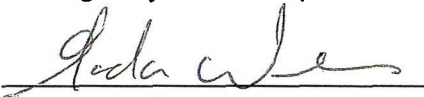
If this information is required in an alternate format, please contact the Accessibility
Co-ordinator at 905-623-3379 ext. 2131

To: Faye Langmaid, Acting Director of Planning
From: Gord Weir, Fire Chief, Tony Cannella, Director of Engineering
Date: November 13, 2018
Subject: Safety Review of King St in Hayden

In reviewing the concerns both the Director of Engineering and myself agree that the best resolve or the safest resolve would be to change the section of King Street to Grasshopper Park Road.

In the past many if not all 911 calls made for emergencies were made on Bell landlines, hard wired. The 911 system recognizes the address through the ANI/ALI system (Automatic Name Identification/Automatic number identification). The ANI/ALI drop is immediately captured on the call takers screen once 9-1-1 has been dialed and pushed through to the PSAP. There is very little chance for error as to location of the call when using a landline.

Today many people have moved away from using a landline in their home and now use their cellular device as the main phone. Currently the 9-1-1 system does recognize the address that a person is calling from when using their cellular device. A cellular device will provide 9-1-1 with latitude and longitude which will plot within a 5km radius based on the Wireless Service providers cellular towers. Although 9-1-1 is provided with a radius, this is not always accurate and the certainty of the information provided in relation to the towers is a starting point only and should be confirmed through voice to voice contact. Having a street name shared without continuity of one name such as Grasshopper Park Road and King Street in Hayden encourages room for error as the technology to deliver ANI/ALI to cellular devices is not yet captured. King Street is a popular name within the Region of Durham and also within the Municipality of Clarington. A recognized road with limited variations such as Grasshopper Park road, will eliminate room for error in terms of providing prompt customer service by Emergency First Responders.



Gord Weir
Fire Chief



Staff Report

If this information is required in an alternate accessible format, please contact the Municipal Clerk at 905-623-3379 ext. 2102.

| | | |
|-------------------------|-----------------------------------------------------|----------------------------------|
| Report To: | Planning and Development Committee | |
| Date of Meeting: | October 22, 2019 | Report Number: PSD-047-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution: |
| File Number: | PLN 26.14.1 | By-law Number: |
| Report Subject: | Clarington Transformer Station - Final Peer Review | |

Recommendations:

1. That Report PSD-047-19-19 be received; and
 2. That all interested parties listed in Report PSD-047-19 and any delegations be advised of Council's decision.
-

Report Overview

Council accepted funding from Hydro One to retain a hydrogeologist to peer review the Surface and Groundwater monitoring program imposed as part of the approval of the Environmental Assessment by the Minister of Environment and Climate Change now Environment, Conservation and Parks (MECP). The Municipality's hydrogeologist is providing his peer review for the 2018 report and recent bore hole drilling.

1. Background

- 1.1 Clarington Council and staff have been involved with the Clarington Hydro Transformer since March of 2012. The Minister of Environment and Climate Change (at the time) approved the project in January of 2014 despite the objections/comments of Clarington Council and residents.
- 1.2 In June 2014, to address ongoing concerns from community members and residents, Hydro One proposed to Clarington to fund a peer review of their Surface and Groundwater monitoring program. The peer review consultant, SLR Consulting (Canada) Ltd. were retained and have been working with the residents, staff, Hydro One consultants and G360 group of scientists since late October, 2014. The contract expired this October 2019.
- 1.3 In September 2014, Council approved a road use agreement contingent on the drilling of a deep monitoring well. The hydrogeologists agreed that the MW 5-14 site on Hydro One property was the most relevant location for this borehole and monitoring well. The MW5-14 site already has monitors at 4 metres, 7 metres and 40 metres; the deep borehole monitor at 112 metres and another monitor at 52 metres are the result of drilling the deep borehole. This provides multi-level monitoring (or a nested cluster of boreholes and monitors).
- 1.4 In April 2015, Council approved funding as a contribution to the rotosonic drilling of up to \$25,000, by resolution #C-136-15. These funds have been disbursed to CLOCA for the borehole drilling that happened in July 2019.
- 1.5 In February 2016, Council approved funding for tritium testing of up to \$10,000 by resolution #C-030-16, as amended in May 2017. To date an interim payment of \$5,000 was provided to G360 for sampling and tritium analysis on private wells and the interim report received in July 2016. A final report will be provided once the newest borehole drilled in July has cleared to allow for testing.
- 1.6 In November, 2016 CLOCA entered into agreements with Hydro One which allows access to the site and deep well for ongoing monitoring under the conditions set out in the agreement. CLOCA's Memorandum of Understanding with G360 allowed for the drilling that occurred in July and any scientific work by G360. CLOCA is host to the Oak Ridges Moraine Groundwater Program, they are the legal entity for the agreements. The Municipality is not party to the agreements.

- 1.7 The Clarington Transformer Station became fully connected to the Hydro One Bulk Electrical network on April 30, 2018. Hydro One reports that the Enfield TS construction is complete and it came into service in May, 2019. Works to complete the on-site constructions (e.g. road works and habitat plantings are to be completed in 2020.

2. Summary of the Peer Review Findings

- 2.1 The SLR report reviews the present state of the existing information and purposely does not address the process by which it was achieved. Their review includes information from all parties, being Hydro One, Stantec, G360 scientists, Enniskillen Environmental Association, the Conservation Authority, Clarington, the Ministry of Environment and Climate Change and the Oak Ridges Moraine Groundwater Program. SLR staff conducted two site visits, attended one public meeting, and reviewed the 2017 Annual Monitoring Report (by Stantec on behalf of Hydro One) on Clarington's behalf. No new well owner complaints were received in the reporting period. The results are outlined below, their more detailed report is Attachment 1.
- 2.2. The Ministry required a ground and surface water monitoring program. No significant adverse conditions were reported in the 2018 annual monitoring report. No requests to SLR from residents for interpretation or clarification were received. The MECP required monitoring period is over at the end of 2019.

3. Community Liaison Committee Request

- 3.1 The members of the Enniskillen Environmental Association made a request to Council in June of 2019 regarding re-establishment of the Community Liaison Committee and other related items as set out in resolution in Attachment 2. The Community Liaison Committee was a requirement in the Environmental Assessment approval which has been met by Hydro One.
- 3.2 The Ministry and Hydro One are willing to answer questions from residents but they do not see the need to re-establish the Community Liaison Committee. The responses to the request by Hydro One and the Ministry are contained within Attachment 2.

4. Research Bore Hole

- 4.1 The G360 research group were able to install the additional borehole for long-term monitoring at the MW5-14 site in July of 2019. The researchers are waiting until the sediment within the well settles to allow for the tritium sampling.
- 4.2 In 2018 the G360 research group conducted tritium sampling and analysis on local wells. They have found the presence of tritium (an indicator of age and not a contaminant) in the shallow wells as anticipated, and also in some but not all of the deeper wells. Some surficial contaminants like salt and short lived bacteria are also present at depth. This information points to a likelihood of insecure well casings. CLOCA, through Dr. Gerber sampled the aquitard wells in the deep well

cluster on site for tritium and found very little. These deep wells are scientifically constructed to preclude casing leakage.

- 4.3 The cluster of wells (multi-level) at MW5-14 will allow long-term research to be carried out by G360 in concert with Dr. Gerber from the Oak Ridges Moraine Ground Water Monitoring Group.

5. Private Well Monitoring

- 5.1 Part of the Enniskillen Environmental Association request in June was that the monitoring program for private wells continue beyond 2021. Hydro One had already committed to monitoring the private wells for 2 additional years beyond the requirements imposed by the Ministry's approval.
- 5.2 Hydro One's response (in Attachment 2) indicates that while they voluntarily committed to extend the private well monitoring to participating well owners until 2022, they do not believe further monitoring is warranted.
- 5.3 For the private wells monitoring by Hydro One, SLR has been available to answer questions and review the findings. However each review has corroborated the findings of Hydro One's consultant. SLR has not any calls from residents during the past year.
- 5.4 In summary, SLR continues to maintain that the wells are not at risk from the Transformer Site.

6. Concurrence

Not applicable.

7. Conclusion

- 7.1 The purpose of retaining a peer review consultant was to assist with understanding the technical information and to have an independent advisor monitor the practices and methodologies being employed during the construction of the Clarington Transformer Station. To date, the observations, recommendations and conclusions by SLR Consulting (Canada) Ltd have required additional work by Hydro One and their consultants to demonstrate that the conclusions of the Environmental Assessment and Permit to Take Water are reasonable and conservative.
- 7.2 Council and residents were concerned for the safety of private residential wells in the vicinity of the transformer construction and Farewell Creek. The Clarington and Enfield Transformers are now complete. Hydro One consultants, Ministry and peer review consultant have concluded that the transformer construction is not putting residential wells at risk.
- 7.3 Hydro One has offered to continue to monitor local wells for an additional 2 years.

- 7.4 Much has been learned about the hydrogeology of the site over the past few years providing additional scientific knowledge for the G360 researchers, and the Oak Ridges Moraine Groundwater Program.
- 7.5 The last annual report by Hydro One will be issued in the new year. SLR will analyze the report, cross-check numbers and provide a peer review as an information report in 2020. This final report from SLR should be able to include an update on the results of the tritium testing as well.

Staff Contact: Faye Langmaid, Acting Director of Planning Services, 905-623-3379 ext. 2407 or flangmaid@clarington.net

Attachments:

Attachment 1 – Clarington Transformer Station Peer Review

Attachment 2 – August 29, 2019 Update Memo from the Acting Director of Planning Services

The following is a list of the interested parties to be notified of Council's decision:

Denise Jamal, Hydro One
Clint Cole, Enniskillen Environmental Association
Drs. John Cherry and Beth Parker, G360, University of Guelph
Dr. Rick Gerber, Oak Ridge Moraine Groundwater Program
Chris Darling, CLOCA
Steven Usher, SLR Consulting (Canada) Ltd



15 October 2019

Ms. Faye Langmaid
Municipality of Clarington
40 Temperance Street
Bowmanville, Ontario L1C 3A6

Project No.: 209.40261.00000

Dear Ms.Langmaid:

RE: CLARINGTON TRANSFORMER STATION - PEER REVIEW FINAL REPORT

The purpose of this letter is to report on our activities on your behalf and at your direction in the above noted matter. This report covers the period of May 2018 to September 2019.

In this period few new issues have arisen, others remain ongoing. We speak to each of these in the following paragraphs, and include:

1. Annual Report Review (2018)
2. Deep Well Logistics
3. Liason with residents and private well requests

Over this reporting period, SLR Consulting (Canada) Ltd. (SLR) have attended Planning and Development Committee on June 4, 2018. There have been no further Community Liaison Committee meetings mandated since 2017. The Clarinton Transformer station has been on line for several years. The Enfield Transformer Station was put in service in May of 2019. As the site has been commissioned and is in operation, no further site visits have been requested of, nor conducted by SLR in the reporting period.

1.0 ANNUAL REPORT REVIEW

In the spring of 2019, SLR reviewed the 2018 Annual Monitoring Report prepared by Stantec Consulting on behalf of Hydro One. Consistent with recent years we have found that the monitoring programs were being followed as outlined. The monitoring results continue to reflect our understanding of the site, in that water levels were not affected by the presence of the transformer construction or its subsequent operation, and water quality was consistent with before. Similar to last year, this again includes the presence of bacteria and nitrate in many shallow wells, and also in some deep private wells. These are minor natural or anthropogenic exceedances of some parameters, which as we pointed out in 2018, is not uncommon in Southern Ontario.

2.0 DEEP WELL LOGISTICS

In 2016, Central Lake Ontario Conservation Authority (CLOCA) and Hydro One negotiated an agreement, which included the ability for the G360 group to drill an additional deep well (using rotosonic methods) for the purpose of installation of a multilevel well system. This system is to be used to study the aquitard, as a research opportunity. Clarington has previously committed funds to this project and therefore SLR have been called upon to assist staff by providing technical support.

G360, in collaboration with CLOCA drilled an 88 m deep borehole at the MW5-14 location between July 03 and July 09, 2019. Installation of the Multi-Level System (MLS) was conducted between July 10 and July 22, 2019. Technical reporting on the work is not yet available, however the following details have been ascertained. G360 did not use the Rotosonic technique as originally proposed due to rig unavailability, and opted for a rotary method using a DR12 drilling rig provided by Aardvark Drilling. This method does not provide undisturbed samples, but rather returns a slurry of soil and water. The drilling water and MLS installation water was tagged with bromide in a similar fashion to the 2015 drilling program conducted by Stantec on behalf of Hydro One.

An 8-port mutli-level groundwater monitoring installation was established between depths 50 and 85 m below ground level. The devices are currently recovering from installation, and until a static water pressure is achieved in each, testing will not be underatken. Once ready, they will be tested for hydraulic conductivity, and then initial groundwater samples can be taken. Six of the monitoring intervals are set in the lower portion of the glacial till aquitard where there are numerous sand lenses, and the two deepest ports are set in more permeable horizons corresponding to the underlying Thorncliffe Formation, (as established in the original drilling programs). No monitoring intervals were established in the more competent upper portion of the Newmarket Till. A Hydro One groundwater monitor (MW5-14-I) was previously established in this portion of the aquitard at about 40 m in depth. The intent of the devices is to provide long term monitoring capability of the aquitard, and they will be managed for scientific purposes by CLOCA.

We anticipate that G360 will report on their results and future monitoring results at some point in the future, and it is recommended that the Municipality examine those results at that time to see if they are consistent with the present understanding of the site.

3.0 RESIDENT LIAISON

No outreach from residents to SLR were made in the reporting period. No further requests from residents to review the reported results on their wells were received by SLR from Clarington in this reporting period.

We understand that two request were made of Stantec by a homeowners, one related to water quanity in September 2018, and one related to surface water flow in March 2019. Clarington/SLR were not asked to review the reports or responses.

4.0 IN CONCLUSION

We trust this report adequately covers the activities SLR has performed on Clarington's behalf. It is our opinion that there have been no adverse effects of the Transformer Station construction and operation on private wells for the reasons cited above. The existing groundwater monitoring program will conclude in October of this year (2019). It is our understanding that Hydro One has offered a two year extension of the private well monitoring program for interested residents. One final annual report, for 2019 is expected to be issued by Hydro One in early 2020.

The contract between Clarington and SLR originally set Oct 31, 2019 as it's end date. However, an extension will be required to complete the following areas :

- Review of the Habitat Creation work, once complete
- Review of the 2019 Annual report in 2020
- Review of the G360 results for consistency with the predicted conditions.

Thank you for allowing us to have been of service, please contact the undersigned should you or other reviewers have any questions.

Yours sincerely,
SLR Consulting (Canada) Ltd.



Steven Usher
Project Manager

SJU/su

Memo

Planning Services Department

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

To: Mayor and Members of Council
From: Faye Langmaid, Acting Director of Planning Services
Date: August 29, 2019
Subject: **Clarington Transformer**
File: PLN 26.14.1

At the June 10, Council Meeting Council ratified the following resolution #C-230-19 from the June 3 Planning and Development Committee.

As indicated in an email of July 17th, 2019 to Mayor and Members of Council, I had received a response from MECP and Dr. Gerber of CLOCA regarding two of the items in the resolution and was waiting for a response from Hydro One.

The email also provided an update on the drilling of the additional borehole at the Clarington Transformer MW5-14 site by G360 Group and the Oak Ridges Moraine Ground Water Monitoring Group. I requested an update from the research group on the tritium/helium sampling of the boreholes at MW5-14 (the private well sampling occurred in 2016).

I have now received responses to all of the inquires and they are outlined below

That Council receive the communication from Clint Cole Chair of the Enniskillen Environmental Association regarding Groundwater Protection Issues surrounding the Clarington Transformer Station;

That the Ministry of Environment, Conservation and Parks be requested to re-establish a Community Liaison Committee to share new information and provide transparent, public reporting by Hydro One to the community;

Please see Attachment 1;

That Hydro One be requested to do the following:

- a) Extend the existing groundwater monitoring program for private wells beyond 2021;
- b) Participate in and facilitate the re-established Community Liaison Committee;
- c) Provide replacement wells for residents that have experienced supply and contamination issues; and

- d) Provide additional arm's length professional oversight private well of the monitoring which is being done by Hydro One's consultant.

Please see Attachment 2;

That Staff are to confirm with CLOCA the arrangements for the monitor at well MW5-14 and to clarify the monitoring by the Oak Ridges Moraine Groundwater Program and G360 drilling of the air rotary well and access to the site.

Please see Attachment 3, my email from July 17 outlining CLOCA's agreement;

The drilling was completed last month. The researchers are allowing the installations to "settle" and are monitoring groundwater levels until they stabilize. 8 monitoring ports were installed within a single borehole between depths of 170 to 300 feet below ground surface. This gives the researchers monitoring ports within the lower part of the Newmarket till that extends from ground surface, and monitoring ports within the underlying Thorncliffe Formation aquifer. The researchers are currently compiling the information collected during the drilling program and will issue an update when they are finished collating all of the data. Any groundwater sampling (such as tritium/helium sampling) and lab analysis will not occur until after the monitoring system has stabilized.

The final report from our Peer Review consultant, Steve Usher of SLR Consulting is due in October of 2019 and we anticipate that by that time there will be additional information to share from Hydro One's annual report and the work of G360 Group.

Yours truly,



Faye Langmaid, FCCLA, RPP
Acting Director of Planning Services

/jp

cc. Enniskillen Environmental Association
CAO and Department Heads
G360 Group
Steve Usher, SLR Consulting

Attachment 1, email from Celeste Dugas, MECP
Attachment 2, letter from Daniel Levitan, Hydro One
Attachment 3, my email from July 17 outlining CLOCA's agreement

Langmaid, Faye

From: Dugas, Celeste (MECP) <Celeste.Dugas@ontario.ca>
Sent: June 19, 2019 9:56 AM
To: Langmaid, Faye
Subject: RE: Request regarding Clarington Transformer

Faye,

Construction of the Clarington Transformer Station was completed in the first quarter of 2017 and the station was fully energized and operational as of October 6, 2017.

Condition 5.1 and 5.2 of the Minister's Decision state the following;

5.1 The Proponent shall be responsible for the formation of a Community Liaison Committee, should members of the public or other parties be interested in participating. The CLC shall be established by the Proponent within 6 months of the Minister's decision of the Part II Order requests for the Project. The CLC shall be established for the purposes of disseminating and exchanging information and monitoring results relevant to the project during detailed design and construction, and discussing any issues or concerns raised by CLC members.

5.2 The Proponents shall invite representative(s) of the Enniskillen Environmental Association and members of the public that expressed interest in the Project. Meetings shall be held as may be required or on an annual basis until Project operation. A notice of the CLC meeting shall be posted on the Proponent's website two weeks prior to the meeting, and sent to all CLC members

On November 9, 2017 the ministry notified Hydro One that following the last Community Liaison Committee (CLC) meeting, which was held on November 23, 2017, the requirements under Conditions 5.1 and 5.2 of the Minister's Decision were satisfied and no further CLC meetings were required.

Although Hydro One has met the requirements of the Minister's Decision and are no longer required to hold CLC meetings, Hydro One can choose to continue to engage and meet with community members and to re-establish the CLC. I understand that you will also be reaching out to Hydro One with this request for their consideration.

Please feel free to contact me if you would like to discuss further.
 Sincerely,

Celeste Dugas
 District Manager
 York Durham District Office

Ministry of Environment, Conservation and Parks
 230 Westney Road South, 5th Floor
 Ajax, ON L1S 7J5
celeste.dugas@ontario.ca
 Phone: (905)442-3105

From: Langmaid, Faye <flangmaid@clarington.net>
Sent: June-05-19 9:34 AM
To: Dugas, Celeste (MECP) <Celeste.Dugas@ontario.ca>
Subject: Request regarding Clarington Transformer

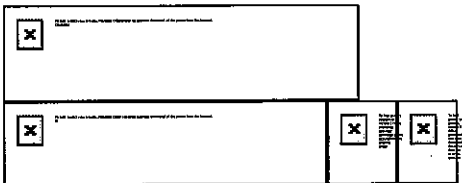
Hi Celeste

On Monday evening Council had a request from the Enniskillen Environmental Association that the Community Liaison Committee for the Clarington Transformer be re-established as follows:

That the Ministry of Environment, Conservation and Parks be requested to re-establish a Community Liaison Committee to share new information and provide transparent, public reporting by Hydro One to the community;

There were also requests of Hydro One which I will be sending to them. Happy to discuss further so that you understand the context of the EEA request.

Faye Langmaid
Manager of Special Projects
Planning Services Department
Municipality of Clarington
40 Temperance Street, Bowmanville ON L1C 3A6
905-623-3379 ext. 2407 | 1-800-563-1195
www.clarington.net



Daniel Levitan
Director, Government Relations and Public Affairs

Dear Mayor and Council:

August 29, 2019

On behalf of Hydro One, thank you for the opportunity to respond to the resolution brought forward by the Enniskillen Environmental Association regarding Clarington Transformer Station (TS). Please find below our responses to each of the requests outlined in the resolution.

1) Extend the existing groundwater monitoring for private wells beyond 2021:

For the past seven years, we have completed substantive studies and monitoring activities at Clarington TS and remain confident that no adverse effects on the shallow groundwater system or in shallow or deep private wells within 1,200 metres of the station property have occurred.

Since the beginning of the project, we have maintained our commitment to ensuring that the Clarington Transformer Station does not adversely affect well water for neighbours in the area during the construction and operation of the station. Throughout our work at the site we've demonstrated this commitment through investing in initiatives to study and obtain scientific data directly from the site.

While we are committed to voluntarily extend the private well monitoring component of the program to participating well owners until 2022, we do not believe further on-site or private well monitoring is warranted.

2) Participate in and facilitate the re-established Community Liaison Committee:

Following the final Community Liaison Committee (CLC) meeting in November 2017, Hydro One has remained committed to continue to communicate with the community and maintain a strong relationship with local residents. As you may recall, the Community Liaison Committee (CLC) was established for the purpose of communicating and exchanging information during the design and construction phases of the project as per the Minister's Decision and Terms of Reference for the Committee. Following the completion of construction, the conditions of this committee were satisfied.

We have remained accessible to members of the community to share information and monitoring results and address inquiries. We encourage members of the community to continue to contact our Community Relations team at community.relations@hydroone.com should they have additional questions.

3) Provide replacement wells for residents that have experienced supply and contamination issues:

Through the construction and current operation of the station, we have remained committed to protecting the local water supply through our Well Interference Response Plan. To date, Stantec's assessments have confirmed that not one of the well interference complaints received were a result of the construction or operation of the Clarington TS.

We remain confident in the Well Interference Response Process and committed to offering this resource throughout the duration of the private well monitoring program. In the unlikely event it is

determined that well interference has occurred as a result of the construction or operation of the station, Hydro One will ensure a safe water supply is provided for affected homeowners. We remain firm on this commitment.

4) Provide additional arm's length professional oversight of private well monitoring:

In order to conduct the Groundwater and Surface water monitoring program, Hydro One retained Stantec, a professional third party consultant who has completed all monitoring and reporting in accordance with the approved Monitoring Program. In an effort to help community members understand and interpret on-site and private monitoring results, Hydro One has also provided funding for the Municipality to retain an independent peer-reviewing hydrogeological consultant (SLR) who was selected through the Municipality's procurement process. I understand that this consultant remains available to residents.

Additionally, staff from the Ministry of the Environment, Conservation and Parks (MECP; formerly the Ministry of the Environment and Climate Change) were extensively involved throughout the Class Environmental Assessment process and continue to review all studies and assessments throughout the Groundwater and Surface Water Monitoring Program. MECP has attended several site visits (both during hydrogeological investigations and sampling events) and continue to review all of the Annual Reports that Stantec produces as part of the Groundwater and Surface Water Monitoring Program.

Our team continues to be available to discuss regarding monitoring results.

Thank you again for providing us with the opportunity to address these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Levitan", with a stylized flourish at the end.

Daniel Levitan
Director, External Relations

Langmaid, Faye

From: Langmaid, Faye
Sent: July 17, 2019 8:55 AM
To: Councillors Office; Mayors Office
Cc: joe neal (JNeal@neallaw.ca); Allison, Andrew; Greentree, Anne
Subject: Clarington Transformer Borehole
Attachments: RE: Resolution on Clarington Transformer

Hello Councillors

The drilling of the additional borehole at the Clarington Transformer MW5-14 site for research purposes by G360 Group and the Oak Ridges Moraine GroundWater Monitoring group that Dr. Rick Gerber is responsible for (through CLOCA) has been underway since July 2. Rick has indicated the major drilling is complete, the set up of the monitoring and finalization of the well capping is underway. The \$25K funding that Clarington contributed towards the cost has been sent to CLOCA. There is \$5K remaining in funding for tritium/helium sampling of the boreholes at MW5-14 (the private well sampling occurred in 2016) I have a request into G360 as to when this sampling will occur and the potential dates for lab reports from the sampling.

With regard to the resolution Council passed on June 3 (attached), I have a response from the Ministry (MECP) and am awaiting a response from Hydro One. Once I have both responses I will provide Council with a memo.

Dr. Gerber has confirmed:

"[CLOCA has] an agreement (CLOCA is the legal entity) for access to MW5-14 for the duration of Hydro One's on-site monitoring program, which in the agreement was estimated at October 2021. We (CLOCA is the legal entity) also have a MOU for access to the location following the cessation of Hydro One's current monitoring program (again estimated at October 2021). The exact scope of future work is dependent on funding but is expected to at least include measurement of water levels, and periodic sampling for major ion and some isotopic analyses. When Stantec has completed their monitoring program for Hydro One I will look through all of the chemical analyses of the on-site wells and see if there are parameters that were analysed for but were never detected. So for example Stantec are doing complete organic scans for Hydro One, and to my knowledge no detects have been found (on-site). These are very expensive analyses and if not detected then I would probably not do that analysis, because of cost. Note that I am open to change pending funding, priorities, situational changes, etc.

Faye Langmaid
Acting Director
Planning Services Department
Municipality of Clarington
40 Temperance Street, Bowmanville ON L1C 3A6
905-623-3379 ext. 2407 | 1-800-563-1195
www.clarington.net

Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

| | | |
|-------------------------|----------------------------------------------------------------------------------------|----------------------------------|
| Report To: | Planning and Development Committee | |
| Date of Meeting: | October 22, 2019 | Report Number: PSD-048-19 |
| Submitted By: | Faye Langmaid, Acting Director of Planning Services | |
| Reviewed By: | Andrew C. Allison, CAO | Resolution#: |
| File Number: | PLN 21.27 | By-law Number: |
| Report Subject: | St. Mary's Cement Air Quality Monitoring – Options for Retaining an Air Quality Expert | |

Recommendations:

1. That Report PSD-048-19 be received; and
2. That funding for an air quality expert be referred to the 2020 budget deliberations.

Report Overview

Staff are providing options for retaining an air quality expert, to assist Council with interpreting the ambient air requirements and reports for the St. Marys Cement facility and the Durham York Energy Centre. Both facilities have applications in the process to meet environmental regulations regarding the burning of additional waste. The concern is the cumulative impacts on air quality. Council is looking for assistance in understanding air quality science and how to respond to public concerns.

1. Introduction

- 1.1 At the September 9, 2019 Joint Committee Meeting, Resolution #JC-120-19 was introduced as follows:

Whereas St. Marys Cement has commenced an application to burn 400 tonnes daily of Low Alternative Carbon Fuels, and at the same time, Durham Region is drafting Terms of Reference to expand the Energy From Waste to 250,000 tonnes annually; and

Now therefore be it resolved that St. Marys Cement and the Ministry of the Environment, Conservation and Parks be requested to have ambient air monitoring for St. Marys Cement which is consistent with the ambient air monitoring for the Energy from Waste, including PM2.5.

- 1.2 At the September 16, 2019 Council meeting, Resolution #C-309-19 was passed, requesting staff provide options for retaining an air quality expert to assist Council with air quality questions.
- 1.3 Staff previously prepared a similar report [PSD-064-16](#). It was tabled by Council to January 9, 2017 where a motion failed to lift it from the table.

2. Background

- 2.1 On August 19, 2019, Votorantim Cimentos released a Notice of Intention to apply for approval to use Alternative Low Carbon Fuel (ALCF) at the St. Marys Cement – Bowmanville Plant (Attachment 1). ALCF includes non-hazardous, residual wastes left after the separation of recyclables (i.e. paper fibres and plastics derived from industrial and/or consumer sources; plastics not suitable for composting) and certain types of biomass (i.e. woody residuals, not suitable for recycling or composting). ALCF will substitute a portion of the fossil fuel used at the plant and seeks to reduce greenhouse gas emissions from this energy intensive industrial operation.

- 2.2 The St. Marys Cement – Bowmanville Plant currently has an Environmental Compliance Approval (ECA) for the on-going use of clean woodwaste as an ALCF at the site. A second ECA was issued to St. Marys Cement to conduct the ALCF demonstration project using other types of alternative fuels. The demonstration trials were conducted between September 25 and December 10, 2018. The expanded and on-going use of ALCF at the site, if approved, would include the following along with the associated equipment and buildings:
- Increase the daily throughput of ALCFs at the Site from 100 tonnes per day to 400 tonnes per day with the intention of 30% replacement of conventional fuels (or 250 tonnes to 400 tonnes depending on heat value); and
 - Add biomass, cellulosic and plastic materials derived from industrial and/or post-consumer sources, which cannot be recycled, are not considered hazardous and are not derived from animals or the processing and preparations of food, to the list of approved ALCFs at the Site based on the recent demonstration project at the Site.
- 2.3 The environmental permitting process for the expanded use of ALCF at the St. Marys Cement - Bowmanville Plant must be conducted in accordance with Ontario Regulation 79/15 of the Environmental Protection Act. This is a proponent driven, self-assessment process. Subject to the completion of the prescribed public notices, consultation and reporting process, and the preparation of a carbon dioxide emissions intensity report, proponents may proceed with the ALCF Application to the Ministry of Environment, Conservation and Parks (MECP). Submission of the ALCF Application to the MECP is anticipated for the end of 2019.
- 2.4 On July 4, 2019, the Regions of Durham and York released a Notice of Commencement to apply for an increase in processing capacity for the Durham York Energy Centre (DYEC) (Attachment 1). The Environmental Compliance Approval (ECA) for the DYEC currently allows the facility to process up to a maximum of 140,000 tonnes per year of waste for disposal at the site. The Regions are proposing to increase this amount by 20,000 tonnes per year. As constructed, the DYEC can process up to 160,000 tonnes per year without any modifications to the infrastructure, process and services. The environmental permitting process for this throughput increase involves an Environmental Screening Process in accordance with Ontario Regulation 101/07 of the Environmental Assessment Act, followed by an administrative amendment to the DYEC's ECA. The targeted completion date for this environmental permitting process is spring 2020. Concurrent with the 160,000 tonne capacity increase proposal, the Region of Durham has commenced the drafting of the Terms of Reference for the Environmental Assessment that is required for the future expansion of the DYEC to 250,000 tonnes.

3. Options to Retain Expertise

- 3.1 The options outlined in report [PSD-064-16](#) remain valid. It will be necessary for any consultant to become familiar with the background on St. Marys Cement and Durham York Energy Centre (DYEC); especially since both facilities are currently in the process of seeking additional approvals from the Ministry of Environment, Conservation and Parks (MECP) for additional incineration of waste.
- 3.2 While staff are not experts in air quality we are very cognizant of the requirements of the environmental review and regulatory process. Of the options outlined in Report PSD-064-16, staff believe the most relevant option would be to retain a consultant on an “As Needed Basis” as outlined in Section 2.4.3 of Report PSD-064-16. The consultant assignment would include understanding the two facilities operations, being familiar with the required on-going monitoring at each facility and reviewing ambient air reporting. The consultant would not be expected to confirm the results of the continuous monitoring systems, stack (source) testing and long term sampling, these are the responsibility of the proponents and Ministry staff. The consultant would be expected to assist Council and staff with questions for the proponents and Ministry.
- 3.3 With regard to the manner in which the consultant will be retained an Expression of Interest (EOI) as outlined in Section 2.1 of Report PSD-064-19 is the best option. Given many consultants are already involved in the two projects there may be a limited field of candidates that can provide the services. An EOI is a way of understanding who can provide the service and whether the Municipality will need to pursue the sole source option.
- 3.4 Staff believe Council should establish an upset limit of \$30,000 for this consulting assignment. Staff will include this item as part of the 2020 draft budget.

4. Concurrence

This report has been reviewed by the Purchasing Manager and Director of Finance who concur with the recommendations.

5. Conclusion

It is respectfully recommended that Council direct staff to prepare a terms of reference for an Expression of Interest to retain an air quality expert to advise Council and staff on air quality issues in relation to the environmental application by St. Marys to burn post-consumer waste as an alternative fuel and the Durham York Energy Centre application for an increase in capacity by 20,000 tonnes in the short-term while preparing a terms of reference for the Environmental Assessment necessary to expand to 250,000 tonnes.

Staff Contact: Faye Langmaid, Acting Director of Planning Services, 905-623-3379 x2407 or flangmaid@clarington.net.

Attachment:

Attachment 1 – Report PSD-064-16 – DYEC Air Quality Report

Interested Parties:

There are no interested parties to be notified of Council's decision.



Planning Services Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

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|-------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------|--|
| Report To: | Planning and Development Committee | | |
| Date of Meeting: | November 14, 2016 | | |
| Report Number: | PSD-064-16 | Resolution: | |
| File Number: | PLN 33.3.10 | By-law Number: | |
| Report Subject: | Durham York Energy Centre Air Quality Monitoring Results – Options for Retaining an Air Quality Expert | | |

Recommendations:

1. That Report PSD-064-16 be received; and
 2. Council provide direction to staff on any further actions that it deems necessary.
-

Report Overview

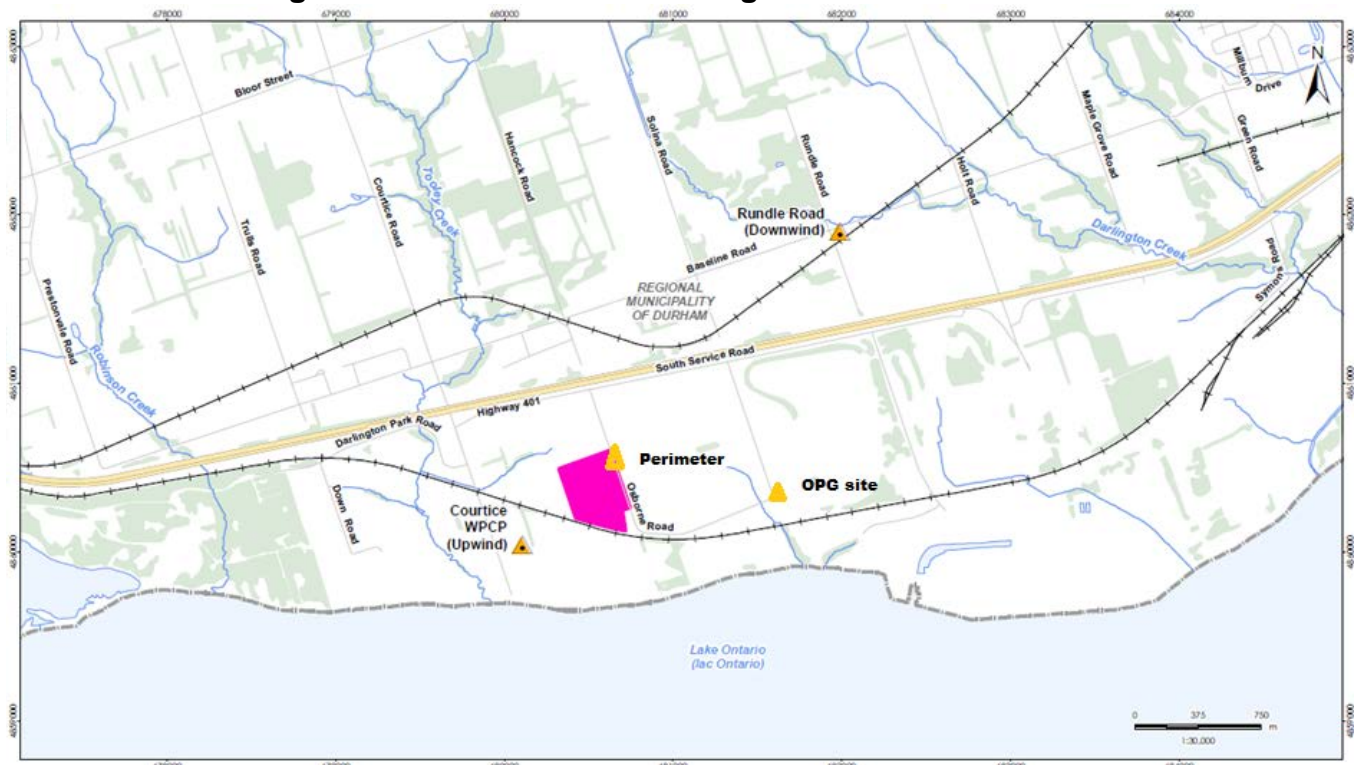
Staff were requested to report back to Committee in November 2016 on options for retaining an air quality expert, with expertise recognized in North America, to assist Council with interpreting the ambient air (off-site) and stack test reports for the Durham York Energy Centre energy from waste facility. The report outlines options and recommends that explanation of the ambient air and/or stack test results be requested from the Region of Durham and Ministry of the Environment and Climate Change staff.

1. Background

1.1. Ambient Air Monitoring Program in the Area of the Durham York Energy Centre

The Durham York Energy Centre (DYEC) Ambient Air Quality Monitoring Plan has been prepared to satisfy Condition 11 of the Environmental Assessment (EA) Notice of Approval and Condition 7(4) of the Environmental Compliance Approval (ECA). The monitoring network includes upwind and downwind stations that have been measuring air contaminants since May 2013, prior to facility start-up. Some parameters are measured continuously, while others are non-continuously monitored. A fence line station, which measures non-continuous parameters, was installed prior to full operation of the DYEC. In October 2014 the Region added an additional monitoring station at Clarington's request, which is located off of Crago Road on the Ontario Power Generation (OPG) site. The ambient air quality monitoring station locations are shown on Figure 1. A list of air emissions monitoring parameters is provided in Attachment 1.

Figure 1: Ambient Air Monitoring Stations for the DYEC



Quarterly Ambient Air Quality Monitoring Reports are submitted by the Region's consultant, Stantec, to the Ministry of the Environment and Climate Change (MOECC) for review. The results for the Crago Road station are not part of the MOECC monitoring program requirement, and are reported separately on a quarterly basis.

The ambient air monitoring program for the DYEC is scheduled to run for three years after commencement of operations. At the July 5, 2016 meeting of Council, it was resolved that the Municipality of Clarington would write to the MOECC and request the Minister order that the ambient air monitoring program be extended by two years. The response received from the MOECC is included as Attachment 2 and indicates that MOECC staff will complete an assessment and determine whether additional ambient air monitoring is required in February 2018.

The ambient air monitoring stations monitor air quality in the area of the DYEC, not exclusively DYEC emissions. The equipment is calibrated on at least a quarterly basis, with periodic equipment audits by the MOECC at their discretion. In 2015, calibrations were completed monthly. The CALPUFF computer model is an MOECC standard; as is the averaging over 36 months and using the 98th percentile for PM_{2.5}. Anomalies (spikes/lows) happen when averaged they are not considered exceedances.

There are other ambient air monitoring stations in the general area (see Attachment 3). St. Mary's Cement maintains an upwind and downwind station for its operations and monitoring program. Temporary ambient air monitoring stations have also been installed to monitor conditions as part of the 407/418 construction. In addition, the MOECC has a long-term ambient air monitoring station at the Durham College Oshawa Campus.

In 2014 and 2015, the Environmental Monitoring and Reporting Branch of the MOECC conducted an air monitoring survey (TAGA – trace atmospheric gas analyzer survey) in the vicinity of the DYEC at the request of the Ministry's York-Durham District Office. Clarington had been instrumental in making this a priority for the District Office. It was announced at the September 21, 2016 meeting of the EFW-WMAC that the MOECC would be carrying out the same testing in October 2016.

The objectives of the TAGA air monitoring were to:

- a) Measure background ambient concentrations of volatile organic compounds (VOCs) in the vicinity of the DYEC prior to its operation; and
- b) Identify and measure concentrations of VOC's in ambient air downwind of DYEC during operation.

The results were typical of urban areas in Ontario before and after DYEC operation with no marked change (see Attachment 4).

1.2. DYEC Facility Air Emissions Monitoring Program

Separate from the DYEC Ambient Air Quality Monitoring Plan, the Air Emissions Monitoring Plan has been prepared to satisfy Conditions 12 and 13 of the EA Notice of Approval and Conditions 7(1), 7(2) and 7(3) of the ECA. Air emissions monitoring started when the first discharges were emitted from the facility. The monitoring program includes:

- a) Continuous emissions monitoring systems (CEMS);

Continuous emissions monitoring (CEM) began with the commencement of boiler operations (each boiler has its own monitoring equipment). A list of CEMS monitoring parameters is provided as part of Attachment 1. Live CEM data is posted to the DYEC website and the external facility display board.

- b) Stack testing (also known as source testing);

In addition to CEM, air emissions from the facility are tested twice per year by a stack (source) test. The parameter categories tested during the stack (source) test are also listed in Attachment 1. The stack tests are carried out by a qualified air specialist team under the scrutiny of an independent (third party) consultant. The labs that analyze the samples collected are selected by Durham Region and results are submitted to the MOECC.

- c) Long term sampling for dioxins and furans;

Long-term sampling for dioxins and furans is performed by the AMESA sampler. Through continuous monitoring, the sampling is intended to determine long-term variations of dioxin and furan emissions levels over time. The system is evaluated as part of the stack testing program. When Boiler #2 failed the stack test in May 2016, the Region retained experts to ensure that the AMESA sampler was performing as anticipated.

1.3. DYEC Facility Air Pollution Control Equipment

Each boiler has its own dedicated Air Pollution Control system consisting of:

- Selective non-catalytic reduction system for control of nitrogen oxides (NO_x);
- Patented Very Low NO_xTM system for additional NO_x control;
- Evaporative cooling tower with dry lime reactor for acid gas control;
- Activated carbon injection system for mercury and dioxin control;
- Minimum temperature of 1,000°C for VOC and dioxin and furan control; and
- Fabric filter baghouse system for particulate matter control.

CEM devices monitor stack emissions on a continuous basis to ensure compliance. The DYEC is required to meet the air emissions standards set out in Ontario Regulation 419/05 Air Pollution – Local Air Quality (O.Reg. 419/05) and the MOECC Guideline A-7 Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators (A7 Guideline). One exception to this is the stack emission limit for dioxins

and furans at the DYEC, which is more stringent than the A7 Guideline limit (60 pg/Rm³ for the DYEC compared to the A7 Guideline value of 80 pg/Rm³).

2. Options for Retaining an Air Quality Consultant

2.1 Retaining a Consultant

Depending on what role is required of the consultant and the assignment, there are options within the Municipality's Purchasing By-law to retain a consultant:

- Expression of Interest (EOI) - A multi-staged process that can be used to shortlist potential bidders before seeking detailed bids from the shortlisted bidders. An EOI is generally used when the information required from bidders is specific, but the Municipality is unsure of the capability of bidders to provide the required goods or services. An EOI can also be used if the buyer is just looking to find out if there are potential bidders who may have an interest in a particular project for goods or services, or is seeking industry input into scoping requirements that will then go back out to market later on as a Request for Proposal.
- Request for Proposal (RFP) – The Municipality issues a detailed terms for reference that outlines the tasks, timeframe, background material to be reviewed to orient the consultant to the project, number of meetings, presentations to Council and public meetings they are expected to attend, and reporting requirements. The length of the assignment must be clearly stated, and whether there will be additional work beyond what can be detailed in the terms of reference and how any additional work will be paid (e.g. by task, hourly, expenses).
- Sole Source – The selection of a consultant based on their expertise. If the contract amount is \$30,000 or less, direct hiring of a consultant is allowed under the Municipality's Purchasing By-Law. If it is anticipated that a contract could exceed \$30,000, the Municipal Purchasing By-law would have to be waived by Council.

2.2 Consultant Qualifications

Council resolution #C-192-16 outlines that the consultant has to be an air quality expert with expertise recognized in North America. Such a consultant has previously been retained by the Municipality during the initial permitting stages for the DYEC. As part of the peer review for the DYEC Environmental Assessment, Clarington hired SENES Consultants for the air quality and human health and ecological risk assessment aspects; since that time SENES has been purchased by another company (Arcadis) and none of the individuals involved with our contract remain with the new company.

It may be difficult to find an air quality expert that does not have a conflict of interest given the number of consultants that are already engaged with respect to DYEC air emissions or have affiliations with previous phases of the project. In addition, recent consolidations in the consulting sector may limit the number of companies. Further, while having a consultant with expertise recognized in North America is important, it is also imperative to have a consultant who is fully cognizant of the O.Reg. 419/05 and the A7 Guideline requirements.

2.3 Consulting Assignment

A terms of reference for the consulting assignment will have to be determined for what Council would like the consultant to interpret. There is a significant difference between being able to review reports and explain them, as opposed to digging into the numbers and being able to verify the readings, check the computer model, or question the lab results. Regardless of what process is used to retain a consultant, a clear understanding of the assignment will be required in order to obtain an accurate project budget estimate in advance of hiring the consultant.

2.4 Consulting Tasks and Costs

To obtain a task outline and preliminary estimate of effort required, staff looked to similar assignments. Essentially there are three options that Council could consider to retain an air quality expert.

2.4.1 Option 1, Monitor – The consultants' role would be explanatory. The consultant would provide costing for a five year term of service. The scope of work would be limited to reviewing the annual DYEC air quality reports and explaining findings to Council. This would include:

- a) Background familiarization with the EA conditions, background reports, monitoring reports to date and other information for a consultant already familiar with the A7 Guidelines for Ontario, MOECC CALPUFF computer model and regulatory requirements - 115 to 150 hours; and
- b) Annual Presentation and Meeting with Council for 5 years, including all preparation time for presentation and report writing – 300 to 350 hours (60-70 hours annually).

Typically the charge-out rate for an experienced consultant with good standing and recognition in the field would start at \$200/hour. The cost range would be from \$83,000 to \$100,000.

Ambient Air Quality Monitoring Reports for the DYEC are issued on a quarterly basis; so if Council is seeking more frequent input this should be set out in the terms of reference, and would increase the cost range. Additional scope of work items to be considered include whether the consultant is to be on call to respond to questions or concerns from the public or individual Council members, and whether the consultant is to provide comments and/or recommendations to the MOECC. All of these interactions will need to be tracked and authorized to ensure the consultant does not exceed the budget.

Additional work beyond what can be detailed in the terms of reference could be performed on an hourly basis. The hourly basis rate should be determined at the time of retaining the consultant with an annual cost of living escalation provision, as well as an annual upset limit.

2.4.2 Option 2, Peer Review – The consultants' role would be both explanatory as noted above, and the consultant would be requested to provide their expert opinion on the process being followed and interpretations provided. If the process or interpretation are not acceptable the consultant would then be asked for a course of corrective action which

would be submitted to the Region and MOECC for their consideration. For the consultant to Peer Review the stack tests, access during the testing as part of the team will be required and at the discretion of the Region and Ministry who are responsible under the terms of the Environmental Compliance Approval. The cost range would be starting from \$100,000 to \$250,000 over the five year term, and possibly more depending on how in depth and/or the number of reports requiring peer review.

2.4.3 **Option 3, As Needed Basis** – The consultants’ role of this assignment would be background familiarization of the project (Option 1, item a) and to provide clarification and explanation on an as needed (“on-call”) basis at Council’s discretion. In this case there would be a minimum amount of effort initially for limited background familiarization of less than \$30,000. When called upon, which may be on an annual basis, quarterly basis, or more frequently, an hourly rate would apply. For this option, costs could be contained by establishing an overall upset budget on an annual basis.

2.4.4 **Option 4, Responsible Agencies** – Council should be cognizant that the Region is paying in the range of \$450K annually on ambient air monitoring for the DYEC. In addition, each stack test is monitored by both the Region and Covanta and a third party consultant at a total of \$380K per test (currently 2 per year are required). The air pollution control equipment consultant brought in to review the AMESA sampler data was an additional \$35K. All of this information is submitted to the MOECC who review the results to ensure they meet the Air Emissions Monitoring Plan, Ambient Air Quality Monitoring Plan, the requirements of the EA Notice of Approval and ECA, and the O.Reg. 419/05 and A7 Guideline requirements.

As outlined above, more than \$1.2 million of public funds are spent annually in air monitoring at the DYEC. Council has sought and may continue to seek clarification and explanation, first from the Region of Durham and second from the MOECC. Regional staff have provided Council with presentations and explanation when requested. Clarington staff can call upon MOECC staff at any time. As the responsible agencies, the Region and MOECC are obligated to communicate the impacts on the air shed of the air emissions in an understandable and comprehensive manner.

3. Concurrence

This report has been reviewed by the Purchasing Manager.

4. Conclusion

The Region and MOECC have responsibility for the air quality monitoring program at the DYEC. The Region has retained consultants with expertise in air monitoring and the MOECC’s technical staff review all the data. In addition, MOECC staff conduct quarterly audits of the air monitoring equipment to ensure they are operating properly. In the past, Council has requested the Region provide an explanation of the air monitoring results which has been complied with expeditiously. Given the willingness of Regional staff to provide explanations of the air monitoring results Clarington staff are recommending that Option 4, Responsible Agencies, the Region is the first response for air emission queries.

As a second line of response Ministry staff have indicated that they would be available to respond to inquiries.

Lastly, we note that annual air quality reports have been prepared by the Province since 1970 based on the ambient air monitoring stations that the Province has across Ontario. The general trend across the Province is a decrease in air emissions. However, given the number of ambient air monitoring stations in the Courtice/Bowmanville area for different projects and facilities and since all of this data is submitted to the MOECC; a request to the MOECC for a summary of the cumulative findings and any potential implications for Clarington residents could be made.

If Council wishes to pursue the retention of their own expert air quality consultant, then direction should be given to staff regarding the preferred work assignment, Options 1, 2 or 3 and the estimated cost be listed as an optional item for the 2017 budget deliberations.

5. Strategic Plan Application

Not applicable.



Submitted by:

David J. Crome, MCIP, RPP
Director of Planning Services



Reviewed by:

Curry Clifford, MPA, CMO
Interim CAO

Staff Contact: Faye Langmaid, Manager of Special Projects 905-623-3379 ext. 2407 or flangmaid@clarington.net

Attachments:

Glossary of Terms

Attachment 1 - DYEC Summary of Air Emissions Monitoring Parameters

Attachment 2 - MOECC response dated Aug 8, 2016

Attachment 3 - Ambient Air Monitoring Stations by St. Mary's Cement and for Highway 407/418 construction.

Attachment 4 - Mobile TAGA Ambient Air Monitoring by MOECC

There are no interested parties to be notified of Council's decision.

DJC/FL/tg/df

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Glossary of Terms

| | |
|-------------------|------------------------------------------------------------------------------------------------------------|
| A7 Guideline | MOECC Guideline A-7 Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators |
| CEM | Continuous Emissions Monitoring |
| CEMS | Continuous Emissions Monitoring System |
| DYEC | Durham York Energy Centre |
| EA | Environmental Assessment |
| ECA | Environmental Compliance Approval |
| EFW-WMAC | Energy from Waste – Waste Management Advisory Committee |
| EOI | Expression of Interest |
| MOECC | Ministry of the Environment and Climate Change |
| NOx | Nitrogen Oxides |
| OPG | Ontario Power Generation |
| O.Reg. 419/05 | Ontario Regulation 419/05 Air Pollution – Local Air Quality (O.Reg. 419/05) |
| PM _{2.5} | Particular Matter measuring 2.5 microns (2.5 um) in diameter or less |
| RFP | Request for Proposal |
| TAGA | Trace Atmospheric Gas Analyzer Survey |
| VOCs | Volatile Organic Compounds |

Durham York Energy Centre Summary of Air Emissions Monitoring Parameters

Ambient Air Monitoring – Upwind/Downwind Stations and Crago Station

Continuous emissions monitoring (CEM):

Nitrogen oxides (NO_x), Sulphur dioxide (SO₂), Particulate matter less than 2.5 microns in diameter (PM_{2.5})

Non-continuous monitoring:

Total Suspended Particulate Matter (TSP), Metals (in TSP), Polycyclic Aromatic Hydrocarbons (PAHs), Dioxins and Furans

Ambient Air Monitoring - Fence Line Station

Non-continuous monitoring:

Metals (in TSP)

Stack (Source) Testing

Metals, Chlorobenzenes and Chlorophenols, Polychlorinated Biphenyls (PCBs), Volatile Organic Matter (volatile organic compounds VOCs), Polycyclic Organic Matter (polycyclic aromatic hydrocarbons PAHs), Dioxins and Furans, CEM System parameters, Total Suspended Particulate Matter, Total PM-10, including condensables, Total PM-2.5, including condensables

Schedule D in the Environmental Compliance Approval (ECA) lists the full suite of parameters to be tested.

CEM System

nitrogen oxides (NO_x), sulphur dioxide (SO₂), carbon monoxide (CO), hydrochloric acid (HCl), hydrogen fluoride (HF), ammonia (NH₃), organic matter, oxygen (O₂), opacity, moisture, temperature

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August 8, 2016

ENV1283MC-2016-2024

June Gallagher
Deputy Clerk
The Corporation of the Municipality of Clarington
40 Temperance Street
Bowmanville, ON L1C 3A6

Ms. Gallagher,

Thank you for providing the Clarington Council Resolution to the Honourable Glen Murray, Minister of the Environment and Climate Change regarding the Durham York Energy Center located in the Municipality of Clarington. I have been asked to respond on behalf of the minister.

On May 16, 2012, the ministry approved the Ambient Air Monitoring Plan (Plan), prepared by the Regional Municipalities of Durham and York in accordance with Condition 11 of the Notice to Proceed with the Undertaking. The Plan specifies that the operational monitoring (at the upwind and downwind ambient air monitoring stations) is to be conducted for a minimum of 3 years.

The ambient air monitoring results for PM_{2.5} are compared to the Canadian Ambient Air Quality Standards (CAAQS). Though there was a slight increase in the 98th percentile of PM_{2.5} 24 hour concentrations at Courtice and Rundle stations in 2014 compared to 2015, only Rundle station was slightly above the CAAQS target value of 28 µg/m³ in 2015. However, this comparison is based on only one year of data, and three years of data is required to assess against the PM_{2.5} CAAQS. Since operational monitoring commenced on February 13th, 2015, insufficient data has been collected to determine with any certainty if elevated concentrations have resulted in an exceedance of the CAAQS.

The following table provides a summary of the number of days, both before and after operations began at the facility, where PM_{2.5} 24 hour concentrations were above 28 µg/m³ at the Courtice Station, Rundle Station and where elevated concentrations were experienced at both stations on the same day. In total, 10 events of elevated concentrations occurred before operation, and 16 occurred after.

| No. of days with 24 hr PM_{2.5} concentrations greater than 28 µg/m³ | | |
|------------------------------------------------------------------------------------------------|-------------------------|------------------------|
| Station | Before Operation | After Operation |
| Courtice | 4 | 5 |
| Rundle | 6 | 11 |
| No. of days where both stations experienced elevated concentrations | 4 | 4 |

...2

The number of days where both stations experienced elevated PM2.5 24 hour concentrations on the same day, both before and after facility operations began, suggests that both regional and local sources contributed to these elevated concentrations. On the days where only Courtice or Rundle station experienced high values, these stations were not predominantly downwind of the facility, again suggesting that local sources of particulates contributed to these elevated concentrations, rather than a single source.

PM2.5 can originate from multiple local, regional, and transboundary sources and it is typical for Southern Ontario to experience a number of days during the year where the 24 hour average of PM2.5 is greater than 28 µg/m3. Overall, the days of elevated PM2.5 concentrations observed at Courtice and Rundle stations are the result of both local and regional sources. The data does not suggest that the facility is the single source of PM2.5 in the area, and additional years of data are required to assess trends in PM2.5 to compare against the CAAQS.

The operational monitoring at these stations began in February 2015 and will continue until February 2018. At that time, ministry staff will complete an assessment of the program before determining whether additional ambient air monitoring is required.

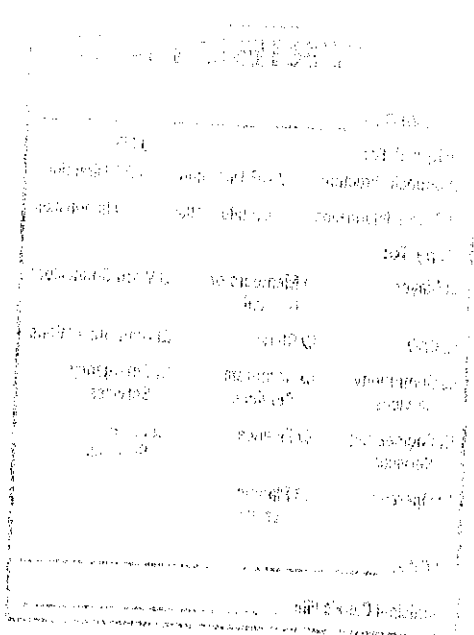
Should you have any further questions, please contact Celeste Dugas, District Manager, York Durham District Office at 905 836 7446 or by email at celeste.dugas@ontario.ca.

I trust this information is helpful in addressing your concerns.

Yours sincerely,



Dolly Goyette
Director, Central Region
Ministry of the Environment and Climate Change



St. Mary’s Cement Ambient Air Emissions Monitoring Stations

St. Marys Cement air emissions are monitored using a series of sampling locations as set out in the following table.

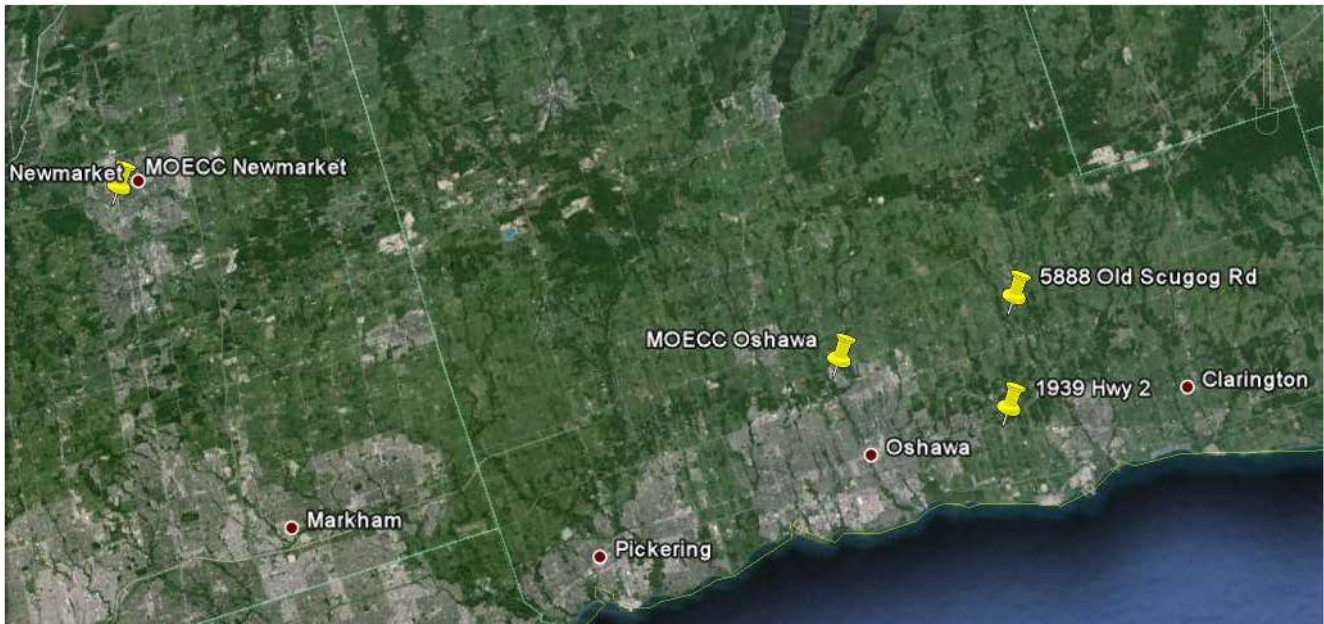
| Sample Station | Location | Monitor |
|----------------|----------------------------|-----------------------------|
| SMC1 | OPG | PM 10 BAM, Dust fall jar |
| A | North East of Quarry | PM 10 Hi Vol, Dust fall jar |
| B | Cedar Crest | PM 10 Hi Vol, Dust fall jar |
| C | Cedar Crest (MOE location) | Dust fall jar |
| SMC 2 | Cove Road | PM 10 BAM, Dust fall jar |

The location of the sampling stations is shown on the aerial, below.



Highway 407 and 418 Construction Monitoring Stations

The location of the sampling stations is shown on the aerial, below.



Pre-construction monitoring of Phase 2 of the Highway 407 East extension construction at 1939 Highway 2, Courtice, ON (“the Hwy 2 location”, took place from July 1 to September 30, 2015. This program involved continuous monitoring of Inhalable Particulate Matter (PM₁₀), Fine Particulate Matter (PM_{2.5}), and Nitrogen Oxides (NO_x), in addition to collecting meteorological data. This sampling was conducted as required under condition 15.3 of the EA Notice of Approval to Proceed with the Undertaking, which can be found in Appendix C. The following report includes all of the data and analysis of the information collected from the site over the three month sampling period. This pre-construction air quality data set characterizes the baseline air quality of the area prior to any construction activities.

Throughout this monitoring period, none of the applicable standards and criteria was exceeded for any of the parameters measures at this station.

Mobile TAGA Ambient Air Monitoring by MOECC

Summary

In 2014 and 2015, the Environmental Monitoring and Reporting Branch (EMRB) of the Ministry of the Environment and Climate Change, conducted real time air monitoring in the vicinity of the Durham York Energy Centre (DYEC) for selected volatile organic compounds (VOCs) at the request of the Ministry's York Durham District Office. Several VOCs were identified and measured downwind of the DYEC. The VOCs for which the highest half-hour concentrations were measured include acetone (19µg/m³ in 2014, 6.8 µg/m³ in 2015) and xylenes (7.8 µg/m³ in 2014; 3.9 µg/m³ in 2015). These concentrations are typical of urban areas in Ontario. Measured ambient concentrations of VOCs did not exceed their respective Ontario Regulation 419/05 Air Pollution – Local Air Quality air standards or guidelines during the 2014 and 2015 survey period.

Mobile TAGA Survey, Durham York Energy Centre, Courtice, Ontario, 2014 and 2015

**Figure 1: Monitoring Sites in the Vicinity of Durham York Energy Center, Courtice, Ontario.
Mobile TAGA (EMRB, MOECC) Survey, 2014 and 2015.**



Excerpt of the October 7, 2019
Council Minutes

**Item 3 of the Planning and Development Committee Report - Report PSD-040-19 -
Next Steps on Zone Clarington**

Resolution #C-333-19

Moved by Councillor Neal Seconded by Councillor Zwart

That the Zone Clarington amendments to the Clarington Zoning By-laws be abandoned;

That Staff shall take all steps necessary to amend Clarington's Official Plan by way of a Municipal Comprehensive Review, and with the Natural Heritage designation in Map D and Environmental Protection Area in Map A of the Official Plan for rural lands being limited to:

- a. Provincially Significant Wetland;
- b. Areas designated by CLOCA as being within a floodplain (red line on CLOCA maps);
- c. Areas designated by the GRCA as being within a floodplain;
- d. Land designated on the current Region of Durham Official Plan, Schedule B Map B-1 as containing Key Natural Heritage and Hydrologic Features;
- e. Land which is Significant Woodland; and
- f. Such other key natural heritage and key hydrologic features, natural hazards, and 30 metre minimum vegetation zone not included in (a) to (e) which are (i) mandated by provincial legislation or the Regional Official Plan; and (ii) which have specifically been approved by Council; prior to the submission of the Official Plan Amendment to the Region of Durham;

That Planning only notify rural property owners and residents regarding the Official Plan changes that were approved by the Region of Durham in 2017, by Canada Post mail personally addressed to each of the landowners registered on the title for each property affected for those (i) living in Clarington; and (ii) to owners outside the Municipality and that the notice include what cannot be done on the Environmental Protected portion of their land as a result of the proposed Environmental Protection and that the notification clearly state what is happening on their property as a result of the zoning changes

That any amendments to the Official Plan in furtherance of this Resolution shall be at no cost to the landowners for application fees;

That, in accordance with the Budget Policy, Staff are authorized to re-allocate budget allocations to fund the communication in paragraph 3;

Prior to commencing a comprehensive amendment to the Clarington Zoning By-laws, staff report to Planning Committee on the proposed EP Zoning changes, including mapping; and that if necessary an extension be requested from the Minister;

That Report PSD 040-19 be received, and that all interested parties listed in Report PSD-040-19 and any delegations be advised of Council's decision;

That Council's decision and a copy of Report PSD-040-19 be forwarded to the Region of Durham, CLOCA, the GRCA, and the Ministry of Municipal Affairs and Housing; and

That the notice include what cannot be done on the Environmental Protected portion of their land as a result of the proposed Environmental Protection and that the notification clearly state what is happening on their property as a result of the zoning changes

Referred as Amended