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To: Mayor and Members of Council

From: Faye Langmaid, Acting Director of Planning and Development Services

Date: January 30, 2021

File No.: COPA2021-0001

Re: **Item 14.1 - Requirements for Public Meeting Notice for Special Study Area 2 of the Clarington Official Plan**

Special Study Area 2 – Greenbelt Expansion policies were adopted in the Official Plan as part of Official Plan Amendment 107 (OPA 107) in 2016. The policies for Special Study Area 2 were included based on input from the Agricultural Advisory Committee and the 2015 request of Clarington Council to the Province to protect Clarington’s agricultural lands. Attachment 1 delineates all the lands affected by this Special Study Area 2 as well as the properties within 120 metres of the Special Study Area 2 (the required notification limit).

This is an excerpt of the Clarington Official Plan, 2018 Office Consolidation.

17.3 Special Study Area 2 - Greenbelt Expansion

- 17.3.1 Special Study Area 2 is all of the lands east of Highway 418 south and east of the Greenbelt boundary, north of Highway 401 and outside of the urban area boundaries in Clarington.
- 17.3.2 In May 2015, Clarington Council requested that the Province undertake an appropriate science-based study of agricultural capability to identify high yielding agricultural lands to be added to the Greenbelt for permanent protection.
- 17.3.3 The draft Greenbelt Plan (2016) identifies that the Government of Ontario will lead a process to identify potential areas to be added to the Protected Countryside of the Greenbelt. The Province will work with municipalities and others using a systems approach considering the connections with the Agricultural, Natural Heritage and Water Resource systems of the plan. Where it is determined that identified areas would benefit from Greenbelt protection, the Province may initiate amendments to the Greenbelt Plan.
- 17.3.4 Special Study Area 2 identifies the lands which the Municipality considers appropriate as an area for the future Greenbelt expansion study.

The policies in Section 17.3 provide no additional restrictions or permissions beyond a property's existing land use designation in the Official Plan, or the Zoning By-law regulations. These policies simply describe an area of land the Municipality requested the Province to study.

It is staff's opinion that Section 17.3 of the Official Plan policies would not qualify as a municipal request to grow the Greenbelt. The Greenbelt Plan was reviewed and updated in 2017 (subsequent to Clarington's Official Plan being adopted and approved), the Province did not carry out further studies at that time, they added major urban river valley systems to the Greenbelt including Graham, Wilmot, Soper and Bowmanville Creek valleys.

Official Plan Amendment Process

In response to New Business Item 14.1 of PDC Agenda for February 1st, staff have outlined the process required to amend the Clarington Official Plan (Attachment 2).

Past practices and Official Plan policy include the notification of Clarington residents and request for comments from the prescribed agencies. In this case, the first possible date for a Statutory Public Meeting would be April 26, 2021 to meet the standard requirements.

Planning Act applications (municipally or privately initiated) for Official Plan Amendments (OPAs) require several key steps. Each of these steps have varying degrees of additional direction in the Planning Act. The key steps include:

- Prepare a proposed OPA
- Request comments from the agencies
- Statutory Public Meeting including notifications and a staff report
- Staff Recommendation Report to Council
- Council decision on the OPA
- Region of Durham Approval

Attachment 2 describes each of these steps in detail and the associated timelines.

Staff Resources

To undertake this Official Plan Amendment staff in the Community Planning and Design Branch would be diverted from the Brookhill, Southwest Courtice (SWC) and the Southeast Courtice (SEC) Secondary Plan projects. For both the Brookhill and SWC Secondary Plan, this will mean the delay of bringing forward recommendation reports to adopt the Secondary Plans. For the SEC Secondary Plan, this will mean staff will be delayed in responding to the Region of Durham as they process the approval of the Secondary Plan. In addition, staff will be delayed in preparing the zoning by-law amendments needed to implement the Secondary Plans. Delaying these projects will also have the consequence of constraining the housing supply and building activity within the next few years in Clarington.

Public Notification/Consultation

Council members are well aware that there is a difference between notification and consultation. The process outlined in Attachment 2 is notification as required by the Planning Act. To consult and properly inform the community and landowners affected, we would need to contact the property owners affected and host one or two public information centres in addition to the process outlined in Attachment 2.

Conclusion

Provided that Council acknowledges there will be delays in projects that Council have accepted funding from land-owner groups to advance; Staff would bring forward a Statutory Public Meeting Report at the April 26, 2021 Planning and Development Committee.

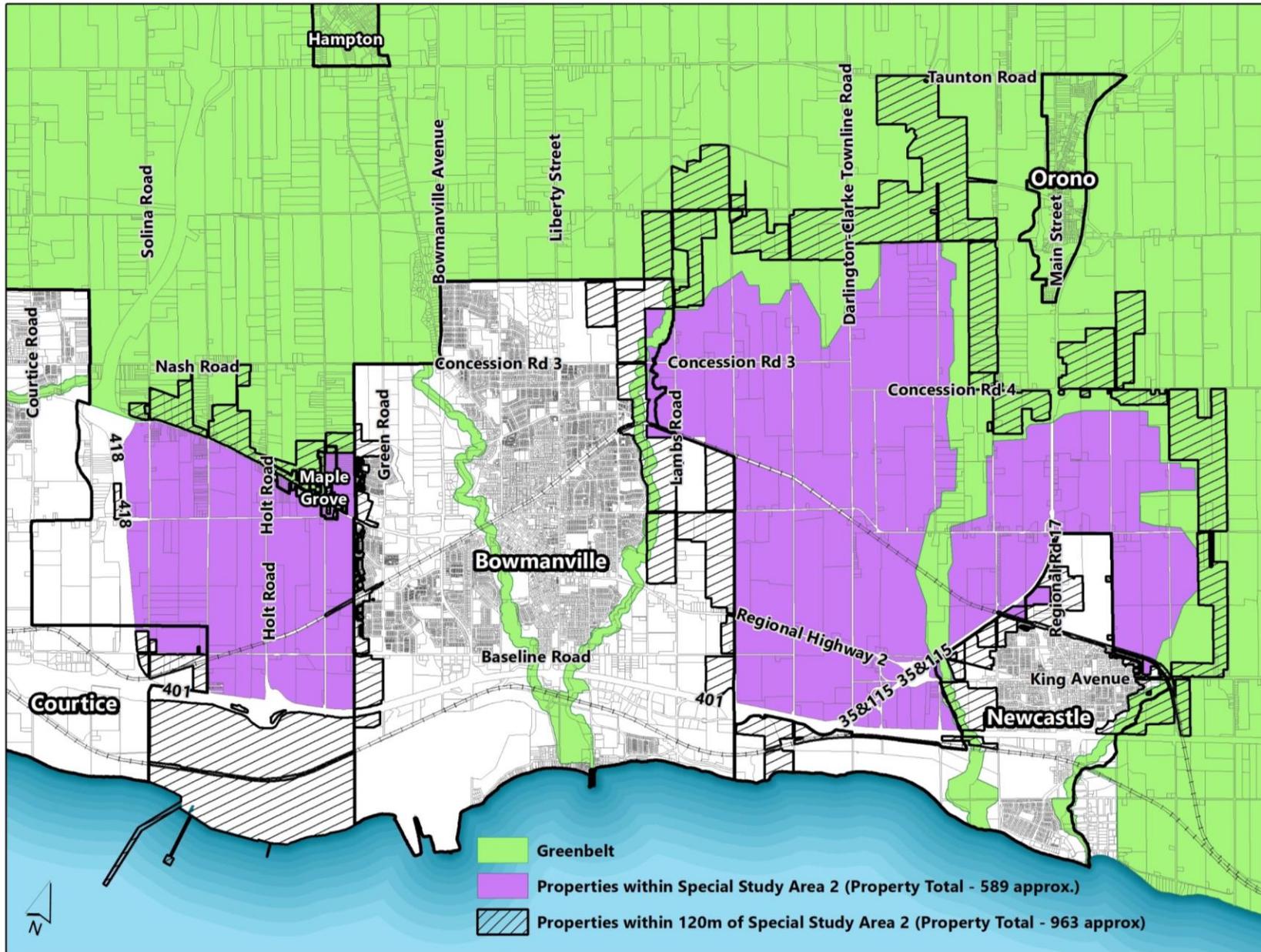
As outlined previously, our recommendation is that this Official Plan amendment be part of the Clarington Official Plan review to be initiated this year. By being part of the OP review, Council will be able to comprehensively look at the whole municipality to the year 2051, the new planning horizon for official plans.



Faye Langmaid

Director (A) of Planning and Development Services

cc: CAO
Deputy Clerk
Director of Legislative Services
Lisa Backus
Carlos Salazar



Process

Timeline	Action	Planning Act requirement and standard procedure (not including open houses)
February 1 – Notice by Committee		
February 8 – Council ratifies decision to proceed with an OPA		
February 8 to March 12	<ul style="list-style-type: none"> • Staff prepare the OPA and supporting materials • Circulate to Agencies for comment 	
<p>April 1 - Notice of a statutory Public Meeting</p> <p>NOTE: May include the Recommendation report.</p>	Give notice for Statutory Public meeting minimum of 20 days in advance of Meeting date.	<ul style="list-style-type: none"> • Mail to all landowners affected by Study Area (approximate 500) • Mail to all landowners/occupants within 120m of Study Area (approximate 900) • Mail to Interested Parties (~20) • Notice in 2 Newspaper (Orono Times, Clarington This Week) for three consecutive weeks • Prescribed Agencies
April 26 Statutory Public Meeting at Planning and Development Committee Meeting		
May 3 Council Ratification of Public Meeting decision		
May 5 -Notice of Council decision	Notice of Decision letter prepared.	<ul style="list-style-type: none"> • Mail to all landowners in Study Area • Interested Parties

Timeline	Action	Planning Act requirement and standard procedure (not including open houses)
about Statutory Public Meeting		
May 5 Notice of Recommendation Report (or Send with the notice of PM)	Prepare notice of recommendation report if notice not given as part of Statutory Public Meeting	<ul style="list-style-type: none"> • Mail to all landowners in Study Area • Interested Parties
May 17 Recommendation Report at Planning and Development Committee Meeting		
May 27 Council Ratification		
May 27 - Notice of Adoption	Prepare a notice of adoption	<ul style="list-style-type: none"> • Mail to all landowners affected • Interested Parties
May 27 - June 10 Forward to Region for Approval	Staff to prepare an Area Municipal Official Plan Amendment Document Package	
Fall 2021- Region of Durham Decision		