



Healthy watersheds for
today and tomorrow.

April 13, 2021

Ms. Lisa Backus, MCIP, RPP
Principal Planner
Planning Services Department
Municipality of Clarington
40 Temperance Street Bowmanville, ON

Dear Madame:

Subject: **Clarington Official Plan Amendment OPA 2021-001**
Various lands in between Courtice, Bowmanville and Newcastle Urban Areas
CLOCA IMS No: POFA13

Purpose: To delete policies in the Clarington Official Plan that support the expansion of the Greenbelt Plan, specifically sub-section 13.3.12 and section 17.3 Special Study Area 2 – Greenbelt Expansion from the Clarington Official Plan.

The proposed amendment is initiated by the Municipality of Clarington, in accordance with Clarington Council direction to consider deletion of the above policies.

CLOCA staff has reviewed the circulation for the policies proposed for deletion. CLOCA staff can provide the following for your consideration.

Background

The lands subject to the amendment are the rural lands south of Highway 2 between Highway 418 and the western boundary of Bowmanville Urban area, as well as the rural and agricultural lands east of the Bowmanville Urban Area boundary and Newcastle, north of Highway 401, outside of the current Greenbelt Boundary.

The subject policies were included as part of Official Plan Amendment 107 in 2016 as a result of input from Clarington Agricultural Advisory Committee and a 2015 request from Clarington Council to the Province to protect agricultural land in Clarington.

As a result of a recent Ministers Zoning Order (MZO) located within the Special Study Area 2 (SSA2), Council had requested that the Province commit to studying the lands within the SSA2. A number of requests were received by Clarington Council and the Agricultural Advisory Committee from landowners

within the SSA2 requesting the policy to be deleted from the Official Plan. At a meeting on February 8, 2021, Clarington Council passed a resolution to consider the deletion of Special Study Area 2 from the Clarington Official Plan.

Site Context

Available CLOCA mapping of the subject lands identify a number of natural heritage features, key hydrologic features and natural hazards throughout the study area.

The features identified on available mapping include, but are not limited to:

- Provincially Significant Wetlands;
- Other wetland areas;
- Woodlands;
- Watercourses;
- Fish and wildlife habitat;
- Valley lands;
- Hazard lands associated with slope and erosion hazards; and
- Floodplain;
- Other areas that exist on the ground that have not been picked up through desktop mapping exercises.

These features are described through various Provincial and local policy framework and require site specific study to determine presence or absence of mapped features, identify the boundaries and ecological functions of the features, as well as a sufficient vegetation protection zone.

Policy Context

The Policy 13.3.12 describes the Municipalities support for the expansion of the Greenbelt Plan Area to provide protection of prime agricultural lands.

The policies in Section 17.3, Special Study Area 2 – Greenbelt Expansion describes the land area that the Municipality considered appropriate to be studied for inclusion in future Greenbelt expansion. The policies outline that the Province will investigate potential areas for expansion based on considerations including agriculture, natural heritage and water resources.

Neither policy impose additional restrictions on a property beyond the current land use designations. The proposed amendment does not propose land use designation changes.

Subsection 3 (6) of the Planning Act, requires that comments, submissions or advice affecting a planning matter conform with the provincial plans that are in effect.

Accordingly, CLOCA staff have evaluated the amendment against the criteria set out within Section 4.2 of *A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)*, Protecting What is Valuable and Section 2.1 of the *Provincial Policy Statement (2020)*, Natural Heritage.

A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)

The Growth Plan describes *Key Hydrologic Features* and *Key Hydrologic Areas* that require identification and protection. Outside of settlement areas, development and site alteration is not permitted within these features. Site specific studies would be required to identify the boundaries of the features, their ecological functions and provide for a sufficient vegetation protection zone.

As the proposed amendment to delete the policies in the Official Plan are not changing land use designations, permissions or proposing development or site alteration, the policies of the Growth Plan related to natural heritage system features and functions would not be affected by the amendment.

Provincial Policy Statement, 2020

The *Provincial Policy Statement* (PPS), section 2.0 seeks to protect and maintain natural heritage features and areas and directs development outside of the natural heritage features.

Natural heritage systems, including features and areas that provide linkage functions between features must be identified. Site specific studies would be required to identify the boundaries and the functions of the natural heritage features and areas outlined within the PPS policies.

Development and site alteration is directed to areas outside of the features with site specific studies required to ensure there are no negative impacts on the features or their ecological functions as a result of any development or site alteration.

The PPS, section 3 directs development and site alteration away from natural and human made hazards including flood and erosion hazards where the risk to public health and safety or property damage is unacceptable. The section recognizes the potential increased risks associated with natural hazards due to climate change and requires approval authorities to ensure new hazards are not created and existing hazards are not aggravated.

As the proposed amendment to delete the policies in the Official Plan are not changing land use designations, permissions or proposing development or site alteration, the amendment appears to be consistent with the natural heritage and hazard policies.

Conservation Authorities Act – Ontario Regulation 42/06

Section 28 of the *Conservation Authorities Act* (CA Act) allows the Conservation Authority to develop regulations that, among other items, allows the CA to prohibit or regulate or require permission for proposed development in areas where the conservation of land may be affected by development. Under the regulation, lands considered flood and erosion hazards associated with valleys as well as wetlands and their hydrologic function may be affected by development. Therefore, development proposed in and adjacent to a regulated feature is considered would require approval under Section 28 of the CA Act.

CLOCA regulation policies establish that site specific evaluations be completed to identify the precise

boundary of the feature(s) subject to the regulation and evaluate impacts to the feature and function as a result of proposed development.

As the proposed amendment to delete the policies in the Official Plan are not proposing development or site alteration, appears to be consistent with Section 28 of the *Conservation Authorities Act*.

Watershed Plans

The subject lands west of the Bowmanville urban boundary are located within the Darlington Creek and the Tooley Creek watersheds. The subject lands east of the Bowmanville urban boundary are located within the Soper Creek watershed. The current watershed plans for these areas provide a framework and recommended actions to protect, restore and enhance a healthy and resilient watershed.

Based on the above, there are existing Provincial policies and regulation requirements that would serve to provide protection to natural heritage features and systems, key hydrologic features and natural hazards. CLOCA would encourage that any proposed future expansion to the Provincial Greenbelt Area should be approached through a comprehensive study with opportunity for a public and agency consultation process.

Thank you for the opportunity to provide comments on this application. Please feel free to contact us should you have any questions.

Yours truly,



Stefanie Penney
Development Planner

- cc. Mr. Gary Muller, Director of Planning, Region of Durham
- Mr. Ken Thajer, Planning and Regulations Coordinator, Ganaraska Region Conservation Authority



March 26, 2021

Ms. Lisa Backus, MCIP, RPP
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Brian Bridgeman, MCIP, RPP
Commissioner of Planning
and Economic Development

Dear Ms. Backus:

**Re: Regional Comments on an Application to Amend the
Municipality of Clarington Official Plan
File: COPA 2021-001**

Applicant: Municipality of Clarington
Location: various lands in between the Courtice, Bowmanville and
Newcastle urban areas
Municipality of Clarington

This application has been reviewed and the following comments are offered with respect to the Regional Official Plan (ROP), Provincial Plan policies, and the Region's delegated provincial plan review responsibilities.

Purpose and Background

The proposed amendment is a municipally initiated amendment by the Municipality of Clarington. The amendment proposes to delete subsection 13.3.12 and section 17.3 Special Study Area 2 – Greenbelt Expansion from the Clarington Official Plan (See Attachment #1 for the proposed amendment).

The area subject to this amendment encompasses the agricultural and rural lands outside the urban area boundaries of Courtice, Bowmanville and Newcastle, and the Greenbelt Area within the Municipality of Clarington (see Attachment #2 for a map of the subject lands).

The Special Study Area 2 policies of Section 17.3 and policy 13.3.12 were added to the Municipality's Official Plan through the 2017 Official Plan Review in 2017. The subject policies, in part, were based on a 2015 request of Clarington's Agricultural Advisory Committee to Clarington Council which sought to protect Clarington's agricultural lands from future development. The subject lands are currently located within the "Whitebelt" area, which is the area commonly referred to as lands outside

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the urban boundary and outside of the Greenbelt boundary. These lands have the potential to be included in the urban area in the future, if there is a demonstrated need and studies to support the need for additional urban lands in these locations.

More recently the policies of the SSA2 came to the forefront as a result of a Minister's Zoning Order (MZO). The MZO proposed the relocation of a Home Hardware store from Bowmanville Urban Area to the rural area, located at the southeast corner of Durham Highway 2 and Rundle Road. The MZO affected lands within the SSA2 policy area which led Council to pass a resolution in October 2020, requesting the Province to commit to studying the lands identified in SSA2.

Since that time, both Clarington Council and their Agricultural Advisory Committee have received a number of requests from landowners requesting SSA2 be deleted from the Official Plan. On February 8, 2021, Clarington Council rescinded its request to the Province, and through Resolution #C-058-21, staff were directed to undertake the proposed amendment as follows:

“That Staff issue the necessary notices for a public meeting under the Planning Act to be held on April 26, 2021, for the consideration of the deletion of Special Study Area 2 from the Clarington Official Plan.

Planning and Development Services Department will be sending out the official public meeting notice closer to the meeting.”

Durham Regional Official Plan

The subject lands are designated “Major Open Space” and are located between the Courtice and Bowmanville urban areas, and are designated as “Prime Agricultural Areas” between the Bowmanville Urban Area and the surrounding Newcastle urban areas.

Major Open Space Areas include key natural heritage features and hydrologic features, prime agricultural lands, along with agricultural lands of a lesser significance. These areas shall predominantly be used for conservation, agricultural, and agricultural-relates uses.

Prime Agricultural Areas consist of lands where prime agricultural lands predominate but can also include areas of lesser agricultural significance. These areas shall be primarily used primarily for agriculture and farm-related uses.

The proposed amendment does not propose land use designation changes, and as such, conforms to the Regional Official Plan.

Provincial Policy

Provincial Policy Statement

Section 2.1 of the Provincial Policy Statement (PPS) requires the diversity and connectivity of features, and the long-term ecological functions to be maintained, restored and where possible improved. Development and site alteration are not permitted within key natural heritage and hydrologic features. This section also requires Planning authorities to protect natural features for the long term.

In addition, Section 2.3 of the PPS requires prime agricultural areas to be protected for long-term agricultural use. It also requires Planning authorities to designate prime agricultural lands and ensure they are used for agriculture, agriculture-related and on-farm diversified uses.

As there are no land use permissions proposed, this amendment is consistent with the policy directions in the PPS.

Greenbelt Plan

These lands are not within the Provincial Greenbelt Plan area.

As this amendment does not propose any physical development, or change in land use permissions, there are no applicable regional or provincial plan review responsibilities at this time.

Regional Works, Transit & Transportation Planning

The Regional Works Department, Durham Region Transit and Transportation Planning do not have any concerns with the proposed amendment.

Exemption

The proposed amendment seeks to delete requirements which require Clarington in consultation with the Province to study the possibility of adding lands to the Greenbelt. The deletion of these policies does not affect the underlying land uses, or any of the land use permissions, and as such, these lands will continue to be in conformity with the ROP. In accordance with By-law 11-2000 the Official Plan Amendment application is exempt from Regional Approval.

Please advise the Commissioner of Planning and Economic Development of your Council's decision. If Council adopts an Amendment, a record must be submitted to this Department within 15 days of the date of

adoption. The record must include the following:

- two (2) copies of the adopted Amendment;
- a copy of the adopting by-law; and
- a copy of the staff report and any relevant materials.

Please contact Heather Finlay, Senior Planner, with any questions or concerns.

Yours truly,

Lino Trombino - for

Gary Muller, MCIP, RPP
Director of Planning

c.c. Jeff Almeida, Regional Works
Colleen Goodchild, Policy Planning
Sandra McEleney, Transportation Planning
Michael Binetti, DRT
Chris Leitch, Transportation Planning

Attachment #1: Proposed Amendment to the Clarington Official Plan
Attachment #2: Lands subject to the COPA 2021-002

Proposed Amendment No. xx to the Clarington Official Plan

Purpose: The purpose of this Amendment is to delete policies in the Official Plan that support the expansion of the Greenbelt Plan Area in Clarington.

Location: This Amendment applies to approximately 3800 hectares of land. This area is generally described as all the lands east of Highway 418, south and east of the Greenbelt boundary between Courtice and Bowmanville, south and west of the Greenbelt boundary between Bowmanville and Newcastle, north of Highway 401 and outside of the urban area boundaries in Clarington. (see map on reverse).

Proposed Amendments

Unless otherwise indicated in the Amendment, additional text is shown with an underline and deleted text is shown with a ~~strike-through~~.

1. **Existing subsection 13.3.12 is deleted in its entirety and the subsequent subsection is renumbered accordingly:**

~~“13.3.12 The Municipality supports the expansion of the *Greenbelt Plan Area* to provide long term protection of *prime agricultural land*.”~~

2. **Existing Section 17 Special Study Areas is hereby amended as follows:**

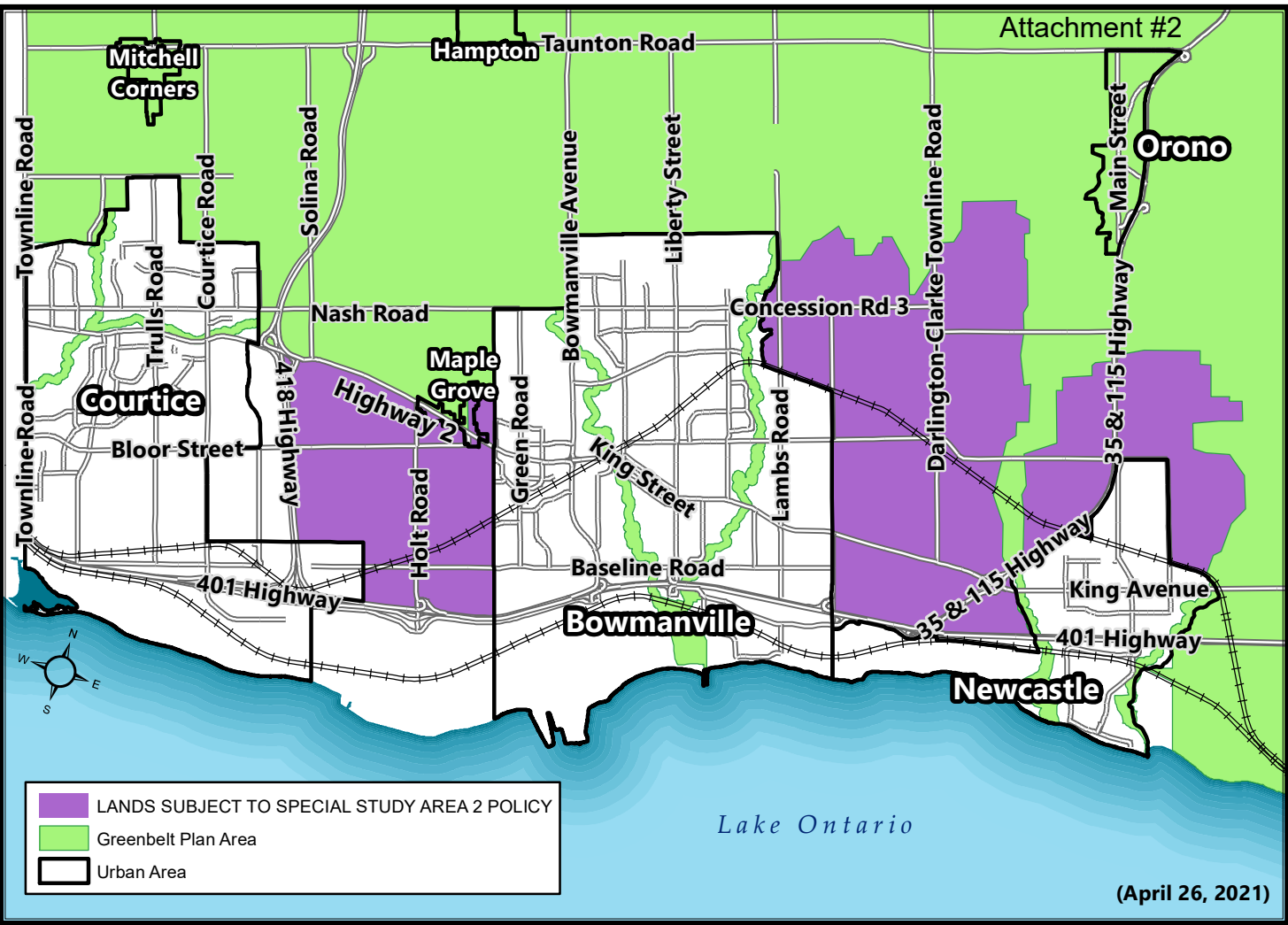
~~“17.3 Special Study Area 2 – Deleted Greenbelt Expansion~~

~~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.”~~



**Mitchell
Corners**

Hampton Taunton Road

Orono

Courtyce

**Maple
Grove**

Concession Rd 3

Bowmanville

Newcastle

- LANDS SUBJECT TO SPECIAL STUDY AREA 2 POLICY
- Greenbelt Plan Area
- Urban Area