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To: Mayor and Members of Council

From: Ryan Windle, Director, Planning & Development Services

Date: January 21, 2022

File No.: PLN 41.6

Re: Courtice Waterfront + Energy Park Secondary Plan – Sequence of Events

The update of the Clarington Energy Business Park Secondary Plan was originally initiated in May 2018. The scope of the project was modified in September 2019 to incorporate the Waterfront Lands into the Secondary Plan ([PSD-033-19](#)).

Urban Strategies Inc. was contracted to provide planning, urban design, public engagement, policy creation, and project management functions for the Secondary Plan. A portion of the technical background studies (Functional Servicing, Natural Environment Existing Conditions, and Land Use Compatibility) are being conducted by consultants hired by the landowners. The project is being funded jointly by the Municipality (focus on the Energy Park employment lands) and the majority landowner of the Courtice Waterfront lands.

Below is a summary of the project, a few key topic areas, and a sequence of events.

Process

The background analysis (Phase 1) has been completed and Urban Strategies has now prepared a Draft Land Use Plan for the Courtice Waterfront lands (Phase 2). These phases were approved by Council as part of PSD-033-19 (attachment 3 to this memo). Once the Land Use Plan has been vetted through the Steering Committee, Staff will present it to the public at a Public Information Centre targeted for late February. The public and agency comments will help Staff and the consultant finalize a proposed Land Use Plan. The proposed Land Use Plan does not include a design of the municipal-wide park. However, it is possible to expand the scope of the project to include a preliminary design of the park as part of the current process. Staff will investigate this option in more detail with the consultant subsequent to the PIC. Alternatively, a preliminary design of the municipal-wide park could be completed through the Waterfront Strategy.

The Region of Durham has requested a Land Use Compatibility study be completed given the proximity of the waterfront lands to the EFW facility, the water pollution control plant and the potential AD facility. Staff are still awaiting the completion of the study by the landowners' consultants. As Council is aware, in conjunction with a municipal-wide park along the waterfront, the Waterfront Lands are also proposed to include redesignating lands for residential use. The Region has requested that the proposed residential uses be reviewed as part of the Municipal Comprehensive Review currently underway as it could have an impact on the number of units and population allocated to Clarington. One possible implication of designating residential uses on the Waterfront Lands is that it may reduce the need for additional boundary expansions.

Municipal Park and Parkland Contribution

Based on the existing Land Use Schedule (Map A2) in the Official Plan, the Municipal Park, would be approximately 18-20 Ha in size. The dedication of the lands for the future Municipal Park would be part of the community benefits received for designating the balance of the lands for residential development. This would be negotiated with the landowners. Presently, the waterfront lands are designated "Waterfront Greenway" in the Clarington Official Plan. Support from the Region would also be required as Durham's O.P. currently designates these lands as "Waterfront Areas". The waterfront lands have no development potential today.

Aside from the abovementioned dedication of the lands for the municipal-wide park, the remaining development lands would still be subject to standard *Planning Act* parkland contribution requirements through the review and approval of any future subdivision. The parkland contribution would be calculated at a rate of one Ha per 300 units. This is over and above the park space provided for the municipal-wide park along the waterfront.

Land Use Plan

The Land Use Plan currently being prepared by Urban Strategies will identify the location of different building types and densities, a transportation network, environmentally protected areas, general location of stormwater infrastructure, and the location of the future municipal-wide park. Staff expect to present the Draft Land Use Plan at a Public Information Centre in late February. However, there are some key decisions that need to take place as the consultant finalizes the Secondary Plan:

- Floodplain mapping of the Tooley Creek, south of Highway 401, must be completed by other consultants working for the Municipality;
- The Region's approach to the Woodward project (northeast corner of Energy Drive and Megawatt Drive at the gateway to the Energy Park);
- The Region's approach to the Land Needs Analysis as part of Envision Durham – the Region's Official Plan Municipal Comprehensive Review;
- A final decision on the location of the Anerobic Digester; and
- The completion of the Land Use Compatibility Study by the Landowner's consultants and its subsequent review and acceptance by the Region.

Conclusion

Despite being in the middle of a pandemic since early 2020, and as illustrated in the attached sequence of events, much technical work and consultation with the agencies has taken place leading to advancement and/or completion of key steps in the Secondary Plan process, including the formulation of a Draft Land Use Plan. Staff acknowledge that this project is a Council priority and the Planning and Development Services Department will continue to advance this project for Council consideration with public consultation and in collaboration with the agencies and the landowners.

Kind regards,



Ryan Windle, MCIP, RPP, AICP
Director of Planning and Development Services

cc: Department Heads
Clerk and Deputy Clerk
Carlos Salazar
Paul Wirch

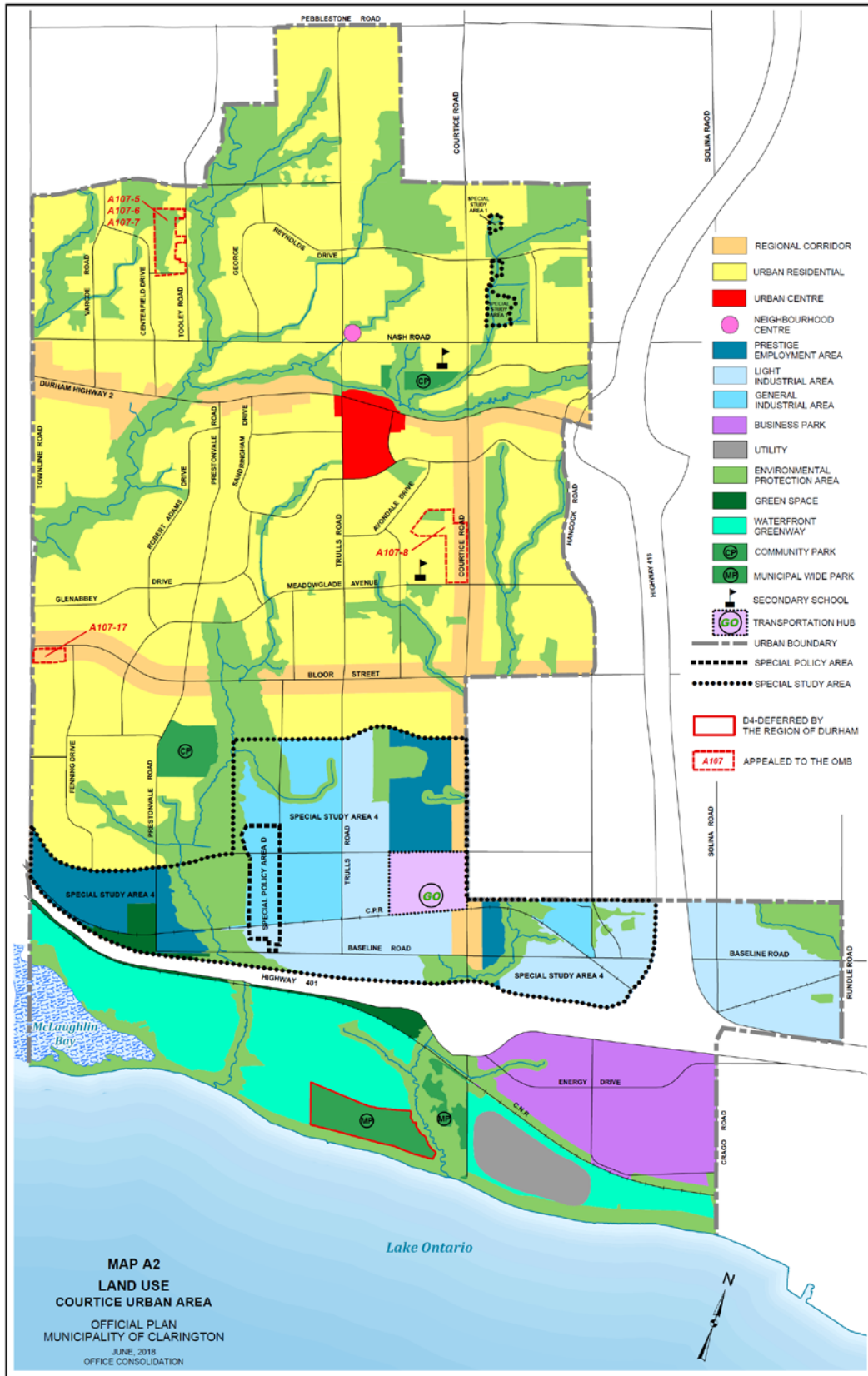
Attachment 1: Sequence of Events
Attachment 2: Clarington Official Plan Land Use Map A2
Attachment 3: PSD-033-19

Attachment 1 – Sequence of Events

DATE	EVENT
May 2018	Initiate Energy Park Secondary Plan Update
November 2018	Draft Secondary Plan and Zoning By-law Update presented to Steering Committee
March 1, 2019	Request to integrate the Courtice waterfront lands
<i>Project paused to get Council direction to incorporate Waterfront Lands</i>	
September 2019	Courtice Waterfront lands added to Secondary Plan project – PSD-033-19.
November 2019	Steering Committee Meeting #1 Representing OPG, Region of Durham, CLOCA, various other agencies, and majority landowner
December 2019	Public Information Centre (PIC) #1
February 2020	Steering Committee Meeting #2
March 2020	PIC #2
Mar.-Apr. 2020	Online survey conducted
April 2020	Agency Planning Session of Draft Options for South Courtice
April 2020	Memo to Council on Vision and Principles for Courtice Waterfront and Comments on Anaerobic Digester Proposal
July 2020	DRAFT 1 Technical Report
<i>Project paused to await landowner studies for Waterfront Lands</i>	
December 2020	Studies for Waterfront Lands received - Functional Servicing Report - Natural Environ. Existing Conditions Report
January 2021	Meeting with OPG to review Preliminary Development Concept for new HQ
February 2021	Project Woodward initiated by Region of Durham (northeast corner of Energy Drive and Megawatt Drive at the gateway to the Energy Park) (2021-F-5-Link-15-2021-Corporate-Items---Business-Plans-and-Budgets.pdf)
March 2021	DRAFT 2 Technical Report
July 2021	Revised Draft Technical Report
July 2021	DRAFT Technical Report circulated to agencies for comment
July 2021	Steering Committee Meeting #3
July 2021	Durham Region requests Land Use Compatibility Study
July 2021	Comments on the Tech. Report - KPRDSB
September 2021	Comments on the Tech. Report - Region of Durham
September 2021	Comments on the Tech. Report - CLOCA

DATE	EVENT
October 2021	Durham Region provides Terms of Reference for Land Use Compatibility Study
November 2021	DRAFT Land Use Concept Plan
NEXT STEPS	
February 2022	Steering Committee Meeting #4
February 2022	PIC for the Draft Land Use Plan
	Waiting for Region's decision on Woodward project
	Waiting for Land Use Compatibility Study from landowner's consultant
	Waiting for decision on AD
	Waiting for the Region's Municipal Comprehensive Review for population and employment projection allocations to Clarington
TBD	Complete floodplain mapping south of the 401
TBD	Finalize Land Use Plan based on comments received
TBD	Prepare Draft Secondary Plan, Urban Design Guidelines and Zoning By-law
TBD	Public Meeting to present Draft Secondary Plan, Urban Design Guidelines and Zoning By-law
TBD	Revisions to Secondary Plan and Zoning By-law
TBD	Recommendation Report and Final Secondary Plan, Urban Design Guidelines and Zoning By-law

Attachment 2 – Clarington Official Plan Land Use Map A2





Planning Services Report

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

Report To:	Joint Committees	Report Number:	PSD-033-19
Date of Meeting:	September 9, 2019	By-law Number:	
Submitted By:	Faye Langmaid Acting Director of Planning Services	Resolution:	
Reviewed By:	Andrew C. Allison, CAO		
File Number:	PLN 41.6		
Report Subject:	Expansion of Clarington Energy Business Park Secondary Plan Study Area to include the Courtice Waterfront		

Recommendations:

1. That Report PSD-033-19 be received;
2. That staff be authorized to include the Courtice Waterfront as part of the Clarington Energy Business Park Secondary Plan Update;
3. That staff be authorized to engage Urban Strategies Inc. for the additional work provided that all costs are funded by the Courtice Waterfront landowners;
4. That the Director of Planning Services be authorized to execute the necessary cost-recovery agreements;
5. That the cost recovery agreements with the landowners require payment of 100% of the costs of the preparation of the Secondary Plan, including consultants and municipal resources such as review time from various departments, project management and administration costs; and
6. That all interested parties for Report PSD-033-19, any delegations and the Region of Durham Planning and Economic Development Department be notified of Council's Decision.

Report Overview

This report outlines a strategy to develop the Courtice Waterfront implementing the Clarington Official Plan and Council's recently adopted Strategic Plan 2019 to 2022. Council identified in its Strategic Plan the Courtice Waterfront as one of its Legacy Projects.

This report identifies the steps to explore the development potential of the Courtice Waterfront in collaboration with the private sector (landowners of the area). The Courtice Waterfront will explore the development of a municipal wide waterfront park together with other uses such as tourism and residential. Given that the lands are adjacent to the Clarington Energy Business Park Secondary Plan area, the project will also explore opportunities to complement the Energy Park vision, especially after the Ontario Power Generation (OPG) announcement to centralize its offices and bring approximately 2,000 new jobs to the Clarington Energy Business Park.

1. Background

Official Plan Update

- 1.1 The updated Clarington Official Plan was approved by the Region of Durham in June of 2017 as Official Plan Amendment 107 (OPA 107). Prior to OPA 107, the subject lands located between the Clarington Energy Business Park Secondary Plan (Energy Park) area and Darlington Provincial Park south of Highway 401 were designated "Waterfront Greenway" with "Environmental Protection" along the Lake Ontario shoreline and Tooley Creek valley (see location in Figure 1 below). The intention of the "Waterfront Greenway" designation is for areas located near the Lake Ontario waterfront to accommodate recreational and tourism uses. For reference regarding the subject lands' ownership, see Attachment 1.



Figure 1. Area to be added to Energy Park Secondary Plan Update

- 1.2 The approval of OPA 107 modified the vision for this area from a “District” to “Municipal Wide Park” designation along a large portion of the Lake Ontario waterfront. Community access to the waterfront already exists in Bowmanville and Newcastle but less so in Courtice. The goal of the “Municipal Wide Park” designation is to create better public access and facilities for the waterfront in Courtice.
- 1.3 Prior to Council approval of OPA 107, Municipal staff had discussions with the property owner of the lands identified as the future Municipal Wide Park. It was decided that the extent and configuration of the future Municipal Wide Park would be best determined in conjunction with a future development application submitted by the owner. As a result, the “Municipal Wide Park” designation was deferred by Durham Region.

History of the Clarington Energy Business Park

- 1.4 The Secondary Plan for the Energy Park was adopted in 2006. It outlines a vision for the Energy Park that focuses on the development of prestige, energy-related employment uses on a site that is adjacent to the OPG Darlington Nuclear Generating Station.
- 1.5 The original vision for the Energy Park – to foster employment growth in the fields of energy and environment – was established at a time when growth in energy-related uses and expansion of the Darlington Nuclear Generating Station were expected. Soon after the adoption of the Secondary Plan, however, expansion plans at Darlington were put on hold and development of the Energy Park did not proceed as rapidly as anticipated.
- 1.6 After approval of OPA 107, in 2018 the Municipality of Clarington retained Urban Strategies Inc. to undertake a review of the Secondary Plan for the Energy Park. The purpose of this review is to identify a renewed vision and updated policy framework for the future. Urban Strategies is also the Municipality’s consultant preparing the Courtice Employment Lands Secondary Plan and the Southwest Courtice Secondary Plan Update.

OPG Moving Headquarters to Clarington

- 1.7 As Council is aware, the vision for the Energy Park received a major boost earlier this year when OPG announced that it was moving its headquarters to the Energy Park. While preparing the Secondary Plan in 2006, planning staff held discussions with OPG about creating a campus at the Energy Park. Subsequently, OPG bought lands to accommodate the Darlington Energy Complex and additional lands for a future OPG Campus.
- 1.8 In 2011, the Municipality prepared and Council adopted the Streetscape and Sustainable Development Design Guidelines for the Energy Park. As part of the planning for these guidelines, Urban Strategies Inc. planning staff and OPG explored conceptual designs for the OPG Campus (see Attachment 2). The OPG announcement on June 10, 2019 to bring more than 2,000 OPG jobs to the Municipality will make this vision a reality and attract additional jobs. The OPG announcement mentions “this is an exciting opportunity for OPG to create a high-tech energy hub that promotes innovation and collaboration across the organization and with our partners and suppliers”.

2. Land Owner Request and Terms of Reference

- 2.1 On March 1, 2019, after a number of discussions with planning staff, the Municipality received a letter from Weston Consulting representing the owner of the subject lands (see Attachment 3). In the letter, the owners request that the study area of the Energy Park Secondary Plan be modified to include their lands to the west (see Attachment 1).

- 2.2 The letter stated the size and location of their lands should be included in order to achieve a progressive planning vision for both the Energy Park and the Courtice Waterfront. Planning staff agree this approach implements the intent of the Clarington Official Plan.
- 2.3 After receiving the letter, Planning Services staff met with the owners of the subject lands. The owners have agreed to fund the additional work to expand the study area for the Energy Park Secondary Plan Update. The pattern of private funding for secondary plan work has previously been endorsed by Council and has already been implemented in several other areas throughout Courtice and other urban area of Clarington.
- 2.4 The Municipality uses a roster to select planning consultants for the different secondary plans. The roster has been successful as it has significantly reduced the time to secure a consultant. Urban Strategies Inc. is part of this roster and is currently undertaking the Energy Park Secondary Plan Update and preparing the Courtice Employment Lands Secondary Plan for the Municipality. Should Council decide to proceed with this project, Urban Strategies Inc.'s current scope of work will be expanded to include the Courtice Waterfront as outlined in the attached Terms of Reference (Attachment 4).
- 2.5 After the landowners made a commitment to fund the project, staff requested Urban Strategies Inc. prepare preliminary Terms of Reference (TOR) for the additional work. The preliminary TOR are included as Attachment 4. The proposed work would take 12 to 15 months to complete and encompass three phases:
 - a. Analysis and Visioning (5-6 months);
 - b. Preferred Concept (3-4 months); and
 - c. Secondary plan (4-5 months).
- 2.6 Once Council approves the strategy outlined in Report PSD-033-19, staff will circulate the TOR to all agencies and work closely with Durham Region to finalize the document.

3. Concurrence

- 3.1 This report has been reviewed by the Director of Engineering who concurs with the recommendations.

4. Conclusion

- 4.1 Staff recommend that Council include the Courtice Waterfront when undertaking the update of the Clarington Energy Business Park Secondary Plan. This provides Council with the opportunity to initiate the planning for one of its Legacy Projects: the Courtice Waterfront. Moreover, it will allow the Municipality to develop the planning tools to support the OPG expansion and create jobs in the Energy Park.
- 4.2 All additional costs for consultants and municipal project management will be covered by the landowners. As Urban Strategies Inc. is currently updating the Clarington Energy

Business Park Secondary Plan and preparing the secondary plan for the employment lands to the north, staff recommends that their scope of work be expanded to include the TOR as proposed subject to 100% funding commitments from the owners (see Attachment 5).

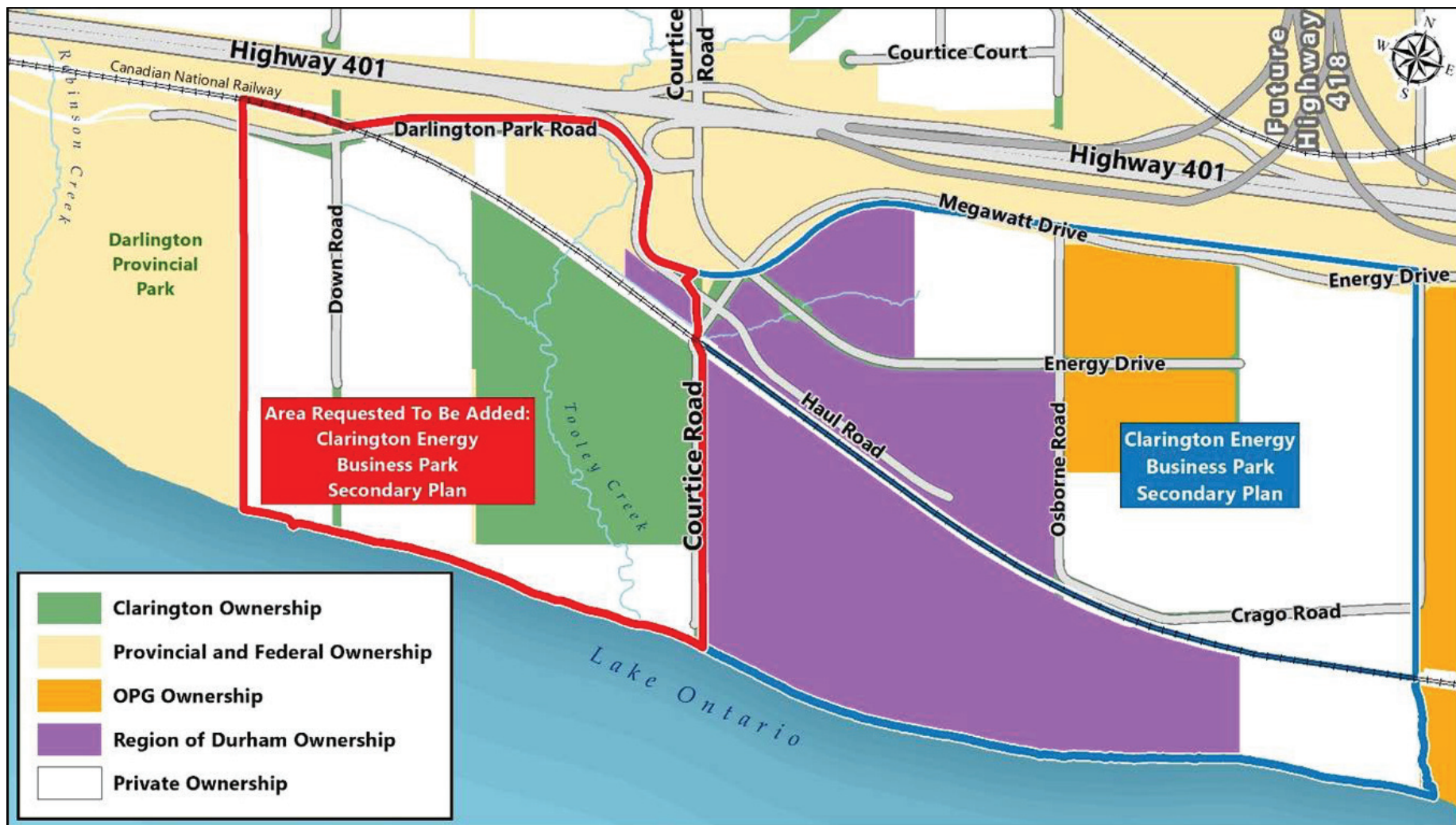
Staff Contact: Carlos Salazar at 905-623-3379 x 2409 or csalazar@clarington.net

Attachments:

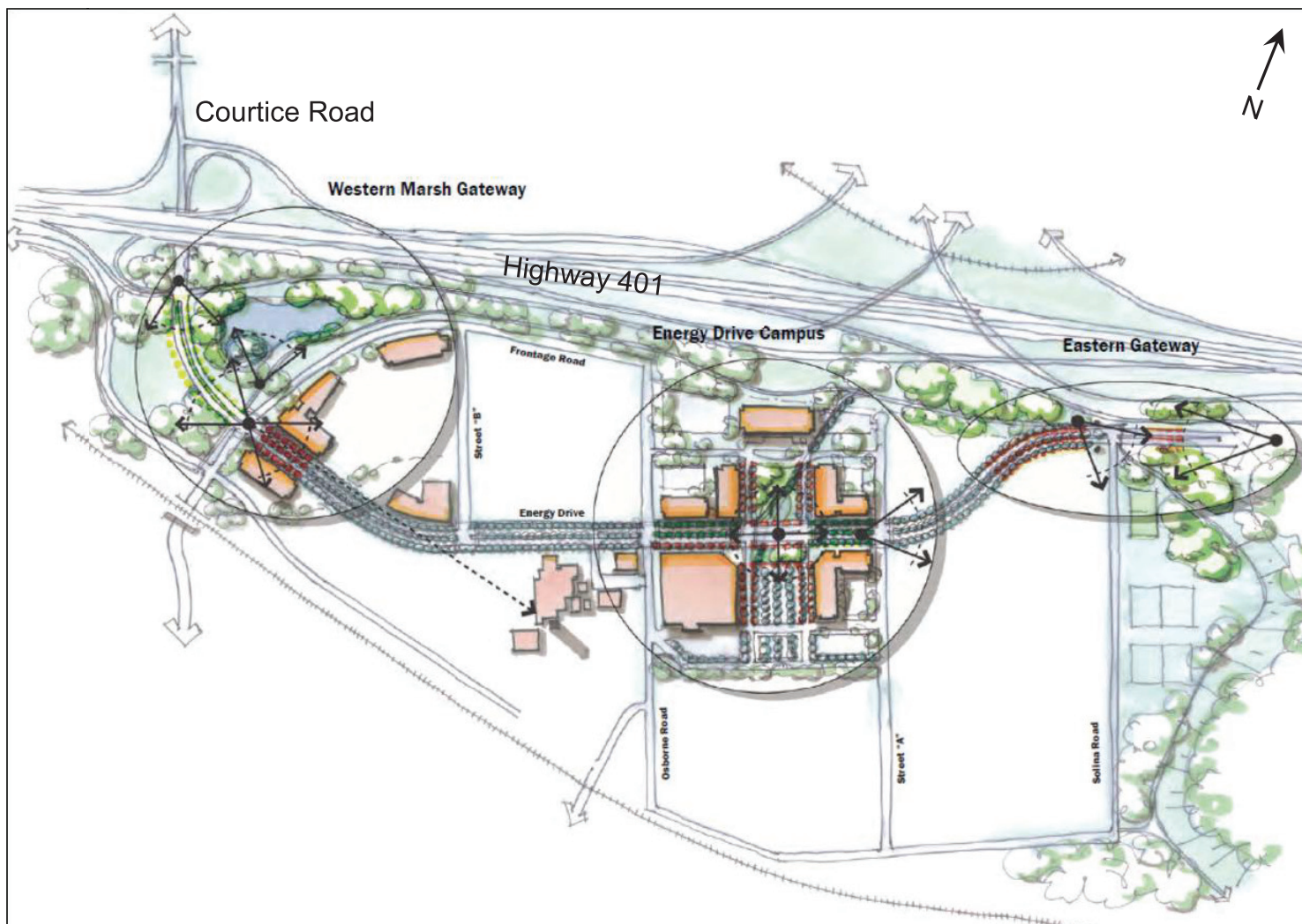
- Attachment 1 – Subject area with public/private land ownership identified
- Attachment 2 – Urban Strategies Inc. Conceptual Drawing – OPG Campus
- Attachment 3 – Letter from owners requesting land to be added
- Attachment 4 – Urban Strategies Inc. – Terms of Reference
- Attachment 5 – Letter of Funding Commitment

List of interested parties to be notified of Council's decision is on file in the Planning Services Department.

Subject area with public/private land ownership identified



Urban Strategies Conceptual Drawing – OPG Campus (figure from *Clarington Energy Park Streetscape and Sustainable Development Design Guidelines*, 2011)





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Planning Services Department
Municipality of Clarington
40 Temperance Street
Bowmanville, ON
L1C 3A6

March 1, 2019
File 9365

Attn: Carlos Salazar, Manager of Community Planning and Design

Dear Mr. Salazar,

**Re: Participation in the Clarington Energy Business Park Secondary Plan Update
113 DOWN RD & PT LT 31 CON BROKEN FRONT DARLINGTON PT 1
Municipality of Clarington**

Weston Consulting is the authorized planning consultant for 1725596 Ontario Limited, the registered owner of the lands known as 113 Down Road and PT LT 31 CON BROKEN FRONT DARLINGTON PT 1 in the Municipality of Clarington (herein referred to as the "subject lands"). It is our understanding that the Municipality of Clarington is currently undertaking an update to the Clarington Energy Business Park Secondary Plan. On behalf of the owner, we request that the Study Area of the Secondary Plan be modified to include the subject lands.

The subject lands are located on the south side of Darlington Park Road, east of Darlington Provincial Park and are approximately 51.94 hectares (128.36 acres) in area. The lands are currently being used for agricultural purposes and are accessed by Down Road. The subject lands are located along the waterfront and are situated in an area of land south of Highway 401, east of Darlington Provincial Park and west of the current Energy Business Park Secondary Plan.

The existing Energy Business Park Secondary Plan Area currently consists of 12 parcels of land located between Crago Road and Courtice Shores Drive, and it is our understanding that the MOC has expanded the Energy Park Study Area to include the lands south of the railway tracks. However, the Study Area is not inclusive of the lands located between Courtice Shores Drive and Darlington Provincial Park, which includes the subject lands.

Given the context of the subject lands as described above and their prominence along the waterfront, it would be appropriate to include the lands within a comprehensive planning vision. Given that the purpose of the Energy Park Secondary Plan Update is to identify a renewed vision for the area, it is our opinion that the subject lands and adjacent lands should be included within the Study Area in order to achieve a comprehensive and progressive planning vision for

the Energy Park and waterfront area based on an updated policy framework and emerging land use planning matters.

Weston Consulting and our client look forward to working with the Municipality of Clarington and actively participating in the Clarington Energy Business Park Secondary Plan review and update process. We kindly request that our team be notified of any updates pertaining to the Energy Business Park Secondary Plan and we look forward to discussing this further with you in the coming weeks. Please contact the undersigned at ext. 241 or Heather Au at ext. 259 if you have any questions or concerns.

Yours truly,

Weston Consulting

Per:



Ryan Guetter, BES, MCIP, RPP
Senior Vice President

c. 1725596 Ontario Limited

June 18, 2019

Carlos Salazar, MCP, MCIP, RPP
Manager of Community Planning and Design
Municipality of Clarington
40 Temperance Street
Bowmanville, Ontario
L1C 3A6

BY EMAIL: csalazar@clarington.net

Dear Mr. Salazar,

**Re: Energy Park Secondary Plan Update – Study Area Expansion to Include Courtice Waterfront
Proposal for Consulting Services**

Urban Strategies is pleased to submit this letter in response to your request for a proposal to expand the scope of the Clarington Energy Park Secondary Plan Update to include the “Courtice Waterfront Lands” immediately to the west, extending to the east boundary of Darlington Provincial Park.

In expanding the study area, we would examine opportunities for future development and public open spaces to complement the Energy Park while enhancing the larger Courtice community and linking it to Lake Ontario. In this respect, the expanded study would also be a timely complement to our ongoing work on the secondary plans for Southwest Courtice and the Courtice Employment Lands. Depending on the outcomes of our analysis and consultation regarding the waterfront lands, it may be appropriate to expand and further amend the Energy Park Secondary Plan. We have allowed for such changes in our proposal, recognizing that the Municipality may decide not to proceed in that direction.

We would maintain the same consultant team for this additional work, including WSP, who will support us with analysis and advice regarding transportation. We understand the major landowner west of Courtice Road has retained D.G. Biddle and Associates Ltd. to undertake a conceptual servicing study for the additional lands. We assume staff at the Municipality and the Region will peer review their work and therefore additional support from WSP in this regard is not required.

The study will benefit from the Robinson Creek and Tooley Creek Subwatershed Study by Aquafor Beech, and we understand the major landowner has also retained Niblett Environmental Associates Inc. to undertake a preliminary natural heritage constraints study for the additional lands. We, therefore, are not proposing to include an environmental consultant on our team; however, the Municipality may wish engage Aquafor Beech to peer review Niblett’s study.

Note, at this time we also are not proposing to include a real estate market consultant on our team, but we may recommend adding one at a later date to test the viability of different land use scenarios and development concepts that emerge through the planning process.

Below we provide an overview of our proposed work plan and a fee estimate for the expanded study.

METHODOLOGY AND WORK PLAN

Urban Strategies will bring its collaborative, multi-disciplinary approach to this assignment. We will work closely with Planning and technical staff at the Municipality and Durham Region to ensure their input and

expertise informs the work. We will also consult regularly with other key stakeholders, including major landowners, the Conservation Authority and Ontario Parks. To ensure there is thorough consultation and collaboration, it may be appropriate to augment the Steering Committee for the Energy Park Secondary Plan Update with additional key stakeholders.

As outlined below, we propose a three-phase work plan for the expanded study. In addition to the main tasks identified, we anticipate regular meetings or conference calls with the Core Project Team to review work in progress, confirm directions and coordinate next steps.

Note, we anticipate there will be a range of potentially complex land use, infrastructure and environmental issues to be addressed by the expanded study, given the expansion area's adjacencies, existing features and isolation from the Courtice urban area. There may also be a high degree of public interest in the study's outcomes. Our proposed work plan, timeframes and budget allow for the careful study and consultation that will be required to establish a vision and policy framework for the larger area that are both technically sound and broadly endorsed. We are anticipating a timeframe of 12-15 months for the additional work.

Phase 1: Analysis and Visioning (5-6 months)

Phase 1 will focus on an analysis of the expanded study area in its context from the perspectives of policy, land use, urban design, transportation and utilities. We will develop a clear understanding of how future development and open space improvements on the waterfront lands would complement the Energy Park, for example, by potentially accommodating commercial or other amenities for employees in the park. An initial public information centre (PIC) will be used to gather ideas from the community on what they would like to see on the Courtice waterfront. Three preliminary land use scenarios based on our analysis will be presented at a second PIC at the conclusion of Phase 1.

Phase 1 will also conclude with a supplementary report to our original Phase 1 Technical Report for the Energy Park Secondary Plan Update, as well as a draft vision and principles for the waterfront lands based on our analysis and public input. The report will address the land use and urban design opportunities as well as any challenges associated with developing the lands. We will recommend whether the Secondary Plan Update for the Energy Park should proceed to approval as currently scoped or should be delayed to allow for planning and integration of the waterfront lands.

Main Tasks:

- Kick-off meeting with Project Team and site visit
- Update base mapping
- Policy review (PPS, Growth Plan, Durham OP, Clarington OP)
- Review other background information (including Robinson Creek and Tooley Creek Subwatershed Study)
- Interviews with additional key stakeholders (including Region and MNRF staff, major landowners)
- Prepare materials for and facilitate PIC #1 (note, this PIC is included within our current scope of work and budget for the Energy Park plan update and would be used to gather public input to the waterfront lands study)
- Analysis of land use and urban design opportunities and challenges
- Analysis of environmental constraints and opportunities (Niblett)
- Analysis of transportation opportunities and challenges (WSP)
- Analysis of utilities opportunities and challenges (Biddle)
- Prepare preliminary "high-level" conceptual land use strategies

- Synthesize and summarize analysis
- Project Steering Committee workshop
- Prepare materials for and facilitate PIC #2 (workshop format)
- Prepare Supplementary Technical Report
- Prepare Draft Vision and Principles for waterfront lands (illustrated with precedents)
- Council update presentation

Phase 2: Preferred Concept (3-4 months)

If the Municipality decides to proceed with further planning of the waterfront lands, in the next phase of work we build on the Phase 1 work to develop a preferred land use and urban design concept for the waterfront lands as the basis for further updates to the Secondary Plan, engaging stakeholders and the public.

Main Tasks:

- Prepare draft Land Use and Urban Design Concept (including designations, streets and open space framework and built form parameters—illustrated with 2D drawings and precedents)
- Preliminary technical analysis of draft concept (transportation, servicing, natural heritage, potentially market)
- Project Steering Committee meeting
- Refine draft Land Use and Urban Design Concept
- Prepare materials for and facilitate PIC #3 (open house)
- Refine Vision, Principles and Land Use and Urban Design Concept
- Prepare draft policy directions
- Project Steering Committee meeting
- Refine preferred Land Use and Urban Design Concept and policy directions
- Prepare Preferred Land Use Concept Report
- Council update presentation

Phase 3: Secondary Plan (4-5 months)

In the final phase of the project, the Phase 2 work will provide the basis for a new Secondary Plan that encompasses the Energy Park and the Courtice Waterfront Lands. We anticipate a high-level of consultation with the Core Project Team and key stakeholders as the plan is developed and refined.

Main Tasks:

- Prepare draft updated Secondary Plan and Urban Design Guidelines
- Steering Committee meeting
- Revise and refine draft Secondary Plan and Urban Design Guidelines
- Prepare materials for and facilitate PIC #4
- Revise and refine draft Secondary Plan and Urban Design Guidelines
- Project Steering Committee meeting
- Prepare for and present at statutory public meeting
- Finalize Secondary Plan and Urban Design Guidelines



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Planning Services Department
Municipality of Clarington
40 Temperance Street
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August 16, 2019
File 9365

Attn: Carlos Salazar, Manager of Community Planning and Design

**Re: Participation in the Clarington Energy Business Park Secondary Plan Update
113 DOWN RD & PT LT 31 CON BROKEN FRONT DARLINGTON PT 1
Municipality of Clarington**

As you know, Weston Consulting is the authorized planning consultant for 1725596 Ontario Limited, the registered owner ("Owner") of the lands known as 113 Down Road and PT LT 31 CON BROKEN FRONT DARLINGTON PT 1 in the Municipality of Clarington (herein referred to as the "subject lands"). This letter continues our correspondence regarding the Municipality's evaluation of the subject lands as part of the Clarington Energy Business Park Secondary Plan Update, including two (2) letters submitted to the Municipality dated March 1st, 2019 and June 5th, 2019, respectively, which are attached for reference.

At this time, we are pleased to inform the Municipality of Clarington that the Owner of the above noted lands has accepted the work plan and budget associated with Urban Strategies' evaluation of the subject lands as part of the Secondary Plan Update, and as outlined in their letter dated June 18, 2019. The Owner's acceptance herein is based on and is subject to the finalization of the appropriate agreement, which is to be negotiated in good faith between the owner and the Municipality. We are currently reviewing the draft agreement provided and will provide our comments under separate cover. It is recognized that the agreement will include relevant components of the Urban Strategies work programs and may reflect any resultant modifications to the work plan that may be required.

The Owner is keen to move the planning process forward in a collaborative manner with the Municipality and is committed to this partnership.

In addition to the above information, we would like to reiterate our understanding of certain components of the Urban Strategies work program and scope as discussed with Staff. In accordance with the Terms of Reference documents enclosed with our letter dated June 5th, 2019, we request that the Municipality of Clarington formally recognize D.G Biddle & Associates Limited and Niblett Environmental Associates Inc. as consultants to our client with respect to the evaluation of the subject lands as part of the Clarington Energy Business Park Secondary Plan Update.

Moreover, we request that Weston Consulting and the Owner be instated as members of the applicable Stakeholder/Steering Committee and this will ensure effective collaboration and will also allow the Owners' and our input to be of assistance to the Municipality and Urban Strategies through this process.

Weston Consulting and the Owner look forward to working with the Municipality of Clarington and Urban Strategies and actively participating in the Clarington Energy Business Park Secondary Plan review and update process. We kindly request that our team be notified of any updates pertaining to the Energy Business Park Secondary Plan and look forward to discussing this further with you in the coming weeks.

If you have any questions, or if there is anything you would like to discuss, please contact the undersigned at ext. 241.

Yours truly,

Weston Consulting

Per:



Ryan Guetter, BES, MCIP, RPP
Senior Vice President

c. 1725596 Ontario Limited

Attachments:

1. Letter from Weston Consulting, dated March 1st, 2019; (provided)
2. Letter from Weston Consulting, dated June 5th, 2019;
3. Letter from Urban Strategies, dated June 18, 2019, (provided)



**WESTON
CONSULTING**

planning + urban design

Planning Services Department
Municipality of Clarington
40 Temperance Street
Bowmanville, ON
L1C 3A6

June 5, 2019
File 9365

Attn: Carlos Salazar, Manager of Community Planning and Design

Dear Mr. Salazar,

**Re: Clarington Energy Business Park Secondary Plan Update – Terms of Reference for
Municipal Servicing and Environmental Analysis
113 DOWN RD & PT LT 31 CON BROKEN FRONT DARLINGTON PT 1
Municipality of Clarington**

As you know, Weston Consulting is the authorized planning consultant for 1725596 Ontario Limited, the registered owner of the lands known as 113 Down Road and PT LT 31 CON BROKEN FRONT DARLINGTON PT 1 in the Municipality of Clarington (herein referred to as the “subject lands”). The subject lands are currently being evaluated as part of the Clarington Energy Business Park Secondary Plan update underway by the Municipality of Clarington.

As part of the Energy Park Secondary Plan Update, we are pleased to submit for review, the Terms of Reference for Conceptual Servicing (Municipal) Study prepared by D.G. Biddle & Associates Limited, and the Terms of Reference for Preliminary Natural Heritage Constraints Study prepared by Niblett Environmental Associates inc. for the subject lands (enclosed).

Weston Consulting and our client look forward to working with the Municipality of Clarington and actively participating in the Clarington Energy Business Park Secondary Plan review and update process. We kindly request that our team be notified of any updates pertaining to the Energy Business Park Secondary Plan and we look forward to discussing this further with you in the coming weeks. Please contact the undersigned at ext. 241 or Kyle Galvin at ext. 239 if you have any questions or concerns.

Yours truly,
Weston Consulting
Per:

Ryan Guetter, BES, MCIP, RPP
Senior Vice President
c. 1725596 Ontario Limited



Niblett Environmental Associates Inc.
Biological Consultants

April 26th, 2019

PN 19-037

Hannu Halminen
Akeru Developments Inc.
1748 Baseline Road West, Unit 100
Courtice, Ontario
L1E 2T1
c/o Mr. Asif Patel, Weston Consulting

RE: 113 DOWN ROAD
PART OF LOT 31, CONCESSION BROKEN FRONT
GEOGRAPHIC TOWNSHIP OF DARLINGTON, PART 1
MUNICIPALITY OF CLARINGTON

PRELIMINARY NATURAL HERITAGE CONSTRAINTS STUDY
TERMS OF REFERENCE

Dear Mr. Halminen,

Niblett Environmental Associates Inc. (NEA) has been retained to complete a preliminary review of the natural features and constraints associated with future land development on this property. At this time, the Municipality of Clarington is undertaking a Secondary Plan process to determine land uses in this part of their municipality. To assist in that process, NEA has been retained conduct two site walks of the property to confirm the natural features, determine the presence of significant natural heritage features and recommend setbacks, based on our field analysis and MOC natural heritage system requirements. This information would be used to assist with recommending appropriate re-designation and rezoning of the property. The confirmation of the boundaries of natural features and any required buffers to maintain their functions will be the primary focus of the study. At this early stage, a full Environmental Impact Study (EIS) is not required. Nevertheless, while NEA biologists are on-site documenting the presence/absence of natural features, they will also conduct biological inventories, the results of which will be incorporated into an EIS in the future.

The term of Reference (ToR) provides project-specific guidance for the biological surveys to be completed, including timing and number and type of surveys required. It has been developed based on our knowledge of the site and surrounding area, applicable municipal, provincial and federal laws and regulations. It is recommended that this ToR be circulated to Central Lake Ontario Conservation Authority (CLOCA) and the Municipality of Clarington for their review and comments.

If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Ellingwood", with a long horizontal flourish extending to the right.

Chris Ellingwood
President and Sr. Terrestrial and Wetland Biologist

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1.0 Overview

1.1 Background

Niblett Environmental Associates (NEA) was retained to conduct a natural heritage constraints study for a property in the geographic township of Darlington. At this early stage, an EIS report for a development plan is not required. Instead, this study will be part of a constraints exercise and will assist in determining the buildable area of the lands and the land use designations and zoning.

While NEA biologists are on-site collecting information for the natural heritage constraints report, they will also conduct biological inventories. This information will be kept on file until it is required for further discussion about natural features, possible issues relating to species at risk, or an EIS report. This scope of the natural heritage assessment will include:

- Determining constraints to development of the lands;
- Identifying any wetlands on site and delineating their boundaries;
- Identifying significant woodlands on site and associated boundaries;
- Identifying and mapping watercourses, fish habitat and seepage areas;
- Completing in season breeding bird, plant, ELC and wildlife inventories;
- Assessment of habitat of Species at Risk (bank swallow, barn swallow, butternut);
- Preliminary fish and aquatic habitat assessment.

1.2 Site Location

The study area is located at 113 Down Road, also referred to as Part Lot 31, Concession Broken Front, Municipality of Clarington. A preliminary review of existing information sources indicated the following natural features are either on, or within 120m of the subject property: potentially significant woodland, potential habitat for threatened or endangered

species, outlet of Tooley Creek to Lake Ontario, fish habitat, floodplain, unevaluated wetland, unnamed tributaries and drains, shoreline habitat (monarch, bank swallows), Darlington Provincial Park.

2.0 Study Approach

2.1 General Approach

Our approach to the natural heritage constraints study will consist of four distinct phases. The first phase is already underway and includes the collection and review of available background information about the study area. Some of the data sources reviewed thus far include: recent aerial photography, the Municipality of Clarington and Region of Durham Official Plans, key natural features GIS mapping from the Ontario Ministry of Natural Resources and Forestry (OMNRF) and other correspondence or files.

Our second phase involves the preparation of this ToR, which will be circulated to Central Lake Ontario Conservation Authority for comment.

Our third phase will consist of two site visits (in April and June 2019) by our terrestrial/wetland and fisheries biologists to perform the following tasks:

- Search for significant trees (e.g. butternut, *Juglans cinerea*) and rare plants;
- Delineate wetland boundaries; confirm whether the feature(s) meet the definition of wetland as per the Ontario Wetland Evaluation System (OWES) and CLOCA regulations;
- Conduct a preliminary assessment of habitat suitability for listed threatened and endangered species;
- Conduct a single breeding bird survey;
- Record incidental observations of amphibians, snakes, turtles and other wildlife;
- Map the shoreline and any drains, creeks, seepage areas, or other water features on the site.

As previously described, NEA staff members will collect in-season data, in anticipation of a future EIS which requires in-season surveys. We will keep those data sheets on file for subsequent stages of the process.

Our fourth phase will involve the completion of a constraints map and accompanying report. The map will illustrate the location of all of the natural features in the study area as well as any recommended setbacks. The report will discuss which natural features are present and their buffer requirements. It will include a discussion of any species at risk detected and steps required in the future to obtain relevant permits or permissions.

2.2 Field Inventories

2.2.1 Timing and Schedule

Surveys for the EIS will continue in the spring and summer with surveys anticipated to be completed in April and June, 2019. Surveys will be conducted according to established protocols, which include specific timing windows. These surveys will be completed across all portions of the study area, as well as immediate adjacent areas to assess the boundary of natural features such as wetlands and woodlands.

2.2.2 Detailed Methodology

Physical Site Characteristics

Site characteristics will be assessed during field visits. Such characteristics include: general documentation of existing disturbances, current usage, age of vegetation cover, general topography and soils.

Vegetation

All vegetation communities on and adjacent to the subject property will be visited, at which time NEA staff will determine the dominant species composition. Classification of the vegetation types will be based on the Ecological Land Classification for Southern Ontario-First Approximation (Lee et al., 1998). Soil sampling will be conducted in each community to describe the moisture, soil type and organic content of soils according to the ELC manual. Detailed botanical inventories of the plant species in each community will be collected in the spring and summer seasons.

Searches will be undertaken for rare, significant, or unusual species and ecological communities. Should any be detected, their presence will be documented and locations mapped. Photographs and/or specimens will be taken of plants requiring verification of identification.

Birds

A single breeding bird survey will be conducted following the Ontario Breeding Bird Atlas point count methodology. It will be conducted during the peak breeding season (May 24 - July 10th). All birds seen or heard within a five-minute station period will be documented and breeding evidence codes recorded. The survey will be conducted in the early morning. Survey stations will be established in locations where species from field, forest and wetland habitats in the study area can be detected. In addition, a record of any incidental observations of birds will be kept when NEA Biologists are conducting other surveys in the study area. This is a preliminary survey primarily looking for Species At Risk. As the property is primarily new orchard, natural habitats are very limited. We will also confirm if bank swallows are using the banks along the shoreline or if barn swallows are in the structures.

Other Wildlife

While surveyors are on site conducting surveys of vegetation communities (i.e., ELC and wetland) a record will be kept of any wildlife species encountered incidentally (including mammals, amphibians and reptiles). Documentation will include notes about the species detected, their location and the type of encounter (i.e., direct sightings and indirect evidence such as calls, tracks, scat, burrows, dens, trails and browse) and sign trails and wildlife corridors.

Species at Risk

The Ontario Endangered Species Act (ESA) places the onus on proponents to comply with the Act. This is done by requiring surveys by a qualified biologist to determine whether species at risk (SAR) are present through targeted in-season field surveys using species-specific protocols. NEA's site visits will include an assessment of habitat for any SAR identified by MECP as being potentially present in the area. We will also determine if other species may find habitat on the site (e.g., breeding monarch) based on the conditions found during our field visits.

Targeted Species at Risk (SAR) Surveys- Butternut (*Juglans cinerea*)

While vegetation surveys are being conducted, experienced biologists will search for rare, significant and/or unusual species. Whenever these species were found, their occurrence information will be documented. Should any butternut trees be found, they will be assessed by our OMNRF-certified butternut health assessor. Completion of the documentation (BHA form) and applying for a permit from MNR/MECP, if necessary, can be completed.

Wetlands

Any wetlands present on site and the boundaries and functions will be assessed in the field following the methodologies contained in the Ontario Wetland Evaluation System, Southern Manual, Third Edition (OMNR 2013 and updates, version 3.2) and CLOCA regulation definitions.

Aquatic Habitat

NEA biologists will assess Tooley Creek located on the eastern portion of the property. A general aquatic assessment will be conducted to verify the location of the creek and habitat type(s) present to inform study design and additional study requirements.

Aquatic habitat types will be assessed in terms of substrate, riparian habitat, percent in-stream cover and unique features. Habitat types will be identified on aerial imagery and a site map illustrating the existing aquatic habitat characteristics will be provided. Assessments will be conducted using standardized provincial aquatic protocols (Ontario Stream Assessment Protocol, Ministry of Transportation). A spring spawning survey will be conducted.

3.0 Report Preparation

After field surveys have been completed, the significance of any species and/or natural features detected in the study area will be assessed in light of relevant policies and regulations. A constraints map will be prepared that identifies natural features, recommended setbacks and the potential buildable area. A summary report will also be used to present potential constraints based on any natural features or species detected.

4.0 Deliverables

NEA will provide .pdf files of any maps or reports prepared to the proponent and the agencies unless otherwise stated. Hard copies may be requested at an extra charge. These documents will be prepared as per the requirements of Official Plans, standard EIS procedures, and the details outlined in the Terms of Reference (ToR).

If you have any questions on this Terms of Reference please contact me. A formal response on the acceptance of the ToR would be appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Ellingwood". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chris Ellingwood
President and Sr. Terrestrial and Wetland Biologist



D. G. Biddle & Associates Limited

consulting engineers and planners

96 KING ST. E., OSHAWA, ONTARIO L1H 1B6 PHONE (905) 576-8500 FAX (905) 576-9730
e-mail: info@dgbiddle.com

May 31, 2019

Akero Developments Inc.
c/o Weston Consulting
Attention: Ryan Guetter
201 Millway Ave, Suite 19
Vaughan, ON L4K 5K8

**Re: 113 Down Road
Part of Lot 31, Concession B.F.
Geographic Township of Durham
Municipality of Clarington
Conceptual Servicing (Municipal) Study Terms of Reference
Our File: 119025**

Dear Mr. Halminen:

D.G Biddle and Associates Ltd. has been retained to complete a preliminary review of the municipal servicing options for the above referenced properties. The preliminary review of servicing will, in a conceptual form, confirm design constraints associated with urban development on the subject lands. We understand that the Municipality of Clarington is undertaking a Secondary Plan review for the area surrounding and including the subject property.

STORM DRAINAGE

We will obtain available topographic mapping in the local vicinity to assess the opportunities and constraints relating to storm water collection, management and its outlet. A plan will be prepared showing the conceptual drainage options and locations which are available for storm water management facilities on the subject property. This plan will also illustrate the potential locations on the site that storm water drainage system outlets could occur.

Further detailed reporting will be required, at time of a development application, which examines storm water pond designs as well the inclusion of low impact development opportunities which are appropriate locally.

SANITARY SEWERAGE

Available topographic mapping of the site and land adjacent to the east will be obtained for review of sanitary sewage drainage options. Available record drawing for sanitary sewers which lie local to the site will be obtained. Any adjacent sanitary sewers will need to be reviewed for available system capacity. An understanding of the sanitary sewer elevation will also be required to assess the opportunity for a gravity system outlet. A plan will be prepared which illustrate sanitary sewer drainage options.

WATER DISTRIBUTION

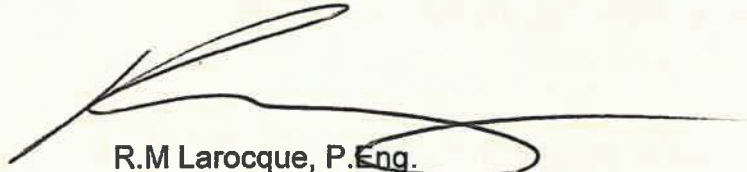
Available record drawings of watermain illustrations will be reviewed and understood to assess system extension options. Adjacent watermains need to be assessed to confirm available sizes, materials and extents. A plan will be prepared which illustrated the watermain extension options.

The terms of reference provide site specific servicing opportunities which will guide further detailed design considerations. The terms of reference has been established based on our knowledge of the subject property, surrounding area and applicable Municipal and Regional design criteria. It is recommended that this terms of reference be circulated to the Municipality of Clarington, Central Lake Ontario Conservation and the Region of Durham for their consideration.

If you should you have any questions, kindly contact our office.

Yours truly,

D.G. BIDDLE & ASSOCIATES LIMITED



R.M Larocque, P.Eng.
Water Resources Manager, Associate

RML/RS

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