

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: October 4, 2019
File No: PLN: 40
Subject: **Resolution #PD-130-19 from September 30, 2019 Planning and Development Committee meeting**

The Resolution included a request that "Staff are to provide a memo to Council on what is not included in Paragraph 1 which is mandatory under provincial legislation".

1. Paragraph 1 listed:

Provincially significant wetland;

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

2. The following features require protection in accordance with, the Provincial Policy Statement, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan and Durham Region Official Plan:

- Coastal wetlands (as identified by MNRF and also those on the Great Lakes)
- Fish habitat
- Significant Valleylands
- Significant Wildlife Habitat
- Habitat of Endangered species and Threatened Species
- Areas of Natural and Scientific Interest
- Sensitive Surface Water Features
- Sensitive Ground Water Features
- Erosion Hazards and Dynamic Beach Hazards

3. The Provincial Policy Statement and other applicable Provincial Plans provide the framework for the protection of a natural heritage system. The system is made up of individual features and linkages.

4. With regard to the third paragraph directing that “The minimum vegetation zone set out in the Greenbelt Plan shall not be including in the mapping in the Official Plan”. Staff are seeking clarification on this item as a requirement of the Region’s Official Plan is:

2.3.14 The general location of key natural heritage and/or hydrologic features are shown on Schedule B and B1. The individual features and their association vegetation protection zones are to be identified and shown in more detail in area municipal official plans and zoning by-laws.

5. The Commissioner of Planning and Economic Development at the Region of Durham has verified that Map B and B1 of the Durham Region Official Plan do not include the vegetation protection zone. The Clarington (local) Official Plan includes the vegetation protection zone as required by the Region’s policy direction in 2.3.14 and was approved by Durham Region in June 2017. Thus, if staff remove the vegetation protection zone the Official Plan will no longer be in conformity with the upper-tier Official Plan and Provincial Policy. The *Planning Act, Section 27 (1)* requires the lower tier official plan and zoning by-law to be in compliance.
6. Council has three options with regard to the resolution:
 - 1) Direct staff to abandon the Zoning By-law review project and begin the process for a municipally initiated Official Plan review to specifically revisit the Natural Heritage System (Environmental Protection) mapping. Given the list of provincially mandated items to be included in the Natural Heritage System the resulting map will not change to any significant degree. The OP Review would take a number of months and require a specific budget to complete. Public expectations will be raised and the resulting OP amendment could be appealed to the LPAT.
 - 2) Table the resolution for the 3 month “pause” of the Zoning By-law review allowing for a decision on East Gwillimbury LPAT Appeal, the PPS Review and for site reviews to occur. Staff have been directed to report on these items in addition the report would include how the vegetation protection zone can be refined and displayed in the zoning by-law. Staff would consult with Durham Region to ensure we are meeting the intent of the provincial policies during the 3 month pause. Conservation Authority staff have confirmed they are able to reallocate resources to carry out the necessary site reviews.
 - 3) Table the resolution and direct staff to carry out the review of Clarington’s Environmental Policy Review in parallel with the Region’s Municipal Comprehensive Official Plan Review. The Region has just released the Environment and Greenlands Discussion Paper, September 2019 which details the natural heritage system and will implement the Provincial Natural Heritage System. Once the Region’s review is complete for the environmental policy and mapping, staff could initiate a review of Clarington’s Environment Protection mapping and policies in our Official Plan.

This would allow staff to continue work on the Zoning By-law and ensure the Official Plan remains in conformity with the Region's/Provincial requirements.

Depending on the decision of Council the letter to be sent to the rural property owners and residents should reflect the direction provided to staff.

Should you have questions, Carlos Salazar, Lisa Backus or I would be happy to respond.



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