

May 16, 2023

MGP File: 17-2666

Envision Durham
The Regional Municipality of Durham
Planning and Economic Development Department
605 Rossland Road
Whitby, ON L1N 6A3

via email: EnvisionDurham@durham.ca

Attention: Envision Durham

**RE: Brooklin North Landowners Group Response to Envision Durham –
Comments on the Recommended Regional Official Plan (May 2023)**

Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Brooklin North Landowners Group (“BNLG”), who own multiple properties in the Brooklin Community Secondary Plan Area. The purpose of this letter is to respond to Special Meeting Decision Report #2023-P-15, Recommendations on the new Regional Official Plan (“Recommended ROP”), File: D12-01, released on May 3, 2023 and to be presented to Council at its Special Meeting on May 17, 2023. We are writing on behalf of BNLG to provide comments on the Recommended ROP for Council’s consideration prior to adoption of the Recommended ROP.

1.0 General Comments

1.1 Policy Requirements are Too Onerous

While we appreciate the efforts to provide guidance for land use planning in lower-tier municipalities, we believe that many of the policies in the Recommended ROP are overly prescriptive, which may impede the implementation of the Recommended ROP at a local level. We suggest that the Recommended ROP adopt a more general tone that provides flexible guidance on land use and development matters.

In this regard, numerous policies within the Recommended OP are excessively onerous or prescriptive, particularly in relation to reports or studies that are required for the development approvals process. Given the recent changes to the planning framework in Ontario brought about by Bills 23 and 97, we urge the Region to reconsider the Recommended OP policies that identify hard requirements through the use of the words “shall”, “will”, or “require”, and replace them with “should”, “may”, and “encourage”, together with “where appropriate”. Such changes would enable greater flexibility and better align with the new provincial priorities and directions being undertaken, including through the initial release of the 2023 Provincial Planning Statement, which a draft is currently available for public consultation.

As the lower-tier municipalities will ultimately be responsible for the implementation of the Recommended ROP, we note that where required, such policies may be re-assessed at the time of implementation into the lower-tier municipality's planning policy framework, and be more restrictive, as necessary, for each municipality.

Furthermore, a number of policies in the Recommended ROP identify requirements to be completed "prior to development" (e.g. Policies 3.3.47, 3.3.50, 5.7.8). We request that all references to this language be replaced with "during the development approvals process".

It is inappropriate to require any studies, background work, or consultation prior to any development (which is defined generally as any lot creation, change in land use, or construction of buildings and structures, any of which requires approval under the Planning Act). Rather, good planning intends that any required studies, background work, or consultation be conducted as part of the development approvals process, and the regional policy framework should reflect this process.

Policy 3.3.50 also requires development proponents to provide a copy of the Stage 2 archaeological assessment where archaeological resources are found to the First Nation or Metis and "receive a response" prior to development proceeding. We believe that it is not appropriate to require a response in all instances and that receiving a response is not a policy requirement under any proponent's duty to consult. It may not be possible to receive a response in a timely manner, or a lack of response may indicate there is no concern, all of which should not delay the development approvals process. We request that the words "and receive a response from" be deleted from Policies 3.3.50 a) and b).

1.2 A Balanced Approach to Growth

A number of policies in the Draft ROP appear to prioritize one type of growth, or one location of growth, over another. For example:

Objective iii (Section 3.1):

Promote residential growth in the region by prioritizing intensification of existing residential areas.

4.1.2 Prioritize the provision of municipal water and sewage services within Urban Areas to development and redevelopment applications which produce an intensive and compact form of development to optimize the use of the services. This includes prioritizing the provision of municipal services and infrastructure to Strategic Growth Areas.

It is inappropriate to prioritize the intensification of existing residential areas or Strategic Growth Areas as the sole focus of residential growth in the Region. Balanced region-wide growth can only be achieved through a combination of intensification, new designated greenfield area ("DGA") growth, and rural settlements. Prioritizing only intensification may lead to an imbalance in growth patterns, resulting in strain on existing infrastructure and services in those areas. Encouraging a mix of different types of growth, including development within the DGAs, will assist in creating a balanced community. The current housing crisis

necessitates a variety of housing options for residents. Prioritizing only intensification may limit the availability of these options, whereas different types of growth can meet the diverse needs of the community, including market-based housing in the DGA.

2.0 Other Comments

In addition to the comments above, we have identified several miscellaneous comments and revisions for the Region's consideration:

*3.1.20 ~~Require~~ **To encourage** that at least 25% of all new residential units produced throughout the region to be affordable to low and moderate income households.*

*3.1.21 ~~Require~~ **To encourage** that at least 35% of all new residential units created in Strategic Growth Areas to be affordable to low and moderate income households.*

*3.3.1 Support the development of healthy, sustainable and complete communities that incorporate, **where appropriate**:*

- a) a mix of housing options, including affordable and market-based housing options, in accordance with Section 3.1;*
- b) employment opportunities in accordance with Policy 2.1.13;*

3.3.4 Require area municipal official plans and secondary plans to include:

- ~~*d) parking management policies and standards in accordance with Policy 8.3.4, including:*~~
 - ~~*i) minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses;*~~
 - ~~*ii) shared parking requirements, where possible, reflecting variances in parking demand between complementary uses on a time of day, weekday/weekend and monthly basis;*~~
 - ~~*iii) on-street parking requirements;*~~

We request that the Region delete subsection D of this policy as Regions should not be requiring a parking management plan. To put parking requirements in a Regional Official Plan is inappropriate and should be delegated to local official plans and zoning by-laws.

4.1.36 Agree to draft approval of a plan of subdivision in Urban Areas in circumstances where full municipal services are not immediately available, provided that the draft approval does not over-commit servicing capacity identified through a servicing master plan or an approved Environmental Assessment, the lands are appropriately designated for development, and other Regional conditions have been satisfied.

We believe that Policy 4.1.36 should be modified to simplify its language and ensure consistency with the D5 guidelines regardless of whether draft plans have been approved or

not. These modifications will help to ensure that the policy is clear and consistent.

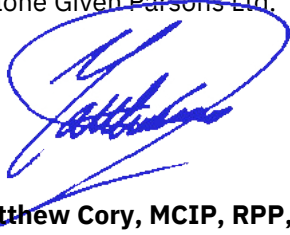
5.4.9 Require development within Community Areas on lands that are greater than approximately ~~20~~ 200 hectares to proceed through secondary planning exercises that include the following elements:

3.0 Conclusion

We thank you again for the opportunity to provide comments on the Recommended OP. We ask that you please adopt the modifications suggested herein, prior to the adoption of the Official Plan.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,
Malone Given Parsons Ltd.



Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

cc. Brooklin North Landowners Group