



Planning Act Public Meeting Report

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-22-93

Date of Report: May 4, 2022

Date of Meeting: May 9, 2022

Subject: Proposed City-initiated Amendments to the Oshawa Official
Plan

Ward: All Wards

File: 12-02-0057, 12-12-3485

1.0 Purpose

The purpose of this Report is to provide background information for the Planning Act public meeting to consider various proposed City-initiated amendments to the Oshawa Official Plan (the "O.O.P.").

The proposed amendments are set out in Attachment 1 to this Report.

A notice advertising the public meeting was mailed to all required public bodies. In addition, a notice was published in the Oshawa This Week newspaper. The notice was also posted on the City's website and communicated through its Corporate Twitter and Facebook social media accounts.

The notice regarding the public meeting provided an advisory that the meeting is open to the public and will take place in person in the Council Chamber at Oshawa City Hall. Members of the public wishing to address the Development Services Committee through electronic means rather than appear in-person to make a delegation were invited to register their intent to participate electronically by 4:30 p.m. on May 4, 2022.

2.0 Recommendation

That the Development Services Committee select an appropriate option as set out in Section 5.2 of Report DS-22-93 dated May 4, 2022.

3.0 Executive Summary

Not applicable.

4.0 Input from Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the proposed amendments. The Building Industry Liaison Team (“B.I.L.T.”), including a representative from the Durham Home Builders Association, was circulated the proposed amendments and has not expressed any objection to the proposed amendments.

4.2 Comments from the Region of Durham

The Region of Durham Planning and Economic Development Department has identified the need for a reciprocal amendment to be made to the Durham Regional Official Plan (the “D.R.O.P”) to deal with the deletion of the Future Type ‘C’ Arterial Road proposed in City-initiated Amendment 2 as outlined in Attachment 1. As a result, this particular City-initiated amendment is not exempt and will require Regional approval.

In the event Council chooses to advance City-initiated Amendment 2, the following outlines in brief the process for advancing the non-exempt amendment:

- City Council adopts the City-initiated amendment to the O.O.P. and authorizes staff to advance the necessary documentation/materials to request that the Region undertake a reciprocal amendment to the D.R.O.P.;
- Staff then send the newly adopted amendment to the O.O.P. to the Region for approval and formally request that the Region undertake a reciprocal amendment to the D.R.O.P.;
- The Region then undertakes the process to advance a Regional Official Plan Amendment to amend the D.R.O.P. with the objective of ensuring conformity between the O.O.P. and the D.R.O.P.;
- Once the D.R.O.P. is amended, the Region will be in a position to approve the City’s amendment to the O.O.P. as there no longer will be a non-conformity between the two Plans with respect to the subject Future Type ‘C’ Arterial Road.

4.3 Comments from the Town of Whitby

The Town of Whitby has requested that additional analysis be provided in support of the deletion of the future east-west Type ‘C’ Arterial Road from the O.O.P. proposed in City-initiated Amendment 2 as outlined in Attachment 1. Staff note that as part of the forthcoming Environmental Assessment approved by Council to be undertaken for Stevenson Road North, additional transportation analysis with respect to this particular matter will be undertaken and shared with both the Town of Whitby and the Region.

As indicated in Section 4.2 of this Report, a reciprocal amendment to the D.R.O.P. is required to ensure conformity with the proposed amendment to the O.O.P. As part of the proposed reciprocal amendment to the D.R.O.P., staff recommends that the Town of Whitby be requested to support a corresponding amendment to the Town of Whitby Official

Plan to delete that portion of the future east-west Type 'C' Arterial Road that falls within their jurisdiction, which consists of the corridor segment extending from Thickson Road North to the Oshawa-Whitby boundary.

5.0 Analysis

5.1 Background

On October 25, 2021 through Item CNCL-21-93 and on March 28, 2022 through Report DS-22-61, Council authorized this Department to initiate the public process that will allow Council to consider the City-initiated amendments (see Attachment 1).

5.2 Options

At the conclusion of the public meeting, two options are available to the Development Services Committee to deal with the proposed amendments.

5.2.1 Option 1: Approve/Adopt the Proposed Amendments

At the conclusion of a public meeting, staff are normally directed to further review the proposal and prepare a subsequent report and recommendation to the Development Services Committee. In this case, however, the proposed amendments may not raise public or Development Services Committee concern.

Accordingly, the Development Services Committee may wish to pass the following motion in the event no significant issues are raised at the public meeting:

“That the Development Services Committee recommend to City Council:

1. That the proposed amendment to the Oshawa Official Plan related to the removal of holding symbols, as generally set out in Attachment 1 to Report DS-22-93 dated May 4, 2022, be adopted and that the appropriate amending by-law be passed in a form and content acceptable to the City Solicitor and Commissioner of Development Services.”
2. That in the event that the amendment to the Oshawa Official Plan related to the removal of holding symbols is adopted, that the appropriate amendments to Delegation By-law 29-2009 be passed.
3. That the proposed amendment to the Oshawa Official Plan related to the deletion of the future east-west Type 'C' Arterial Road located west of Stevenson Road North, between Conlin Road West and Taunton Road West, as generally set out in Attachment 1 to Report DS-22-93 dated May 4, 2022, be adopted by Council and that the appropriate adopting by-law be passed in a form and content acceptable to the City Solicitor and Commissioner of Development Services and subsequently be advanced by staff to the Region of Durham for approval given its role as the approval authority.
4. That, pursuant to Report DS-22-93 dated May 4, 2022, Development Services staff be authorized to advance the necessary documentation/materials to request that the

Region of Durham undertake a reciprocal amendment to the Durham Regional Official Plan to ensure that the deletion of the east-west Type 'C' Arterial Road from the Oshawa Official Plan conforms to the Durham Regional Official Plan.

5. That, pursuant to Report DS-22-93 dated May 4, 2022 and in consideration of the request to be made to the Region of Durham under Part 4 of this Recommendation, the Town of Whitby be requested to support a corresponding amendment to the Town of Whitby Official Plan to delete that portion of the future east-west Type 'C' Arterial Road that falls within their jurisdiction, which consists of the corridor segment extending from Thickson Road North to the Oshawa –Whitby boundary.”

5.2.2 Option 2: Direct Staff to Further Review the Proposed Amendments and Report Back to the Development Services Committee

In the event significant issues are raised by the public and/or the Development Services Committee at the public meeting, then staff should be directed to further review the proposed amendments and prepare a subsequent report. In this case, the following motion should be passed by the Development Services Committee:

“That in accordance with the proposed City-initiated amendments to the Oshawa Official Plan, as generally set out in Attachment 1 to Report DS-22-93 dated May 4, 2022, staff be directed to further review and prepare a subsequent report and recommendation back to the Development Services Committee. This direction does not constitute or imply any form or degree of approval.”

6.0 Financial Implications

Anticipated costs to the City are included in the appropriate 2022 Departmental budgets and relate primarily to newspaper advertising costs for the public meeting and the passing of any by-laws.

7.0 Relationship to the Oshawa Strategic Plan

Holding a public meeting on the proposed City-initiated Amendments advances the Accountable Leadership Goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Development Services Department

1. Oshawa Official Plan: Section 9.3: Zoning By-laws

Issue:

Zoning By-law 60-94, as amended, contains a number of holdings symbols which appear as a suffix to an underlying zone. Where a holding symbol is in place, those lands cannot be developed or used except in compliance with the provisions of the holding symbol, notwithstanding the provisions of the underlying zone applicable to the lands. A landowner/developer must submit an application to the City to remove the holding symbol. Currently applications to remove holding symbols can be approved by the Commissioner of Development Services and the associated by-law to remove the holding symbol must be passed by City Council.

Report DS-22-61 dated March 2, 2022 authorized the Development Services Department to schedule a statutory public meeting under the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") to consider an amendment to the Oshawa Official Plan ("O.O.P.") to permit City staff to pass by-laws for the removal of holding symbols as permitted under Schedule 19 of Bill 13, Supporting People and Businesses Act, 2021 ("Bill 13").

Bill 13 was introduced to the Legislative Assembly of Ontario on October 7, 2021. The amendments under Schedule 19 of Bill 13 introduced, among other matters, changes to the Planning Act to expand the matters that the Council of a local municipality may delegate to a Committee of Council or staff in an effort to streamline planning approvals. The amendments provide a new discretionary authority to delegate the authority to administratively pass by-laws dealing with the removal of holding symbols.

Bill 13 received Royal Assent and the aforementioned changes to the Planning Act came into effect on December 2, 2021. It is up to the Council of each municipality to determine whether or not to exercise this new authority.

The powers afforded under Schedule 19 of Bill 13 would not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection. Consequently, an amendment to the O.O.P. would be required in order to permit such powers to be delegated to staff or to a Committee of Council.

This amendment takes advantage of new authority provided by changes to the Planning Act through the Royal Assent of Bill 13 on December 2, 2021. The changes provided a new discretionary authority to delegate the authority to administratively pass by-laws dealing with the removal of holding symbols.

Staff advise that this amendment is beneficial for the following reasons:

- It would result in more timely development to advance increased assessment, new jobs and economic development growth in the City;

- It is estimated that delegating the passing of by-laws for the removal of holding symbols would reduce the delay between staff’s approval of the decision and Council’s approval of the by-law by 2 to 10 weeks depending on the circumstances (i.e. regular Council meeting cycle versus summer recess or election period);
- Removal of holding symbols could be advanced by City staff during Council summer recess as well as during an election when Council would not otherwise be meeting, thereby eliminating unnecessary delays in the planning approvals process;
- City staff are already delegated the authority to approve applications for removal of holding symbols by Item 54 of Schedule “A” of the City’s Delegation of Authority By-law 29-2009 (“Delegation By-law”). The proposed delegation of authority for City staff to now also administratively pass by-laws to remove holding symbols would be a logical extension of that delegated authority; and,
- Council will still be informed of the passing of a by-law to remove a holding symbol by the Director of Planning Services.

Therefore, it is appropriate to amend Policy 9.3.4 of the O.O.P. to allow the appropriate City staff to lift a holding symbol at such time as the necessary requirements or conditions have been satisfied.

If the O.O.P. amendment is advanced, the appropriate amendment to the Delegation By-law to amend Item 54 to add that the Commissioner of Development Services can also pass by-laws to remove holding symbols, subject to the Commissioner being satisfied that the conditions for removing the holding symbol have been satisfied, can be advanced. The Delegation By-law would also require the Director of Planning Services to advise Council of the passing of the By-law.

Proposed Amendment:

Amend the third paragraph of Policy 9.3.4 by adding the text “or by City staff if delegated by Council,” in the first line after the word “Council” and by adding the text “or City staff if delegated by Council” in the fifth line after the word “Council” such that Policy 9.3.4 would read as follows:

“A by-law to remove the holding symbol shall be passed by Council or by City staff if delegated by Council, at such time as the above requirements have been met through meeting the conditions and/or providing the services required or when suitable arrangements for meeting the conditions and/or providing the services required have been made to the satisfaction of the Council or City staff if delegated by Council having jurisdiction.”

2. Oshawa Official Plan: Schedule ‘B’ Road Network – South Half

On October 25, 2021, City Council passed a motion pursuant to Item CNCL-21-93 which included the following item:

- “4. That staff be authorized to initiate the public process for Council to consider an amendment to the Oshawa Official Plan to delete the future east-west

Type 'C' Arterial Road located west of Stevenson Road North, between Taunton Road West and Conlin Road West."

Both the Durham Regional Official Plan (the "D.R.O.P.") and Schedule 'B', Road Network, of the O.O.P. show a Future Type 'C' Arterial Road (the "Subject Road") located north of Taunton Road West and south of Conlin Road West that would run east-west between Stevenson Road North in the City of Oshawa and Thicksen Road in the Town of Whitby, and which would traverse a portion of the Northwood Business Park.

City Council approved the Environmental Assessment to determine the alignment of the Subject Road and for improvements to Stevenson Road North as Project 73-0456 in the 2019 Capital Budget in the amount of \$260,000.

The City did not receive any submissions within the allocated budget in response to the City's Request for Proposals issued for undertaking the above noted Environmental Assessment to determine the alignment of the Subject Road and for improvements to Stevenson Road North between Taunton Road West and Conlin Road West.

The City's Transportation Engineer subsequently undertook a high level analysis and concluded that the Subject Road is not needed from a transportation network perspective and that the role and function of the surrounding road network, including Thornton Road North, Stevenson Road North, Taunton Road West and Conlin Road West, would not be altered in the absence of constructing the Subject Road since it is also not warranted from a capacity perspective. The City's Transportation Engineer also noted that as part of the forthcoming Environmental Assessment for Stevenson Road North, additional transportation analysis with respect to this particular matter will be undertaken to provide an enhanced level of supporting detail.

Many years ago an amendment was made to the D.R.O.P. and O.O.P. to delete the easterly extension of the Subject Road between Stevenson Road North and Ritson Road North which was to connect at Coldstream Drive, and as a result the Subject Road does not now perform a significant role from a Regional transportation network perspective.

The Subject Road was put in place in the O.O.P. many years ago, in part, to be able to allow the creation of smaller development parcels which were more prevalent at that time.

Currently the development interests in the Northwood Business Park require parcels of land that can accommodate larger building footprints similar to that being developed generally along Wentworth Street West at Thornton Road South.

On the basis of the foregoing, it is appropriate to amend Schedule 'B', Road Network – South Half of the Oshawa Official Plan by deleting the Subject Road.

Proposed Amendment:

Amend Schedule 'B', Road Network – South Half, of the O.O.P.

