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Letter about Durham Regional Official Plan, dated March 12, 2010

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March 12, 2010

Mr. Alex Georgieff, MCIP, RPP
 Commissioner of Planning
 The Regional Municipality of Durham
 Planning Department
 605 Rossland Road E., 4th Floor
 P.O. Box 623
 Whitby, ON L1N 6A3

Dear Mr. Georgieff:

Subject:

Growing Durham Study and Amendment No. 128 to the Durham Regional Official Plan (adopted June 3, 2009)

MAH File No.: 18-DP-0012-08002

The Ministry of Municipal Affairs and Housing is in receipt of the proposed Durham Regional Official Plan Amendment No. 128 ("ROPA 128"), which was adopted by Regional Council on June 3, 2009.

Ministry staff have reviewed and assessed ROPA 128 against the requirements of the Growth Plan for the Greater Golden Horseshoe's ("Growth Plan") policies and objectives, and other applicable provincial plans and policies such as the Central Pickering Development Plan and recent Lake Simcoe Protection Plan.

Please find enclosed a draft decision page for your review attached to this letter as **Attachment "1"**. Upon receipt of the Region's input regarding the proposed draft modifications, the Ministry will be in a position to move forward to finalize its approval of ROPA 128.

The adopted amendment contains many policies which will help the Region achieve the Growth Plan's vision. This includes policies which provide guidance on appropriate densities and built form in corridors and centres to support existing and planned transit infrastructure, promote intensification, and provide greater clarity on planning for employment.

However, there remain several fundamental issues which are of concern to us. These issues were detailed in previous correspondence to the Region throughout the Growing Durham study; in particular the letter dated May 25, 2009. A detailed description of our outstanding concerns and additional policy requirements are listed in the [Appendix](#) to this letter.

A key concern is that the land budget overestimates the amount of land needed to accommodate the growth forecast for the Region and is based on assumptions inconsistent with the Growth Plan's policies.

For example:

- The amendment and analyses provided in the Growing Durham reports are based on employment numbers in excess of what is forecast in the Growth Plan;
- Additional employment lands have been included without justification;
- The amendment and analyses for Seaton is based on employment numbers lower than what is forecast in the Central Pickering Development Plan;
- Certain existing designated and approved residential lands have been excluded from the land supply analysis;
- Certain infrastructure have been netted out of the greenfield density calculations;
- The proposed proportion of single- and semi-detached housing in the designated greenfield area (approximately 70%) appears high to achieve a compact, transit-supportive built form;
- The amendment was adopted without having completed a comprehensive infrastructure and fiscal analysis of the recommended growth scenario.

The Ministry is concerned that the scale of the proposed urban expansion areas, resulting urban form and densities based on the above-noted assumptions will undermine the Growth Plan's policy-objective of creating compact, complete communities for future generations. Moreover, it will also undermine the Region's own efforts to make efficient use of existing land and infrastructure and build and sustain good transit services.

The Province is committed to the development and realization of its vision for Seaton as a sustainable, compact, walkable, and complete community. This innovative new community will contain, as planned, a range and mix of housing types, access to transportation choices, high-quality employment opportunities, complemented by a network of parks and natural spaces. We recognize that both Durham Region and the City of Pickering share this interest and are key partners in realizing the vision for Seaton.

In light of the foregoing, the Ministry is proposing draft modifications in order to address the above-mentioned matters and ensure conformity with the Growth Plan and other applicable provincial plans and policies. The modifications will also ensure that orderly and sequential development occurs.

Please contact me directly at 416-585-7264 if you would like to discuss these matters further prior to proceeding to Regional Council. We look forward in proceeding with this final stage and important component of the Regional Official Plan Review through to approval.

Yours truly,

Larry Clay
Regional Director
Municipal Services Office – Central
c.
P.M. Madill, Regional Clerk
Tija Dirks, Director, Growth, Policy, Planning and Analysis, MEI



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Appendix

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Growth Plan's Employment Forecasts and Employment Land Needs

The Region's employment growth forecast plans for 25,000 more jobs than the 350,000 jobs forecast in Schedule 3 of the Growth Plan.

As advised repeatedly, the Region of Durham, as with all municipalities within the Greater Golden Horseshoe, must use the population and employment forecasts in Schedule 3 of the Growth Plan as the basis for planning and managing growth.

The Region has also allocated 16,500 jobs to Seaton whereas the Central Pickering Development Plan allocates an employment forecast of 35,000 jobs. This has implications in prematurely overestimating the proposed new growth area in northeast Pickering as it relates to employment land jobs.

Further, the Region proposes an urban expansion for an additional employment area in Clarington which is not justified by the Growing Durham study land budget analysis.

Therefore, modifications to remove the additional 25,000 jobs forecasted, remove the additional employment area in Clarington and to allocate 35,000 jobs to Seaton are proposed. This is to ensure the Region's land budget is revised to match the forecasts in Schedule 3 of the Growth Plan and the Central Pickering Development Plan.

Living Area Land Needs and Proposed Regional Structure

The decision by the Region to exclude some existing designated and approved residential lands, particularly in Oshawa and Clarington, from not being considered as available supply to 2031 results in the excess designation of lands for living area. All lands and opportunities for development currently designated and available for development need to be included within the supply estimates prior to considering further urban expansions in accordance with section 2.2.8 of the Growth Plan. This should also include existing designated low density residential lands within the built-up area.

If new greenfield lands are required, the location of the new lands should align with the Region's growth management objectives and reinforce the current regional structure. The regional land use structure as shown in the proposed amendment is substantially different than the historic and current structure shown in the Region's Official Plan. The new greenfield lands being proposed in northeast Pickering without the employment area lands (which cannot be justified) result in a new living area that is not contiguous to any existing urban areas or a sequential extension of growth. In addition, there has been no detailed analysis done of the costs associated with servicing these lands.

Therefore, a modification is proposed to remove the northeast Pickering expansion area as it is premature at this time.

Designated Greenfield Area Density target

The policies in the Growth Plan relating to designated greenfield areas, including the identification of a

minimum density target, are meant to achieve the objective of creating complete, compact, and transit-supportive communities. The Growth Plan intends cities and towns to develop as walkable communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open spaces and easy access to transit, local stores and services.

The Region's designated greenfield area land-budgeting methodology nets out a number of land use and infrastructure features beyond those identified in the Growth Plan's policies. The resulting density will undermine the policy objective of creating compact, complete communities and the Region's own efforts to make better use of existing land and infrastructure and build and sustain good transit services.

Policy 2.2.7.3 of the Growth Plan explicitly lists those features that can be excluded in measuring the designated greenfield area density target. The Growing Durham study has specifically excluded infrastructure proposed in existing and new greenfield areas from the application of the designated greenfield area density target.

Therefore, modifications are proposed to remove the proposed northeast Pickering expansion area as noted above to be consistent with the policies of the Growth Plan as the Region has overestimated the need for additional living area lands.

Phasing Strategy

While the amendment includes policies for the phasing of development, modifications are proposed to enhance the phasing and intensification strategy for the urban area. This will ensure that the growth management objectives of the Plan are achieved and that the Region's land supply and infrastructure are used efficiently to provide for sequential and orderly development of existing Greenfield areas prior to approval of development in new growth areas.

Complete, Compact Communities

While the overall housing mix across the Region to the year 2031, including the built-up areas will consist of 50% single and semi-detached low-density units, the existing and proposed new designated greenfield area appear to be planned with a housing mix of about 70% single and semi-detached low-density. The additional netting out discussed in the previous section facilitates the development of a relatively high percentage of low density housing in the greenfield areas. Further, the designated greenfield area density target should be applied across the entire Region and not just to the Lake Ontario shoreline municipalities.

The designated greenfield area density target is intended to shift the housing mix to a greater mix and balance of low-, medium- and high-density units. As stated previously, the proposed large proportion of low-density development will undermine both the Growth Plan's and the Region's stated policy objectives of creating compact, complete communities. Moreover, it will also undermine the Region's own efforts to make better use of existing land and infrastructure and to build transit-supportive development.

Infrastructure and Fiscal Analysis

As noted previously, the Growing Durham study and the determination of the recommended growth scenario was undertaken without a review of the infrastructure and financial implications. While the Ministry understands that the Region has now initiated such an analysis to understand the actual impacts of the final growth option, concerns remain, in particular, relating to the proposal for significant urban expansion areas which have been determined without analyses of capital infrastructure and related costs for water, sewage, roads, etc. required to service and pay for the final growth option and operating costs relating to the new infrastructure.

The lack of this detailed fiscal analysis as well as the land budget estimates to accommodate the growth forecasts remain as outstanding concerns related to the timing and scale of certain of the proposed urban expansions, including northeast Pickering.

Designating land for development beyond 2031

The Region's forecasting and land budgeting exercise goes beyond the 2031 horizon established by the Growth Plan, to identify future land needs to the 2056 time horizon. The identification of future living areas and future employment areas to 2051 as set out in Schedule F of the draft amendment is not in keeping with Provincial policies.

Therefore, new policy no. 13.2.4 and the future growth areas shown on Schedule 'F' are proposed to be removed from the amendment.

Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan ("LSPP") was released June 2, 2009 and established under the authority of the Lake Simcoe Protection Act, 2008. The LSPP generally applies to the Lake Simcoe watershed of

which a portion of Durham Region lies within. The effective date of the LSPP is June 2, 2009 and according to the transition rules, the LSPP applies to ROPA 128 as it was adopted on June 3, 2009. As a result, the Ministry needs to ensure that the Region implements the LSPP as part of its current five-year ROP Review, including incorporating the applicable policies and showing the watershed boundary on Schedule A.

Central Pickering Development Plan

The Central Pickering Development Plan ("CPDP") is another Provincial plan prepared under the provisions of the Ontario Planning and Development Act, 1994 which was released on May 3, 2006.

The CPDP establishes a comprehensive new vision for Central Pickering: that of a sustainable urban community in Seaton integrated with a thriving agricultural community in the Duffins Rouge Agricultural Preserve and an extensive Natural Heritage System. The CPDP is a complementary element of the Growth Plan focussed on Pickering and therefore forms a key consideration for ROPA 128 and Durham's growth management to 2031. Certain modifications are proposed to ensure that the amendment implements the CPDP, in particular that the employment forecasts allocate 35,000 jobs to Seaton in accordance with the CPDP.

Other Policy Modifications

While overall supportive of the majority of the policies in the amendment to implement Provincial policy, certain technical modifications are proposed in the draft decision to provide additional clarity and direction for growth management and further Greenbelt Plan implementation.