



Committee of the Whole Revised Agenda

Monday, June 5, 2023, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be available for viewing through the Town's **live stream feed** while the meeting is in progress. Please visit whitby.ca/CouncilCalendar for more information about the live stream and archived videos.

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 7 of Procedure By-law # 7462-18, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at clerk@whitby.ca by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a **Delegation Request Form** online to the Office of the Town Clerk by 10 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
 2. **Call of the Roll: The Clerk**
 3. **Declarations of Conflict of Interest**
 4. **Consent Agenda**
 5. **Planning and Development**
 - 5.1 Presentations
 - 5.2 Delegations

- *5.2.1 Chidi Austin Ibeson representing Brooklin Meadow Limited (Virtual Attendance)
Re: PDP 29-23, Planning and Development (Planning Services) Department Report
Draft Plan of Condominium Application, Brooklin Meadow Limited, Baldwin Street North and Carnwith Drive East, File Number: DEV-06-23 (CW-2023-03)

Refer to Item 5.4.2, PDP 29-23

- *5.2.2 David Murphy representing Conland Development Corporation (In-Person Attendance)
Re: PDP 30-23, Planning and Development (Planning Services) Department Report
Draft Plan of Subdivision Application and Zoning By-law Amendment Application, 5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File Number: DEV-13-21 (SW-2021-03, Z-08-21)

Refer to Item 5.4.3, PDP 30-23

5.3 Correspondence

5.4 Staff Reports

- 5.4.1 PDP 28-23, Planning and Development (Planning Services) Department Report
Re: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans
Recommendation:
That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.
- 5.4.2 PDP 29-23, Planning and Development (Planning Services) Department Report
Re: Draft Plan of Condominium Application, Brooklin Meadow Limited, Baldwin Street North and Carnwith Drive East, File Number: DEV-06-23 (CW-2023-03)

Recommendation:

1. That Council approve a Draft Plan of Condominium (File No. CW-2023-03) subject to the comments included in Report PDP 29-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

5.4.3 PDP 30-23, Planning and Development (Planning Services) Department Report

Re: Draft Plan of Subdivision Application and Zoning By-law Amendment Application, 5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File Number: DEV-13-21 (SW-2021-03, Z-08-21)

Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council;
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

6. General Government

6.1 Presentations

6.2 Delegations

- *6.2.1 Jennifer Loach-Perry (Virtual Attendance)
Re: LS 06-23, Legal and Enforcement Services Department Report
Follow-up Report for Proposed Amendments to Property Standards By-law
6874-14, Hedge Heights

Refer to Item 6.4.2, LS 06-23

- *6.2.2 Mike Pettigrew representing Brooklin South Landowners Group (Virtual Attendance)
Re: CMS 06-23, Community Services Department Report
Bill 23 Parkland Dedication Framework

Refer to Item 6.4.3, CMS 06-23

- *6.2.3 Matthew Cory and Jack Wong representing Brooklin North Landowners Group (Virtual Attendance)
Re: CMS 06-23, Community Services Department Report
Bill 23 Parkland Dedication Framework

Refer to Item 6.4.3, CMS 06-23

6.3 Correspondence

6.4 Staff Reports

- 6.4.1 LS 05-23, Legal and Enforcement Services Department Report
Re: Review of Residential Construction Dust Permit Program
Recommendation:
1. That Report LS 05-23 be received for information;
 2. That Enforcement Services not implement a permit system to regulate dust from private residential construction projects;
 3. That Enforcement Services continues to actively promote dust control through an annual communication strategy; and,
 4. That New and Unfinished Business – General Government Item No. GG-0013 be removed.
- 6.4.2 LS 06-23, Legal and Enforcement Services Department Report
Re: Follow-up Report for Proposed Amendments to Property Standards By-law # 6874-14, Hedge Heights
Recommendation:
1. That Report LS 06-23 be received for information; and,
 2. That Staff bring forward a by-law to amend Property Standards By-law # 6874-14, as amended, substantially in accordance with the draft bylaw in Attachment 1 to this Report LS 06-23.
- *6.4.3 CMS 06-23, Community Services Department Report
Re: Bill 23 Parkland Dedication Framework

Recommendation:

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

6.4.4 CMS 07-23, Community Services (Operational Services) Department Report
Re: Urban Forestry Update - Spring 2023

Recommendation:

That Report CMS 07-23 be received as information.

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - General Government

7. Adjournment

Town of Whitby Staff Report

whitby.ca/CouncilCalendar



Report Title: Housekeeping and Technical Amendments to the Whitby Official Plan / Part 2 Secondary Plans

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP-28-23

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

Justin Malfara, MCIP RPP
Planner II

1. Recommendation:

1. That Council authorize Planning and Development Staff to initiate an Amendment to the Town of Whitby Official Plan regarding minor housekeeping and technical amendments to policies and Schedules of Part 1 – parent Official Plan and Part 2 – Secondary Plans and Schedules.

2. Highlights:

- Planning and Development staff are seeking Council's authorization to initiate public and agency consultation, and to hold a Statutory Public Meeting in accordance with the Planning Act, regarding a Draft Proposed Official Plan Amendment for minor housekeeping and technical revisions to certain Part 2 Secondary Plans and related minor revisions to Part 1 Official Plan.
- The Draft Proposed Official Plan Amendment regarding the various Part 2 Secondary Plans and parent Part 1 Official Plan is generally housekeeping and technical in nature, consisting of:
 - minor text changes to policies for consistency and alignment with Part 1; consistent use of terminology and policy language; land use designations/permissions; elimination of policy duplication; relocation of certain policies; and,
 - minor mapping changes to Schedules, including: consistent use of symbology/colours/hatching/line types; consistent land use designations; minor boundary adjustments to reflect as-built/ implemented development.

- The revisions will provide alignment, consistency and further clarification of policy intent and will not significantly change the intent of any policies.
- Following the Region's conclusion of the Envision Durham Municipal Comprehensive Review (MCR) and associated new Regional Official Plan (ROP), the Town will undertake a subsequent and separate full MCR of the Town's Official Plan to be in conformity with the updated ROP and Provincial Policy Statement and Plans.

3. Background:

The current Official Plan consists of two key sections/parts: Part 1 – Official Plan; and Part 2 – Secondary Plans.

Part 1 of the Official Plan, generally referred to as the “parent” section of the Official Plan, provides general policy directions and a planning framework to guide the development of the Municipality and the assessment and management of the social, economic, and environmental effects of growth in the Municipality.

Part 2 of the Official Plan includes Secondary Plans, which provide more detailed land use designations and policies for specific communities/areas, regarding such matters as development densities, supporting facilities, school sites, parks, road network, etc. In instances where the policies and designations included in the Secondary Plans vary with the policies in Part I, the more specific and detailed policies of the Secondary Plans prevail, provided the overall intent of the Official Plan is maintained.

In 2018, the Official Plan Amendment (OPA) 105 was approved. OPA 105 was the final component of Whitby's last MCR and involved extensive consultation including public open houses, a public opinion survey, public workshops on various themes, and Statutory public meetings on Draft Proposed Amendments released during the MCR.

In 2020, the Local Planning Appeal Tribunal (now Ontario Land Tribunal) approved the Brooklin Community Secondary Plan, which included updated land use designations and policies for both the former Village of Brooklin and expanded urban area of Brooklin.

In December 2020, Council passed Interim Control By-laws #7699-20 and #7700-20 (ICBLs), under Section 38 of the Planning Act. The ICBLs applied to residential lands generally located south of Taunton Road and north of Highway 401, excluding the new West Whitby community and intensification corridors/areas. The ICBLs placed a one year pause on certain types of residential infill/intensification development while a Mature Neighbourhoods Study (MNS) was undertaken for the review of residential infill/intensification land use policies and regulations within the study area.

In March 2023, Council approved OPA 130 regarding the MNS, which has now introduced new policies into the OP to aid in managing appropriate residential infill/intensification in mature neighbourhoods within the Study Area.

In March 2023, Council adopted OPA 126 regarding the review and update of the Downtown Whitby Secondary Plan. The update brings the Downtown Whitby Secondary Plan into conformity with previous Provincial and Regional policy changes, as well as the 2018 MCR update of the Whitby Official Plan. Downtown Whitby is one of a number of Major Central Areas, and Intensification Areas, identified in the Whitby Official Plan, but also includes historic and mature neighbourhoods. The OPA 126 update was prepared in alignment with the recommendations of the Mature Neighbourhoods Study.

With the recent introduction and/or updates of certain Secondary Plans (e.g., Brooklin, Downtown Whitby, Port Whitby) and with the completion of the Mature Neighbourhoods Study, it is timely and appropriate to initiate a further Amendment to ensure alignment and consistency of land use designations and policies across both Part 1 – parent OP, and Part 2 – Secondary Plans.

4. Discussion:

4.1. Overview of Draft Proposed Official Plan Amendment:

Planning and Development staff are proposing minor housekeeping, and technical revisions and updates to relevant sections of Part 1 parent OP and certain Part 2 Secondary Plans. Some Secondary Plans are proposed to be deleted in their entirety where warranted, with certain policies relocated accordingly, while others are proposed to be refined for alignment and consistency with the parent Part 1, and other Part 2 Secondary Plans.

The Town-initiated Amendment process includes Council authorization to initiate an Official Plan Amendment, holding a Statutory Public Meeting in accordance with the Planning Act and bringing forward a final recommended OPA following agency and public consultation.

The proposed housekeeping and technical Amendment is not intended to replace the broader Municipal Comprehensive Review of the Town of Whitby Official Plan, as required by Section 26 of the Planning Act. That future MCR will be required to reflect policy changes and directives resulting from Durham Region's Envision Durham MCR to address the future expansion of the Brooklin urban area, including the future Hospital lands near Lake Ridge Road and Highway 407, as well as any further changes to Provincial Plans or Planning Policies. Staff will report back to Council at a future date regarding the Town's next MCR.

4.1.1 Proposed Policy (Text) Changes to the Official Plan and Secondary Plans:

The following provides an overview of the types of proposed minor technical and housekeeping text changes:

- Clarification of policies regarding intent;
- Consistency and alignment of policies amongst Part 2 Secondary Plans and Part 1 parent OP;
- Consistency of terminology amongst Part 2 Secondary Plans and Part 1 parent OP;
- Consistency of policy language/phrasing, land use permissions, densities and/or heights, amongst Part 2 Secondary Plans and Part 1 parent OP, where appropriate;
- Consistency and alignment of policies amongst Part 2 Secondary Plans and Part 1 parent OP with new changes in planning legislation;
- Maintaining of unique land use permissions, densities and/or heights where Secondary Plans are more detailed and specific;
- Minor reorganizing/restructuring/cross-referencing for better readability; and,
- Renumbering of sections accordingly, where policies are revised/relocated.

4.1.2 Proposed Schedule (Map) changes:

The types of proposed mapping changes include:

- Minor revisions/updates to reflect as-built/implemented land use designations and symbols;
- Updates to infrastructure and utility locations;
- Relocation of various symbols, where appropriate;
- Minor revisions/updates for road network, including new roads;
- Administrative changes, including changes to map legends;
- Consistency of line types for various boundaries; and
- Consistency of colours for land use designations, to ensure maximum clarity, ease of interpretation, and consistency with other schedules in the parent Official Plan.

4.1.3 Proposed Part 2 Secondary Plan Deletions:

The following Secondary Plans are proposed to be deleted in their entirety, with select policies modified and relocated appropriately within Part 1 of the Official Plan:

- Section 11.4 – Rossland / Garden Urban Central Area Secondary Plan;
- Section 11.6 - Macedonian Village Secondary Plan;
- Section 11.7 - Hamlet of Ashburn Secondary Plan; and,
- Section 11.9 – Thickson / Taunton Community Central Area Secondary Plan.

Although certain Secondary Plans are proposed to be deleted, select policies from those Secondary Plans will be modified and relocated to appropriate sections elsewhere within Part 1 of the Official Plan or within other Secondary Plans.

For example, in the case of the Hamlet of Ashburn Secondary Plan, select policies are proposed to be modified and relocated to the Oak Ridges Moraine Secondary Plan or the Hamlets Section 4.11.3 of parent OP, as appropriate. Other urban area Secondary Plans proposed to be deleted have been substantially built-out; however, certain policies may be retained and relocated where appropriate.

4.1.4 Proposed Part 2 Secondary Plan Amendments:

The following Secondary Plans are proposed to be amended:

- Section 11.8 – Brock / Taunton Major Central Area Secondary Plan;
- Section 11.10 - Taunton North Community Secondary Plan; and,
- Section 11.11 - Oak Ridges Moraine Secondary Plan.

Proposed changes include:

- minor housekeeping and technical revisions to policies, phrasing, and/or terminology for consistency with Part 1 of the Official Plan and other Secondary Plans to provide additional clarification;
- changes to, and/or deletion of, existing policies that are out of date; and,
- relocation of certain existing policies which are more appropriately located elsewhere within the Secondary Plan.

4.1.5 Proposed Part 1 Official Plan Amendments:

Limited and minor housekeeping and technical revisions are also proposed to the Part 1 policies of the Official Plan, related to the Part 2 Secondary Plan review. The purpose of the selected revisions to Part 1 policies are to provide clarification and/or alignment with Secondary Plan policies. As noted in Section 4.3 below, a larger Municipal Comprehensive Review of the Official Plan will take place in the future following the Province's approval of the Region's new ROP through Envision Durham.

The limited and minor changes to Part 1 of the Official Plan, include:

- Revisions to Section 4.4.3.4.1 b) regarding the maximum density permitted within the Low Density Residential designation, for consistency with other recently approved Secondary Plans and the Mature Neighbourhoods Study OPA;

- Revisions to Section 4.6.3 to provide greater flexibility for implementation of non-residential uses within a Mixed Use designation;
- Revisions to Section 8.1.3.1.2 to permit Collector Roads to be added, modified, or deleted without Official Plan Amendment, subject to criteria;
- Revisions to the definition of Net Residential Density to include private laneways in the calculation of density;
- Minor housekeeping and technical revisions for alignment and consistency with Secondary Plans; and,
- Changes to mapping, such as Schedule 'E' – Secondary Plans and Community Improvement Plans, to reflect the proposed deleted Secondary Plans.

4.1.6 Secondary Plans Not Under Consideration:

Secondary Plans that will not have any substantive revisions include:

- Section 11.1 - Port Whitby Community Secondary Plan;
- Section 11.3 - Downtown Whitby Community Secondary Plan, as adopted by Council;
- Section 11.5 - Brooklin Community Secondary Plan; and,
- Section 11.12 - West Whitby Secondary Plan.

However, over the course of this review, minor housekeeping or technical changes may be considered for all Secondary Plans. This may include minor revisions to policies, phrasing, formatting, and/or terminology for alignment and consistency with Part 1 of the Official Plan, and for further clarification of intent.

4.2 Future Official Plan Review and Update:

In 2018, the Region of Durham initiated its Municipal Comprehensive Review (MCR) of the ROP, referred to as "Envision Durham." In February 2023, the Region released the draft new Regional Official Plan for public and agency review. The final recommended new ROP will be brought forward for Regional Council's consideration at a special meeting of Regional Council on May 17, 2023.

In 2022, Lakeridge Health announced that the land south of Highway 407, west of Highway 412, east of Lake Ridge Road and north of Highway 7 was selected as the preferred site for a proposed new hospital for Durham Region. In order to progress with the development of these lands, as well as the urban expansion proposed through the Envision Durham new ROP, the Brooklin Community Secondary Plan will require an Amendment to expand its urban boundary westwards to encompass the future hospital site.

Following the Region's conclusion of the Envision Durham project and Province's approval of the new Regional Official Plan, the Town of Whitby will undertake a MCR of the Town's Official Plan policies, which will include a full, and more substantive review and update policies in both Part 1 and Part 2 of the Whitby

Official Plan as applicable, as well as an update to the Brooklin Community Secondary Plan for the expanded urban area, including the lands for the future hospital site.

Planning and Development staff will report to Council accordingly regarding the future MCR of the Whitby OP.

4.3 Next Steps:

Following Council's authorization to initiate an Amendment, staff will circulate the appropriate materials to all applicable departments and commenting agencies for their review and comment. Staff will also commence public and stakeholder consultation, including a Statutory Public Meeting, in accordance with the Planning Act.

Once all public input and agency comments have been received, reviewed, and assessed, a Final Recommended Official Plan Amendment for the Secondary Plans review will be brought forward for consideration and adoption by Council in accordance with the requirements of the Planning Act.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Public input will be sought through the standard Official Plan Amendment process, and in accordance with the Planning Act. Due to the general housekeeping and technical nature of the Amendment, extensive consultation beyond legislative requirements and past practice is not anticipated. However, a Statutory Public Meeting under the Planning Act will be held. Notices of the public meeting will be advertised in the newspaper and on the Town's website, and other social media platforms as appropriate. All comments received at the Statutory Public Meeting, as well as any subsequent written submissions, will be considered as part of its review and analysis.

7. Input from Departments/Sources:

Upon Council authorization for staff to initiate an Amendment to the Whitby Official Plan, all relevant agencies and departments will be circulated the Draft Proposed OPA for their review and comments.

8. Strategic Priorities:

At the conclusion of this process, the Official Plan including its text and schedules (maps) will be better defined, modernized, and organized, thereby resulting in an enhanced customer and organization service experience.

The Official Plan Amendment process is a public process, in accordance with the Planning Act, that provides the opportunity for the public and agencies to provide input on the proposed Amendment. The recommendations of this report align with the objectives of the Corporate Strategic Plan to inform and engage staff and the

community, and to provide a consistent, optimized, and positive customer service experience.

9. Attachments:

Not Applicable.

Town of Whitby

Staff Report

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Report Title: DEV-06-23: Draft Plan of Condominium Application CW-2023-03, Brooklin Meadows Limited, Baldwin St. N. & Carnwith Dr. E.

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP 29-23

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

C. Roberton, Planner I, x 1936

1. Recommendation:

1. That Council approve a Draft Plan of Condominium (File No. CW-2023-03) subject to the comments included in Report PDP 29-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

2. Highlights:

- A Condominium Application has been submitted by Brooklin Meadows Ltd. for the land at the northeast corner of Carnwith Drive East and Baldwin Street North.
- The Draft Plan of Condominium is required to enable the transfer of title to the future property owners and create a Condominium Corporation, which will be required to adhere to the conditions of Site Plan Approval (SP-09-20).
- All commenting departments/divisions and external agencies have indicated support for the proposed development, subject to their comments and requested conditions being addressed.

3. Background:

3.1 Site and Area

The subject land is located at the northeast corner of Carnwith Drive East and Baldwin Street North (refer to Attachment #1). The subject land is approximately 1.31 hectares (3.24 acres) in size.

Surrounding land uses, include:

- a Fire Station to the north;
- a high school to the west; and,
- low and medium density residential to the south and east (refer to Attachment #2)

3.2 Application and Proposed Development

A Site Plan Application (SP-09-20) for the development of 56 common element block townhouses fronting on a private (condominium) road was approved by the Commissioner of Planning and Development on July 7, 2021. Each townhouse has a minimum of 2 dedicated parking spaces. The common or shared elements of the condominium development include the private road and related infrastructure (i.e., water, storm, and sanitary sewers), the community mailbox, fencing, landscaping, water meter room, and visitor parking (refer to Attachment #3).

The intent of the Draft Plan of Condominium application (CW-2023-03) is to facilitate the transfer of title from the Subdivider (Brooklin Meadows Ltd.) to the future condominium purchasers and to have the future condominium corporation assume responsibility for administering the conditions of site plan approval.

4. Discussion:

4.1 Planning Conformity

The subject land has previously been considered through a number of planning applications, including an Official Plan Amendment (OPA 2016-W/06), a Zoning By-law Amendment (Z-23-16) and a Site Plan Application (SP-09-20). The Official Plan and Zoning applications were approved by the Local Planning Appeal Tribunal (now Ontario Land Tribunal).

The proposed development conforms to the Region of Durham Official Plan, the Town of Whitby Official Plan and Zoning By-law # 1784.

Therefore, it is recommended that the proposed Draft Plan of Condominium be approved, subject to the comments included in this report and the Conditions of Draft Plan of Condominium Approval included in Attachment #5.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Region of Durham

The following provides an overview of comments provided by the Region of Durham:

- The proposed Draft Common Element Condominium will permit facilities and services including a laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, community mailboxes, visitor parking, a water meter room, decorative fences, and a wood privacy fence.
- The condominium proposal will facilitate the development of 56 townhouse units by Parcels of Tied Land. Access to the proposed development will be from Carnwith Drive East.
- The Region of Durham had previously requested for a Record of Site Condition Compliant “Phase One Environmental Site Assessment Update” (ESA) along with a Reliance Letter and Certificate of Insurance to be provided to support the amendment applications. We have incorporated this requirement as a condition of draft approval for the proposed related condominium application. The Qualified Person who conducts the Phase One ESA Update must complete the Region’s Reliance Letter and Certificate of Insurance forms.
- All Regional servicing concerns have been addressed and approved through the applicant’s related Site Plan Application (File No.: SP-09-20).
- The proposed development contributes to a mix of housing options for the residents of Durham Region. The townhouse proposal will be consistent with the character of the existing residential community to the east and south and supports compact urban form and pedestrian-oriented environment. The proposal generally conforms with the Regional Official Plan.
- The Region has no objection to the draft approval of this condominium application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.
- The Proponent must also provide a land use table prepared by an Ontario Land Surveyor to the Region’s satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.
- In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town’s conditions of draft approval could be provided.

8. Strategic Priorities:

The development review process has provided opportunity for agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan. This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The Site Plan Application was circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met. The proposed residential development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

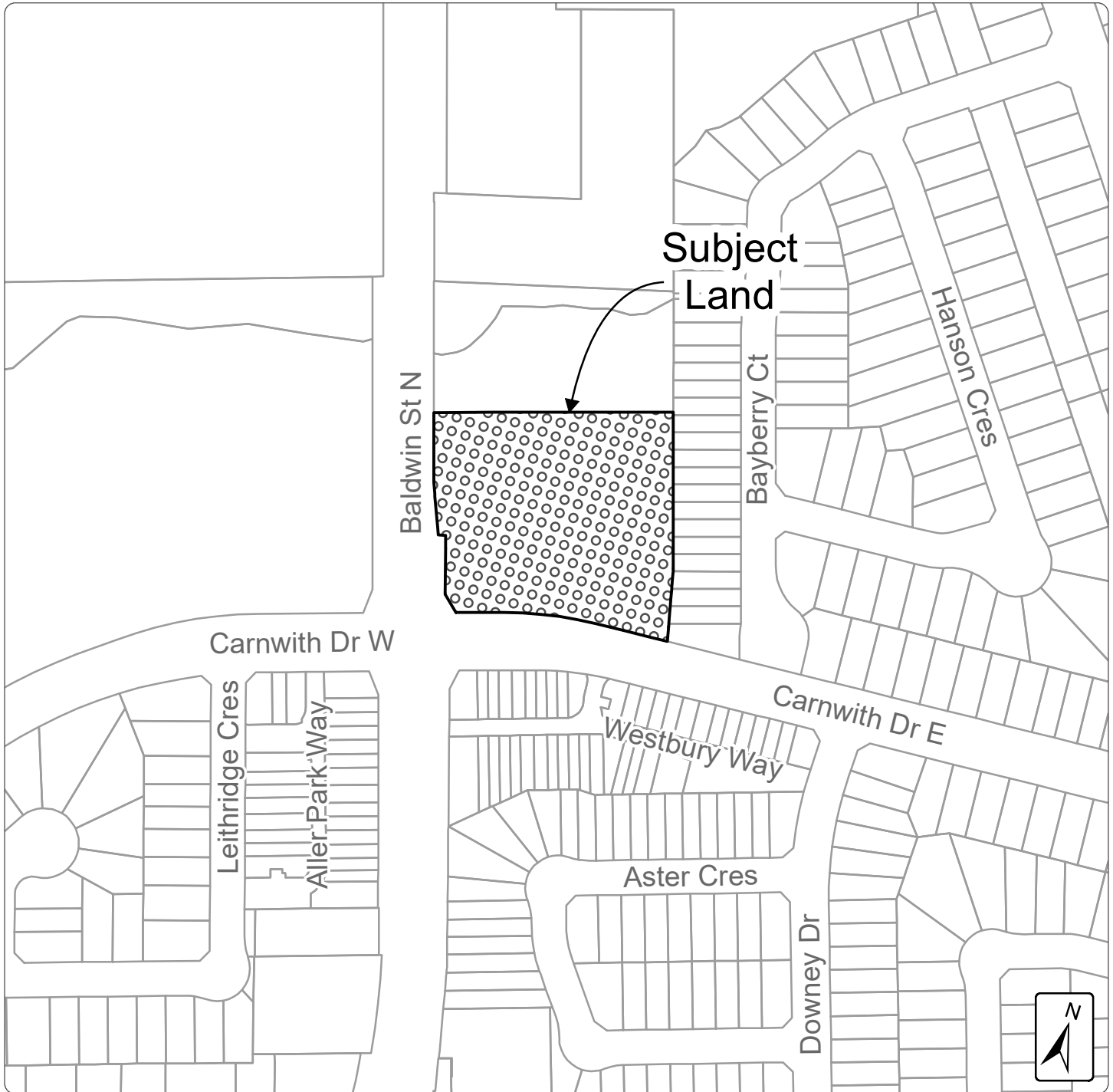
Attachment #3: Proponent's Proposed Common Element Condominium Plan

Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency & Stakeholder Detailed Comments

Attachment #1 Location Sketch

PDP 29-23



Town of Whitby Planning and Development Department

Proponent:
Brooklin Meadows Limited

File Number:
DEV-06-23 (CW-2023-03)

Date:
June 2023

External Data Sources:
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Attachment #2 Aerial Context Map

PDP 29-23



Town of Whitby Planning and Development Department

Proponent:
Brooklin Meadows Limited

File Number:
DEV-06-23 (CW-2023-03)

Date:
June 2023

External Data Sources:
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Attachment #4
Draft Plan of Condominium Conditions
File CW-2023-03

PDP 29-23

1. The Proponent shall prepare the final plan on the basis of the approved draft plan of condominium, prepared by J. D. Barnes Ltd., identified as Reference No.: 21-25-912- 00 dated June 16, 2022, which illustrates common facilities and services including a laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, community mailboxes, visitor parking, water meter room, decorative fences, and wood privacy fence.
2. Prior to final approval, the Proponent shall submit a Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment Update (ESA) of the subject lands. The Proponent must also provide a completed Regional Reliance Letter and Certificate of Insurance in support of the Phase One ESA Update. Pending the results of the SSQ and/or Phase One ESA Update, further studies such as an RSC Compliant Phase Two ESA and an RSC through Ministry of the Environment, Conservation and Parks may also be required.
3. The Proponent shall provide the Town with the fees and legal costs incurred for the preparation and registration of the Condominium Agreement including the Release Fee in the amount of \$3,661.43.
4. The Proponent covenants and agrees to implement the provisions of Site Plan Agreement (SP-09-20) and to confirm the same through the Condominium Agreement.
5. Prior to final approval, the Proponent shall provide the Commissioner of Planning and Development for the Town of Whitby with a copy of the Condominium Corporation documents, demonstrating that all relevant Site Plan conditions of approval have been included in said documents. This shall include all clauses in all offers of purchase and sale or lease and registered upon the title of the dwellings within the block, to advise potential purchasers of the following:
 - a. The Proponent covenants and agrees to implement the provisions of the Site Plan Agreement (SP-09-20) and to confirm the same through the Condominium Agreement;
 - b. The maintenance of all common elements such as, but not limited to, the internal roads, water meter room, hydro transformer, internal sidewalks, lighting, fencing, landscaping, driveway and visitor parking area;
 - c. The collection and disposal of residual garbage, recycling, yard waste and organic materials shall be the responsibility of the Condominium Corporation;
 - d. The allocation of visitor/accessible parking spaces of the condominium are to be owned and maintained by the Condominium Corporation, shall contain a clause in the condominium documents clearly specifying that the visitor/accessible parking spaces shall be properly signed and be solely for the use of visitors to the proposed condominium;

Attachment #4
Draft Plan of Condominium Conditions
File CW-2023-03

PDP XX-23

- e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board;
- 6. Prior to final approval of the plan of condominium, the Commissioner of Planning and Development for the Town of Whitby shall be advised in writing by:
 - a. The Regional Municipality of Durham how conditions 1 & 2 have been satisfied.

PDP 29-23

Attachment #5
Agency & Stakeholder Detailed Comments
File CW-2023-03

External Agencies

Region of Durham

We have completed our review of the above condominium application and we offer the following comments for your consideration.

The subject lands are located at the northeast corner of Baldwin Street North and Carnwith Drive East and is approximately 1.305 hectares. The property is comprised of Part of Blocks 258 and 259 of Registered 40M-1950 and Part of Block 99 of Registered 40M-2194. The Whitby Fire Hall is located to the north and Brooklin High School is located to the west of the site.

Proposed Application

The proposed Draft Common Element Condominium will permit facilities and services including a laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, community mailboxes, visitor parking, a water meter room, decorative fences, and a wood privacy fence.

The condominium proposal will facilitate the development of 56 townhouse units by Parcels of Tied Land. Access to the proposed development will be from Carnwith Drive East.

Background - Ontario Land Tribunal Decision (OLT Case No.: PL171134)

On March 25, 2019, the Ontario Land Tribunal (OLT) approved the applicant's related Local Official Plan Amendment and zoning by-law amendment applications (File Nos.: OPA 2016-W/06 & Z-23-16). The OLT concluded that the proposed amendments were consistent with the policies of the PPS, and conform with Provincial Plans, the Regional Official Plan, and the Town of Whitby Official Plan.

We offer updated comments regarding potential site contamination, archaeology, and Regional servicing.

Delegated Provincial Plan Review Responsibilities

Phase One Environmental Site Assessment

The Region of Durham had previously requested for a Record of Site Condition Compliant "Phase One Environmental Site Assessment Update" (ESA) along with a Reliance Letter and Certificate of Insurance to be provided to support the amendment applications. We have incorporated this requirement as a condition of draft approval for the proposed related condominium application. The Qualified Person who conducts the

Attachment #5

Agency & Stakeholder Detailed Comments

File CW-2023-03

PDP XX-23

Phase One ESA Update must complete the Region's Reliance Letter and Certificate of Insurance forms.

Regional Servicing

All Regional servicing concerns have been addressed and approved through the applicant's related Site Plan Application (File No.: SP-09-20).

Conclusion

The proposed common element condominium will facilitate the development of 56 townhouse units. The proposed development contributes to mix of housing options for the residents of Durham Region. The townhouse proposal will be consistent with the character of the existing residential community to the east and south and supports compact urban form and pedestrian-oriented environment. The proposal generally conforms with the Regional Official Plan.

Based on the foregoing, the Region has no objection to the draft approval of this condominium application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, we would appreciate if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided.

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar

Report Title: Draft Plan of Subdivision Application and Zoning By-law Amendment Application for 5095, 5125, and 5245 Anderson Street, by Conland Development Corporation. File No. DEV-13-21 (SW-2021-03, Z-08-21)

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: PDP-30-23

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

Justin Malfara, Planner II, x.2930

Planning and Development Department

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council.
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

2. Highlights:

- Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Conland Development Corporation for the lands located on the east side of Anderson Street and north of Colin Road, municipally addressed as 5095, 5125 and 5245 Anderson Street.
- The proposed Draft Plan of Subdivision includes 163 single detached residential dwellings, 74 rear lane townhouse dwellings, 141 street townhouse dwellings, a future development block, stormwater management blocks, a school block, a parkette block, a road widening block, and a hydro corridor block.
- The existing zoning on the property is Agricultural (A) in Zoning By-law 1784. An amendment to the Zoning By-law is required to permit the proposed residential Draft Plan of Subdivision.
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions of Draft Plan Approval.

3. Background:

3.1 Site and Area Description

The subject land is municipally addressed as 5095, 5125, and 5245 Anderson Street, and is situated on the east side of Anderson Street, north of Colin Road (refer to Attachment #1).

The subject land is approximately 20.3 hectares (50.2 ac) in area and is currently vacant. The proponent is currently undertaking earthworks, which includes preliminary grading and servicing activities.

The subject land is surrounded by future residential development lands to the west, south and north, with limited existing low density residential uses to the west. Future industrial development lands are located to the east, existing industrial uses to the southeast, and hydro corridors to the east and north (refer to Attachment #2).

3.2 Applications and Proposed Development

Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Conland Development Corporation to permit a proposed residential Plan of Subdivision on the subject land (refer to Attachment #3). Key components of the proposed Draft Plan of Subdivision include:

- 163 single detached residential dwellings;
- 74 rear lane townhouse dwellings;

- 141 street townhouse dwellings;
- a future development block;
- a stormwater management block;
- a school block;
- a park block;
- a road widening block; and,
- a hydro utility block.

Access to the subject land is proposed by way of two local public roadways extending east from Anderson Street as well as north from Conlin Road through the adjacent property (owned by others) to the south.

The future Mid-Block Arterial Road traverses through the northern portion of the subject land (identified as Street A). The subject land will not have direct access to the Mid-Block Arterial Road.

The Zoning By-law Amendment Application proposes to change the existing zoning from Agricultural (A) to appropriate zone categories to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. As part of the submitted Zoning By-law Amendment Application, the proponent is seeking to rezone the land from Agricultural (A) to Low Density (LD-B) for the proposed single detached dwellings and street townhouses, and Medium Density (MD-B) for the proposed rear lane townhouse dwellings.

3.3 Documents Submitted in Support

A number of documents were submitted in support of the application, including the following:

- A Draft Plan of Subdivision, prepared by Bousfields, dated April 24, 2023 (refer to Attachment #3), which illustrates the configuration of the proposed subdivision;
- A proposed Active Transportation Plan, prepared by Bousfields Inc., dated March 30, 2022, which illustrates the location of multi-use paths, trails, sidewalks, and pedestrian connections;
- An Environmental Impact Study, prepared by Cambium Inc., dated January 2021. This study concluded that the proposed development can be carried out in a way that will not adversely impact natural heritage and hydrologic features identified on the subject lands;
- A Functional Servicing & Stormwater Management Report (FSSR), prepared by Candevcon East Ltd, dated March 2021. The reports and

plans identify how the proposed development can be graded and serviced (storm, sanitary, water). The submitted materials also provided a summary of the stormwater management criteria. Detailed erosion and sediment control protocols will be completed during the detailed design stage of the development, in accordance with municipal requirements;

- A Green Standards Checklist, prepared by Conland Development Corporation, dated January 2021. Sustainability measures identified will be addressed within the future Subdivision Agreement;
- A Geotechnical Investigation, prepared by Golder Associates Ltd., dated January 2021. The report highlighted the results of geotechnical investigations conducted on the subject land to determine the existing subsurface soil and groundwater conditions;
- A Hydrogeological Assessment Report, prepared by GHD Ltd., dated January 22, 2021. This report concluded that the site's development infiltration values will be less than the pre-development values, and the proposed subdivision is suitable from a hydrogeological perspective;
- A Land Use Compatibility Assessment, prepared by Cambium Inc., dated January 2021. This report assessed the potential influence of surrounding land uses on the subject lands;
- A Master Transportation Study, prepared by BA Group, dated March 2021. This study concluded that the proposed development can be acceptably accommodated on the planned future road network in the area;
- A Noise Feasibility Study, prepared by HGC Engineering, dated January 2021. The study outlined noise abatement measures that will be included in a future Subdivision Agreement for the proposed development;
- A Phase One Environmental Site Assessment, prepared by GHD Ltd., dated October 2021. It was found that the lands are suitable from an environmental site assessment perspective and has a low risk of environmental concern. No further assessment of the environmental conditions is warranted;
- A Planning Rationale Report, prepared by Bousfields, dated March 2021. This report provided an overview of how the proposal conforms with the Town of Whitby Official Plan, as well as the Durham Region Official Plan, and other guiding policy documents;
- A Sub-Area Study (SAS), prepared by Candevcon East Ltd., dated March 2021. The study outlined stormwater drainage and management practices, as well as hydraulic modeling for the subject lands and surrounding area;
- A Stage 1 and 2 Archaeological Assessment, prepared by This Land Archaeology Inc., dated January 2018 and a Stage 3 Archaeological Assessment prepared by This Land Archaeology Inc., dated August 21, 2018. A clearance letter was also received from the Ministry of Tourism,

Culture, and Sport dated October 15, 2018 confirming that based on the Stage 1-3 assessments, the subject lands hold no further Cultural Heritage Value or Interest;

- A Tree Inventory Plan and Details, prepared by Cosburn Nauboris, dated, April 6, 2022. The majority of the trees observed on the lands will be removed, save and except for 26 trees that will be unimpacted by development activities.

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1 Region of Durham Official Plan

The ROP designates the subject land as “Living Areas” within the Urban System. Approximately half of the subject lands (10.12 ha) are also situated within the Built Boundary of Whitby’s Urban Area, whereas the remaining land (10.21 ha) are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare.

Living Areas are intended to accommodate a full range of housing options at higher densities.

The proposed Draft Plan will increase the residential density on the subject lands within the Built Boundary to approximately 110 units per gross hectare and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare.

The proposed development will contribute to the allocation of units for intensification within Whitby’s built boundary and conforms with the policy directions of the ROP.

4.2 Whitby Official Plan

The subject land is comprised of a number of land use designations in accordance with Schedule ‘K’ of the Brooklin Community Secondary Plan, including:

- Low Density Residential;
- Medium Density Residential; and,
- Natural Hazards (refer to Attachment #4).

Schedule ‘K’ of the Brooklin Community Secondary Plan also includes symbols for a Parkette and an Elementary School on the subject land.

Lands designated Low Density Residential are primarily intended for single, semi-detached, and duplex dwellings not exceeding 3-storeys in height, at a density of 25 to 35 units per net hectare (upnh).

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas.

Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4-storeys, are permitted with a density range of greater than 30 and up to 65 dwelling upnh. The minimum building height is 3-storeys abutting arterial roads outside of mature residential neighbourhoods.

Lands designated Natural Hazard include areas that are unstable, prone to flooding conditions, poor soils, steep slopes, and erosion hazards.

Detailed environmental studies are required to determine the boundary of the Natural Hazard designation and site alteration may be permitted without amendment to this Plan, in consultation with the Conservation Authority.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan.

4.3 Zoning By-law

The subject land is zoned Agricultural (A) and Agricultural Exclusive (AE) in Zoning By-law 1784 (refer to Attachment #5). The A and AE zones do not permit residential uses.

A Zoning By-law Amendment is required to rezone the subject land to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. The proponent is seeking to rezone the lands from Agricultural (A) to Low Density (LD-B) for the proposed single detached dwellings and street townhouses, and Medium Density (MD-B) for the proposed rear lane townhouse dwellings, in addition to other relevant zone categories for the respective blocks.

4.4 Other Applications

Site Plan applications will be required to be submitted at a later date for the proposed townhouse blocks.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for townhouse blocks.

4.5 Control Architect

A Control Architect will be required to oversee the design of the subdivision's built form, in accordance with the Urban Design policies of the Official Plan. It is recommended that Williams and Stewart be appointed as the Control Architect for the proposed Draft Plan of Subdivision.

4.6 Fire Break Lots

The proponent must submit a Firebreak Lot Plan for review and approval by the Town of Whitby Fire and Emergency Services Department. The plan must demonstrate which blocks will remain unbuilt to serve as firebreaks within the development during the construction period.

4.7 Composite Transportation Component Plan

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, multi-use paths and road right-of-way dimensions (refer to Attachment #6). These elements will be further refined and implemented through the future detailed engineering design process.

5. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes;
- CS Viamonde (French Public School Board);
- Durham Catholic District School Board;
- Enbridge;
- Elexicon Energy Inc.;
- MTO;
- Durham Regional Police;
- Canada Post;
- Bell; and,
- Rogers.

The following section provides a summary of key comments provided by Town of Whitby departments/divisions, as well as external agencies. Refer to Attachment #8 for a summary of all detailed comments and Attachment #9 for Conditions of Draft Plan of Subdivision Approval.

5.1 Internal Departments

Community Services – Parks Development

This development application may or not be subject to the Parks Master Plan Agreement which is a cost sharing agreement for the provision of parks, trails, open spaces, and cash in lieu of parkland dedication within the Brooklin Landowners Group development area. Provision of parks (including but not limited to the hectares, park facilities) and cash in lieu of parkland dedication are subject to change upon the review and potential approval the Parks Master Plan Agreement.

Refer to Attachment #8 for additional comments and Attachment #9 for conditions of approval.

Engineering Services

Engineering Services supports a favourable decision to the applications based on the following comments and conditions as outlined in Attachment #8 and Attachment #9.

Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment #6 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval. In addition, comments from the Active Transportation and Safe Roads Advisory Committee will be provided to the Subdivider for consideration.

Strategic Initiatives (Sustainability)

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. We can confirm that the applicant has provided all information possible at this stage of the development to demonstrate compliance with the Tier 1 mandatory performance.

Landscape Section

In response to the proponent's Tree Preservation Plan and Arborist Report, both are acceptable.

The Arborist Report identified trees located within the Town's right-of-way to be removed. An appraisal is required to be generated by an ISA certified Tree Appraiser, for submission to the Planning and Development Department. The submitted appraisal will be considered in determining the appropriate compensation value and will be reviewed prior to providing the Town's permission for removal of these three trees. The trees that this condition applies to are identified in the Arborist Report as tree #'s 889, 886, and 867.

Fire and Emergency Services

As part of the detailed design phase of the subdivision process, a fire break layout and hydrant location plan shall be submitted to the fire department for approval prior to construction.

The current proposal is showing a long dead-end for street D until the future development block (northeast corner of the plan) is constructed to connect street F. Prior to the occupancy of dwellings on Street D and Street F, north of Street C, the proponent shall seek approval of secondary emergency access points or alternative options to the satisfaction of Fire and Emergency Services for each of these dead-end streets.

5.2 External Agencies

Region of Durham – Planning

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare.

The proposed plan of subdivision appears to increase the residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary.

The subject lands are also in proximity to (industrial) Employment Areas.

The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less

sensitive than the proposed residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. A Land Use Compatibility study was submitted prepared by Cambium, dated May 4, 2023, and Noise Study was submitted prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review of the submitted reports shall be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region of Durham. Accordingly, a condition is required to restrict any building permits from being issued for any residential lot/block until such time as the Land Use Compatibility Study and Noise Study are approved.

Region of Durham – Works

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way. The Region will not permit the construction of sanitary sewer and water mains within the rear laneways. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

The subject lands are located within the Zone 3 water supply system for Whitby (Brooklin). The estimated static water pressure for this area ranges between 510 kilopascals (kpa) or 73 pounds per square inch (psi) to 667 kpa (96 psi). The estimated static water pressure in parts of the site exceeds the maximum allowance of 550 kpa (80 psi), therefore, private pressure reducing valves will be required within each unit fronting a centreline road elevation below 164 metres (m). Ultimately, the proposed development will require two water connections to the Zone 3 water supply system with a water feed from the east along Conlin Road and one water feed from the north along Anderson Street.

Sanitary servicing to the subject lands will require the extension of a local sanitary sewer from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street.

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area.

Durham Region Transit

The proposed development was reviewed from a Durham Region Transit (DRT) perspective, and it was determined that the proposed development does not pose any significant transit concerns. Transit stop and infrastructure planning will be addressed during the subdivision draft plan approval stage or the site plan application stage, where appropriate.

Central Lake Ontario Conservation Authority

CLOCA is satisfied that all remaining outstanding comments can be addressed through the fulfillment of conditions of Draft Plan Approval.

With respect to the Zoning By-law Amendment Application, all permanent Hazard Lands should be zoned Greenbelt (G) as per Zoning By-law 1784 or the appropriate equivalent.

Hydro One

The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, requires that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Hydro One does not object to the proposed development subject to conditions of draft plan approval included within Attachment #9.

Durham District School Board

Based on the proponent's original concept plan, the Durham District School Board requested a reconfiguration of the proposed School Block to include dual frontage on Street 'D' to the west and north. Furthermore, frontage would no longer be needed onto Street 'C'. A facility fit plan was prepared by the DDSB and was subsequently incorporated by the proponent into the current Draft Plan of Subdivision.

6. Strategic Priorities:

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The proposal is to construct a compact, transit-supportive development within an area of the Town designated for residential grown.

7. Financial Considerations:

Not applicable.

8. Communication and Public Engagement:

A Public Meeting was held on May 31, 2021 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Plan of Subdivision and Zoning By-law Amendment Applications. Refer to Attachment #7 for the Minutes of the Public Meeting.

There were no attendees or deputations made with respect to the proposed development and associated Draft Plan of Subdivision and Zoning By-law Amendment Applications.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town have been provided notice of the June 5, 2023 Committee of the Whole Meeting.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Draft Plan of Subdivision

Attachment #4: Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

Attachment #5: Excerpt from Zoning By-law # 1784

Attachment #6: Composite Transportation Component Plan

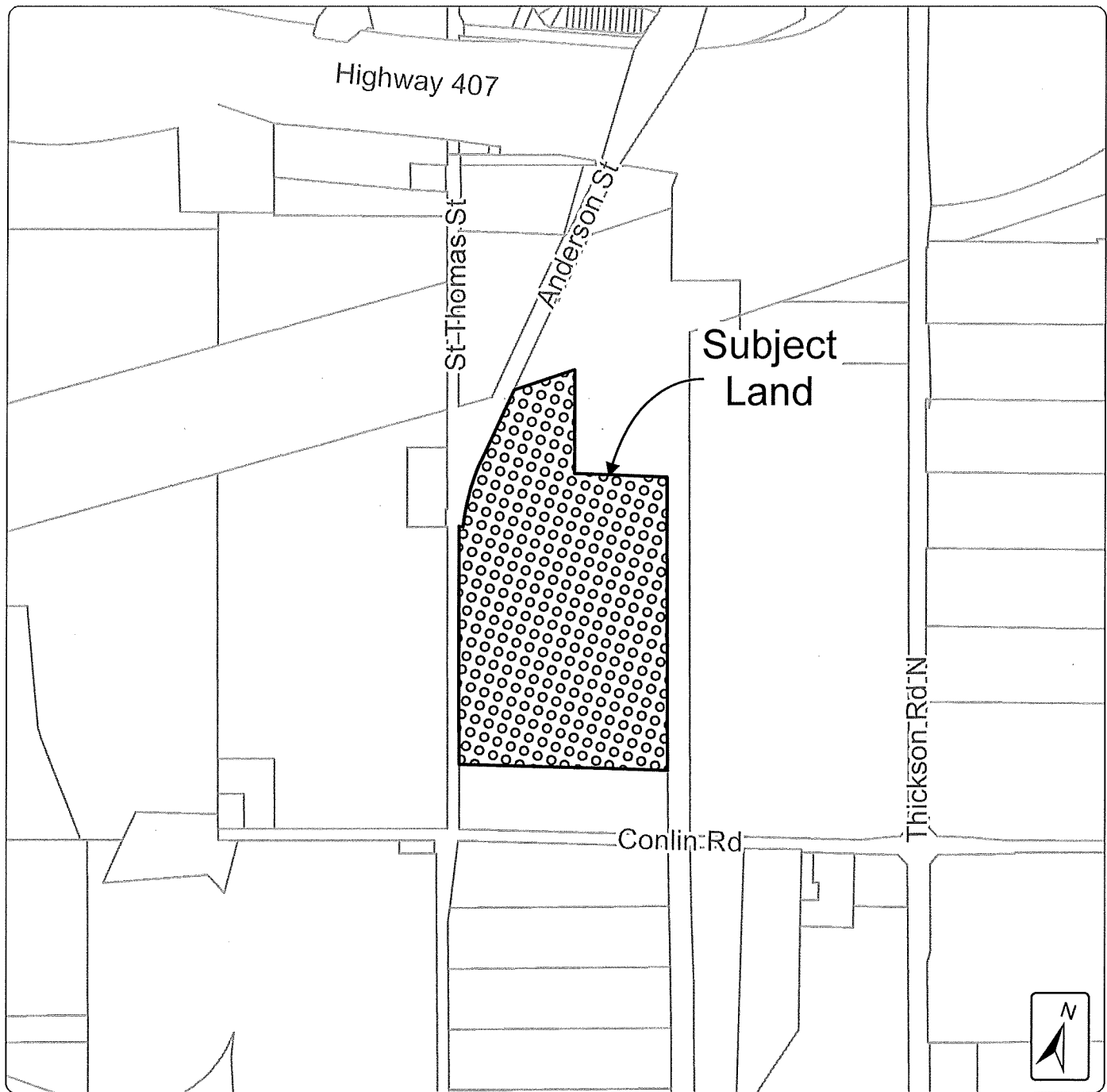
Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #9: Conditions of Draft Plan of Subdivision Approval

Attachment #1 Location Sketch

PDP 30-23



Whitby Town of Whitby Planning and Development Department

Proponent:
Conland Development Corporation

File Number:
**DEV-13-21
(SW-2021-03) (Z-08-21)**

Date:
June 2023

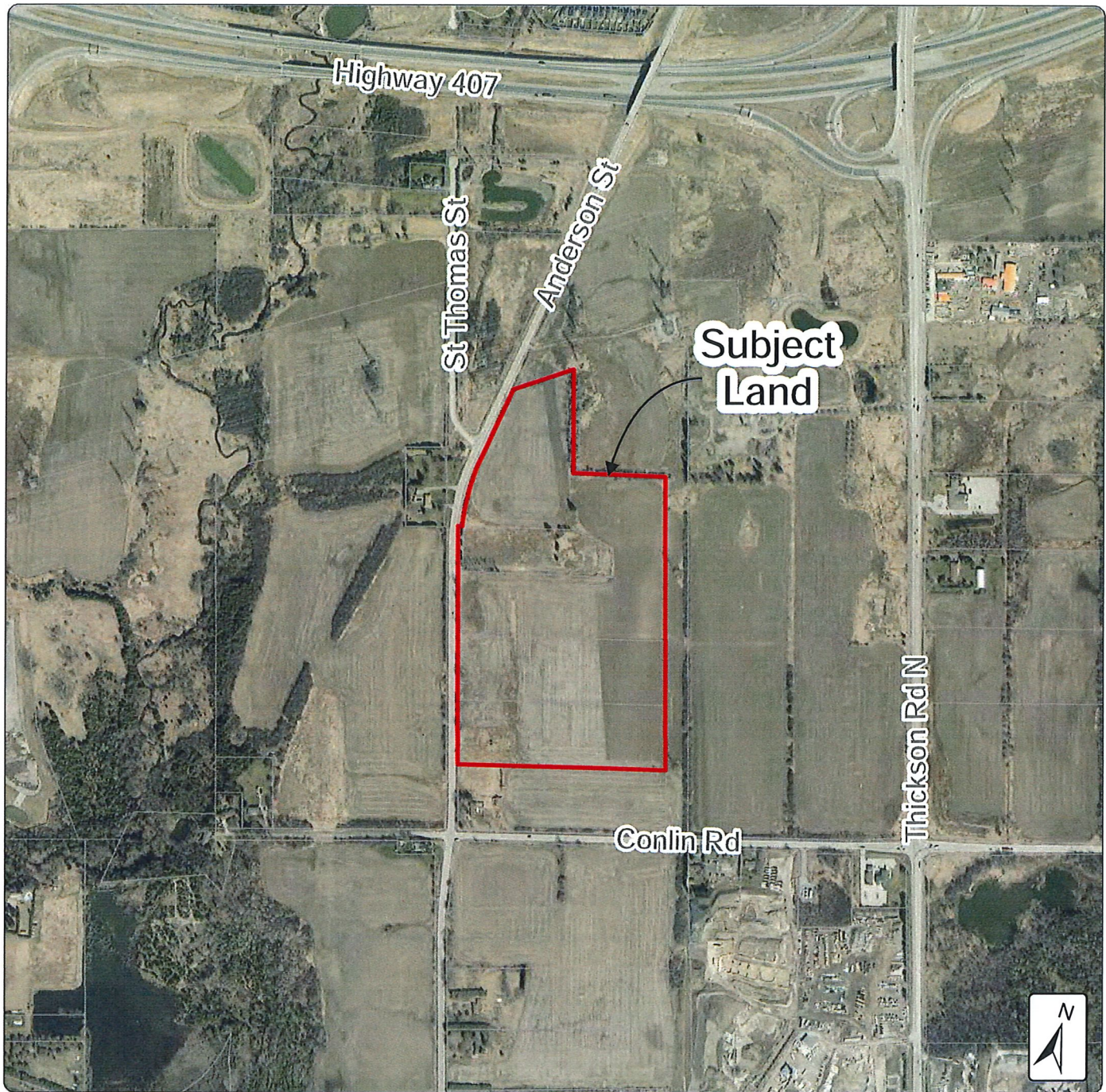
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Attachment #2 Aerial Context Map

PDP 30-23



Town of Whitby Planning and Development Department

Proponent:
Conland Development Corporation

File Number:
DEV-13-21
(SW-2021-03) (Z-08-21)

Date:
June 2023

External Data Sources:
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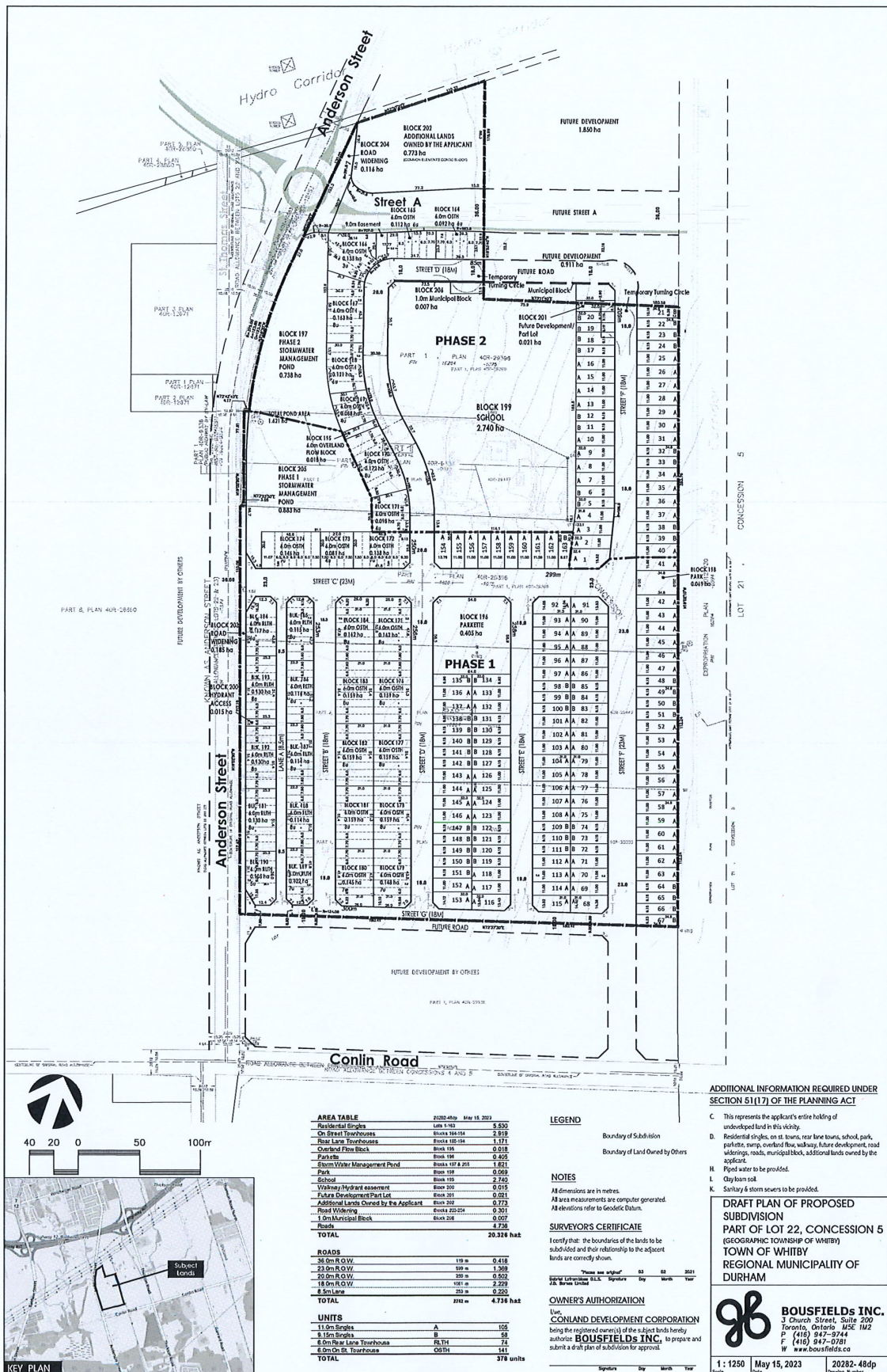
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Attachment #3

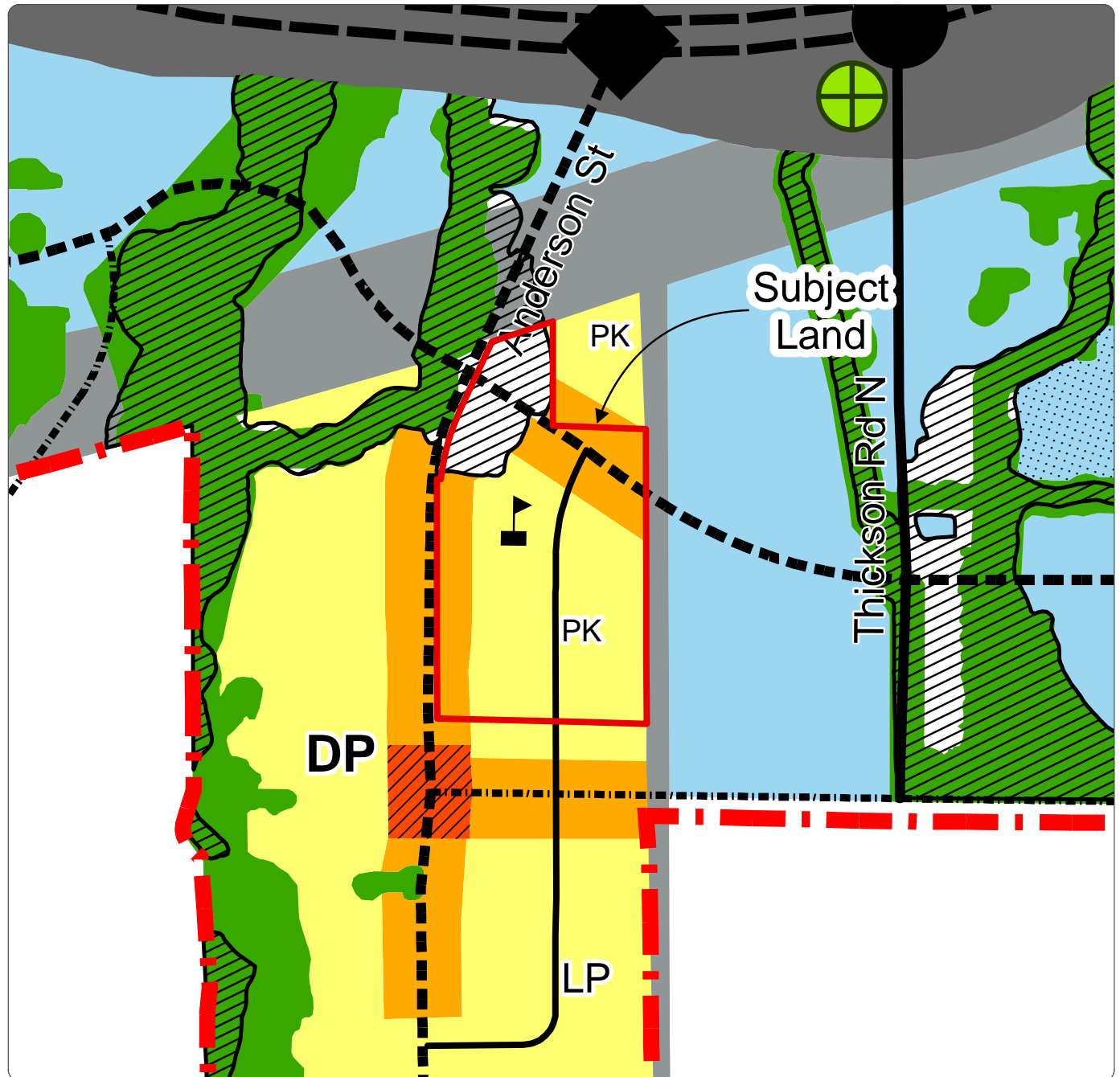
Proponent's Draft Plan of Subdivision

PDP 30-23



Attachment #4

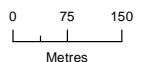
Excerpt from the Brooklin Community Secondary Plan Schedule 'K'



LEGEND

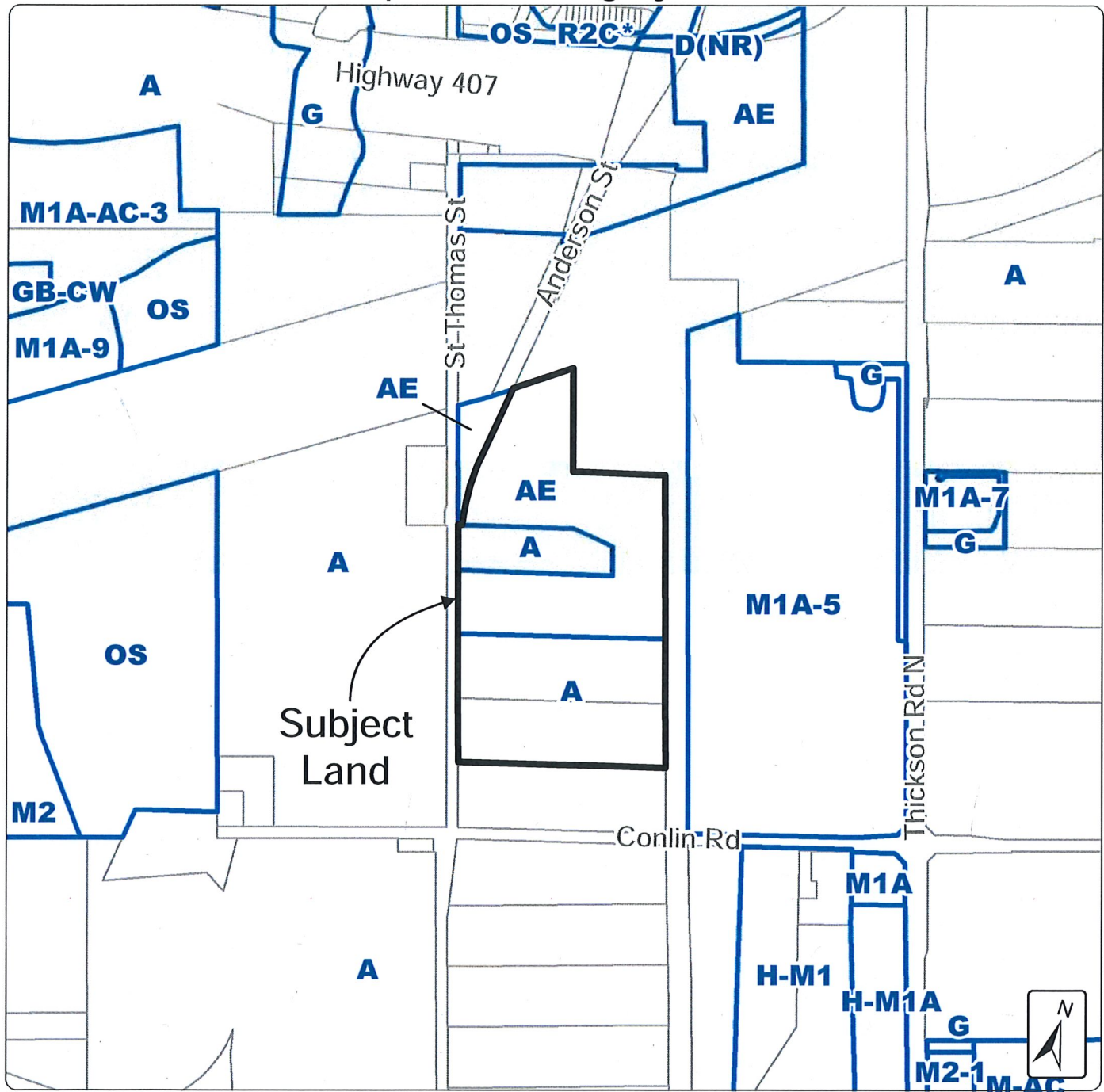
Low Density Residential	Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2	Full Interchange
Medium Density Residential	General Industrial	Natural Hazards	Potential Interchange (Subject to Further Study)
High Density Residential	Major Open Space	Utility	Grade Separation
Local Commercial	DP District Park	Health Precinct Special Policy Area	Potential Grade Separation
Special Purpose Commercial	LP Local Park	Community Central Area	Future Transitway Station
Heritage Commercial	PK Parkette	Major Central Area	Controlled Access Highway (Freeway)
Major Commercial	TP Town Park	Heritage Conservation District Boundary	Type A Arterial
Major Commercial - 1	Institutional	Secondary Plan Boundary	Type B Arterial
Mixed-Use 1 - Community Central Area	Secondary Schools	Special Policy Area - Refer to Section 11.5.31.6	Type C Arterial
Mixed-Use 2 - HCD	Elementary Schools		Collector Road
Mixed-Use 3	Natural Heritage System		Greenbelt Plan Boundary
Prestige Industrial	L Linkage in NHS		
	D1 Deferred by the Region of Durham		

Excerpt from: Schedule
Brooklin Community Secondary Plan
K
 Town of Whitby



Attachment #5 Excerpt from Zoning By-Law 1784

PDP 30-23



Town of Whitby Planning and Development Department

Proponent:
Conland Development Corporation

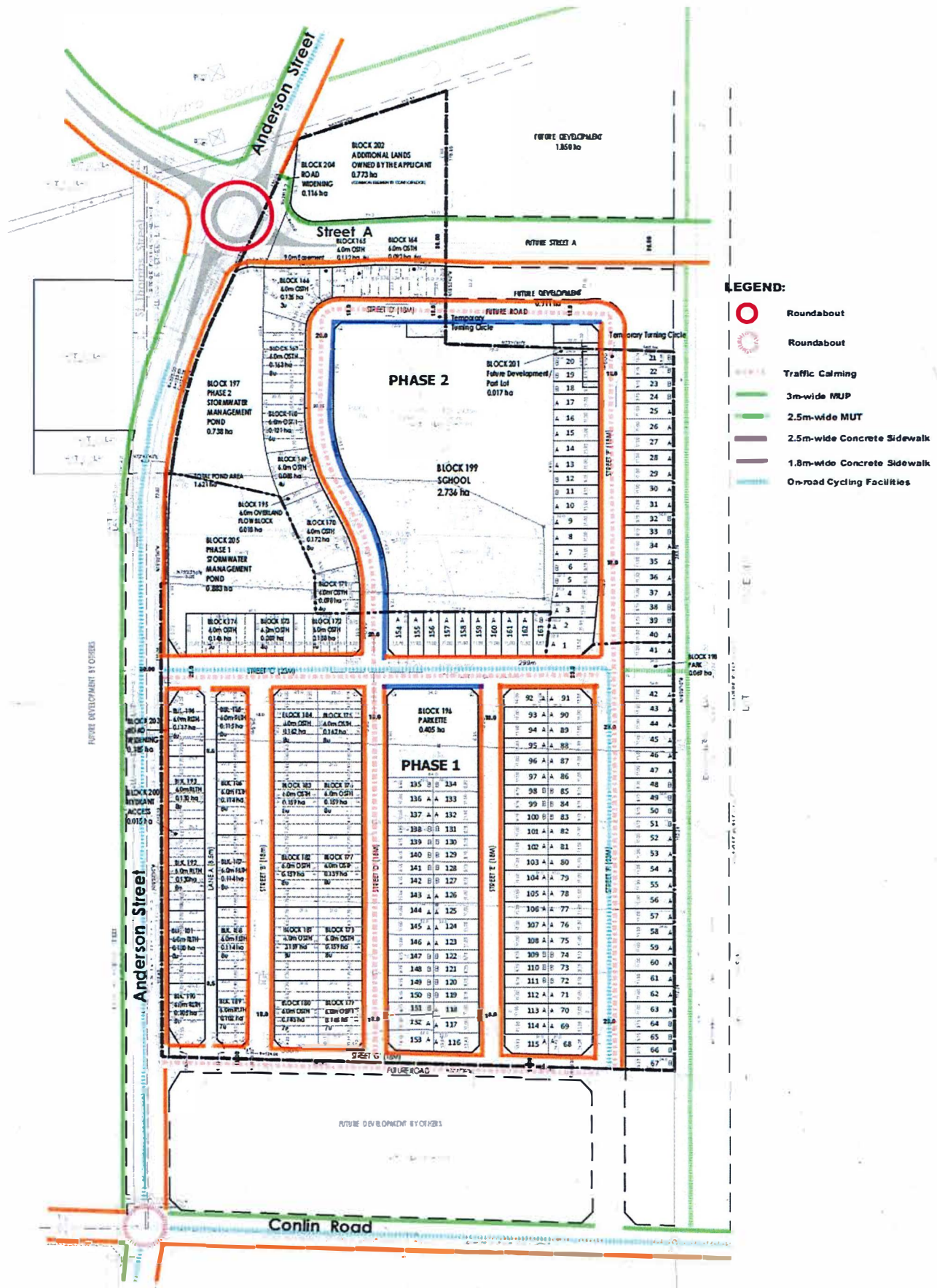
File Number:
DEV-13-21
(SW-2021-03) (Z-08-21)

Date:
June 2023

External Data Sources:
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Composite Transportation Component Plan



Attachment #7 Public Meeting Minutes File No. DEV-13-21 (SW-2021-03)

Planning and Development Department Report, PL 29-21 Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, 5095, 5125, and 5245 Anderson Street, Conland Development Corporation, File Numbers: DEV-13-21 (SW-2021-03, Z08-21)

Justin Malfara, Planner I, provided a PowerPoint presentation which included an overview of the applications.

Lindsay Dale-Harris representing Conland Development Corporation, provided a PowerPoint presentation which included a detailed overview of the applications.

There were no submissions from the public. Lindsay Dale-Harris answered questions regarding:

- the concerns raised by Hard-co Construction Ltd. about noise and land use compatibility, whether any discussions had taken place with the owners of Hard-co Construction Ltd., and how those concerns would be addressed; and,
- ensuring safe access/exit to and from the proposed community including the consideration for traffic signals at Anderson Street.

Attachment #8
Agency & Stakeholder Detailed Comments
File DEV-13-21 (SW-2021-03, Z-08-21)

CS Viamonde (French Public School Board)

The Conseil scolaire Viamonde has no comments regarding Draft Plan of Subdivision and Zoning By-law Amendment applications (File No. SW-2021-03 and Z-08-21) for the property located at 5095, 5125 and 5245 Anderson Street.

Durham Catholic District School Board

Planning staff at the Durham Catholic District School Board have reviewed the above noted planning applications and have no objections to the proposed. This development is located within the boundary of St. Leo C.S. Located at 120 Watford Street, Brooklin. Whitby.

Durham District School Board

The Durham District School Board concerns with the school block have been addressed by the Subdivider through the revised subdivision plan.

Elexicon Energy Inc.

Elexicon Energy Inc. has no objection to the proposed Application. The applicant or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs, and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the applicant. Elexicon Energy Inc. will also identify the costs that the applicant will be responsible for.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- The timely provision of supply to new and upgraded premises; and/or
- The availability of adequate capacity for additional loads to be connected in the existing premises.

Please ensure that a minimum of 4.8m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

Canada Post

Canada Post has no objections for the proposed development.

Service type and location:

1. Canada Post will provide mail delivery service to this development through Community Mailboxes.
2. Single Detached Dwelling, Semi Detached Units, Townhouses dwellings: Will be serviced through Community Mailbox. The location of these sites is to be determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm. Given an anticipated 371 units (150 Detached, 78 Row Lane Townhomes & 143 Street Townhomes) in the subdivision, we have estimated 8 Mailbox Sites are required.
3. School Block: Will be serviced to the closest Community Mailbox catchment.
4. Please see attached linked for delivery standards:
http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual_en.pdf

Municipal requirements:

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline, obligations, and installation:

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
2. If applicable, please ensure that any street facing installs have a depressed curb or curb cut. Contact Canada Post Corporation – Delivery Planning for further details.
3. If applicable please ensure that any condominiums apartments with more than 100 units, incorporates a mailroom with rear loading lock box assemblies (mailboxes).
4. Finally, please provide the expected first occupancy date and ensure the future site is accessible to Canada Post 24 hours a day.

It is recommended that the owners contact Canada Post as completion draws near so as to finalize the location and compartment they will be assigned to.

Community Services – Parks Development

As Whitby's population continues to grow, managing and providing access to nature, large parks and urban green spaces are a critical component of building complete communities and enhancing residents' quality of life. Protection and investment in and near urban nature are particularly important as it provides accessible, high-quality spaces to interact with nature and serve critical biodiversity functions.

This development application may or not be subject to the Parks Master Plan Agreement which is a cost sharing agreement for the provision of parks, trails, open spaces, and cash in lieu of parkland dedication within the Brooklin Landowners Group development area. Provision of parks (including but not limited to the hectares, park facilities) and cash in lieu of parkland dedication are subject to change upon the review and potential approval the Parks Master Plan Agreement.

Parkland, Trails and Open Space

- The Town is planning a future north/south trail through the Hydro Electric Corridor behind the proposed lots on Street F as identified in the Town's Active Transportation Plan. In the future, the Town intends to enter into a recreational lease agreement with Hydro One for the use of these lands for the proposed trail. Utilization of Hydro Corridor Block 198 will be required by the Town for the purpose of a trail connection from Street F to the Hydro Corridor Trail. If it is determined by Hydro One that Block 198 is not required, the Town would require an access trail block at the same location.
- The provided park fitment plan is acceptable as shown in relation to the proposed amenities.

Conditions of Draft Plan Approval

The following conditions shall be incorporated into any future development agreement.

Parkland, Trails and Open Space

1. Parkette Block 196 shall be dedicated to the Town free and clear of all encumbrances. Parkette Block 196 shall be a minimum of .4 hectares of developable land.
2. If it is identified through the parks design process that more land is required to accommodate the park amenities included in the provided Park Facility Fitment Plan, then the individual Park Block shall be expanded into the adjacent developable area as required to accommodate the park amenities. Steeply sloping grades determined to be unsuitable for park development will not be accepted as parkland dedication.
3. While the Parks Master Agreement should address the park dedication of the subject plan and overall Brooklin Development Area it is currently in draft form and needs to be finalized through further discussion and legal review. Should the Parks Master Agreement not get finalized then the Town's standard rates for parkland dedication would apply. As a condition of draft approval parkland dedication will be required at a rate of 1 hectare per 300 units for residential

units. The remaining blocks will require parkland dedication at a rate of 5% of land holdings or in the case of cash in lieu, 1ha/500 residential units. Any under dedication of park land would be considered cash in lieu of parkland based on the value of the land. This is consistent with the Planning Act, Town's Official Plan policy and the Department's standard practice.

4. Hydro Corridor Block 198 shall be sloped/graded to allow for the construction of an accessible trail connection to the Hydro Electric Corridor behind proposed lots on Street F. Proposed trail slopes must meet Town Accessibility Standards.
5. If it is determined by Hydro One that Block 198 is not required, the Town will require an access trail block at the same location.
6. The department will require 1.2 metre black vinyl standard park fencing to be installed where park blocks abut residential lots.

Fencing

1. The department will require 1.2 metre black vinyl standard park fencing to be installed where park blocks abut residential lots.

Engineering Services

We have reviewed the drawings and reports, and they are generally acceptable for a preliminary review. There are revisions, however, that will be required through the detailed design process in order for the proposed subdivision to conform to our Design Criteria and Engineering Standards.

A. Conditional Comments

Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address Whitby Council 2018-2022 Goals and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment 1 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval. In addition, comments from the Active Transportation and Safe Roads Advisory Committee may be forthcoming and will be provided to the Subdivider for consideration.

1. **Prior to final acceptance of the Draft Plan of Subdivision**, the following shall be addressed to the satisfaction of the Planning and Development Department.

1.1. Revise the Draft Plan (DP) as follows:

- a) Streets 'C', 'F' and 'G' are identified as Collector roads within the Conlin-Anderson Master Transportation Study. Revise the Right-of- Way (ROW) width of Street 'C' and Street 'F' (south of Street 'C') to 23m to accommodate sidewalk on both sides and buffered on-road bike lanes. Due to the connection with Anderson Street, Street 'G' is considered a Collector road and shall have a minimum Right-of-Way (ROW) width of 20m.

Engineering Services requires the following Financial Considerations to be identified within Section 5 of the Council Report:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Asset Management annual report.

Asset	Quantity
Roads	4.9 lane-km
Sidewalks/Multi-use paths	4.9km
Storm Sewers	2.1 km
Ponds	1.54 ha
Parkette	0.41 ha

2. Engineering Services requires the following Conditions of Draft Approval:

2.1. The Subdivider shall convey the following to the Town:

- a) Block 195 for Overland Flow block;
- b) Block 196 for Parkette;
- c) Block 197 and 205 for Stormwater Management Facility;
- d) Block 198 for Open Space;
- e) Block 200 for Hydrant Access; and
- f) Block 203 and 204 for Road Widening on the east side of Anderson Street.
- g) Block TBD for Municipal Use (1.0 wide on the north side Block 199).

2.2. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the on-going Mid-Block Arterial Schedule C Environmental Assessment (MBEA) prior to registration, including but not limited to:

- a) The final right-of-way width, alignment, and horizontal and vertical design of Street 'A' (Mid-Block Arterial), including the intersection with Anderson Street.
- 2.3. The Subdivider shall provide an updated Sub-Area Study (SAS) 5 to address the comments provided in a separate memo from KSGS Engineering dated May 26, 2021. All major comments must be addressed to the Town's satisfaction prior to initiating detailed design.
- 2.4. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
- a) 1.8m wide sidewalk on the east side of Anderson Street along the frontage of the proposed development.
 - b) 1.8m wide sidewalk on the south side and 3.0m Multi-Use Path on the north side of Street 'A' from Anderson Street to the eastern property boundary.
 - c) 3.0m Multi-Use Trail within Block 45 to connect to the proposed Trail within the adjacent Hydro Corridor.
 - d) 1.8m wide sidewalk on both sides of all other streets. Width to be increased to 2.5m adjacent to Schools and Parks.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

- 2.5. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.
- 2.6. The Subdivider shall be responsible for the reconstruction of Anderson Street to a 2 lane urban cross-section with a 3.0m Multi Use Path on the west side, sidewalk on the east side and on-road bike lanes from the former Hydro Corridor at the south limit of the development area to the Mid-Block Arterial (approximately 1.5km length). Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan

Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.

Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4 lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

- 2.7. The Subdivider shall be responsible for the reconstruction of Conlin Road as follows:

- a) From Anderson Street to the west limit of the Conlin/Anderson development area: this portion of Conlin Road is an existing dead-end local road. As an integral part of the subdivision developments it will stay as a local 20m road, reconstructed to an urban standard with sidewalks on both sides, including any required turning lanes and entrance works.
 - b) From Anderson Street to the east limit of the Conlin/Anderson development area: this portion of Conlin Road shall be a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a sidewalk on the south side, on- road bike lanes, and any required turning lanes and entrance works.
- 2.8. With reference to Figure 5 of the MTS the Subdivider shall also be responsible for the installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls at Anderson Street / Street 'C' / Street 'AE' and Conlin Road/Street 'F'/Street 'H' intersections and the ultimate traffic signals at Anderson Street/Street 'C'/Street 'AE' and Anderson Street/Street 'N'/Street 'T' intersections.
- Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.
- 2.9. The Subdivider shall demonstrate that the width of Block 42 has sufficient width to accommodate the conveyance of the necessary overland major system flows. If required, the plan shall be revised to convey additional width, all to Engineering Services satisfaction, prior to registration.
- Similarly, there is a concern that overland flows on Street 'C' will reach unacceptable depths and/or spill to Anderson Street before achieving the calculated flow depth in the overland flow path at the south end of Block 44 leading to the SWM pond. During detailed design, it must be demonstrated that major system flows will be fully contained and comply with all Town standards.
- 2.10. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
- 2.11. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.
- 2.12. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not

limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.

- 2.13. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.
- 2.14. The Subdivider shall provide an updated Master Transportation Study (MTS) to address the following comments and those provided under attached separate memo (Attachment 3) prior to final acceptance of the Draft Plan by the Commissioner of Planning and Development and as part of the detailed engineering design:
- a) The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'C', Street 'D', Street 'F', Street 'G' and on all roads adjacent to Park and School blocks to support safe travel speeds and a comfortable environment for all users.
 - b) Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO) at Anderson Street/Street 'C' and Conlin Road/Street 'F'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.
 - c) Active transportation connection between Street 'F' and the Hydro Corridor within Block 198.
 - d) While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
 - e) As part of the MTS the consultant has identified that intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.
 - f) The School Block facility fit will be subject to the review and approval of the Durham District School Board. Town comments on the school layout will be provided at the time of Site Plan design and approval.

The Draft Plan shall not preclude the alignment of school driveways with neighbourhood intersections. School designs to conform to the Region of Durham School Design Guidelines and the Institute of Transportation Engineers (ITE) School Site Planning, Design and Transportation. Access should be coordinated early to properly align with intersections within the

neighbourhood. Type and location of pedestrian crossing(s) for the school site to be included within the MTS.

- 2.15. The Subdivider shall provide a plan showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs, and intersections with angles less than 90 degrees), tangents, intersection angles/skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline and/or alignment concerns.

- 2.16. The Functional Servicing and Stormwater Management Report shall be updated to address the following comments:

- a) Where there is no other viable design alternative, the Town of Whitby will accept a single sewer pipe within the laneway i.e., either the sanitary sewer (subject to Region of Durham acceptance) or the storm sewer. The FSSR shall be revised to demonstrate how the laneway units are to be serviced from Anderson Street or Street 'B' in addition to the service within the laneway.
- b) The Design Consultant is to investigate alternative methods of servicing Block 174 for storm drainage without the need for a third collector pipe. The proposed Foundation Drain Collector system is to be eliminated if possible. The Subdivider shall implement all changes to the plan resulting from modification to the storm sewer system to drain Block 174.
- c) Current Stormwater Management (SWM) facility access road and overland flow route location is not desirable due to proximity to the proposed signalized Street 'C' and Anderson Street intersection. Access to be from Anderson Street to the north of Street 'C' with the exact location determined through detailed design review for the reconstruction and ultimate widening of Anderson Street.

- 2.17. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

- 2.18. The Following Lots/Blocks shall be placed on hold: Block 201 – Future Development, until such time as it can be merged with land to the north.

- 2.19. SWM Block 197 and 205 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and / or wetland pockets at the outfall.

- a) Since separate water quality treatment for just road drainage is not efficient, every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of both Anderson Street and Conlin Road that are tributary to the site, into the SWM Pond design. This will be reviewed at the detailed design stage.
- b) Provide details for the emergency overflow outlet from SWM Pond L4 and demonstrate that Culvert C-2 under Anderson Street has capacity for the uncontrolled flows from the pond. Note that this may affect the top elevation of Pond L4, as a freeboard of at least 0.15 m is required above the calculated emergency overflow depth.

The information provided on the grading and servicing plans indicate that Anderson Road can be overtopped by emergency overflows without impacting the homes abutting the SWM Pond. This can be deferred to detailed design, but must be taken into account in the future design of Anderson Street. When urbanized, the boulevards on Anderson Street should include erosion protection at the low point / overflow path and be designed with maximum ponding depths and flow velocities as per Town Design Criteria

- c) The SAS indicates that runoff from Conlin Road is to be directed to SWM Pond L4 however, the FSSR indicates that minor system drainage is to remain external to the site and outlet to the Anderson Street tributary. Every effort shall be made to integrate the grading, servicing, and stormwater management requirements for Conlin Road with the subdivision design.
- d) Provide details for the SWM facility outlet including cross sections from the SWM facility to the receiving watercourse west of Anderson Street, including the crossing of Anderson Street and the 100 year flood line information. This information is needed to justify the normal water level in SWM Pond L4 and the SWM facility outlet location and elevation.
- e) Calculations provided in the FSSR for the sediment drying area reflect a 2m sediment pile height. Sizing of the sediment drying area shall adhere to Town of Whitby Design Criteria, which specifies a maximum 1 m height. The Subdivider shall implement all changes to the plan resulting from modification to the SWM Pond Block's sediment drying area. The sediment drying area shall be located outside of the pond maximum water level.
- f) Provide vehicle turning path for the SWM pond maintenance road to ensure that typical maintenance vehicles (cube van) and a triaxle vehicle can navigate the current layout (with minimal reverse manoeuvring).
- g) At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.

2.20. Prior to the development of Phase 2 of the site (FSSR, Figure 4), the realignment of St. Thomas Street and replacement of the crossing of the Anderson Street Tributary, as outlined within the Functional Servicing and Stormwater Management Report and MBEA, and confirmation of the limits of the new regulatory floodline shall be completed to the satisfaction of the Central Lake Ontario Conservation Authority (CLOCA) and Town of Whitby.

- 2.21. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan if required to accommodate recommended noise control measures prior to registration.
- 2.22. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
- 2.23. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.
- 2.24. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
- 2.25. The Subdivider shall be responsible for providing service connections (if required) and a suitable storm drainage outlet for flows associated with Parkette Block 196, to the satisfaction of the Town of Whitby.
- 2.26. The storm drainage plan shall show drainage boundaries for both the proposed School Block and for possible residential development in the event that the site is not developed as a school. The receiving storm sewers shall be sized for the most conservative development scenario.
- 2.27. A second public access may be required for the subdivision until Street 'G' is fully constructed and extended to Street 'F' or Street 'F' is fully constructed and extended to Conlin Road. Any lots affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
- 2.28. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
- 2.29. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
- 2.30. Construction phasing of the development shall be to the satisfaction of Engineering Services, and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

Construction staging details will be required for the proposed servicing and road works on Anderson Street and external sanitary sewer and watermain construction on Conlin Road, including coordination with the proposed adjacent developments and the Region of Durham.

- 2.31. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria.
- 2.32. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high water table where applicable.
- 2.33. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
- 2.34. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.
- 2.35. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, pavement design specifications based on street classifications, earth berm grading design, confirmation of design parameters and preliminary layout for LID measures, proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
- 2.36. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s), and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
- 2.37. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
- 2.38. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

- 2.39. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.

All other items related to the subdivision can be addressed through the subdivision agreement process subsequent to Draft Plan Approval.

B. Informational Comments

3. The following items can be addressed through the **Engineering Submission and Subdivision Agreement process**:

- 3.1. It is noted that the runoff coefficients specified within the Town's Design Criteria and Engineering Standards are minimum values to be utilized for sizing of the storm sewer system. Sample calculations shall be provided for all housing types (not just single detached) and shall be demonstrated by the consultant that the use of these minimum values is appropriate for the subject development. If required, the values shall be increased to represent the actual development proposal.

Ensure that the runoff coefficients in the Functional Servicing and Stormwater Management Report meet the minimum Town Design Criteria, unless otherwise approved as noted above.

- 3.2. Functional Servicing and Stormwater Management Report:

Unless significant changes are made to the Draft Plan a revised FSSR is not required therefore, comments provided below are to be considered as part of the detailed engineering design and Stormwater Management Report submission following Draft Plan approval.

a. Report Comments

1. It is understood that ultimately drainage from areas north of the plan will be conveyed when Anderson is widened and urbanized as part of the road detailed design and in the interim runoff from the external areas will be conveyed to the existing Anderson Street ditch and culvert. An analysis of the existing Anderson Street ditch capacity must be completed to confirm these flows can be conveyed/contained within the existing cross-section.
2. The use of rear yard catchbasins is to be minimized. Every effort shall be made during the detailed grading design to eliminate the need for rear yard catchbasins (RYCBs) through the use of mixed lot drainage types (i.e., pairing rear to fronts or pairing rear to fronts with split draining lots). If required, a minimum 3.0m wide easement as per Town Standard 107.20 shall be used for all RYCBs.
3. Section 6.2 and Figure 6 to be revised to reflect Town Design Criteria requirement that both front and rear roof leaders for townhouse units be connected to the storm sewer system unless otherwise directed.

4. The profile design for the Street 'A' and adjacent streets in the proposed development shall be coordinated with the MBEA Consultant. For external road improvements, proposed lot grades are to match future boulevard elevations along the ultimate right-of-way.
5. Intersection grading is to include vertical curves to minimize the depth of low points to reduce any potential flooding in the event of catchbasin blockage. Ensure catchbasins are located at low points and that the start / end of vertical curves are just beyond the edge of the adjacent travelled lane, including allowance for the future improvements on Anderson Street and Conlin Road. Single catchbasins are suitable at intersection low points.
6. Confirm the minor and overland flow drainage area boundary for the contributing portion of land east of the development land. Any area outside of the boundary that is contributing flows to the development lands is to be accommodated within the proposed development. Engineering calculations are to be provided to support the design of runoff from the hydro lands to the east draining through the front-draining residential lots on the east side of Street 'F'.
7. Provide clarification on the where the Minor and Major system flows are directed downstream of the SWM Pond. In the SAS, Section 3.4.3.1 notes that Pond L-4 drains to the Anderson Street ditch and then to proposed Culvert C-2. Also, add details outlining the requirements for the ultimate urbanization of Anderson Street and capacity calculation of the existing Anderson Street ditch.
8. Demonstrate how the minor system drainage from EXT-2 will be conveyed to SWM Pond L4.
9. The extent and location of the storm sewer pipe in Street 'A' is to be reviewed to show compliance to the cross sections provided in the MBEA.
10. Provide conceptual servicing and grading details to illustrate the internal and/or external servicing for Block 49 and include additional information on FGP and FSP to clarify these requirements.
11. The SWM criteria listed in Section 5.3.2 of the report should be updated to reference and reflect the Town's 2019 Design Criteria and Engineering Standards. It is recognized that the SWM pond concept design reflects the 2019 Standards.
12. Verify the input parameters in the pre-development and post-development Visual Otthymo (VO) hydrologic model and include figures indicating the delineation of the catchments for lands outside the study area (i.e., Catchment L11A draining to existing SWM Pond # 2, Catchment L11 Remaining Areas) and calculations supporting the key model input parameters such as % impervious.

13. The Subdivider shall provide further detail and delineate which uncontrolled areas are directed to Anderson Street and which are directed to Conlin Road. Supporting documentation and calculations shall be provided demonstrating that the existing Anderson Street and Conlin Road ditches have sufficient capacity to receive the flows.
14. Supporting calculation for the emergency spillway to the SWM facility to be provided.
15. Incorporate in the FSSR report typical Right-Of-Way cross sections.
16. Preliminary storm design sheets have not been provided so it is unclear if pipes are properly sized and if they have proper cover.

b. Functional Grading Plan Comments

1. Existing boundary grades are not being matched along the Anderson Street right-of-way. Provide cross sections to clarify the grading intent for the transition from the site to the interim and ultimate boulevard elevations.
2. Coordinate the latest MBEA grading with the proposed Functional Grading Plan. Latest Mid-Block grading elevations in the EA are not maintained by the Applicant. Applicant to monitor the detailed design process as changes to the alignment or recommended elevations may occur.
3. The design criteria specified in the Town of Whitby design standards Table C3.01 shall be used. Specific revision to the FGP include but are not limited to: i. Intersection through grades in the FGP exceed Table C3.01.
4. Provide grade and distance information for Street C.
5. Provide vertical curve K-Value for all proposed vertical curves to show compliance with Table C3.01.
6. Ensure minimum gutter grades for eyebrows are met per C3.03.3.
7. Demonstrate how the grading will work into the Hydro Corridor at Street 'A'.
8. Clarify limits of proposed work and temporary measures to tie into existing conditions.
9. Every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of Anderson Street, which is tributary to the site, into the area wide SWM design. This will be reviewed at the detailed design stage to minimize storm sewer infrastructure. As per Section 2 comments, both Anderson Street and Conlin Road are to be urbanized, therefore minor system flows are to be accommodated for all tributary areas upstream of the applicable SWM facility.

10. The method of conveyance for the external drainage area EXT-1 (1.43ha) through the adjacent front drainage lots shall be clarified and calculations provided to ensure the method of conveyance has sufficient capacity to prevent flooding of these lots.
11. Demonstrate how the flows north of Block 49 will not enter the site and how the overland flow will drain to the Lynde Creek tributary west of Anderson Street. Although the FSSR is stating this area will drain uncontrolled to Anderson and the Lynde Creek, a low point is being created at the north-west corner of Block 49 and thus causing this external drainage area and low point will be conveyed to the tributary.

c. Functional Servicing Plan Comments

1. The interim pond outlet shown on Figure 5A and the ultimate pond outlet shown on Figure 5B of the FSSR are both located below the 100yr Floodline elevation in the Lynde Creek Tributary. Provide engineering support to show how the 100yr Floodline will not adversely affect the function of the SWM Pond under both interim and ultimate conditions. The pond should meet all applicable design criteria under both conditions with (a) no tailwater at the outlet and (b) 100 year flood conditions at the outlet.
2. Provide further detail of the location and limits of sewers in Street 'A'.
3. Easements will be required for the construction of any roads and/or services that extend beyond the limits of the Draft Plan.
4. Maintenance holes with storm sewers sized 1200mm or greater shall not exceed 45 degree angles per B3.09 (e).
5. Angles less than 45 degrees between storm sewers are not acceptable per B3.09 (f).
- 3.3. Provide layout, cross-section, and profile details for the SWM facility outlets including erosion control measures along the affected valley lands between the outlet and the watercourse as part of the engineering drawings.
- 3.4. Provide layout and details for Emergency Access(s) if required due to subdivision phasing and access limitations.
- 3.5. Provide a detailed design brief and Operations and Maintenance Manual for the proposed SWM facilities.
- 3.6. Lots and blocks serviced by laneways, regardless of housing type, shall have all roof leaders directly connected to the municipal storm sewer unless otherwise approved.
- 3.7. It is noted that the Hydrogeological Assessment Report recommends that infiltration measures for Low Impact Development (LID) be located on public lands for maintenance and long term care. The Town of Whitby currently does not allow LID's within public road allowance.

- 3.8. To address lot level LID recommendations, ensure that lots and areas where roof water leaders are proposed to be disconnected from the storm sewer connection are clearly noted and can accommodate the drainage without creating problems associated with winter ice accumulation. Ensure that storm drainage areas reflect the correct boundary location.
- 3.9. The Consultant is to provide the Town with a dual drainage (minor / major system) storm model for the entire development using Personal Computer Stormwater Management Model (PCSWMM) as part of the detail design and confirmation of HGL elevations.
- 3.10. The use of Inlet Control Devices (ICDs) is discouraged and shall be limited to roadway sags, as per Town requirements, to the greatest extent possible. The model shall illustrate the implications of conventional ICD placement at CBs, per Town standards and documentation regarding the recommended use of ICDs within the proposed subdivision shall be provided.
- 3.11. Provide detailed ponding limits at overland flow low points, and any points of overland convergence to ensure that appropriate emergency access can be maintained to the area based on Town of Whitby Design Criteria and that private property has been protected from flooding. Ponding limits are to be shown for 100-year storm events. Low points are to be located at the appropriate block or intersection location.

For all overland flow outlet points, the following shall be provided: flow channel profile, cross-sections and erosion protection works at all locations i.e., across window street boulevard areas, within specific overland flow blocks, across SWM Pond Blocks and any direct outlets to Open Space areas.

- 3.12. Provide details and analysis for the routing of overland flow through the stormwater management ponds to ensure stability of the pond under major storm events.
- 3.13. In advance of any on-site work, provide recommendations for monitoring of the existing creek/tributary during construction (erosion and sediment controls, stormwater management, vegetation protection, stream protection in area of storm outfall(s), dewatering, access, storage, and equipment maintenance requirements) and post construction (changes to vegetation or wildlife habitats and species).
- 3.14. On-road cycling facilities are to be integrated with the Community Services trails network at locations where off road facilities are provided (e.g., signage, rest stops and/or other enhancements).
- 3.15. Due to the preliminary nature of the proposed grading design for the school blocks, park blocks, and additional lands owned by the applicant, the overland flow calculations must consider the worst case scenario for the determination of flow volumes at each outlet.

- 3.16. Noise fence/barrier design may need to accommodate surface drainage outlets depending on the lot type and grading design. At the design stage, once detailed grading information is available, a letter will be required from the noise consultant to confirm that the recommendations of the Noise Report provided for the development remain relevant to the accepted grading.

Any transition in height of the noise barrier is to occur at lot lines so that the noise barrier height across individual lots is consistent.

- 3.17. The Subdivider shall address mail delivery provisions for any proposed phasing of the development as required.
- 3.18. The Town will not grant exemptions to half-load restrictions to facilitate construction of the proposed development. The Subdivider shall schedule construction activities in accordance with typical timing of load restrictions for the surrounding road network.
- 3.19. The Subdivider shall provide a Topsoil Management Plan at the detailed design stage and place lots on hold as required to facilitate the topsoil stockpile. Every effort shall be made to minimize stock piling of excess topsoil.
- 3.20. Per the recommendation within the Sub Area Study, topsoil thickness for landscaped areas within the development is to be increased.
- 3.21. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment, for each newly installed streetlight for the relamping and cleaning of streetlights, representing typical maintenance costs prior to assumption.
- 3.22. The Subdivider shall provide the Town with a cash contribution in accordance with the by-lawed rate in force at the time of payment towards the installation of vertical control benchmarks.

Strategic Initiatives (Sustainability)

The Sustainability Section has reviewed the proposed development and wishes to provide the following comments:

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. We can confirm that the applicant has provided all information possible at this stage of the development to demonstrate compliance with the Tier 1 mandatory performance.

However, in order to ensure the standard is being achieved staff will require the following information to be provided at a later date:

- Confirmation that appliances provided in residential buildings will meet Energy Star certification or equivalent as per Tier 1 criteria ECC1.4 ;
- Renewable energy feasibility study;
- Landscape plans demonstrating compliance with Tier 1;

- Architectural plans demonstrating compliance with Tier 1; and
- Electrical Plans demonstrating compliance with Tier 1.

The commitments outlined in the WGS checklist, Regional Report and requirements noted above will need to be outlined in the Site Plan Agreement (where applicable).

Sustainability Staff continue to encourage the applicant to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4 as it progresses into the detailed design stage. These standards support sustainable site design for the development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

To assist with achieving the advanced Tiers, staff encourage the applicant to:

- Install Level 2 EV charging stations in the visitor parking lot and include a rough-in conduit for EV charging stations in private parking spaces. As vehicles transition to electricity, access to charging stations in residents for low-cost overnight charging is becoming essential. There is currently funding available through [The Atmospheric Fund](#) to support this and encourage the applicant to contact sustainability staff for more information.
- Explore opportunities to integrate advanced clean energy measures through uptake of solar energy and other energy efficiency measures like air source and ground source heat pumps.
- Consider the uptake of voluntary measures outlined in the Whitby Green Standard Checklist.

Landscape Division

1. The Tree Preservation Plan set of 5 drawing sheets, is acceptable as revised. This includes the Details sheet (TPD1-1 page, dated April 6, 2022) and the Cover, and associated plan sheets TP1-TP3 (4 pages).
2. This (first) submission of the Arborist Report is acceptable with the following items noted:
 - The photos provided on the last two pages have no locations noted. If this information is available, please have the consultant provide this information.
 - The following trees require the permission of the adjacent landowner prior to removal: A, B, 463, 464, 465, 466, 445, 446. A copy of this permission is required to be submitted to the Planning Department, c/o the undersigned, for the town's records.
 - The following trees, identified as Boundary trees shared with Town, are noted. These trees are acceptable to remove: Tree #'s 892, 882, 883

The Arborist Report identified the following trees as located within the Town's right-of-way. These trees were also identified as requiring removal to facilitate this proposed development. An appraisal is required to be generated by an ISA certified Tree Appraiser, for submission to the Planning Department. The submitted appraisal will be considered in determining the appropriate compensation value and will be reviewed prior to providing the Town's permission for removal of these three trees. The trees that this condition applies to are identified in the Arborist Report as tree #'s 889, 886, and 867.

Fire and Emergency Services

The current proposal is showing a long dead-end on the west and east side of the site until the future development block is constructed to connect street F. FES would accept eliminating the secondary access if the developer can confirm that Street F are connected prior to any occupancies.

A fire break and hydrant plan shall be submitted for review and acceptance.

Region of Durham

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare. Living Areas are intended to accommodate a full range of housing options at higher densities.

The ROP classifies Anderson Street and the future Street 'A' as Type 'B' Arterial Roads. Where access opportunities are limited, Policy 11.3.35 of the ROP requires new development applications that abut arterial roads to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

Based on our preliminary review, the proposed plan of subdivision appears to increase the residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary as outlined in Schedule E – Table 'E9' of the ROP.

The subject lands are also in proximity to (industrial) Employment Areas. The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less sensitive than residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. It is the Region's understanding that these lands form part of the holdings of the Brooklin Landowner's Group and that this group is conducting a comprehensive LUC and Noise Study to address the impact and the required setbacks to the existing and future non-sensitive land uses in the area.

The proposed draft plan provides for a range of housing types, in accordance with the Town of Whitby's Brooklin Community Secondary Plan. Although the proposed development generally conforms to the Living Areas permissions of the ROP's, full conformity with the ROP can only be assessed once the Land Use Compatibility and Noise Study assessment has been completed and peer reviewed to the satisfaction of the Town of Whitby and the Region of Durham.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

The Provincial Policy Statement (PPS) contains policy direction on matters of Provincial interest related to land use planning. The PPS encourages settlement areas to be the focus of growth and development and supports a range and mix of land uses and housing types. New development in designated growth areas are to be compact and allow for the efficient use of land, infrastructure, while also supporting the health and well-being of communities. The PPS aims to minimize and eliminate land use compatibility issues between residential and industrial land uses.

The proposed development provides a range of housing types allowing for compact, efficient use of land and infrastructure. However, consistency with the PPS will be determined once the proponent's finalizes outstanding issues with Land Use Compatibility and Noise Study.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

In accordance with Policy 2.2.2.2 of the Growth Plan, a minimum of 40 percent of all residential development occurring annually in the Region must be within "Built-up Areas." Policy 2.2.7 requires all new development within designated greenfield areas to accommodate a minimum density target of 50 residents and jobs combined per hectare.

The Growth Plan also requires all intensification areas to support vibrant neighbourhoods by providing a diverse and compatible mix of land uses, including residential and employment uses.

As previously noted, subject lands are almost equally within both Whitby's "Built-up Area" and the designated Greenfield Area. The proposal will help contribute to the annual intensification targets and designated greenfield minimum density targets for the Town of Whitby and the Region, as well as provide a diverse and compatible mix of land uses within the Brooklin Urban Area. Conformity with the Growth Plan will be determined once Land Use Compatibility and Noise Study are completed and peer reviewed.

Provincial Plan Review Responsibilities

Environmental Site Assessment

In support of the proposed development, GHD has prepared the following documents for review:

- A Phase One Environmental Site Assessment (ESA) dated October 29, 2020;
- A Regional Reliance Letter dated October 30, 2020.

The Phase One ESA noted two potentially contaminating activities (PCAs) within the study area [250 metres (m)] from the subject lands pertaining to an above ground storage tank (AST) for heating oil purposes and a small electrical substation. The PCA's identified did not result into areas of potential environmental concern on the subject lands. As such, GHD concluded that the subject lands have a low risk of environmental concern and recommended that no further assessment of the environmental conditions is required at this time.

The Region has considered GHD's findings in accordance with our Soil and Groundwater Assessment Protocol (SGAP), but requires GHD to update the following:

- A certificate of Insurance must be submitted in accordance with Appendix F – Regional Municipality of Durham Reliance Letter of the SGAP.

In accordance with the Region's SGAP and the Ontario Brownfields Regulation (O.Reg. 153/04), we note that the above-noted documents will have to be updated periodically at the Region's discretion.

Environmental Natural Heritage

In support of the proposed development, Cambium Inc. (Cambium) prepared an Environmental Impact Study (EIS) dated January 27, 2021. The study was prepared to identify features and determine whether mitigation measures for the proposed removal or alteration of existing key natural heritage and/or hydrologic features (KNHHF) and their buffer area encroachments are required. The study also monitored various wildlife and species-at-risk (e.g., birds and redbreasted dace) that exist and any adverse effects the proposed development may cause on their existence.

The EIS referenced various mitigation measures to ensure that the proposed construction, alterations, and post-development effects related to the proposed development will prevent any negative impacts on the KNHHF, wildlife and their associated functions throughout the site.

The Region has a Memorandum of Understanding with the Central Lake Ontario Conservation Authority (CLOCA) to review and evaluate the environmental features and functions of all development proposals.

In CLOCA's commenting letter dated June 25, 2021, CLOCA notes a variety of environmental matters that remain outstanding prior to their issuance of their conditions of draft approval.

An updated letter dated July 28, 2022 was submitted from CLOCA stating that they have no issues granting approval of the proposal a, subject to the proponent satisfying the conditions outlined in their letter.

Land Use Compatibility Assessment and Noise Mitigation

The Brooklin Landowners Group is currently addressing a series of Land Use Compatibility (LUC) issues associated with surrounding existing and future employment uses area. The Region anticipates a consolidated study to address the related LUC and Noise mitigation. The consolidated LUC and Noise study will be subject to the Region's peer review process.

Regional Municipal Servicing

The theoretical servicing population for this development is 1188 people.

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way.

The Region will not permit the construction of sanitary sewer and water mains within the rear laneways. In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

Water Supply

The subject lands are located within the Zone 3 water supply system for Whitby (Brooklin). The estimated static water pressure for this area ranges between 510 kilopascals (kpa) or 73 pounds per square inch (psi) to 667 kpa (96 psi). The estimated static water pressure in parts of the site exceeds the maximum allowance of 550 kpa (80 psi), therefore, private pressure reducing valves will be required within each unit fronting a centreline road elevation below 164 metres (m).

The following works must be completed for water servicing to be available:

- A 600 millimetres (mm) Zone 3 feedermain on Anderson Street to the Region-owned driveway, just west of Garrard Road;
- A 900 mm Zone 3 feedermain on the Region owned driveway from Conlin Road to the Garrard Road Zone 3 Pumping Station;
- Upgrades of the Garrard Road Zone 3 Water Pumping Station; and
- A 400 mm Zone 3 feedermain on Anderson Street from Conlin Road to Clair Avenue.

The design of the sections of feedermain along Conlin Road, east of Thickson Road and along the Region owned driveway to the Garrard Road Zone 3 pumping station is currently underway. The details related to construction phasing and timelines are still being developed but this project is expected to be tendered in 2021.

It is our understanding that the sections of proposed Zone 3 feedermain on Conlin Road, west of Thickson, and Anderson Street from Conlin to Street 'A', along with the 400 mm diameter (dia.) watermain on Anderson Street from Street 'A' to the north side of highway 407 to Clair Avenue will be constructed by the developers.

Ultimately, the proposed development will require two water connections to the Zone 3 water supply system with a water feed from the east along Conlin Road and one water feed from the north along Anderson Street. Details regarding implementation, timing and cost sharing will need to be discussed and confirmed.

The internal watermain sizing should be reviewed with the surrounding development applications. Currently, the Region anticipates that 300 mm watermain are likely on Streets 'C', 'F' and 'G' within the subject lands. Further review of the watermain sizing will be determined upon subsequent submissions.

Sanitary Servicing

Sanitary servicing to the subject lands will require the extension of a local sanitary sewer from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street. Based on a theoretical population of 1,188 people, the sanitary flow would equate to approximately 22 litres per second (l/s).

Brooklin Sanitary Diversion to the Courtice Water Pollution Control Plant

The existing trunk sanitary sewer located within the existing easement west of Anderson Street conveys sanitary sewage flows from Brooklin to the Corbett Creek Water Pollution Control Plant (WPCP).

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is important to note that the Class EA that planned the Courtice WPCP included Brooklin within the service area. Similarly, the recently completed Class EA that planned the Courtice Trunk Sanitary Sewer also included Brooklin within its service area.

The additional proposed servicing works are outlined within the current Development Charge Background Study at a conceptual level; however, they will be subject to further study as part of the Class EA for the diversion of sanitary sewage to service North Whitby and North Oshawa. This Class EA is underway and is anticipated to be completed late 2022 early 2023. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area, but this must be reviewed and may change as development within the Brooklin Expansion Area proceeds.

Function Servicing and Stormwater Management Report

In support of the proposed development, Candevcon prepared a Functional Servicing and Stormwater Management Report dated March 2021. We have reviewed this report and request that the report and associated Functional Servicing Plan (FSP) drawing reflect the above-noted comments.

Waste Management

Guidelines for municipal waste collection service on Private Property are outlined in Schedule "P" of the Regional Waste Bylaw 46-2011. The Region only provides recycling service in the Town of Whitby. The Town provides all other waste collection. The set out of waste by each unit within a new development must adhere to the Technical and Risk Management Guidelines, showing clear delineation of set out for each residential unit where waste collection will occur.

For additional information the link is provided below:

<https://www.durham.ca/en/doing-business/commercial-waste.aspx>

Any dead-end road(s) must be designed and built with a permanent or temporary, T-turn or Cul-de-sac. The turn arounds will be reviewed in detail at the Engineering review stage to ensure it complies with the Waste Bylaw 46-2011.

Currently, the Ontario Ministry of Environment, Conservation and Parks introduced a draft regulation under the *Resource Recovery and Circular Economy Act*, 2016. The regulation will make producers responsible for blue box programs' operation including collection, as part of the Province's full producer responsibility framework. Subject to the filing of the new regulation and amendments, the Region of Durham cannot confirm that it will be the recycling service provider for this development upon the completion of Durham Region's Blue Box program transition, anticipated to occur in 2024.

For additional information the link is provided below:

<https://www.ontario.ca/page/waste-management#section-1>

Transportation

The proposed development was also reviewed from a Regional transportation operational and planning perspective.

Transportation Operational

The BA Group prepared the Conlin-Anderson Master Transportation Study dated March 2021 in support of the proposed development and adjacent properties. We have reviewed this report and have provided the following comments.

1. The Master Transportation Study is in support of the Conlin-Anderson Comprehensive Block Plan (CBP), covering 5095, 5125, 5245 and 5034 Anderson Street. The CBP comprises of development of 1850 residential units, 10,000m² commercial and 400 pupil school, lands within the Brooklin Community Secondary Plan area.
2. The transportation network within the study area is all within the jurisdiction of the Town of Whitby, with no direct Regional Road impacts. However, the Region has been involved in the ongoing Mid-Block Arterial Road EA and the multi-resolution modelling process, undertaken by BA Group for the Brooklin North Landowners Group. The following comments/recommendations are for the Town to consider in determining if additional submissions or revisions are required.
3. Based on the proposed CBP design, the modelling zones were increased and updated in the development area. When comparing the original assumptions made in the modelling with the updated assumptions, as set out in Table 4 (Page 19) there is shown to be an overall decrease in the residential trips (and total trips) when compared.
4. To match the Region's standards for operation of signals please ensure all modeling of signalized locations is in accordance with the following:
 - Minimum initial should be 8 seconds (sec) for side streets, 20 sec for main streets, and 5 sec for advance phases;
 - Permitted protected lefts should have an amber of 3 seconds and all red of 0 seconds;

- Recall mode should be C-max for main street phases and none for side street (with actuation by stop bar detection), recalls for advances should also be none for main streets and side streets and actuated by detectors setback 15 m. All signals should have Anderson as main street and Conlin as side street.
 - Advise against the use of an advance left phase at shared left/through/right lane as was modeled at Anderson & Street 'T'/Street N.
5. Sections 3.1 Proposed Network (Page 11) and Section 6.0 Summary and Conclusions (Page. 39) – identify the inclusion of pedestrian and cycling amenities in the development to promote sustainable transportation. It is recommended that 0.6 spaces/unit of long-term bicycle parking facilities and 0.1 spaces/unit or 3 spaces of short-term bicycle parking facilities be included at all properties and referenced in the report. It is recommended that both the longer term and short-term bicycle parking facilities be located near building / property entrances to help encourage sustainable transportation.
 6. We recommended that the proponent consider including Electric-Vehicle (EV) charging stations on site or “roughing-in” parking stalls for future ability to install charging stations for residents and/or visitors. Including EV charging stations can help support TDM and the achievement of sustainable mode share targets for the Town and Region.
 7. To promote sustainable commuting options for businesses and employees located at the mixed-use commercial segment of the proposed development, we recommend that carpool priority parking spots be provided and that information about the Region’s Smart Commute program for businesses and employers in Durham region to encourage sustainable transportation options.
 8. Section 6.0 Summary and Conclusions (Page 39) – indicate that current transit service in the area is limited and acknowledges that as the lands located in the Conlin-Anderson master plan area are developed, opportunities to expand transit service may arise. It is recommended that the Figure 10 Connectivity Map (page 33) be updated to denote where sidewalks as well as current and future / potential transit stops adjacent to the site are located, to help identify pedestrian-transit connections and to the site. Durham Regional Transit (DRT) should be consulted on potential transit stop locations.

Transportation Planning

The alignment of the Mid-Block Arterial is conceptually shown at the northern edge of the draft plan of subdivision as Street ‘A’. The Mid-Block Arterial Class EA study was completed in July 2021, and the plan should the road and corresponding roundabout are fully accommodated.

A walkway or open space block should also be provided between Street ‘A’ (the Mid-Block Arterial) and Street ‘D’ in the vicinity of Blocks 11 and 12. This would provide pedestrian connectivity between the Anderson Street / Mid-Block Arterial and the subdivision for access to future transit service and school travel (e.g., from the adjacent subdivision planned west of Anderson Street).

Transit

The proposed development was also reviewed from a Durham Region Transit (DRT) perspective and it was determined that the proposed development does not pose any significant transit concerns. Transit stop and infrastructure planning will be addressed during the subdivision draft plan approval stage or the site plan application stage, where appropriate.

Conclusion

The future draft approval of the proposed plan of subdivision is subject to the applicants satisfying the above-noted requirements. Any future revisions to the proposed draft plan of subdivision must also be subject to our review.

Region of Durham (Addendum to Previous Comments May 19, 2023)

Further to our previous correspondence on the above noted applications, a consolidated Land Use Compatibility report dated May 4, 2023, and a Noise Mitigation report, dated October 24, 2022 have been submitted. The Region is also in receipt of an updated Draft Plan dated April 23, 2023, for a subdivision development consisting of 378 residential units over 20.33 hectares (ha).

The proposed plan of subdivision increases the residential density to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieves an overall greenfield density target of approximately 60 persons and jobs per hectare. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary as outlined in Schedule E – Table 'E9' of the ROP.

The subject lands are in proximity to (industrial) Employment Areas. A Land Use Compatibility study was submitted and prepared by Cambium, dated May 4, 2023, and a Noise study was submitted and prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review needs to be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region of Durham. Any conditions associated with the peer review must be addressed as conditions of approval prior to the registration of any of the residential lots within the proposed plan of subdivision.

Conformity to the Durham Regional Official Plan (ROP)

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare. Living Areas are intended to accommodate a full range of housing options at higher densities.

The ROP classifies Anderson Street and the future Street 'A' as Type 'B' Arterial Roads. Where access opportunities are limited, Policy 11.3.35 of the ROP requires new development applications that abut arterial roads to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

Based on our review, the proposed plan of subdivision appears to increase residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary as outlined in Schedule E – Table 'E9' of the ROP.

The subject lands are also in proximity to (industrial) Employment Areas.

The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less sensitive than the proposed residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. A Land Use Compatibility study was submitted and prepared by Cambium, dated May 4, 2023, and a Noise study was submitted and prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review of the submitted reports shall be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of Town of Whitby and the Region of Durham.

The ultimate development of the proposed plan of subdivision will contribute to the Town's residential growth targets and provide for an array of housing options in general conformity to the Living Areas permissions of the ROP.

Provincial Policy and Delegated Plan Review Responsibilities

Provincial Policy Statement

The Provincial Policy Statement (PPS) contains policy direction on matters of Provincial interest related to land use planning. The PPS encourages settlement areas to be the focus of growth and development and supports a range and mix of land uses and housing types. New development in designated growth areas are to be compact and allow for the efficient use of land, infrastructure, while also supporting the health and well-being of communities. The PPS aims to minimize and eliminate land use compatibility issues between residential and industrial land uses.

The proposed development provides a range of housing types allowing for compact, efficient use of land and infrastructure. As such, the proposal is generally consistent to the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horsehoe

In accordance with Policy 2.2.2.2 of the Growth Plan, a minimum of 40 percent of all residential development occurring annually in the Region must be within “Built-up Areas.” Policy 2.2.7 requires all new development within designated greenfield areas to accommodate a minimum density target of 50 residents and jobs combined per hectare.

The Growth Plan also requires all intensification areas to support vibrant neighbourhoods by providing a diverse and compatible mix of land uses, including residential and employment uses.

As previously noted, subject lands are almost equally within both Whitby’s “Built-up Area” and the designated Greenfield Area. The proposal will help contribute to the annual intensification targets and designated greenfield minimum density targets for the Town of Whitby and the Region, as well as provide a diverse and compatible mix of land uses within the Brooklin Urban Area. As such, the proposal generally conforms with A Place To Grow.

Provincial Plan Review Responsibilities

Environmental Site Assessment

In support of the proposed development, GHD has prepared the following documents for review:

- A Phase One Environmental Site Assessment (ESA) dated October 29, 2020;
- A Regional Reliance Letter dated October 30, 2020.

The Phase One ESA noted two potentially contaminating activities (PCAs) within the study area [250 metres (m)] from the subject lands pertaining to an above ground storage tank (AST) for heating oil purposes and a small electrical substation. The PCA’s identified did not result into areas of potential environmental concern on the subject lands. As such, GHD concluded that the subject lands have a low risk of environmental concern and recommended that no further assessment of the environmental conditions is required at this time.

The Region has considered GHD’s findings in accordance with our Soil and Groundwater Assessment Protocol (SGAP), and requires GHD to update the following:

- A certificate of Insurance must be submitted in accordance with Appendix F – Regional Municipality of Durham Resilience Letter of the SGAP.

In accordance with the Region’s SGAP and the Ontario Brownfield Regulation (O. Reg. 153/04), we note that the above-noted documents will have to be updated periodically at the Region’s discretion and can be included as a future condition of draft approval.

Environmental Natural Heritage

In support of the proposed development, Cambium Inc. (Cambium) prepared an Environmental Impact Study (EIS) dated January 27, 2021. The study was prepared to identify features and determine whether mitigation measures for the proposed removal or alteration of existing key natural heritage and/or hydrologic features (KNHHF) and their buffer area encroachments are required. The study also monitored various wildlife and species-at-risk (e.g., birds and redbreasted dace) that exist and any adverse effects the proposed development may cause on their existence.

The EIS referenced various mitigation measures to ensure that the proposed construction, alterations, and post-development effects related to the proposed development will prevent any negative impacts on the KNHHF, wildlife and their associated functions throughout the site.

The Region has a Memorandum of Understanding with the Central Lake Ontario Conservation Authority (CLOCA) to review and evaluate the environmental features and functions of all development proposals.

An updated letter dated July 28, 2022 was submitted from CLOCA stating that they have no issues granting approval of the proposal a, subject to the proponent satisfying the conditions outlined in their July 28th letter.

Regional Municipal Servicing

Comments from the Regional Works Department provided in September 2022 remain applicable.

Transportation

Comments from the Regional Works Department provided in September 2022 remain applicable.

Conclusion

The proposed subdivision application will facilitate the development of 371 residential units and provide an array of housing types in general conformity with the direction of the ROP. A consolidated LUC and Noise Mitigation Study was submitted to the Region and concludes the proposed residential uses meet applicable provincial standards and guidelines. In accordance with regional requirements, a peer review of the submitted reports shall be conducted. The peer review and any of its findings and/or recommendations must be addressed to the satisfaction of the Town of Whitby and the Region of Durham.

Central Lake Ontario Conservation Authority

Based on our review of the submitted documentation we are satisfied that all remaining outstanding comments can be addressed through fulfillment of conditions of draft plan

approval. As such, the following comments are provided to guide the next steps of the development process.

Zoning By-law Amendment (Z-08-21)

1. All permanent Hazard Land and its approved development setback should be zoned Greenbelt (G) as per Zoning By-law 1784 or the appropriate equivalent.
2. Lands that are currently within Hazard Land (i.e., Regulatory Floodplain and setback) that are proposed for development once they are brought out of the floodplain when certain infrastructure improvements (i.e., Mid-Block Arterial Road) have been completed should have a Holding Provision attached to their assigned zone that only permits existing uses on these lands until the following conditions are satisfied:
 - a) That the Owner demonstrate that all lands proposed for development are outside of all hazard land associated with Lynde Creek (e.g., regulatory floodplain and setbacks) to the satisfaction of Central Lake Ontario Conservation Authority.
3. Please provide CLOCA with a copy of the draft Zoning By-law Amendment with Schedule prior to any approval of the zoning for this property.

Draft Plan of Subdivision (SW-2021-03)

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the following conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority:

1. That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
 - a. The intended means to remove all developable lands from within the regulatory floodplain of Lynde Creek. Based on the results of this study, the Subdivider agrees that the draft plan may be subject to red-line revisions to ensure that all appropriate development limits, including, but not limited to residential lots are outside of the established hazard limits.
- a) The intended means to address all appropriate design criteria and recommendations within the Ministry of the Environment, Conservation and Parks (MECP) approved Municipal Mid-Block Arterial Road Class Environmental Assessment Study. Based on the results of this exercise, the Subdivider agrees that the draft plan may be subject to red-line revisions.
- b) The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.

- c) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
 - d) The intended means to maintain appropriate water balance for the site and to the adjacent hydrologic features (e.g., wetlands, headwaters, watercourses) as part of this development.
 - e) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
2. That the Subdivider shall agree to not undertake any on-site works related to Phase Two (2) of the plan of subdivision, including any servicing or on-site grading until the Central Lake Ontario Conservation Authority has advised in writing that the affected lands are not susceptible to flood risk to the satisfaction of Central Lake Ontario Conservation Authority.
 3. That the Subdivider agree to not enter into any purchase and sale agreements with respect to any lots or blocks in Phase Two (2) of the draft plan of subdivision that are located within, or partially within, the regulatory floodplain until such time that the Central Lake Ontario Conservation Authority has advised in writing that all new and improved infrastructure has been constructed and installed to our satisfaction resulting in the removal of these lands from the regulatory floodplain.
 4. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the *Endangered Species Act* and the *Species at Risk Act* will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans. Based on the results of this exercise, the Subdivider agree that the plan may be subject to red-line revisions.
 5. That the Subdivider agree that the plan may be subject to further red-line revisions to accommodate the requirements of the Central Lake Ontario Conservation Authority, the Town of Whitby and other approval agencies with respect to development limits associated with existing hazard lands.
 6. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the *Conservation Authorities Act*.
 7. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
 8. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions: a. The Subdivider agrees to carry out the works referred to in Conditions 1 to the satisfaction of the Central Lake Ontario Conservation Authority.

9. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
10. The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
11. The Subdivider agrees to provide Central Lake Ontario Conservation Authority with a copy of the final M-Plan and executed Subdivision Agreement prior to registration of each Phase of development.

Ontario Regulation 42/06 of the *Conservation Authorities Act*

A permit from CLOCA will be required for any site alteration and/or development within any lands regulated through Ontario Regulation 42/06 of the *Conservation Authorities Act*. A separate application process and fee collection will be required as part of this process.

Hydro One

Please be advised that the transmission corridor lands affected by the proposed development and identified as such herein are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of *The Electricity Act, 1998*, as amended. The owner of these lands is Her Majesty, The Queen In Right of Ontario, as represented by The Minister of Infrastructure ("MOI"). Ontario Infrastructure & Lands Corporation ("OILC") as agent for the Province, must review and approve all secondary land uses such as roads that are proposed on these lands. HONI is currently acting as a service provider to OILC, and undertakes this review on their behalf.

The comments detailed herein do not constitute an endorsement of any element of the subdivision design or road layout, nor do they grant permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

Should the developer require any use of and/or access to the transmission corridor at any time, the developer must contact Greg Gowan, Senior Real Estate Coordinator at 416-527-3487 in order to ensure all of HONI's technical requirements are met to its satisfaction, and acquire any applicable agreements.

The following should be included as Conditions of Draft Approval:

1. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
2. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During

construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.

3. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
4. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the Town of Whitby.

Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

In addition, HONI requires the following be conveyed to the developer as a precaution:

1. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

Attachment #9
Conditions of Draft Plan of Subdivision Approval
File No. DEV-13-21 (SW-2021-03)

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by Bousfields Inc., identified as drawing number 20282-47 DP, plotted April 24 2023, which illustrates the following land uses: 163 units for detached dwellings, 143 units for street townhouses, one overland flow block, one parkette block, one stormwater management pond block, one school block, and municipal roads, road widenings and additional lands owned by the applicant.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Protocol.
5. The Subdivider shall carry out an archaeological assessment of the subject site and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
6. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the Acoustical Consultant's recommendations of the noise report, entitled "Environmental Noise and Vibration Study" prepared by Valcoustics and dated October 25, 2022, which specifies noise attenuation measures for the development. These measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda) and shall include warning clauses identified in the study.
7. Prior to registration the Subdivider shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by Cambium and dated May 4, 2023, and the Noise study

prepared by Valcoustics and dated October 25, 2022 to the satisfaction to the Region of Durham and Town of Whitby.

8. The Subdivider shall agree to implement any of the recommendations and mitigation measures contained in the “Land Use Compatibility Study – Air Quality”, prepared by Cambium dated May 24, 2023, and/or any modifications stemming from the Region of Durham’s peer review process in the Subdivision Agreement between the Subdivider and the Town of Whitby to the satisfaction of the Region of Durham.
9. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
10. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
11. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply capacities are available to the proposed subdivision.
12. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.
13. The Subdivider shall, to the satisfaction of the Region, revise the draft plan of subdivision based on the final Brooklin Major Roads Environmental Assessment with respect to all matters addressed therein, as may be required by the Region, including any impacts on sanitary sewerage, water supply, Regional roads and stormwater management facilities servicing Regional roads.

14. That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
- a) The intended means to remove all developable lands from within the regulatory floodplain of Lynde Creek. Based on the results of this study, the Subdivider agrees that the draft plan may be subject to red-line revisions to ensure that all appropriate development limits, including, but not limited to residential lots are outside of the established hazard limits.
 - b) The intended means to address all appropriate design criteria and recommendations within the Ministry of the Environment, Conservation and Parks (MECP) approved Municipal Mid-Block Arterial Road Class Environmental Assessment Study. Based on the results of this exercise, the Subdivider agrees that the draft plan may be subject to red-line revisions.
 - c) The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.
 - d) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
 - e) The intended means to maintain appropriate water balance for the site and to the adjacent hydrologic features (e.g., wetlands, headwaters, watercourses) as part of this development.
 - f) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
15. That the Subdivider shall agree to not undertake any on-site works related to Phase Two (2) of the plan of subdivision, including any servicing or on-site grading until the Central Lake Ontario Conservation Authority has advised in writing that the affected lands are not susceptible to flood risk to the satisfaction of Central Lake Ontario Conservation Authority

16. That the Subdivider agree to not enter into any purchase and sale agreements with respect to any lots or blocks in Phase Two (2) of the draft plan of subdivision that are located within, or partially within, the regulatory floodplain until such time that the Central Lake Ontario Conservation Authority has advised in writing that all new and improved infrastructure has been constructed and installed to our satisfaction resulting in the removal of these lands from the regulatory floodplain.
17. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the Endangered Species Act and the Species at Risk Act will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans. Based on the results of this exercise, the Subdivider agree that the plan may be subject to red-line revisions.
18. That the Subdivider agree that the plan may be subject to further red-line revisions to accommodate the requirements of the Central Lake Ontario Conservation Authority, the Town of Whitby and other approval agencies with respect to development limits associated with existing hazard lands.
19. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
20. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
21. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
 - a) The Subdivider agrees to carry out the works to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

- d) The Subdivider agrees to provide Central Lake Ontario Conservation Authority with a copy of the final M-Plan and executed Subdivision Agreement prior to registration of each Phase of development.
- 22. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each townhouse block/phase with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreements, including any review required by Legal Services.
- 23. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and / or the oversizing of services if required.
- 24. The Subdivider shall provide a Firebreak Lot/Block plan, hydrant location plan, and fire route/temporary emergency access plan to the satisfaction of the Whitby Fire and Emergency Services Department.
- 25. That the proposed homes to be located on the subject land shall be subject to review by the Control Architect.
- 26. That the new home construction be designed to meet the Energy Star standards or equivalent.
- 27. Any financial securities required of the development shall be provided as specified by the Town's Corporate Services Department and shall not include bonds.
- 28. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.
- 29. Through the Site Plan/ Plan of Subdivision Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the applicant.
- 30. Parkette Block 196 shall be dedicated to the Town free and clear of all encumbrances and shall be a minimum of .4 hectares of developable land.

31. If it is identified through the parks design process that more land is required to accommodate the park amenities included in the provided Park Facility Fitment Plan, then the individual Park Block shall be expanded into the adjacent developable area as required to accommodate the park amenities. Steeply sloping grades determined to be unsuitable for park development will not be accepted as parkland dedication.
32. Cash-in-lieu of parkland is required for this development at a rate in accordance with the Planning Act. A land appraisal will be required for review and approval by the Town.
33. Hydro Corridor Block 198 shall be sloped/graded to allow for the construction of an accessible trail connection to the Hydro Electric Corridor behind proposed lots on Street F. Proposed trail slopes must meet Town Accessibility Standards. If it is determined by Hydro One that Block 198 is not required, the Town will require an access trail block at the same location.
34. 1.2 metre black vinyl standard park fencing shall be installed where park blocks abut residential lots.
35. The Subdivider shall convey the following to the Town:
 - a) Block 195 for Overland Flow block;
 - b) Block 196 for Parkette;
 - c) Block 197 and 205 for Stormwater Management Facility;
 - d) Block 198 for Open Space;
 - e) Block 200 for Hydrant Access; and
 - f) Block 203 and 204 for Road Widening's on the east side of Anderson Street.
 - g) Block TBD for Municipal Use (1.0m wide on the north side of Block 199).
36. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the on-going Mid-Block Arterial Schedule C Environmental Assessment (MBEA) prior to registration, including but not limited to:
 - a) The final right-of-way width, alignment, and horizontal and vertical design of Street 'A' (Mid-Block Arterial), including the intersection with Anderson Street.
37. The Subdivider shall provide an updated Sub-Area Study (SAS) to address the comments provided in a separate memo from KSGS Engineering dated May 26, 2021. All major comments must be addressed to the Town's satisfaction prior to initiating detailed design.

38. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
- a) 1.8m wide sidewalk on the east side of Anderson Street along the frontage of the proposed development.
 - b) 1.8m wide sidewalk on the south side and 3.0m Multi-Use Path on the north side of Street 'A' from Anderson Street to the eastern property boundary.
 - c) 3.0m Multi-Use Trail within Block 198 to connect to the proposed Trail within the adjacent Hydro Corridor.
 - d) 1.8m wide sidewalk on both sides of all other streets. Width to be increased to 2.5m adjacent to Schools and Parks.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

39. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.
40. The Subdivider shall be responsible for the reconstruction of Anderson Street to a 2 lane urban cross-section with a 3.0m Multi Use Path on the west side, sidewalk on the east side and on-road bike lanes from the former Hydro Corridor at the south limit of the development area to the Mid-Block Arterial (approximately 1.5km length). Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.

Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.

Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4 lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

41. The Subdivider shall be responsible for the reconstruction of Conlin Road as follows:
- a) From Anderson Street to the west limit of the Conlin/Anderson development area: this portion of Conlin Road is an existing dead-end

local road. As an integral part of the subdivision developments it will stay as a local 20m road, reconstructed to an urban standard with sidewalks on both sides, including any required turning lanes and entrance works.

- b) From Anderson Street to the east limit of the Conlin/Anderson development area: this portion of Conlin Road shall be a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a sidewalk on the south side, on- road bike lanes, and any required turning lanes and entrance works.
42. The Subdivider shall be responsible for the installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls at Anderson Street / Street 'C' and Conlin Road/Street 'F' intersections and the ultimate traffic signals at Anderson Street/Street 'C' intersection.
- Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.
43. The Subdivider shall demonstrate that the width of Block 195 has sufficient width to accommodate the conveyance of the necessary overland major system flows. If required, the plan shall be revised to convey additional width, all to Engineering Services satisfaction, prior to registration.
- Similarly, there is a concern that overland flows on Street 'C' will reach unacceptable depths and/or spill to Anderson Street before achieving the calculated flow depth in the overland path at the south end of Block 205 leading to the SWM pond. During detailed design, it must be demonstrated that major system flows will be fully contained and comply with all Town standards.
44. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
45. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.
46. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as

determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.

47. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.
48. The Subdivider shall provide an updated Master Transportation Study (MTS) prior to final acceptance of the Plan by the Commissioner of Planning and Development and as part of the detailed engineering design.
 - a) The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'C', Street 'D', Street 'F', Street 'G' and on all roads adjacent to Park and School blocks to support safe travel speeds and a comfortable environment for all users.
 - b) Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO) at Anderson Street/Street 'C' and Conlin Road/Street 'F'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.
 - c) Active transportation connection between Street 'F' and the Hydro Corridor within Block 198.
 - d) While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
 - e) As part of the MTS the consultant has identified that intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.
 - f) The School Block facility fit will be subject to the review and approval of the Durham District School Board. Town comments on the school layout will be provided at the time of Site Plan design and approval.

The Draft Plan shall not preclude the alignment of school driveways with neighbourhood intersections. School designs to conform to the Region of Durham School Design Guidelines and the Institute of Transportation Engineers (ITE) School Site Planning, Design and Transportation. Access should be coordinated early to properly align with intersections within the neighbourhood. Type and location of pedestrian crossing(s) for the School site to be included within the MTS.

49. The Subdivider shall provide a plan showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs, and intersections with angles less than 90 degrees), tangents, intersection angles/skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline and/or alignment concerns.

50. The Functional Servicing and Stormwater Management Report shall be updated to address the following comments:
- a) Where there is no other viable design alternative, the Town of Whitby will accept a single sewer pipe within the laneway i.e., either the sanitary sewer (subject to Region of Durham acceptance) or the storm sewer. The FSSR shall be revised to demonstrate how the laneway units are to be serviced from Anderson Street or Street 'B' in addition to the service within the laneway.
 - b) The Design Consultant is to investigate alternative methods of servicing Block 174 for storm drainage without the need for a third collector pipe. The proposed Foundation Drain Collector system is to be eliminated if possible. The Subdivider shall implement all changes to the plan resulting from modification to the storm sewer system to drain Block 174.
 - c) Current Stormwater Management (SWM) facility access road and overland flow route location is not desirable due to proximity to the proposed signalized Street 'C' and Anderson Street intersection. Access to be from Anderson Street to the north of Street 'C' with the exact location determined through detailed design review for the reconstruction and ultimate widening of Anderson Street.
51. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

52. The Following Lots/Blocks shall be placed on hold: Block 201 – Future Development, until such time as it can be merged with land to the north.
53. The SWM Blocks 197 and 205 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and / or wetland pockets at the outfall.

a) Since separate water quality treatment for just road drainage is not efficient, every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of both Anderson Street and Conlin Road that are tributary to the site, into the SWM Pond design. This will be reviewed at the detailed design stage.

b) Provide details for the emergency overflow outlet from SWM Pond L4 and demonstrate that Culvert C-2 under Anderson Street has capacity for the uncontrolled flows from the pond. Note that this may affect the top elevation of Pond L4, as a freeboard of at least 0.15 m is required above the calculated emergency overflow depth.

The information provided on the grading and servicing plans indicate that Anderson Road can be overtopped by emergency overflows without impacting the homes abutting the SWM Pond. This can be deferred to detailed design, but must be taken into account in the future design of Anderson Street. When urbanized, the boulevards on Anderson Street should include erosion protection at the low point / overflow path and be designed with maximum ponding depths and flow velocities as per Town Design Criteria.

c) The SAS indicates that runoff from Conlin Road is to be directed to SWM Pond L4 however, the FSSR indicates that minor system drainage is to remain external to the site and outlet to the Anderson Street tributary. Every effort shall be made to integrate the grading, servicing, and stormwater management requirements for Conlin Road with the subdivision design.

d) Provide details for the SWM facility outlet including cross sections from the SWM facility to the receiving watercourse west of Anderson Street, including the crossing of Anderson Street and the 100 year flood line information. This information is needed to justify the normal water level in SWM Pond L4 and the SWM facility outlet location and elevation.

e) Calculations provided in the FSSR for the sediment drying area reflect a 2m sediment pile height. Sizing of the sediment drying area shall adhere

to Town of Whitby Design Criteria, which specifies a maximum 1 m height. The Subdivider shall implement all changes to the plan resulting from modification to the SWM Pond Block's sediment drying area. The sediment drying area shall be located outside of the pond maximum water level.

- f) Provide vehicle turning path for the SWM pond maintenance road to ensure that typical maintenance vehicles (cube van) and a triaxle vehicle can navigate the current layout (with minimal reverse maneuvering).
 - g) At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.
- 54. Prior to the development of Phase 2 of the site (FSSR, Figure 4), the realignment of St. Thomas Street and replacement of the crossing of the Anderson Street Tributary, as outlined within the Functional Servicing and Stormwater Management Report and MBEA, and confirmation of the limits of the new regulatory flood line shall be completed to the satisfaction of the Central Lake Ontario Conservation Authority (CLOCA) and Town of Whitby.
 - 55. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan if required to accommodate recommended noise control measures prior to registration.
 - 56. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
 - 57. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.
 - 58. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
 - 59. The Subdivider shall be responsible for providing service connections (if required) and a suitable storm drainage outlet for flows associated with Parkette Block 196, to the satisfaction of the Town of Whitby.
 - 60. The storm drainage plan shall show drainage boundaries for both the proposed School Block and for possible residential development in the event that the site is not developed as a school. The receiving storm sewers shall be sized for the most conservative development scenario.

61. A second public access may be required for the subdivision until Street 'G' is fully constructed and extended to Street 'F' or Street 'F' is fully constructed and extended to Conlin Road. Any lots affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
62. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
63. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
64. Construction phasing of the development shall be to the satisfaction of Engineering Services, and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

Construction staging details will be required for the proposed servicing and road works on Anderson Street and external sanitary sewer and watermain construction on Conlin Road, including coordination with the proposed adjacent developments and the Region of Durham.
65. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria.
66. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high water table where applicable.
67. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
68. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

69. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, pavement design specifications based on street classifications, earth berm grading design, confirmation of design parameters and preliminary layout for LID measures, proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
70. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider.

This condition will be superseded at such time as the Town has a Peer Review By-law in place.

71. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
72. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
73. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
74. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
75. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
76. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.

77. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
78. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
79. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of Block 199, 2.736 hectares (6.761 acres) in size, for elementary school purposes.
80. That the Subdivider submits plans indicating existing and proposed grades, drainage, and servicing for approval by the Durham District School Board for all lots, blocks, easements, and roads abutting Block 199.
81. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within Block 199, prior to the registration of Phase 1 of the development.
82. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within Block 199.
83. That any filling conducted within Block 199 meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
84. That the Subdivider rough grade Block 199 to the satisfaction of the Durham District School Board.
85. That the Subdivider agrees to bring all municipal services and connections to the edge of Block 199, along the street and submit drawings to the Durham District School Board for approval.
86. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9 gauge galvanized or #6 gauge vinyl coated) along the perimeter of Block 199 where it abuts proposed or existing residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.
87. That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the owner and all prospective homebuyers.

88. Students from this development may have to attend existing schools. Although an elementary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school.
89. That the Subdivider agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres and/or provide information to future buyers.
90. That the draft plan be revised to show a possible low density road and lotting fabric on school Block 199 in the event the school board does not action the option to purchase.
91. That the Subdivider covenants and agrees to enter into the cost sharing agreeing amongst the benefitting landowners in accordance with Section 11.5.31.5 e) and f) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 91 upon receipt of a letter of clearance from the "Trustee" representing the Brooklin Cost Sharing Agreement.
92. The following clause shall be included in all offers of purchase and sale for all lots and blocks within the Subdivision Plan:

All purchasers are advised that the Subdivider/Builder within the subdivision plan are responsible for the maintenance of all unassumed roads which shall include but not be limited to snow plowing, salting/sanding, street sweeping, dust control measures and repairs to the base coat of asphalt until the subdivision road allowances are assumed by the Town.
93. No building permits shall be issued for any lots or blocks until the Land Use Compatibility and Noise Study has been accepted by the Region of Durham and the Town.

Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

- a) The Regional Municipality of Durham, how conditions 1-13 have been satisfied;
- b) The Central Lake Ontario Conservation Authority, how conditions 14-21 have been satisfied;
- c) Hydro One, how conditions 75-78 have been satisfied.

d) Durham District School Board, how conditions 79-89 have been satisfied.

Note: Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. This approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of the request, shall apply.

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0004	Automated Speed Cameras on Town Roads	That staff report to Council on the feasibility and cost of adopting an Automated Speed Enforcement program on Town Roads in School Safety Zones and Community Safety Zones.	29 Nov 2021	06 Mar 2023	25 Mar 2024	ASE will be considered through the Traffic Calming Policy. Details from the Region of Durham and area municipalities to support future consideration and help identify cost to implement.
P&D-0005	Planning and Development (Engineering Services) Department Report, PDE 02-22 Re: Boulevard Permit Parking Program	That Report PDE 02-22 be referred to Staff to review concerns raised by the Committee.	28 Feb 2022	13 Mar 2023	16 Oct 2023	Boulevard parking will be reviewed and considered as part of the residential parking permit program.
P&D-0007	Thistledown Crescent Emergency Access Review	That Staff be directed to report on the following issues: c. Following the opening of Thistledown Crescent to Taunton Road, the implementation of a monitoring program with 24/7 traffic counter device to obtain traffic data on speed, volumes, and other metrics and report back to Council within one year of the road opening regarding the traffic impacts of the development and whether any additional traffic calming measures are required.	07 Mar 2022	03 Mar 2024	TBD	The road has not been constructed. Monitoring, through Radar Message Boards, and observations will occur following the opening of the roadway. Timing is currently unknown. Date to report back will continue to be delayed until construction/opening is known.

New and Unfinished Business - Planning and Development

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
P&D-0008	Temporary Pop-Up Parking or Restricted Parking Signage	That Staff be directed to report to Council on the feasibility, cost, and related by-law amendments to implement temporary (pop up) permitted parking signage or temporary (pop up) restricted parking signage, as needed with extraordinary weather events, special events, and/or special	07 Mar 2022	05 Dec 2023	12 Jun 2023	Staff to consider temporary pop-up restrictions and provide information through Council Information Index (CII).
P&D-0012	PDP 66-22, Planning and Development (Planning Services) Department, Financial Services Department, and Legal and Enforcement Services Department Joint Report Re:Ontario Bill 109, More Homes for Everyone Act, 2022	3. That staff report back to Council following completion of the Development Application Approval Process and Fee Review study regarding any further proposed process and fee changes required to adequately address the impacts of Bill 109.	12-Dec-22	04 Dec 2023		Report back following completion of DAAP in 2023.
P&D-0014	PDP 08-23, Planning and Development (Planning Services) Department and Office of the Chief Administrative Officer Joint Report Re: Affordable Housing Initiative – Hickory Street South and Dunlop Street East	2. That staff report back to Council on the interest received for affordable housing opportunities on the subject properties.	20-Mar-23	23 Oct 23		

Town of Whitby Staff Report

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Report Title: Review of Residential Construction Dust Permit Program

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: LS 05-23

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Andre Gratton, Manager of Enforcement
Services

1. Recommendation:

1. That Report LS 05-23 be received for information;
2. That Enforcement Services not implement a permit system to regulate dust from private residential construction projects,
3. That Enforcement Services continues to actively promote dust control through an annual communication strategy; and
4. That New and Unfinished Business – General Government Item No. GG-0013 be removed.

2. Highlights:

- In 2020, the Town of Whitby enacted the Residential Construction Dust By-law # 7652-20 to address the control of dust and the application of dust prevention measures for residential construction projects such as interlocking, walkways, stonework and retaining walls.

- Since the by-law's enactment, Enforcement Services promotes dust control on an annual basis through various mediums including the addition of mobile signage in 2022;
- The Town of Whitby is one (1) of two (2) municipalities in the Region which have enacted stand-alone dust control by-laws;
- Staff were not able to find any municipalities within Ontario that require a "dust permit" for residential construction projects;
- Currently residential construction dust complaints account for less than 1% of annual formal written complaints;
- The implementation of a permit system would create additional staffing pressures for Enforcement Services and add an extra layer of complication for contractors and residents to complete projects in Whitby

3. Background:

The Town has a Residential Construction Dust By-law

In 2020, The Town of Whitby passed the Residential Construction Dust By-law # 7652-20 (the "By-law") to address the control of dust and the application of preventative measures for residential construction projects such as interlocking, walkways, stonework and retaining walls.

The Residential Construction Dust By-law does not apply to dust emanating from the following:

- (a) necessary municipal work;
- (b) work occurring on commercial and industrial properties; and
- (c) the construction of a multi-residential building, subdivision, or mixed-use development; and
- (d) a residential demolition project for which an approved demolition permit has been issued.

A contravention of the Residential Construction Dust By-law would result in a fine of approximately \$615.00.

The existing by-law outlines required dust prevention measures

The Town was the first municipality within Durham Region to enact a stand-alone by-law with specific provisions requiring one, or a combination of the following preventative measures:

- (a) wetting the construction material;
- (b) using a wet saw;
- (c) using dustless saw technology;

- (d) tarping or otherwise containing the source of dust;
- (e) installing wind fencing or a fence filter;
- (f) using a vacuum attachment when cutting; or
- (g) any other preventative measure that deemed by the Town to be adequate in the mitigation of dust escaping a residential property based on the nature of the activity.

Enforcement Staff receive few residential construction dust complaints

Since the enactment of the By-law, Enforcement Services has received the following number of complaints about residential construction dust:

Year	Number of complaints
2020	12
2021	13
2022	10

The total number of complaints received for residential construction dust account for less than 1% of the complaints received on an annual basis.

Current education/promotion of the By-law

In an effort to promote education and voluntary compliance, staff have implemented an annual awareness campaign through live advertising and social media. In 2022, staff added a mobile sign campaign to further promote the control of dust regulated under the By-law.

Council directed staff to evaluate the merits and financial implications of a residential construction dust permit system

On April 11, 2022, Council adopted the following motion;

Resolution # 90-22

1. That Correspondence # 2022-133 received by C. Harris, Town Clerk, from John Semjan dated February 28, 2022 regarding Dry Saw Cutting Asphalt, Stone, and Concrete on Residential Home Improvement Projects be received for information; and,
2. That Council shall direct staff to further investigate and research to determine best practices in neighbouring municipalities and report back to Council through a report on the merits and financial implications of a residential construction dust permit system.

Staff provide the following report in response to the above motion and direction of Council.

4. Discussion:**The *Municipal Act, 2001* allows for a municipality to enact a permit system for controlling dust**

Sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Act”), allow for a municipality to prohibit and regulate public nuisances. The Act further specifies that a municipality may prohibit and regulate “noise, vibration, odour, dust and outdoor illumination...,” and includes the authority to require a permit to undertake those activities, subject to conditions which the municipality may determine. A permit under this section would be separate from a building permit under the *Building Code Act, 1992*.

Regional and provincial review of Dust by-laws

Within Durham Region, the City of Oshawa has enacted a by-law to control dust through its [Dust and Mud By-law](#), which creates an offence for migration of dust onto neighbouring properties, but does not specifically require preventative measures. Many of the remaining municipalities in the Region regulate residential dust through their respective Public Nuisance by-laws, although Pickering and Ajax noted that they do not enforce residential dust concerns. No Durham Region municipality requires a dust permit for small-scale residential construction projects.

In addition, staff have also researched whether other Ontario municipalities have implemented a permit system for small-scale residential construction works. This included reviewing the City of Toronto’s Dust Control Regulations (Municipal Code, Chapter 417) to determine if a permit system has been implemented since the regulations were enacted in 2018. Staff did not find a municipality in Ontario that had implemented a dust permit system for residential construction works.

A Dust Control Permit for small-scale residential projects may help reduce the emission of dust between residential properties

Staff recognize that the implementation of a permit system could increase awareness by informing/educating contractors and residents of the dust control requirements that must be adhered to while conducting small-scale residential projects. This could decrease dust as the permit system would create a pro-active approach by pushing out the information prior to projects beginning.

However, it is important to note that since there are no similar programs in the Province, staff were not able to find any direct evidence to show that a dust permit would reduce overall dust complaints.

Enforcement would continue to be a challenge

Like noise enforcement, the enforcement of the dust control by-law (and a potential permit) requires the officer to see the dust travelling beyond an individual property. As dust disperses quickly, the officer may not be able to issue a charge based on a complaint if the dust dissipates before the officer can inspect the site. As a result, enforcement may still need to rely on individual residents to collect evidence of an offence.

Staff are also concerned that many residents and contractors may not be aware of the requirement, and inadvertently contravene the By-law by not obtaining a permit. Further, enforcement of the lack of a permit, or contravention of a condition of a permit, is typically a fine. Contractors who chose to ignore the requirement for a permit or violate the conditions of a permit may see the fine as a “cost of doing business” and pass these costs to the individual homeowner, making the cost of such projects higher in Whitby relative to our neighbouring municipalities.

Lastly, the Town’s enforcement model is a “reactive” rather than “pro-active”. As a result, staff would still be reacting to complaints about dust and/or the lack of a dust permit. While an additional staff resource to enforce and administer the permit may have some capacity to monitor these projects, staff anticipate that enforcement will still largely be reactive and based on complaints received.

Overall, the burden and cost of implementing a Dust Control Permit System would outweigh the potential benefits

In looking at both the benefits and drawbacks of implementing a dust control permit system in the Town, staff have determined that the drawbacks outweigh the potential benefits. While the Town could see a reduction in residential construction dust due to the requirement for a permit with conditions requiring preventative measures, the challenges in enforcing compliance and financial implications would result in the Town being little further ahead than it would be today.

Staff anticipate that the additional administrative burden of obtaining a permit for a small-scale residential construction project would be viewed negatively in our community. Any additional costs related to the permit and enforcement would be passed onto the residents seeking to undertake the work. The Town encourages our community to maintain high property standards in order to create a clean and vibrant streetscape, and staff are concerned that this additional administrative and financial burden could discourage homeowners from undertaking renovation and beautification projects of their properties.

A Residential Dust Permit Program will require additional staff

Should Council direct staff to implement a dust permit system, staff recommend a cost-recovery model be adopted as outlined in the Financial Considerations section below. Staff believe that the Town would not receive the projected revenue for 2-3 years as residents and contractors become aware of the new requirement for a permit in the Town of Whitby. Should Council direct that a residential dust permit system be implemented in Whitby, Staff recommend an additional hybrid position that includes both administrative and enforcement duties be included as a part of the 2024 budget.

The hybrid-staffing model would entail a hybrid enforcement/administrative position that facilitates permitting, addresses any non-compliance arising from issued permits, pro-actively promotes the by-law through permit issuance, and responds to any additional complaints. This position would also address other

permitting and licensing activities for Enforcement Services, including pro-actively encouraging compliance and implementing strategies/programs to increase and promote licensing. This position may also assist with the implementation of other business licensing programs such as Short-Term Rental Accommodations.

5. Financial Considerations:

The recommendations in this report does not change current service levels and have no financial implications.

However, should Council direct staff to implement a permit system, staff have developed a preliminary cost model and determined that a permit fee of approximately \$350 to \$400 per permit would be required to recover the costs of administering a dust permit program. The dust permit fee would be in addition to other Town fees. For example, if a dust permit system were implemented, Whitby residents would see Town permit fees increase from \$450 to \$800 - \$850 for pool installations that involve interlock or stone works:

\$450	Town's current Pool enclosure permit fee
<u>\$350 to \$400</u>	Estimated dust permit fee
<u>\$800 to \$850</u>	

6. Communication and Public Engagement:

As noted in Section 3, staff have developed and implemented an annual awareness campaign in an effort to promote education and voluntary compliance. This has included a social media campaign and in 2022 the addition of a mobile signage campaign to further promote the control of dust through the use of preventative measures.

7. Input from Departments/Sources:

Legal and Enforcement Services worked collaboratively with Financial Services for this report.

8. Strategic Priorities:

Report LS 05-23 continues the Whitby tradition of responsible financial management and respect for taxpayers through the review of a potential residential construction dust permit program. The review also supports the Corporate Strategic Plan Objectives to continually improve how we do things by fostering innovation and focusing on making our processes better.

9. Attachments:

N/A

Town of Whitby

Staff Report

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Report Title: Follow Up Report for Proposed Amendments to Property Standards By-law # 6874-14, Hedge Heights

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: LS 06-23

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

Francesco Santaguida, Commissioner of
Legal and Enforcement Services/Town
Solicitor

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

Andre Gratton, Manager of Enforcement
Services

1. Recommendation:

1. That Report LS 06-23 be received for information; and
2. That Staff bring forward a by-law to amend Property Standards By-law # 6874-14, as amended, substantially in accordance with the draft bylaw in Attachment 1 to this Report LS 06-23.

2. Highlights:

- At the Regular Council meeting on November 29, 2021, Council directed Staff to review the provisions of the Property Standards By-law regulating hedge heights and for Staff to recommend amendments to manage pests and vermin on private property.
- Staff prepared Report LS 04-22 in response to resolutions # 331-21 and recommended the removal of maximum height provisions for hedge in rear and side yards. Council asked staff to review best practices and consider other options related to the regulation of hedges in the Town.

- The current provisions of the Property Standards By-law restrict the maximum heights of hedges to 3.0 metres in rear and side yard of properties in the Town.
- Staff have reviewed the options and recommend amendments to the Property Standards By-law # 6874-14 (the “By-law”) to exclude trees that have not been sheared and allow variances to maximum hedge height in rear and side yards based on the assessment and professional opinion of a certified Arborist.

3. Background:

At the Regular Council meeting on November 29, 2021, Council directed Staff through Resolution # 331-21 to review the provisions regulating hedge heights:

Resolution # 331-21, Hedge Height Restrictions in the Property Standards By-law

That Staff review the provisions regulating hedges in the Property Standards By-law and report to Council by the end of Q1 2022 including considering the merit of amendments to eliminate hedge height maximums, except in instances where there are sightline concerns.

Staff brought forward Report LS 04-22 in response to the above resolution and direction of Council. This report contained recommendations by staff to remove the maximum height restrictions for hedges in rear and side yards. The basis of this recommendation was included as part of Report LS 04-22, which included the following rationale:

1. The continuous Property Standards Appeals Committee (“PSAC”) challenges from local arborists;
2. The rigidity of the regulations in the By-law resulted in Staff ordering some vegetation to be cut down to their demise due to the existing height of the hedges at the time of enforcement; and
3. That 2 of the local regional municipalities with similar older residential subdivisions do not regulate the maximum height of hedges.

At the Regular Council meeting on March 7, 2022, Council directed Staff through Resolution # 70-22 to review the provisions regulating hedge heights,

Resolution # 70-22

That Report LS 04-22 with respect to hedge heights, be referred back to Staff for a report to Council in Q2 to review and propose changes to the Property Standards By-law including the definition relating to hedges and best practices with respect to hedge heights restrictions and best

practices with respect to the removal of hedge heights according to arborists.

As per the direction of Council, staff sought the professional expertise of several Certified ISA Arborists for recommendations regarding best practices for the regulation of hedges.

4. Discussion:**Historical overview of actions for hedges to date**

The By-law contains the following definition of a “Hedge”,

“hedge” means a line of three (3) or more closely planted bushes or shrubs planted in a manner that creates a significant barrier to light without the existence of large gaps, but shall not include living walls identified by the Town as acoustic barriers;

Based on staff’s review, the original intention of the definition and maximum hedge height was for maintenance of shrubs and bushes, which typically only grow to a maximum of 3 metres. If the intention of this section was to only regulate shrubs and bushes, and not trees, then this provision would not have presented challenges, as such shrubs and bushes would only require minor cutting/pruning. The Arborists who offered feedback noted heavy pruning/cutting of vegetation in excess of 6 metres (20 feet) to 50% of its height (3 metres) will likely destroy the vegetation.

Based upon a review of PSAC decisions and Property Standards Orders, it appears that vegetation that could be considered trees have been affected by this regulation and included within the Town’s definition of a hedge.

What can be considered a tree vs. a hedge has also been complicated by the fact that some species of “Cedars” are classified as trees, and others as shrubs. From the review of PSAC decisions and Property Standards Orders, it has become clear that the majority of the challenges regarding the regulation of hedge height to date revolve around “Cedars” being hedges or trees.

Legal information on divisional trees/hedges established by Legislation, Common and Case Law

Generally, it is a long-standing legal principle that a property owner can cut any branches or portion of a neighbouring tree that pass over the property line including airspace. As with any legal principle, there are exceptions where trees grow along a shared boundary line between properties, and in any case, care and caution must be exercised when trimming a tree so as not to damage the tree beyond recovery or destroy the tree. Before cutting or trimming any part of a tree,

residents are advised to familiarize themselves with their legal rights and responsibilities.

Trimming and pruning of trees which are not within the Town's lands or boulevards are private civil legal matters between individual landowners, and do not involve enforcement by the Town. The Town cannot grant permission for one landowner to enter onto another's lands to trim vegetation which may cross property boundaries, and the Town cannot order a landowner to address vegetation that is not within their land.

Staff recommend that the Property Standards By-law is amended to account for trees which may act as a hedge.

Staff have consulted with ISA Certified Arborists to assist in determining how to regulate hedges to account for vegetation that may be significantly taller than 3 metres. The results of these consultations are paraphrased and set out in the bullet points below.

- Reducing the height of tall, old, and well maintained hedges and/or clusters of trees, is not possible without causing significant damage, which often results in the loss of the hedge or trees(s)
- An inflexible hedge height does not allow for any professional assessment regarding the amount of reduction a well-established hedge can survive. While the goal is to reduce the overall height of the hedge, aggressive reduction often results in the decline and or loss of the tree or hedge that is being maintained.
- Using the term "shearing" to describe the maintenance of a hedge would be a prudent addition to the By-law to differentiate between a hedge and a group of trees planted closely together. Shearing is a trimming technique that removes the terminal buds of a shrub or small woody plant with the intent to create thicker foliage on the areas being sheared. As it states now, there are more trees than just Cedars that would apply to the definition of hedge, e.g., Pyramidal English Oaks, Beech, Hornbeam or Columnar Tulip trees etc.
- By-law provisions limiting hedge height should focus on proper maintenance and safety of trees and hedges on a property and contain an expanded definition of the difference separating trees and hedges.
- White Cedars are not considered a shrub. They are a tree and if given the space they have the growth potential of a tree. They should not be considered shrubs simply because they are planted closely.

Staff's intention is to allow for exceptions to the regulation where the enforcement officer has the benefit of a report from an ISA Certified Professional Arborist to determine whether trimming or cutting the hedge would lead to its demise.

Staff propose to modify the definition of hedge within the Property Standards By-law # 6874-14 to exclude trees (with the addition of the wording in bold). Additionally, staff propose to modify the provisions within the By-law which regulate hedges (Section 4.1.3. and 4.1.4.) to allow for a landowner to obtain a report from a professional arborist to determine whether the vegetation can be reasonably pruned and survive. See **Attachment # 1**.

Application of Property Standards By-law amendments to existing Property Standards Orders

Should Council adopt the proposed amendments to the Property Standards By-law as per appended Attachment # 1, staff will utilize discretion in its application to existing Property Standards Orders which contain maximum hedge height deficiencies.

5. Financial Considerations:

There are no financial impacts associated with the proposed amendments to the Property Standards By-law.

6. Communication and Public Engagement:

Staff will update the consolidated version of the Property Standards By-law on the Town's website; Enforcement Services will provide education to residents about the amended provisions upon receipt of inquiries. Staff have contacted all persons on the interested parties listed and advised them of the Report being placed on the agenda.

7. Input from Departments/Sources:

Not applicable

8. Strategic Priorities:

The by-law amendments support the Corporate Strategic Plan objective to "continually improve how we do things by fostering innovation and focusing on making our processes better". Further, it is consistent with Council Goal # 9, "to remain the community of choice for families" as the amendments promote urban tree canopy and habitat for migratory birds, while reducing pest, vermin, and nuisance concerns on properties.

9. Attachments:

1. Attachment 1 – Proposed Property Standards By-law Amendments.



Town of Whitby

By-law # Insert Number

Amendment to Property Standards By-law # 6874-14, as amended

Being a By-law to amend the Property Standards By-law # 6874-14, as amended

Whereas the Council of The Corporation of the Town of Whitby deems it necessary to amend the Property Standard By-law to revise the definition of a “hedge” and maximum hedge heights provisions of the by-law”;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

1.1 That Subsection 1.27 of the Property Standards By-law # 6874-14, as amended, be repealed, and replaced with the following.

“hedge” means a line of three (3) or more closely planted bushes or shrubs planted in a manner that creates a significant barrier to light without the existence of large gaps but shall not include living walls identified by the Town as acoustic barriers or trees which are closely planted and have not been sheared.

1.2 That Subsection 4.1.3. and 4.1.4. of the Property Standards By-law # 6874-14, as amended, be repealed, and replaced with the following.

4.1.3. a hedge, located in a front yard in excess of one (1) metre in height, which is equivalent to three feet three inches (3’3”), except where a rear yard or an exterior side yard of a property abuts the front yard of another property the maximum hedge height shall be 3.0 metres which is equivalent to nine feet nine inches (9’9”) unless the property owner has provided a report from a Certified Arborist to the Officer’s satisfaction that identifies that affected vegetation cannot survive the trimming or pruning necessary to bring it into conformity with this section;

4.1.4. a hedge, in a side yard or rear yard in excess of 3.0 metres in height, which is equivalent to nine feet nine inches (9’9”), unless the property owner has provided a report from a Certified Arborist to the Officer’s satisfaction that identifies that affected vegetation cannot survive the trimming or pruning necessary to bring it into conformity with this section;

2. Effective Date

2.1. This by-law shall come into full force and effect on the day it is passed.

By-law read and passed this 19th day of June, 2023.

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: CMS 06-23 Bill 23 - Parkland Dedication Framework

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: CMS 06-23

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Sean Malby, Sr. Manager, Parks
Planning and Development,
905.444.1830

1. Recommendation:

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

2. Highlights:

- To provide Council with an update on the impacts of Bill 23 with respect to reduced parkland dedication, Cash-in-lieu-of parkland (CILP) and subsequent impacts surrounding reduced parkland requirements and allocation.
- To provide Council with options and next steps with respect to future parkland, acquisition of new lands for Sports Fields Parks and additional considerations and background information for discussion.
- To provide information to Council with respect to current parkland dedication in the Brooklin Secondary Plan area in order for Parks Staff to continue conversations and negotiations with the landowners within the Brooklin Secondary Plan area.

3. Background:

The need for additional Parkland in Whitby

Whitby is experiencing rapid growth creating additional demand for the development of recreational amenities and facilities. In addition, various changes to provincial legislation have required municipalities to review their Official Plans and implement policies to ensure development is proceeding in an orderly and expeditious fashion, while continuing to create complete communities. Parkland is a key component of a complete community.

With the large influx of new development applications throughout the Town, particularly within the Brooklin Secondary Plan Area, staff seek to ensure that parks are properly planned for and delivered within the new legislative framework. Through report CMS 06-23 staff will provide Council with further information on the impacts of Bill 23 on parkland dedication, and the Town's ability to deliver an appropriate amount of parkland. This new Provincial legislation creates a challenge to deliver adequate recreational facilities, particularly sports fields, within new development areas. CMS 06-23 focuses on lands within the Brooklin Secondary Plan area, however, the issue of reduced parkland allocation is town-wide.

Through Staff Report PDP 65-22 The Town has already issued statements, which are endorsed by Council, on the impacts of Bill 23.

Parks and Recreational Facilities remain a top priority for its residents.

The Town of Whitby is a community that takes pride in its green spaces, recreational opportunities, and access to parkland. This was highlighted as part of the 2020 Community Survey. Within the survey, residents identified creating more green spaces as a top priority within Whitby. This comment was also echoed as part of the 2023 Citizen Budget survey, which identified the creation of more green space as a top budget priority, followed closely by the need to enhance the quality of the Town's indoor/outdoor facilities. Further, the COVID-19 pandemic has highlighted the importance of providing green space that is accessible, passive, and available for all ages.

The Policy Framework for Acquiring Parkland

The Planning Act sets the parameters for which parkland can be acquired by or dedicated to the Town as a part of new development applications and certain redevelopment opportunities. The Town's Official Plan (OP) sets out the overall policy framework for new parkland within the Town and is supported by the Conveyance of Parkland and Cash-in-Lieu of Parkland By-law No. 7733-21, which sets out the criteria, including rates, that Parkland is to be dedicated to the Town by new development.

Currently, the Town is below these target rates as shown in the table below. It is important to note that this data was compiled prior to provincial legislative changes in 2015 and 2022. In 2015, the provincial government passed Bill 73, Smart Growth for Our Communities Act, which required municipalities to have a parks plan in place prior to establishing or updating Official Plan policies that speak to parkland dedication rates. In addition, Bill 73 reduced the maximum alternative parkland dedication rates from 1 hectare for every 300 units, to 1 hectare for every 500 units. With the passing of Bill 23, this rate was further reduced to 1 hectare for every 1000 units.

At the time that Bill 73 came into force, the Town did not update the existing parks plan which guided parks planning within the Town. Therefore, the rates as shown below are no longer applicable and are generally not in line with the current targets. This was further intensified by Bill 23, which created an even greater level in parkland reduction. Bill 23 also requires the preparation of a parks plan, in advance of establishing or updating Official Plan policies that speak to parkland dedication.

As a result of the various provincial legislative changes over the years, the policies of the Official Plan have been superseded. Staff recognize that these policies require updating and this will ultimately be addressed through the ongoing Parks and Recreation Master Plan and future Official Plan Review process.

Park Type	Number of Parks	Supply (ha)	Current Service Level (2022 Population = 151,500)	Official Plan Targets
Town Park*	15	50.8	0.3	0.4 ha/1,000 residents
District Park	22	95.0	0.6	0.8 ha/1,000 residents
Local Park**	89	97.0	0.6	0.8 ha/1,000 residents
Total Active Parkland	123	242.8	1.6 ha/1,000 residents	2.0 ha/1,000 residents
* Town parks include waterfront parks and off-leash dog parks				
** Local parks include parkettes				

Parkland dedication and/or CILP is the primary method that the Town acquires parkland, or the funds needed to acquire off-site parkland to support the recreational needs of Whitby's expanding population.

The Town's OP guides the location of parks within new developments and the Town's Culture, Parks, Recreation and Open Space Master Plan along with the Town's Sports Field Strategy directs the type and numbers of recreational facilities and amenities to be provided. The Town's Parkland and Open Space Development Policy also provides the technical requirements for park development, including setbacks, sizing requirements and materials to be utilized. As noted, Staff are developing a new Parks and Recreation Master Plan to replace the existing Culture, Parks, Recreation and Open Space Master Plan (2006) and is anticipated to be brought to Council in the fall of 2023. The update of the Parks and Recreation Master Plan, presents an opportunity to update Official Plan policies and supporting documents to create a cohesive and comprehensive approach to parkland within the Town as a whole. The Town will be in a position to update the Official Plan in 2024 to bring the current Official Plan in alignment with the Region of Durham's updated Official Plan, in addition to the expanded Brooklin Secondary Plan area.

The current parks planning framework is set out in the Town's OP and the Parkland and Open Space Development Policy (POSDP). The OP identifies four park classifications, from smallest to largest:

- Parkettes
- Local Parks
- District Parks; and
- Town Parks

Attachment 1 to this report provides further details and examples regarding each park classification. These documents define the general sizes for the four park classifications and ideal location relative to adjacent complementary land uses: notably schools, open spaces, and natural heritage.

4. Discussion:

The Town has experienced challenges in acquiring the Parkland and Sports Field it needs.

Even prior to Bill 23, the Town was not able to provide the amount of parkland per capita targeted by the Town's Official Plan, and as a result was not able to accommodate the park facilities identified in the Town's 2015 Sports Facility Strategy and Parkland and Open Space Development Policy.

Sports fields pose the largest challenge in that they require large areas of relatively flat land to accommodate the playing fields and associated parking when compared to other park amenities (i.e., playgrounds, splashpads etc.). Sports fields, in this context, principally means full sized baseball, soccer and cricket fields. In particular, demand for cricket fields has been growing; however, Whitby does not yet have a dedicated cricket field.

New parkland is typically acquired through the subdivision process as a land dedication as set by provincial planning legislation, Town By-laws, and policy.

Prior to Bill 23, the amount of parkland dedication and/or cash-in-lieu acquired under provincial legislation proved to be insufficient to accommodate the number of required sports fields to address the needs of Whitby. This was a result of the dedicated park blocks typically being either too small, awkwardly configured, sloping and/or not located adjacent to complimentary land uses such as school blocks or open space. Parks adjacent to proposed school blocks is often necessary to provide sufficient onsite parking, and essential to avoid conflicts between sports field users and neighborhood residents due to on street parking.

The park sizes, as generally outlined in the Official Plan, can theoretically accommodate the required facilities, including sports fields and park related amenities (i.e., playgrounds, shade structures, walkways, etc.) when configured in the ideal shape, with generally flat topography and situated adjacent to complementary land uses such as school and open space blocks. However, in practice this rarely occurs and consequently the provision of sports fields in new development areas has not kept pace with the needs identified in the Sports Field Strategy.

Example: Sports Field Planning in West Whitby. As a part of the Secondary Plan for West Whitby, the seven planned parks were intended to incorporate a minimum of ten sports fields to meet the targets of the Sports Facility Strategy. However, through the park design process, three sports fields could not be accommodated, and two other fields were installed with less-than-ideal setbacks and buffers that diminish their playability. Given that only five sports fields could be accommodated, the Town has been required to now look toward Brooklin or other opportunities to achieve the sports field goals of the plan.

Additionally, three of the new West Whitby parks and associated sports fields are dependent on the adjacent school sites for parking. School boards often take up to seven years to decide whether to purchase the land from the developer and construct a school, creating uncertainty and a potential financial liability for the Town. If the school board ultimately decides not to purchase the school block, the Town may need to purchase additional land, if possible, to accommodate parking and to meet setback requirements between residential and recreation facilities. Securing appropriate setbacks between sports field users and residents is a significant consideration in the siting of sports fields. The use of sports fields often creates noise and/or parking complaints from neighbouring residents. Increased space for Local and District Parks would require the purchase of additional lands to make up the shortfall of land received from developers as parkland dedication.

Bill 23 heightens the challenges the Town faces in acquiring new parkland for sports fields.

The passing of Bill 23 has resulted in many changes that further exacerbate the challenge to providing sufficient parkland suitable for the development of sports fields within subdivisions. The primary impact is a drastic reduction in the amount of dedicated

parkland and cash-in-lieu of parkland to be received by the Town as a part of new development. It also allows for the conveyance of encumbered parkland that may not be suitable for sports field development. The net effect is that delivering the needed parkland and sport fields through the Town's current parks planning framework is no longer feasible. Given these changes, the Town will not be able to deliver on its identified top priorities for greenspace without reducing the current sports field service levels or purchasing additional land with property tax dollars (instead of CILP funds from new development) for future parks.

In addition, the cost of land, particularly developable land, has drastically increased over the past number of years. This has put the Town in a difficult position as the opportunity to negotiate the donation/dedication of land has becoming increasingly difficult as the value far exceeds the benefits potentially gained from the developer.

Example: Brooklin Secondary Plan. To illustrate the impacts of Bill 23, the Brooklin Secondary Plan area would have an overall reduction in parkland dedication requirement from 49.25 Hectares (pre-Bill 23) to 38.79 hectares (post Bill 23) equating to a reduction of 10.46 hectares of land. To put this in perspective, a single full-sized soccer or baseball field requires approximately one hectare of land to allow for appropriate sizing, safety run-offs and playable fields. It should be noted, one hectare of land does not account for additional amenities typically found within parks (i.e., playgrounds, splashpads etc.).

Given the loss of parkland through Bills 73 and 23 and through the Town's experience with the development of West Whitby, the required number of sports fields and associated amenities cannot be adequately provided to residents. The ongoing reduction in parkland as mandated by the Province has put the Town in a position where targets that were previously feasible are strongly out of reach.

This is highlighted in Attachment 2 which demonstrates the overall need for sports fields, informed by the Sports Field Strategy (SFS). It shows that even if the Town were to purchase additional lands within the Brooklin Secondary Plan area to restore pre-Bill 23 levels, sports fields might have been accommodated. After the passing of Bill 23 Parks Staff feel that the required fields cannot be accomplished.

Considering these factors, staff are looking at alternatives to provide local neighborhoods with viable parkland while securing land for sports fields elsewhere to service the larger community.

Options and Next Steps:

Prior to Bill 23, the Town was not able to achieve the targets set out in the Official Plan, Parkland and Opens Space Development Policy and Sports Field Strategy, for the acquisition of parkland and number of recreation facilities. Considering the reduction in parkland dedication and CILP, as a result of Bill 23, the Town is now in a position where these targets are no longer realistic and, as a result, a new strategy is required.

The Town must make strategic, achievable, and responsible decisions with respect to parkland acquisition and distribution in light of these changes. This is necessary to ensure that current and future residents are provided with the parkland and recreational facilities required despite the legislated reductions in land dedication and cash-in-lieu of

parkland. To address these shortfalls, staff offer the following potential options for Council's consideration. Please note that the Brooklin Development area is being used as a case study to illustrate the impact of these proposed solutions. However, going forward the chosen solution would become the new parks planning framework and would be applied to all future parks related developments.

1. Maintain Service Level Through Purchase of Additional Developable Land

Under this option existing service level targets for sports fields and the associated park hierarchy would be maintained. This would be achieved through the purchase of additional land from the property owners in new developments and funded by taxpayers. In the Brooklin Secondary Plan area this would equate to a minimum of 10.46 ha (25.8 acres) of land. Based on recent land appraisals the Town has received for the calculation of CILP across Whitby, developable land is valued at approximately \$3.5 million per acre. Accordingly, the cost to purchase 10.46 ha (or 25.8 acres) of land to offset the Bill 23 shortfall would cost the Town approximately \$90.3 million, to be funded from property taxes. Staff note this would be a one-time cost associated with the Brooklin Secondary Plan development area only. Future growth, elsewhere in the Town, would require additional land purchases and funding to meet the Town's need for sports fields. It is also worth highlighting that purchasing 10.46 ha may still not accommodate the planned sport fields while maintaining the existing park distribution and sizes as set out in the Brooklin Secondary Plan and Town's Park Hierarchy. As such, additional land purchase may be required.

2. Change the Parks Planning Framework

Under this option the existing service level targets would be maintained by changing the way sports fields are delivered. In place of providing sports fields in new Local and District Parks the Town would focus on constructing multi-field sports complexes. This would result in the elimination of District Parks from the Whitby Park classifications system as the larger parcels of land (4ha) would no longer be required to accommodate sports fields; local Parks could also be slightly reduced in size. Therefore, Local Parks would replace District Parks in the parks classification system in new developments. The facilities and amenities, other than sports fields, typically found in District Parks would be distributed strategically throughout the local park system to best serve the community. Staff note that the local parks would incorporate generous open lawn areas available for free play, informal sports games, and passive enjoyment.

As a result of the reduction in park sizes, within new development, the Town in most cases would be eligible for cash-in-lieu. These funds would be held in reserves to help offset the cost to acquire larger parcels of land to create dedicated multi-field sports complexes. These complexes could be located on land outside the urban boundary, within hydro corridors, or otherwise not suitable for typical residential, commercial, or industrial development. In this scenario, a multi-field sports complex would generally include six to ten lit playing fields, parking, washroom facilities, seating and potentially playground areas and concession stands. Examples of this type of facility can be found at Bethesda Park in Stouffville, Creditview Sandalwood Park in Brampton, and Southward Sports Park in Grimsby. The Audley Recreation Centre provides a local example with multiple diamonds, washroom facilities, concession stands etc. on lands

that are accessible and allow for a wide range of users from both within and outside of the immediate community.

3. Reduce Overall Service Level

The Town currently provides a target ratio for parkland dedication on a person to hectare or person to sports field level. An option is to reduce the overall service level. While the current recommended target for active parkland in the Town's Official Plan is 2.0 hectares per 1000 residents, the Town's service level is actually providing 1.6 hectares per 1000 residents. A service level reduction, to ensure alignment with Bill 23, would result in a service level closer to 1 hectare per 1000 residents. In addition, staff would need to examine the targets for sport fields to determine the required reduction in service levels for each sport field classification. Only through this type of reduction would the Town be able to establish an achievable recommendation for active parkland without the need to purchase additional land (using property tax dollars) to supplement reductions to parkland dedication/CILP payments (from developers) due to Bill 23. This option is not recommended, given the increased demand for sports fields and the current and anticipated growth in population which will need to be accommodated and served. Should the Town reduce the overall service level, the community will ultimately be the one to suffer. Based on the Parks and Recreation Master Plan and the 2023 Citizen Budget survey, access to open space and parks have been identified as top priorities for residents. Further, with increased population, there will be a rising demand for access to green space for informal play, which could be facilitated through the provision of open lawns within the new local parks.

Recommendation:

Staff recommend that Option 2 be pursued as the most cost effective and financially sustainable solution to best serve the residents of Whitby. Further details and considerations of this solution are noted in the bullet points, below.

- Shifting permitted sports fields to dedicated field complexes is supported by the Town's existing Sports Facility Strategy and Culture, Parks, Recreation and Open Space Master Plan. If approved by Council, this new framework would be incorporated into the new Parks and Recreation Master Plan currently under development and into the future review and update to the Town's 2015 Sports Facility Strategy.
- Shifting permitted sports fields to a dedicated field complexes would allow for:
 - Local Parks to be decreased in some locations from 1.5ha to between 1ha and 1.25ha and,
 - District Parks, now replaced by Local parks, to be reduced from generally 4 ha to approximately 1.25ha -2ha.
- As noted, any resulting CILP from these reductions could be directed towards offsetting the cost of purchasing land for the construction of multi-field sports complexes.

- Centralizing sports fields at multi-field complexes provides many advantages: field users appreciate multi-field venues to concentrate their practice and game scheduling, while providing an option through which tournaments and skill development clinics can be held.
- The Town benefits through economies of scale achieved in construction costs and through efficiencies in parks operations by reduced travel between field sites, and/or the storage of equipment on site.
- Local parks would continue to provide open lawn areas for informal field sports and passive play in addition to all other amenities typically provided for their respective park classifications.
- This new Parks planning framework would apply to all active and future development applications but would not be applied to draft approved applications.

Parks Planning Staff are requesting that Council endorse Option 2 as noted above. Upon endorsement, Staff will be able to respond and provide direction to both the Brooklin Secondary Plan development applications and other development applications currently under review. It should be noted that at this time, the Town does not own any lands of suitable size to accommodate a large multi-field sports field complex. With Council's endorsement of Option 2, staff will enlist a planning consultant to undertake a Town search for appropriate lands to accommodate one or more multi-field sports complexes as determined through the Parks and Recreation Master Plan. Staff will then report back to Council with a plan for the procurement of land and the creation of multi-field sports complexes that will include potential locations, options, estimated costs and timing.

5. Financial Considerations:

In 2021 and 2022, the Town collected \$7.1 million and \$5.1 million, respectively, in cash-in-lieu of parkland dedication payments from developers that did not convey parkland to the Town as part of their developments.

Bill 23, the More Homes Built Faster Act, 2022 received Royal Assent on November 28, 2022 and reduces the requirement for developers to convey parkland or provide cash-in-lieu of conveying parkland. For example, the previous requirement for residential developers to provide CILP of 1 ha per 500 units has been reduced to 1 ha per 1,000 (or now 0.5 ha for the same 500 residential units). Further, caps have been implemented regardless of the number of units proposed to be developed.

Since the passage of Bill 23 (November 28, 2022), the Town has recalculated CILP quotations for active development applications with significant reductions in what developers must contribute in lieu of providing parkland – two examples are shown below:

- 1) For a proposed development of 75 units, the Original CILP calculation of \$997,500 reduced to \$285,000 post-Bill 23;

- 2) For a proposed development of 92 units, the Original CILP calculation of \$1,190,000 reduced to \$340,000 post-Bill 23

For both the example developments noted above, the CILP had not been paid (by the developers) as of the date of Royal Assent, and the developers have since requested a recalculation due to Bill 23.

The 2022 year-end balance in the Town's Parks Reserve Fund (where CILP collections are deposited) is \$9.1 million. Of the \$9.1 million, \$6.9 million (or approximately 75%) has been allocated as part of the 2023 budget (10-year capital forecast) or commitments related to capital projects approved in previous years. Major commitments/allocation against the \$9.1 million Parks Reserve Fund balance include parkland for the Whitby Sports Complex, Ardwick Park, and Myrtle Station Park.

At the time of writing this report, the Town's 2022 year-end audit has not been completed and the 2022 figures noted in this report are subject to year-end financial adjustments related to the audit.

6. Communication and Public Engagement:

Parks, greenspaces, and access to open spaces have been identified as a key consideration in previous public engagement (e.g., Community Strategic Plan, Citizen Budget Survey). Public engagement is being conducted as part of the Parks and Recreation Master Plan, in addition, the public will be able to actively participate in the planning process through the future update of the Official Plan. These public consultation opportunities will allow residents and interested parties to provide input and/or recommendations.

As part of the background research, it was found that 53% of community survey respondents supported additional investment in outdoor soccer fields. Community Services Staff have also been in discussions with Whitby FC, one of the largest providers of programmed soccer within the Town, they are supportive of additional fields and co-location of fields to allow for more users to join programmed soccer. It should be noted to Council that Victoria fields is to be redeveloped as an urban waterfront park in alignment with waterfront master plan. This project is currently forecast to occur in 2025 and will result in the loss of permitted sports fields. As such, should Council endorse Option 2, as recommended by Staff the need to research and ultimately acquire lands will be a top priority to ensure the timely delivery of soccer fields.

Baseball groups were also consulted as a part of the Parks and Recreation Background research. From this research, baseball, and its variations (including softball, fastball, etc.) are experiencing a resurgence of growth in recent years. In addition to an increase in growth within baseball, there was additional interest expressed in providing larger baseball diamonds to support men's leagues. Further, through community consultation it was highlighted that location is a key consideration as multi-diamond sites tend to be preferred among user groups where concurrent games and practices can take place at a single site sports complex, which may also offer supporting amenities such as parking, lighting, spectator seating, change facilities and more. This input was taken into account when assessing staff's recommendation of Option 2, as a multi-field sports complex would satisfy this need. In addition, having a large dedicated multi-field sports

complex may attract additional economic development opportunities, through various means, including but not limited to, sporting tournaments, advertising, and community events.

7. Input from Departments/Sources:

Throughout the process of drafting this Staff Report, Parks staff have been in discussions with Planning, Legal and Finance Staff to ensure consistency and clarity when processing, reviewing and ultimately commenting on development applications within Brooklin and Whitby as a whole. Planning Staff have had the opportunity to comment and provide input on this Staff Report. Staff recognize that, should council adopt the recommendations put forward by Staff, the new parks framework will ultimately need to be implemented in Official Plan policy and supporting documents. Staff recommend that the changes to the parks planning framework outlined in this report be considered as part of the ongoing Parks and Recreation Master Plan update as well as the future Official Plan Review (i.e., the expansion of the Brooklin SP area and conformity with the updated Durham Region Official Plan).

This report was also drafted with input from Financial Services and Legal Services and their comments have been incorporated into this report.

Further discussions with other involved departments (i.e., operations, enforcement, customer service) will need to be held. Operations is directly related in the maintenance, operation, and upkeep of Town Parks. Enforcement and Customer Service Staff may also need to be involved in these discussions as they are directly engaged as part of the complaint/inquiry process.

8. Strategic Priorities:

The development of the Parks Plan aligns with the Customer Corporate Strategic Priority as the project will help ensure there are facilities that can accommodate the growing community's demand for outdoor recreation opportunities.

The Town's Strategic Priorities are advanced as part of this recommendation. Specifically, the initiatives surrounding Sustainability in the Town. The provision of Parkland and Open Spaces contributes to battling climate change, improves air quality, promotes inclusivity, protects/enhances natural features, improves functionality of natural features, and encourages good land use. The aforementioned initiatives are not exhaustive, and it is generally accepted that Parkland and Open space contribute to the concept of complete communities.

9. Attachments:

Attachment 1 - Summary of Park Types and Associated Amenities

Attachment 2 – Summary of Sports Needs Assessment

Table 1: Summary of the different park types and associated amenities.

Park Type	Standard:
<p>Parkette: Are intended to serve the recreational needs of the immediate neighbourhood for active and passive recreational opportunities.</p>	<ul style="list-style-type: none"> • Generally 0.1-1.0 Hectares in size • Typical Facilities may include: <ul style="list-style-type: none"> ○ Playground (tot-lot) ○ Shade and seating, ○ Walkways.
<p>Local Park: Are intended to serve the recreational needs of the immediate neighbourhood for active and passive recreational opportunities.</p>	<ul style="list-style-type: none"> • Generally 1.5 Hectares in size • Typical Facilities may include: <ul style="list-style-type: none"> ○ 1 full sized sports field, ○ 1 Ball Court, ○ Junior and senior playground, ○ Shade and seating, ○ Passive and free play areas, ○ Walkways.
<p>District Park: Intended to serve the recreational needs in a community area or series of neighbourhoods with outdoor and indoor recreational opportunities.</p>	<ul style="list-style-type: none"> • Generally 4 Hectares in size • Typical Facilities may include: <ul style="list-style-type: none"> ○ 2 sports fields (may be illuminated) ○ Junior and senior playgrounds, ○ splash-pad, ○ Lighted Tennis courts or pickleball courts, ○ Basketball and/or Multi-skills court, ○ Passive and free play areas, ○ Walkways, ○ Parking.
<p>Town Park: Intended to serve recreational needs on a Townwide basis and include major recreational and cultural heritage resources and municipally owned open spaces along valleys, the Waterfront and the Former Lake Iroquois Beach.</p>	<ul style="list-style-type: none"> • No specified size • Typical Facilities may include: <ul style="list-style-type: none"> ○ active recreation areas with illuminated major sports fields and facilities, ○ recreation/community centres, ○ ball courts, ○ playgrounds, ○ community gardens, ○ landscaped and passive recreation areas, ○ and parking areas.

Table 2: Summary of the Sports Needs Assessment as concluded from the Sports Facility Strategy

Sports Field Needs	Soccer	Baseball	Multi-Use Fields
Sports Field Strategy (SFS) Recommendations: The remaining number of sports fields that would need to be accommodated in the Brooklin Development Area to meet the SFS recommendations for the total number of fields needed in the West Whitby and Brooklin Development Areas. *This takes into account the sports fields planned and/or built in West Whitby	7	11	0
Victoria Fields Urban Park - Reduction Number of sports fields to be displaced, and requiring replacement elsewhere, because of the planned development of the Victoria Fields site into an Urban Waterfront Park.	9	0	0
Sub-Total Projected Shortage of Sports Fields	16	11	0
Number of Sports Fields proposed in the Brooklin Background Study to be accommodated in the Brooklin Development Area in Pre-Bill 23 environment. *Staff are confident that this number of sports fields could not be accommodated, within the Pre-Bill 23 lands, and adhere to current Whitby parks planning standards and best practices for parks/recreation design.	9	7.5	0
Total Number of New Sports Field Required *This number of required sports fields does not address the current demand for permanent Cricket Fields.	7	3.5	0

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: Urban Forestry Update – Spring 2023

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: CMS 07-23

Department(s) Responsible:

Community Services Department
(Operational Services)

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Jennifer Smith, Manager, Operations –
Parks, extension 4336

1. Recommendation:

1. That Report CMS 07-23 be received as information.

2. Highlights:

- Over 11,000 trees on more than 234 streets were pruned and inspected over the 2022/2023 winter season as a part of the Block Pruning Program;
- A total of 1,845 tree related service requests were received in 2022, including general tree maintenance, storm damage, and wasp nest removal. This is a 14.0% increase over 2021, and a 23.4% increase over 2020;
- In May of 2022, a severe storm known as a derecho resulted in the loss/damage of approximately 417 municipally owned trees within the Town. Stump removal and replacement planting of affected trees will continue in 2023;
- 659 municipal trees were removed in 2022, due to adverse weather (including the derecho in May), disease, poor tree health, poor tree structure, motor vehicle accidents, vandalism and/or infrastructure projects;
- 300 trees were planted by Town of Whitby Forestry staff in 2022;

- In 2022, the presence of *Lymantria dispar dispar* (LDD moth), formerly the gypsy moth, resulted in minimal defoliation in the Town. Into 2023, it is anticipated that the population of this moth will decrease further and is unlikely to cause any substantial defoliation in the Town;
- The Town established a new partnership with LEAF (Local Enhancements and Appreciation of Forests) in 2022 and will continue this partnership in 2023 hosting two community tree planting events. Additional tree planting initiatives include the Scout tree planting, which is returning in 2023 after a hiatus during the COVID-19 pandemic and a possible partnership with the Region of Durham and neighbouring municipalities for an application to the 2 Billion Trees Program (2BT);
- It is projected that there will be a 20% increase in the inventory of maintained trees by 2025. These numbers will continue to increase as additional development occurs in Brooklin. Continued development within the Town of Whitby, including West Whitby and Brooklin, will require additional resources to maintain current service levels.

3. Background:

Section 270(1) of the [Ontario Municipal Act](#) required municipalities to adopt a policy prior to March 1, 2019 which set out the manner in which it will protect and enhance their tree canopy and natural vegetation.

In 2019, [Public Works Report PW 06-19: Ontario Municipal Act – Tree Canopy Policies](#), [Tree Canopy Policy \(MS 380\)](#) was approved by Council (Resolution #59-19) and the following recommendation was made:

- That the Public Works Forestry Group provide semi-annual updates to Council on the status of Forestry, and its related tree management programs.

4. Discussion:

Community Services Forestry staff maintain approximately 53,000 municipal trees within road allowances, parks and other Town owned property and manage trees and other vegetation in woodlots and natural areas.

Forestry staff consists of seven (7) staff year-round, all of whom are fully certified arborists. They are augmented through the year by additional staff including: one (1) Labourer position, two (2) students in the summer, two (2) temporary workers in the fall and three (3) additional full-time staff reassigned from other Parks sections in the winter to assist with the Block Pruning Program. In total there are 10.16 FTEs, which is consistent with the 2022 staff complement.

Forestry programs and services that are undertaken each year to maintain tree assets include:

- Proactive block pruning on a five (5) year cycle;

- Response to residential requests for tree maintenance outside of scheduled block pruning;
- Response to emergency calls due to adverse weather events;
- Tree removals;
- New tree planting and establishment;
- Mature tree inspections;
- Pest management;
- Surface root treatments.

Other activities and projects include the development of the Urban Forest Management Plan (UFMP) and participating in tree planting and other forestry related events.

Block Pruning

The Block Pruning Program involves pruning and inspecting all residential street trees on a five (5) year cycle. The purpose of pruning is to produce safe, healthy trees. Pruning undertaken under the Block Pruning Program involves removing branches that could fall and cause injury or property damage, removing branches that interfere with lines of sight and clearances on streets, sidewalks and/or driveways, removing insect or disease infested wood and removing crossed and rubbing branches.

Pruning is also used to encourage trees to develop a strong structure and reduce the likelihood of damage during storms. A reduction in tree failures during extreme weather events also translates into fewer disruptions in hydro service and property damage claims.

During the 2022/2023 winter season, over 11,000 trees on more than 234 streets were pruned and inspected by staff, reducing potential maintenance requests from residents. Pruning was undertaken in Forestry Zones 2, 5, 8 and 9 (see Attachment 1 – Forestry Zones). Five (5) year pruning cycles continue to be maintained.

Block Pruning for the 2023/2024 season will be focused in Forestry Zone 6, which includes the area bounded by Rossland Road to the north, Anderson Street to the east, Dundas Street to the south, and Cochrane Street to the west. Any outstanding streets or trees that were not completed in 2022/2023 will also be addressed. The program generally begins in November and continues until April. A list of streets to be pruned is posted on the Town's website each year in October.

Response to Resident Requests for Tree Maintenance

In 2022 Forestry staff received 1,355 resident calls for general tree maintenance requests. As of the end of April 2023, approximately 150 of those service requests remain open.

Outside of the regular Block Pruning Program residents can call the Town to request maintenance of municipal trees adjacent to and/or affecting their property, along boulevards and in woodlots and open spaces. Trees are inspected by a

certified Arborist and work is prioritized based on level of risk. Where efficiencies can be achieved, structural pruning is incorporated into the season's Block Pruning Program.

Naturalized wooded areas contribute to the Town's overall tree canopy cover, provide vital habitat for wildlife within the urban environment, as well as corridors that connect areas of habitat and as such are left in their natural state and are not manicured. When residents request maintenance of trees in woodlots and ravines, an inspection is completed by staff who assess the overall health and structure of the tree(s) in question and determine the appropriate action to reduce the risk of personal injury and/or property damage on public and private property. Brush and wood resulting from tree maintenance or removal remains on site to decompose naturally. If there is potential for brush to interfere with the effective functioning of a watercourse, Forestry staff consult with Central Lake Ontario Conservation Authority (CLOCA) staff to determine the best course of action.

Emergency Calls and Weather Events

Extreme weather events primarily occur in the summer months when thunderstorms and high winds are more frequent. Emergency calls are inspected immediately, and if assessed as an imminent public safety risk, are addressed promptly. In 2022 Forestry staff received 417 emergency service requests.

On May 21, 2022, parts of Ontario and Quebec, including the Town of Whitby, were hit by a severe storm called a derecho. The extreme winds and thunderstorms associated with this storm left a path of destruction across the Town.

In Whitby, 472 municipal trees were damaged or uprooted, blocking roads, sidewalks, and driveways, disrupting power to homes and businesses and causing damage to cars, houses, fences, and other structures. In the first week alone, there were 372 calls received regarding tree damage from the storm.

The response by Operations staff, led by the Forestry team, was three-fold. The immediate response included providing access for emergency services and residents by clearing roads, driveways, and houses, as well as assisting in tree removals to facilitate the restoration of power. This was completed in just over a week. The secondary response was longer term and included additional clearing of fallen trees in backyards (over 60 locations), over walkways and in parks, as well as the collection of brush, branches and logs from private trees put to the curb by residents. Reassessment of affected trees was also undertaken to determine any follow up work required. This stage went well into the fall. Finally, stump removal and replacement planting of affected trees will continue into 2023. All stages of the response have been undertaken by a mix of Town staff and contracted services. Additional emergency funds were added to the 2022 to cover the cost of the incremental work resulting from the storm, including tree removals and replacement planting.

Tree Removals

Tree removals are scheduled in keeping with operational efficiencies and are prioritized by the level of risk present. In 2022, 659 municipal trees were removed by the Forestry section due to adverse weather, poor tree health, poor tree structure, disease, damage due to motor accidents, vandalism and/or infrastructure projects. This number is higher than a typical year, as it includes those trees that were removed as a result of the windstorm in May.

Tree Planting

Each spring and fall Forestry staff undertake regular tree planting programs. This involves planting trees at new locations in parks and in road allowances and/or replacing trees that have been removed. Stumps remaining from tree removals are also removed at this time. While the goal is a replacement ratio of 1:1 with removals, this is not always possible when conflicts with utilities and other infrastructure are present. Where the opportunity exists, replacement trees will be relocated to another location within close proximity of the removal, or additional trees will be planted in communal areas such as parks and open spaces.

In 2022 Forestry staff planted 300 trees during the spring and fall replacement planting programs, which is on par with previous years. There will be an increased number of trees planted in 2023, up to as many as 600, as replacement planting of trees damaged in the windstorm last May are undertaken.

New Tree Establishment

Trees are classified as a “new planting” for two (2) years following their planting date and are placed on a tree maintenance program. This includes:

- Watered a minimum of three (3) times per growing season;
- Inspected twice to determine pruning requirements to promote proper structure;
- Support stakes removed;
- Mulch replenished;
- Assessed for insect and disease damage.

This program is delivered primarily by two (2) Forestry Summer Students from May to August each year.

Mature Tree Inspections

Mature trees located in the Whitby and Brooklin downtown areas, which fall outside of the regular block pruning program, are assessed annually to monitor any changes in their condition and to determine their risk level. If required, mitigation measures are recommended and implemented to reduce the risk of personal injury and property damage while promoting the health of the tree to extend its longevity.

Forestry staff continues to maintain this annual inspection cycle, inspecting 298 trees over the year in 2022.

Pest Management

Trees are maintained with pesticides only as necessary to ensure tree survival and are not treated for aesthetic or nuisance issues. Forestry staff, through the use of contracted services, also responds to concerns about wasps' nests in trees that pose a danger to residents. There were 73 requests for the removal of, or treatment of wasp nests in 2022.

Staff continue to monitor data and information provided by the Ontario Ministry of Agriculture, Food and Rural Affairs, the Ontario Ministry of Northern Development and Mines, the Canadian Food Inspection Agency, Natural Resources and Forestry and the Canadian Ministry of Environment and Climate Change regarding ongoing and emerging tree pests, including *Lymantria dispar* (LDD moth), and Hemlock Woolly Adelgid (HWA). Furthermore, the Town has implemented preventative measures to address the threat of tree pests and diseases, such as Oak Wilt, which has a high risk of introduction to Canada.

Outbreaks of the LDD moth are cyclical, typically occurring every seven (7) to ten (10) years. The most recent outbreak peaked in 2021 and was the largest on record. There was minimal, localized defoliation due to the LDD moth in Whitby in 2022. Based on egg mass surveys completed in Ontario in the fall of 2022, it is anticipated that populations will contract again in 2023, with no significant infestations or defoliation in the Town.

Hemlock Woolly Adelgid (HWA) is an insect that poses a severe threat to hemlock trees, leading to significant damage or even the death of the tree if not addressed promptly. As such, Forestry staff has initiated measures to protect these trees from this pest by monitoring the Town's hemlock inventory and reporting any detected HWA infestations. While there have been no HWA infestations reported in the Durham area to date, the Canadian Food Inspection Agency has confirmed HWA's presence within close range including Grafton, Ontario in August 2022, and the Royal Botanical Gardens in Burlington in March 2023.

Although Oak Wilt has not yet been identified in Canada, it occurs in 24 U.S. states near Ontario posing a serious threat to the Town's oak trees, which are a valuable part of our landscape. Therefore, Forestry staff has adopted preventative measures to help protect oak trees from this deadly disease by pruning them during low-infection periods (August to March) and keeping up to date with Oak Wilt developments.

Surface Root Treatment

Resident requests regarding exposed surface roots are inspected and addressed if a safety issue is present, but not for aesthetic reasons alone. Roots may be removed by stump grinding or other means, such as covered with topsoil and grass seed, or other treatments as recommended by the Forestry Foreperson. These issues are generally addressed with stump grinding operations during spring and fall tree planting.

Urban Forest Management Plan

In February of 2023 a Request for Proposal (RFP) for the Urban Forest Management Plan (UFMP) was issued, with a closing date of April 28. The

proposals that were received have been evaluated by staff, and it is expected that an award will be made by early June. It is estimated that, once awarded, it will take up to eighteen (18) months to complete.

The UFMP will guide efforts to create, protect and maintain a healthy, safe, and sustainable urban forest that reflects the needs of the community. A healthy and resilient urban forest can mitigate the effects of climate change, improve local air quality, reduce the speed and volume of storm water runoff, decrease residential energy costs, provide habitat for local wildlife, mitigate the risk of property damage and personal injury, and contribute to an aesthetically pleasing and healthy community.

Tree Planting Event Partnerships

Forestry staff normally provide support for numerous community tree planting events each year. Events have been suspended or substantially reduced in scope since 2020 as a result of the COVID-19 pandemic. In the spring of 2022, there was a successful community planting event hosted by the Town in Peel Park. In the fall of 2022, as part of the new Community Greening Pilot Program approved by Council in September 2022 ([CAO Report 25-22](#)) the Town partnered with [LEAF](#) (Local Enhancements and Appreciation of Forests) to deliver a community tree planting in D'Hillier Park. The event involved approximately 70 volunteers who assisted with planting and mulching 450 trees to help increase and enhance Whitby's urban forest. Once again in 2022 the annual Scout tree planting was cancelled, but plans are in place to hold it on May 6 this year.

The Town's partnership with LEAF will continue in 2023, with two planting events planned. Once again, the spring event will take place in D'Hillier Park, and will expand the planting site from last fall. In addition to the planting events, there will also be a maintenance event to promote survival of plant material within previous tree planting areas.

Town staff are also actively exploring the opportunity to partner with the Region of Durham, neighbouring municipalities, CLOCA and LEAF, co-ordinated by [Trees for Life](#), to submit an application to the [2 Billion Trees Program \(2BT\)](#), as offered by the Government of Canada. The 2BT initiative is meant to motivate and support new tree planting projects across Canada. Eligible projects include those that create new forest cover, regenerate existing forests that have been damaged and restore forest habitat.

Educational Partnerships

The Town maintains an ongoing partnership with the [International Society of Arboriculture \(ISA\), Ontario Chapter](#) to support and provide educational and training programs held in the Town of Whitby. The Town is recognized as a training hub among arboriculture peers and has won awards in previous years recognizing this collaboration.

In 2022 the Town hosted multiple recertification courses that maintain the professionalism and safety of the industry. These courses included Tree Risk Assessment Qualification (TRAQ) and Tree Worker Climber Specialist from ISA

and Chainsaw Operations and Maintenance from the Infrastructure Health & Safety Association (IHSA).

Each spring, Forestry staff provide a one day pruning demonstration program for students in the Durham College Horticulture Technician Program. This year Forestry staff hosted the event at McKinney Arena on March 15, marking the sixth year that this event has taken place. It is a highlight for staff and students each year.

The Town continues to partner with the University of Toronto in a study aimed at comprehending and effectively managing the social and ecological effects of tree loss in the community. Forestry staff look forward to planning the Town's future urban forest and better communicate the benefits of trees from the results of this study.

In house, there are a number of initiatives that staff will be taking on this year to build a more resilient urban forest. Buckthorn is an invasive species that outcompetes native trees and is difficult to manage and control. To help restore areas with large infestations, Forestry staff will be conducting a trial of a biological herbicide called Lalcide Chondro to prevent resprouting and regrowth of the plant, eventually eliminating it. This treatment is a more environmentally conscious option over the use of chemical herbicides.

With soil compaction being one of the main causes of tree decline, another exciting treatment Forestry staff will trial involves worms and a technique called vertical mulching to improve soil conditions. This treatment will be used in highly compacted areas to encourage healthy growth and resilient trees. One potential location for the first trial of this initiative is Majestic Park, where there is a large mature Catalpa tree that has been negatively affected by soil compaction during development.

Future Urban Forest Update reports will provide information on the success of these initiatives.

Awards and Recognition

Once again for 2022, the Town of Whitby has been recognized as a [Tree City of the World](#). The application for this designation was led by Sustainability and supported by Planning and Development, Community Services – Parks Planning and Development and Operational Services.

5. Financial Considerations:

There will be an increase of tree assets added to the Town's tree inventory over the next several years due to the continued development of West Whitby and Brooklin. It is projected that there will be 5,167 boulevard and park trees added to the Town's tree inventory in 2024, as new subdivisions are assumed. A further 6,050 trees are anticipated to be added in 2025. Overall, this is roughly a 20% increase over the current inventory of maintained trees in the next two years. These numbers will continue to increase as additional development occurs in Brooklin. To maintain current service levels additional resources will be required.

The resources will be included in the Town's Work Force Plan and future budgets for Council consideration.

6. Communication and Public Engagement:

Community Services Forestry staff continue to work with Communications staff to identify opportunities to improve engagement and proactive communication with residents, through the Town of Whitby's website as well as other social media platforms.

Impacted residents are regularly provided notice of tree removals and tree planting for trees on the boulevard adjacent to their property. Notice of the annual block pruning program is posted on the Town of Whitby website each fall, listing streets that are scheduled for the upcoming season.

Development of the Urban Forest Management Plan will involve extensive engagement with Town staff, Council, the public and other stakeholders.

Forestry staff, along with staff from Parks Planning and Development and Sustainability, regularly engage with the public through tree planting events and education and information sessions.

7. Input from Departments/Sources:

Forestry staff regularly communicate, collaborate and partner with other staff within the Town, regarding the protection, maintenance and promotion of municipal tree assets and the urban forest. This includes Sustainability, Planning and Development, Asset Management, Parks Planning and Development, By-Law, and Engineering.

8. Strategic Priorities:

The arboriculture industry is continually updating its best management practices based on scientific research, technological advancement, climate change and laws and regulations. Through partnerships with outside agencies, Town of Whitby Forestry staff have been able to capitalize on these innovations and improved processes, balanced with the needs of the community. This continues to increase the efficiency and effectiveness of the Forestry section, along with the services it delivers to its customers.

Community Services Forestry staff establish, review and update service levels, aligning with the customer service strategic policy. Service levels are well defined, are consistent and Forestry staff are often praised by residents for their knowledge, dedication, and professionalism. Forestry staff are regularly engaged and empowered, through the partnerships they maintain, through continuing education and through internal research, development, and innovation. This increased engagement further enhances and promotes positive interactions with residents and other clients.

Sustainability:

A healthy and resilient urban forest supports the Town's declaration of a climate change emergency by:

- Sequestering carbon dioxide emissions, reducing the main driver of climate change in the atmosphere;
- Improving and regulating air and water quality;
- Reducing the impacts of water runoff and flooding caused by more frequent and intense rainstorms;
- Reducing the impacts of drought;
- Reducing the heat island effect;
- Increasing energy efficiency;
- Providing habitat for local wildlife;
- Promoting local and sustainable food through enhancement and protection of pollinators.

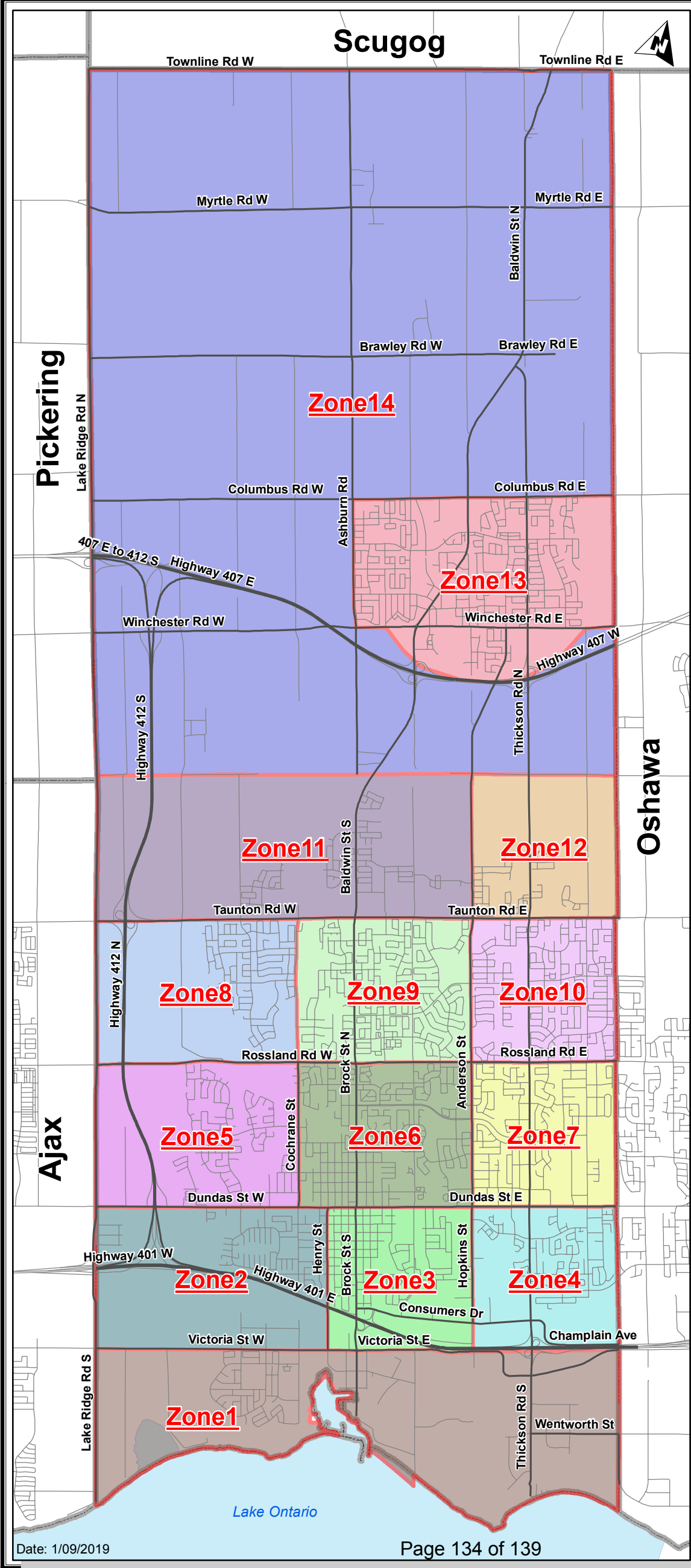
Accessibility:

Communications and information regarding tree maintenance activities are provided to customers in accessible formats, providing transparency, accountability, and inclusion. Tree pruning near sidewalks and walkways is

undertaken in a manner to provide proper clearances for people of all abilities, including those utilizing mobility devices.

9. Attachments:

Attachment 1 – Forestry Zones

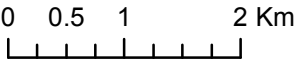


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This is not a plan of survey.



Town of Whitby
Region of Durham

Forestry
Zones

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0001	Fishing in Town Parks	That Staff report back on legal fishing in Town parks, including Port Whitby, after consultation with the fishing community has occurred.	07 May 2018	11 Feb 2019	20 Nov 2023	
GG-0002	Community and Marketing Services Department Report, CMS 35-18 Re: Cullen Central Park Master Plan	2. That Council direct staff to commence the development of the Cullen Central Park Master Plan with the final Master Plan to be brought forward for Council approval in Q4 2019; and, 5. That Staff identify options to recognize former mayor Marcel Brunelle in Cullen Park.	25 Jun 2018	18 Nov 2019	20 Nov 2023	Community Services staff expect to engage a consultant for the Master Plan this spring to begin the Master Plan. The results will be brought forward for approval in Q4 of 2023.
GG 0004	Correspondence # 2020-77 from Karey Anne Large, Executive Director, Downtown Whitby Business Improvement Area, dated January 2, 2020 regarding the Downtown Whitby Business Improvement Area's Annual Report, the 2020 Proposed Budget, and Disbursement Schedule.	That the Commissioner of Corporate Services/Treasurer be directed to report back on the development of a policy to deal with grant and in-kind requests, including predetermined criteria and scoring, in order to ensure grants are based on needs and targeted outcomes.	09-Mar-20	21 Sep 2020	25 Sep 2023	
GG 0005	Public Works (Operations) Department Report, PW 17-21 Re: Vimy Memorial Park	3. That staff report back to Council on the progress of the park agreement along with refined budget implications prior to assumption.	21 Jun 2021	13 Jun 2022	25 Sep 2023	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG 0006	Financial Services Department Report, FS 37-21 Re: Town-Owned Land Strategy	That the properties at Part of Lot 25, 26, Conc. 4, Portion of PIN 26569 0285 (LT), Broadleaf and McKinney, as shown on Attachment #15 and Part Lot 25, Con. 2, now 40R-1655, Part 6, PIN 26532 0244 (LT), known municipally as 500 Garden Street, as shown on Attachment #3 be referred to staff to investigate zoning opportunities that would maximize the land value.	27 Sep 2021	05 Jun 2023		
GG 0007	Community Services Department Report, CMS 19-21 Re: Unnamed West Whitby Park – Park Name Survey Results	3. That staff be directed to review the Municipal Property and Facility Naming Policy (MS 250) and report back with any recommended revisions to update the policy.	29 Nov 2021	16 Jan 2023	23 Oct 2023	
GG 0008	Public Works (Operations) Department Report, PW 35-21 Re: Proposed New Waste Collection By-law	3. That Staff report to Council on townhouses, multi-residential and other properties that are not currently serviced for waste collection by the Town of Whitby and report on the feasibility and cost implications of including these properties in the Town's waste collection service to ensure that there are no gaps with respect to the implementation of upcoming extended producer responsibility legislation from the Province of Ontario.	29 Nov 2021	13 Jun 2022	20 Nov 2023	Draft Design Standards have been completed and are being circulated to various depts. and will be used to determine eligible properties in preparation of costing and completion of report for COW.
GG-0009	Participatory Budgeting	That the Town of Whitby staff report back on a participatory budget pilot project in 2022 to be implemented in the 2023 budget process.	29 Nov 2021	06 Jun 2022	13 Jun 2022	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0010	Memorandum from C. Harris, Town Clerk, dated November 10, 2021 regarding Whitby Diversity and Inclusion Advisory Committee Request to Rename Dundas Street	2. That Town of Whitby staff be directed to prepare a report for Council for Q2 that will identify a process to begin community engagement including consultation with the advisory committees and stakeholders on the question of renaming Dundas Street through the Town of Whitby, and highlight the public and private sector cost implications.	31 Jan 2022	16 Sep 2024		Pending budget approval to support the hiring of a consultant to conduct the community engagement process on the potential of renaming Dundas Street in Whitby.
GG-0012	Legal and Enforcement Services Department Report, LS 04-22 Re: Amendments to Property Standards By-law # 6874-14, Hedge Heights and Management of Vermin	That Report LS 04-22 with respect to hedge heights, be referred back to Staff for a report to Council in Q2 to review and propose changes to the Property Standards By-law including the definition relating to hedges and best practices with respect to hedge heights restrictions and best practices with respect to the removal of hedge heights according to arborists.	07 Mar 2022	13 Jun 2022	12 Jun 2023	
GG-0013	Correspondence # 2022-133 received by C. Harris, Town Clerk, from John Semjan dated February 28, 2022 regarding Dry Saw Cutting Asphalt, Stone, and Concrete on Residential Home Improvement Projects	2. That Council shall direct staff to further investigate and research to determine best practices in neighbouring municipalities and report back to Council through a report on the merits and financial implications of a residential construction dust permit system.	11 Apr 2022	19 Sep 2022	12 Jun 2023	

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0015	Fire and Operational Services (Fire and Emergency Services) Department Report, FOS(FES) 02-22 Re: Report and Recommendations of Changes to the Bylaw to Regulate the Sales and Discharge of Fireworks	2. That Council direct staff to review By-law # 6339-10, in consideration of the Connect Whitby fireworks public survey results, and provide recommendations in the first quarter of 2023 for further revisions to the by-law.	16 May 2022	06 Mar 2023	12 Jun 2023	
GG-0017	Office of the Chief Administrative Officer Report, CAO 18-22 Re: Climate Emergency Response Plan Phase 2: Mitigation-Interim Report	That Staff report back to Council with the tender results for Council's consideration.	26-Sep-22	30 Oct 23		
GG-0018	CAO 03-23, Office of the Chief Administrative Officer Re: Public Art Policy Framework	3. That Staff be directed to prepare a final Public Art Policy to be presented to Council in Q4 2023	20-Mar-23	13 Nov 23		
GG-0019	Refrigerated Outdoor Ice Rinks or Skating Trails	That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town	20-Mar-23	25 Mar 24		

New and Unfinished Business - General Government

Item Number	Description	Resolution	Meeting Date	Due Date	Revised Date	Explanation/Comments
GG-0020	School Zone Parking Enforcement Staff	That Staff be directed to review the opportunity for enhanced school zone parking enforcement through additional staffing resources, and include an analysis of whether such resources would be revenue neutral.	27-Feb-23	25 Sep 23		
GG-0021	Protecting Whitby's Urban Forest Canopy	That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.	20- Mar-23	04 Dec 23		
GG-0022	Gateway Maintenance Program	That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating ateway signage in subdivisions throughout the Town of Whitby.	24-Apr-23	20 Nov 23		