



# Memorandum

**Date:** May 12, 2023

**To:** Regional Chair Henry and Members of  
Regional Council

**From:** Brian Bridgeman, Commissioner of Planning  
and Economic Development

**Subject:** Correspondence from the Ministry of Municipal  
Affairs and Housing on the Proposed New  
Regional Official Plan, “Envision Durham”

The Regional Municipality of  
Durham

Planning and Economic  
Development Department

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**Brian Bridgeman, MCIP,  
RPP, PLE**  
Commissioner of Planning and  
Economic Development

On May 8, 2023, Regional Planning staff received the attached letter from staff at the Ministry of Municipal Affairs (MMAH) providing comments on the proposed new Regional Official Plan (ROP). Regional Planning staff subsequently met with provincial staff on May 9, 2023 to get clarification on certain items included in the Ministry’s letter.

In recognition that the new ROP is being presented to Regional Council for adoption on May 17<sup>th</sup>, the letter states that “*the Region is **strongly encouraged** to proceed towards consideration for adoption of the new Official Plan in May*” (emphasis added).

The purpose of this memo is to provide Regional Council with staff’s responses to the MMAH letter prior to the May 17<sup>th</sup> Special Council meeting:

## **Minister’s Zoning Order (MZO) O. Reg 102/72 – Pickering Airport**

MMAH staff note that the province is responsible for protecting land in north Pickering for a potential future airport on behalf of Transport Canada, through the above MZO. The province properly recognizes that the area affected by the MZO overlaps with a significant portion of the Settlement Area Boundary Expansion within northeast Pickering. The province notes that the allocation of future population and

employment to this area will be constrained until such time as O. Reg. 102/72 is amended or revoked by the Minister. This advice from the province is consistent with Regional staff's position that development in northeast Pickering would only be able to proceed after the MZO is amended or removed, and after updated noise contour mapping reflective of the potential future airport site is undertaken.

Provincial staff acknowledge that the existence of the MZO does not in itself preclude detailed studies and processes from taking place. The preparation of background studies, engagement with a variety of stakeholders and interests including indigenous communities, area landowners, Transport Canada and others, along with secondary plan preparation, servicing and infrastructure planning, and financial planning for capital improvements, can still occur.

Regional staff have forwarded the province's letter to the City of Pickering and the consultants acting on behalf of the Northeast Pickering Landowners Group for their information.

### **Former Greenbelt Lands in the City of Pickering, Town of Ajax and Municipality of Clarington**

As Council is aware, last December, the provincial government removed lands in Pickering within the former Duffins Rouge Agricultural Preserve (1,736 ha), in Ajax (52 ha) and in Clarington (35 ha) from the Greenbelt Plan Area (see Report [#2022-COW-31](#)). However, it is also the province's stated intention that the removed lands would be returned back to the Greenbelt if certain milestones are not achieved (i.e. progress on planning approvals by 2023, and homes under construction by 2025). The policies in the proposed new ROP mirror the province's stated requirements precisely, with the affected areas identified as Special Study Area 6.

The MMAH letter has suggested that the Region include the above noted lands recently removed from the Greenbelt within the urban area boundary, noting that population and employment forecasts identified in the Growth Plan represent minimum forecasts. Staff have carefully considered the suggestion and offer the following:

- On May 25, 2022 Regional Council endorsed Land Need Scenario 2A, which included direction to include an additional 2,500 hectares of urban area land as Community Areas within the new ROP. The inclusion of a further 1,823 hectares of urban area land would either

necessitate Council's reconsideration<sup>1</sup> of Scenario 2A, or alternatively, the removal of a comparable amount of Settlement Area Boundary Expansion (SABE) lands in other areas of the Region to compensate.

- On December 21, 2022, Regional Council provided its response to the proposed amendments to the Greenbelt Plan (see Resolution attached). From this meeting, it is Regional Council's formal position that the lands should be returned to the Greenbelt.

Therefore, similar to the above, implementation of the province's request to include the Greenbelt removal areas within the urban area boundary would constitute a reconsideration of the position taken on December 21, 2022.

- The Impact Assessment Agency of Canada is undertaking a study of the potential impacts of removing Greenbelt protections from the lands adjacent to the Rouge National Urban Park. It is not yet known what effect this study may have on the Cherrywood lands.
- The province, as the approval authority for the new ROP, and the sole authority to be satisfied on the progress of development in the Greenbelt Removal Areas, is best able to determine whether further modifications to the ROP will be necessary to allow for development in the Greenbelt Removal areas as part of its future decision. Similarly, it is staff's understanding that the province is considering the enactment of a Minister's Zoning Order to enable development on the above noted lands. The MZO can be enacted whether the lands are included within the urban area, or not.
- Finally, designating the Greenbelt removal areas within Envision Durham's new urban boundary could be misinterpreted by others to mean that the Region accepts responsibility for the costs of servicing these areas. As noted in Report 2023-COW-23, further discussions with the province and the affected landowners need to take place to assess the financial impact of developing these lands on the Region. The first principles guiding these discussions are: i) that there be no negative financial impact on the Region; and ii) that there be no negative impact on other areas of the Region where development is underway or in the pipeline. For the above reasons, Regional planning

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<sup>1</sup> In accordance with Council's policy, reconsideration of a Council Resolution may only occur after one calendar year that the Resolution was voted upon.

staff are unable to recommend that the Greenbelt removals be included within the new urban area boundary as requested by MMAH staff.

### **Proposed Expansion of the Uxville Rural Employment Area**

The province advised that the Region should ensure the scope and scale of the proposed 12.5 ha expansion to the Uxville Rural Employment Area #2 (on Map 1) conforms with the Oak Ridges Moraine Conservation Plan (ORMCP) and satisfies the requirements set out in the applicable sections of the Plan (i.e. permitted uses and partial servicing).

The proposed expansion of the Uxville Rural Employment Area is a logical extension of the existing Rural Employment Area, is surrounded by uses that are generally industrial in nature, and supports the immediate needs of existing businesses consistent with policy 2.2.9.5 of the Growth Plan. The establishment of new uses on existing lots of record in Rural Employment Areas must be consistent with provincial policies, including the ORMCP and/or the Greenbelt Plan as applicable.

### **Protected Major Transit Station Area (PMTSA) for existing Oshawa GO/VIA Station**

The new ROP includes policies and delineations for Protected Major Transit Station Areas (PMTSAs) that form part of ROPA 186 (adopted by Council in December 2021, but not yet been approved by the Minister). Provincial staff continue to suggest that the Region delineate a PMTSA boundary for the land surrounding the existing Oshawa GO/VIA station and assign a density target.

The existing Oshawa GO station is unique within Durham insofar as it is the only PMTSA completely surrounded by existing large scale employment uses, a railway yard, a provincial highway, arterial roads and rail lines. These conditions are unlikely to change within the foreseeable future and due to compatibility constraints, there are no appropriate opportunities for residential uses. These factors along with access and siting constraints render the minimum density target of 150 people and jobs per hectare for this PMTSA as unachievable. Provincial staff recognize that residential uses are not appropriate for this area and suggest an alternative (lower) density target.

Regional staff together with the City of Oshawa and Town of Whitby, are satisfied with the approach of not including a PMTSA for the reasons noted above, and to ensure that such a delineation not be construed as opening the

possibility for introducing potential new sensitive uses on the lands in the future.

To address the MMAH comment, the following is recommended:

- That staff be directed to delineate PMTSA boundaries for the existing Oshawa GO/VIA station in the ROP (i.e. modifying Map 1 and Map 3a, 3b and 3d) based on the initial work undertaken with City and Regional staff in 2019 (see attached); and
- That the Minister consider the approval of an alternative density target of **25 jobs** per hectare for this PMTSA, and that residential uses not be permitted within the PMTSA.

Sincerely,

*Brian Bridgeman*

Brian Bridgeman, MCIP, RPP, PLE  
Commissioner of Planning and Economic Development

Attachments: - Letter from Ministry of Municipal Affairs & Housing (MMAH),  
May 8, 2023  
- Council Direction Memo re: Greenbelt Removals, December  
21, 2022  
- Map for Oshawa GO/VIA Station PMTSA

Ministry of Municipal Affairs  
and Housing

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Ministère des Affaires municipales  
et Logement

Bureau des services aux municipalités  
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Télé. : 416 585-6882



*by email only*

May 8, 2023

Gary Muller  
Director  
Planning and Economic Development Department  
Regional Municipality of Durham  
605 Rossland Road East, Level 4  
Whitby, ON L1N 6A3

**RE: Proposed Draft Durham Official Plan  
Provincial One Window Comments  
MMAH File No: 18-OP-237796**

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Dear Gary Muller,

Thank you for circulating the Region's Draft Official Plan (OP) to the Ministry of Municipal Affairs and Housing (MMAH) for review and comment.

It's our understanding that regional staff intend to bring their recommended draft OP to Regional Council on May 17<sup>th</sup> of this year, for consideration and adoption. Recognizing that the province is currently consulting on the Proposed Provincial Planning Statement, the Region is strongly encouraged to proceed towards consideration for adoption of the new Official Plan in May.

While acknowledging that the Region has recently released its recommended Regional Official Plan for consideration of adoption at the May 17<sup>th</sup> special meeting of Regional Council, MMAH staff note the following key comments on the draft Regional Official Plan:

Ministers Zoning Order O. Reg 102/72 – Pickering Airport

As you are aware, the province is actively protecting land in north Pickering, on behalf of Transport Canada, to facilitate the establishment of a future international airport through Minister's Zoning Order – O. Reg 102/72. Under the provisions of O. Reg 102/72, development is largely prohibited within its subject area with the exception of agricultural and legally existing land uses.

We note that O. Reg 102/72 overlaps with a significant portion of the Region's proposed settlement area boundary expansion in north Pickering. It's important to note that the allocation of future population and employment to this area will be constrained until such time as O. Reg 102/72 is amended or revoked by the Minister.

At this time, there is no committed timeline or decision from Transport Canada with respect to when a future airport may be constructed. Further consultation between the Province and Transport Canada would be required to inform any potential changes to the regulation.

#### Former Greenbelt Lands in the City of Pickering, Town of Ajax and Municipality of Clarington

Population and employment forecasts expressed in A Place to Grow represent minimum forecasts and the current policy framework allows municipalities to plan for population and employment forecasts to 2051 beyond those included in Schedule 3. The Region should consider this policy as well as the government's decision to remove lands from the Greenbelt within Durham Region. This includes land in the City of Pickering south of Highway 407, west of West Duffins Creek and north of the CP Belleville rail line; land in the Town of Ajax located at 765 and 775 Kingston Road East; and land in Clarington at the northeast corner of Nash Road and Hancock Road.

The government has indicated that for the lands removed from the Greenbelt, landowners will be expected to develop detailed plans to build housing quickly. It is the government's expectation that new home construction will begin on these lands by no later than 2025. Significant progress on approvals and implementation must be achieved by the end of 2023. The government has indicated if these conditions are not met, they will return these properties to the Greenbelt. Accordingly, the Region should work quickly to include these lands for appropriate urban area designation in the draft plan prior to adoption by Council in May.

#### Proposed Expansion of the Uxville Rural Employment Area

The Region is proposing an expansion to the Uxville Rural Employment Area, located in the Township of Uxbridge, as shown as 'Rural Employment Area #2' on Map 1 – Regional Structure to the draft OP. The proposed expansion is comprised of approximately 12.5 ha of land and is located within the Countryside Area designation of the ORMCP.

The Region should ensure the scope and scale of the proposed expansion to the Uxville Rural Employment Area conforms with the ORMCP and satisfies the requirements set out in the applicable sections of the Plan (i.e., permitted uses and partial servicing).

#### ROPA 186 – Protected Major Transit Station Areas (PMTSA)

Regional Official Plan Amendment No. 186 (ROPA 186) is currently before the Minister for a decision under the *Planning Act* and no decision has been made. We note that it appears the Region has largely incorporated the proposed policy framework adopted in ROPA 186 into the proposed draft OP. This includes mapping of the delineated boundaries of each PMTSA on Map 1 – Regional Structure and Maps 3a, 3b and 3d. We note that a station area has not been delineated for the existing Oshawa GO/VIA station in the draft ROP. The Region should identify a boundary for this station in accordance with policy 2.2.4 of A Place to Grow, which provides that the Minister can consider lower density targets for station areas, in certain circumstances.

Thank you again for providing us with an early opportunity to review and comment on the draft OP. We look forward to working with the Region as it moves forward to adoption.

Should you have any questions, please contact me directly, or alternatively, you can contact Maya Harris via email at [Maya.Harris@ontario.ca](mailto:Maya.Harris@ontario.ca) or by telephone at 437-776-8447, or Andy Doersam via email at [Andrew.Doersam@ontario.ca](mailto:Andrew.Doersam@ontario.ca) or by telephone at 416-919-0438.

Yours truly,

*L. Miller*

Laurie Miller  
Regional Director, Planning  
Municipal Services Office – Central Ontario





# Direction Memorandum

**TO:** Elaine Baxter-Trahair, Chief Administrative Officer  
**FROM:** Alexander Harras, Director of Legislative Services/Regional Clerk  
**DATE:** December 21, 2022  
**RE:** Resolution adopted by Regional Council at its meeting held on December 21, 2022

Corporate Services  
Department –  
Legislative Services

## **EIGHTH REPORT OF THE COMMITTEE OF THE WHOLE**

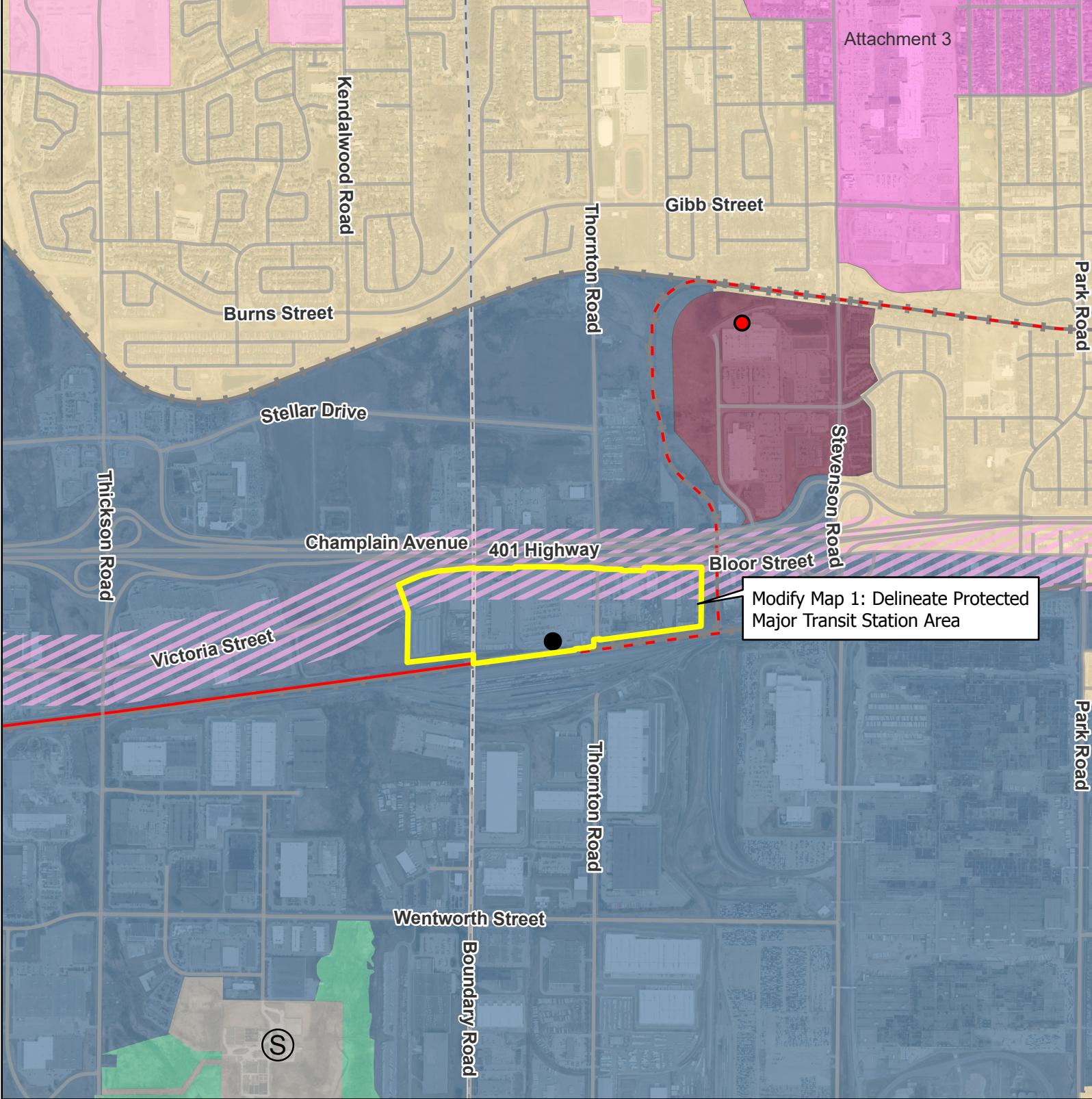
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3. Durham Region's Response to the Provincial Consultation on Proposed Amendments to the Greenbelt Plan, ERO Postings #019-6216 and #019-6238, File D12-01 ([2022-COW-31](#))
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- A) That the letter contained in Attachment #2 to Report #2022-COW-31 of the Chief Administrative Officer be endorsed as the Region's formal comments on the proposed amendments to the Greenbelt Plan, ERO postings #019-6216 and #019-6238;
- B) That a copy of Report #2022-COW-31 be sent to the Minister of Municipal Affairs and Housing, the area municipalities and the MPPs in Durham;
- C) Council ask that the province return environmental and Greenbelt protections to the Duffins Rouge Agriculture Preserve; and**
- D) That Council ask that the province return environmental and Greenbelt protections to all of the areas being removed.**

*Alexander Harras*















A. Harras  
Director of Legislative Services/Regional Clerk

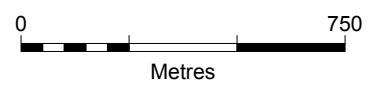
- c. N. Taylor, Commissioner of Finance and Treasurer  
B. Bridgeman, Commissioner of Planning & Economic Development  
J. Presta, Commissioner of Works



## Exhibit 6: Oshawa GO/VIA Station PMTSA (Oshawa)

### Legend

- |  |  |   |
|--|--|---|
|  Subject Site                                 |  Employment Areas   |  Existing GO Station |
|  Protected Major Transit Station Area         |  Community Areas  |  Proposed GO Station |
|  Regional Centres                             |  Waterfront Areas   |  Existing GO Rail    |
|  Regional Corridor                            |  Municipal Service (i.e. water supply plants, water pollution control plants and/or sewage lagoons) |  Proposed GO Rail    |
|  Rapid Transit Spine Intensification Corridor |  |  Rail                |



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