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The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2024-P-13
Date: June 4, 2024

Subject:

Regional comments on ERO Posting #019-8707 to amend the lands covered by Ontario Regulation 102/72 (Federal Airport Lands MZO) in the City of Pickering

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That the Minister of Municipal Affairs and Housing be advised that Durham Regional Council has no objection to the revocation of lands within Ontario Regulation 102/72 that are outside the Greenbelt Plan Area; and
 - B) That a copy of Report #2024-P-13 be forwarded to the Ministry of Municipal Affairs and Housing and Durham's area municipalities.
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Report:

1. Purpose

- 1.1 On May 22, 2024, the province issued Environmental Registry of Ontario (ERO) posting [#019-8707](#) to consult on a proposed amendment to Ontario Regulation 102/72, also known as the 1972 Minister's Zoning Order (MZO) for the federal airport lands in Pickering. The comment period ends on July 6, 2024.
- 1.2 The ERO posting notes that the request to revoke the 1972 MZO was made by the City of Pickering and that the City's original request has been scoped by the Ministry of Municipal Affairs and Housing to remove approx. 1,394 hectares (3,445 acres) of

O. Reg. 102/72 outside the Greenbelt Plan Area (see Attachments #1 and #2). The purpose of removing these lands from the existing MZO is to allow for the planning of future urban development within northeast Pickering, as proposed in the new Durham Regional Official Plan (ROP), currently before the Minister for a decision.

1.3 The purpose of this report is as follows:

- a. to inform Regional Council of this ERO posting;
- b. provide background context on the existing MZO;
- c. advise how the proposed amendment to the MZO could impact approval of the new Council-adopted ROP, Envision Durham; and
- d. recommend that Regional Council advise the province that it has no objection to the proposed revocation.

2. Background on the Federal Airport Lands

2.1 The existing provincial MZO covers approximately 3,540 ha (8,748 ac) in northeast Pickering, which generally applies to the lands north of Fifth Concession Road and east of the federal airport lands. This MZO restricts land uses in the area to agricultural uses and buildings and structures accessory thereto, including single dwellings used in connection with the agricultural operation, and home occupations. The existing MZO is intended to protect for the unimpeded operation of a future Pickering Airport, and places restrictions on the use of the land in proximity to the airport lands.

2.2 In 2015, the federal government initiated the process to update the Airport Site Order (ASO) and Pickering Airport Site Zoning Regulations (PASZR) to reflect a smaller, reconfigured potential airport site as a result of reduction in the number of proposed runways and a reallocation of lands to the Rouge National Urban Park (as detailed in Reports #2015-P-46 and #2015-P-47 dated September 8, 2015).

2.3 In accordance with an anticipated reduction to the ASO area, updated PASZRs, which generally delineate and protect for the approach and take-off of the runways were drafted to reflect a smaller airport site. The proposed regulations were intended to result in two key changes:

- a. a newly designated smaller airport site; and
- b. new height restrictions related to buildings, structures and objects (including trees and natural growth) along take-off and landing corridors associate with the new airport site.

- 2.4 The existing Wildlife Hazard Zone, which prohibits land use activities which attract birds that may create a hazard to aviation safety; and, aviation communications restrictions, which prohibit electronic signal interference, were not proposed to change. Overall, the updated PASZRs would result in less private lands adjacent to the federal airport lands being impacted by height restrictions.
- 2.5 The updates to the ASO and PASZRs proposed in 2015 have not yet been finalized by Transport Canada. However, once updated, these regulations are intended to reflect the required airport site and runways and apply the appropriate protections and restrictions on surrounding lands. These updates would have the effect of reducing the overall area that may need to be covered by the provincial MZO.
- 2.6 In addition to the development control provided by the PASZRs, Transport Canada uses a Noise Exposure Forecast (NEF) system to provide a measurement of the actual and forecasted aircraft noise in the vicinity of airports. NEF contour mapping is developed by Transport Canada to help municipal governments implement best practices in designating and zoning lands in the vicinity of airports. NEF mapping was developed by Transport Canada several decades ago for the original seven runway configuration; however, proposed updates to the NEF mapping to reflect the three-runway scenario were not included in Transport Canada's 2015 release.
- 2.7 The original NEF mapping is included within Envision Durham as Figure 13. Figure 13 shows that the majority of the northeast Pickering urban expansion lands are within the 25 NEF contour, which is significant because according to both the current Provincial Policy Statement and the proposed Provincial Planning Statement, sensitive land uses such as housing, daycare centres, health facilities, etc. may take place within the 25 NEF contour. Updates to reduce the ASO and PASZRs should ultimately result in similar reductions to the extent of the NEF contour mapping.

3. Background in the Context of the New ROP

- 3.1 Through Envision Durham, the Region undertook an extensive, highly consultative examination of growth allocations and locations for Settlement Area Boundary Expansions. As a result, the new Regional Council-adopted ROP includes approximately 1,780 hectares (4,398 acres) of new urban land in northeast Pickering within the 2051 urban area boundary (see Attachment #3).

3.2 More detailed planning through the secondary planning process is being undertaken by the City of Pickering. Given that the new 2051 urban area boundaries have not yet been approved by the Minister of Municipal Affairs and Housing, Pickering is aware it is undertaking this secondary planning exercise at its own risk. This secondary plan work would include more detailed policies to protect for the future federal airport. The new ROP includes explicit requirements for the lands located within the Pickering 2051 Urban Expansion Area (i.e. northeast Pickering) in Policy 5.7.8 b) to:

“assess the impacts of existing Minister’s Zoning Orders and Airport Site Order and Zoning Regulations which currently restricts the development of these lands as a result of the potential for a future airport to the west. Development shall not proceed until such time it has been demonstrated that the relevant requirements, including those related to noise and building height restrictions have been met. Satisfying the requirements of this policy may be dependent on future actions first being undertaken by provincial and federal levels of government, as described in Policy 5.5.36.”

3.3 New ROP Policy 5.5.36 outlines Regional Council’s request to the federal and provincial governments to undertake updates to the regulations and documents that apply to the federal lands in Pickering to reflect the current land area and planned runway configurations for the potential future airport, as follows:

- a. completing the proposed updates to the Pickering Airport Site Order and Pickering Airport Zoning Regulations to reflect the revised/reduced federal lands in Pickering and provide detailed mapping related to any applicable building height restrictions;
- b. undertaking updated Noise Contour Mapping to reflect the revised/reduced federal lands in Pickering and updated potential airport configuration and flight paths;
- c. based on the results of a) and b), undertaking updates to the existing Minister’s Zoning Orders to reflect the revised/reduced federal lands in Pickering and updated Noise Contour Mapping; and
- d. in consultation with the Region of Durham, City of Pickering, Indigenous communities and other affected stakeholders, undertake the preparation of an airport master plan.

4. Comments on the Proposed Amendments to the Federal Airport Lands MZO

4.1 In April 2019, Durham Regional Council confirmed its support for the development of an airport on the federal lands in Pickering; focusing on innovation, investment and employment within a model of sustainable operations. The new ROP

incorporates policies that protect for the future use and supports the advancement of the federal airport lands.

- 4.2 On May 17, 2023, Regional Council adopted the new ROP to include the whitebelt lands of northeast Pickering as a “2051 Urban Expansion Area”, with a series of policies to ensure that both the future federal airport and future urban development can be protected and planned in conjunction with each other.
- 4.3 Furthermore, a key objective supporting “A Prosperous Region”, Chapter 2 of the new ROP, is supporting the development of an airport on the federal lands in Pickering. This objective is reinforced throughout the document in policies that support improvements to the transportation system in the region, including connectivity to the Strategic Goods Movement Network (Policy 2.1.10 (e) and 8.5.9); and, a suite of policies that support and serve the development of a future airport, including advocating for a commitment from the federal government on the lands (Policies 2.1.18 to 2.1.21).
- 4.4 The intent of ERO Posting #019-8707 to amend the lands covered by O. Reg. 102/72 to remove approx. 1,394 ha (3,445 ac) from the Federal Airport Lands MZO, is consistent with Regional Council’s May 2023 decision to adopt the new ROP.
- 4.5 Should this amendment to the Federal Airport Lands MZO be approved by the Minister, it could resolve several proposed modifications contained within the Minister’s Draft Decision on the new ROP sent by Provincial staff to Regional staff on May 6, 2024, and subsequently shared within the [May 10th Council Information Package](#). Among the 77 proposed modifications contained within the Draft Decision, six modifications pertain specifically to the removal of new urban lands within northeast Pickering, proposing to redesignate those lands as a Special Study Area until such time as the Minister amends or revokes the Federal Airport Lands MZO.
- 4.6 While an amendment to the MZO could resolve the six proposed modifications within the Draft Decision, the new ROP would still require refinements to reflect the amended MZO, including but not limited to portions of the policies noted within this report. Regional staff will draft those refinements and provide to Provincial staff as additional Regional modification requests. Regional staff continue to have productive discussions with Provincial staff in an effort to obtain approval of the new ROP in a form that most closely reflects the document that was adopted by Regional Council on May 17, 2023.

5. Previous Reports

5.1 The following previous reports relate to the themes discussed within this report:

- a. Federal Pickering Lands Update – Report #2015-P-46 (September 8, 2015)
- b. Pickering Airport Site Order and Site Zoning Regulations – Report #2015-P-47 (September 8, 2015)
- c. Envision Durham – Growth Management Study, Phase 2: Draft Settlement Area Boundary Expansions and Area Municipal Growth Allocations – Report [#2022-INFO-91](#) (November 10, 2022)
- d. Envision Durham – Recommendations on the new Regional Official Plan – Report [#2023-P-15](#) (May 17, 2023)

6. Relationship to Strategic Plan

6.1 This report considers themes associated with planning for growth in a sustainable, progressive, and responsible manner, and therefore aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Under Goal Area 2 – Community Vitality:
 - 2.1 – Revitalize existing neighbourhoods and build complete communities that are walkable, well connected, and have a mix of attainable housing
 - 2.5 – Build a healthy, inclusive, age-friendly community where everyone feels a sense of belonging
- b. Under Goal Area 3 – Economic Prosperity:
 - 3.1 – Position Durham Region as the location of choice for business
 - 3.2 – Leverage Durham’s prime geography, social infrastructure, and strong partnerships to foster economic growth
 - 3.4 – Capitalize on Durham’s strengths in key economic sectors to attract high-quality jobs
- c. Under Goal Area 4 – Social Investment
 - 4.1 – Revitalize community housing and improve housing choice, affordability and sustainability

7. Conclusion and Next Steps

7.1 Amending the Federal Airport Lands MZO to remove a portion of the lands that are outside of the Greenbelt Plan Area allows the long-range planning for northeast

Pickering to proceed, while protecting for the future airport land uses with a suite of other policies and regulatory tools.

- 7.2 It has long been recognized by Regional Council that development in northeast Pickering is constrained but not prohibited in concept. The proposed amendment to the Federal Airport Lands MZO is not inconsistent with the positions of Regional Council as identified in the new Council-adopted ROP.
- 7.3 Regional staff will continue to work collaboratively with Provincial staff in order to resolve all outstanding proposed modifications to inform the pending final decision from the Minister of Municipal Affairs and Housing on the new ROP.

8. Attachments

- Attachment #1: City of Pickering's Request to Revoke O. Reg. 102/72
- Attachment #2: Province of Ontario's Mapping for Lands Proposed to be Revoked
- Attachment #3: Map Excerpt of Northeast Pickering from the New ROP

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

Nancy Taylor for
Elaine C. Baxter-Trahair
Chief Administrative Officer



Sent by email

May 17, 2024

Minister Paul Calandra
Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3
minister.mah@ontario.ca

Subject: Request to Revoke O. Reg. 102/72

File: A-1000-002

Dear Minister Calandra,

As you are aware, last year the Government of Ontario expanded Strong Mayor Powers to the mayors of large and fast-growing municipalities that have committed to a municipal housing pledge in order to achieve their respective housing targets as set out by your Ministry. In a letter dated June 16, 2023, I had advised former-Minister Steve Clark that I would be utilizing Strong Mayor Powers and Duties relating to amendments to the *Municipal Act* and Regulations 530/22 and 580/22. As a Strong Mayor, I am fully committed to advancing the Provincial Priorities of building 1.5 million new homes in Ontario and constructing the necessary infrastructure needed to support this housing.

In this context, I am respectfully requesting that the Government of Ontario revoke O. Reg. 102/72, a Provincial MZO. Through Envision Durham, the comprehensive review of the Durham Regional Official Plan, I wish to emphasize that the Federal Pickering Airport Lands have been considered throughout this multi-year process. Restrictions regarding a potential airport are outlined in the Regional Official Plan, which makes it clear that constructing an airport and developing Northeast Pickering are separate and independent matters. The Regional Official Plan does not limit an airport nor depend on one. In fact, planning and developing Northeast Pickering will help inform the Federal Government's decision making on whether or not to site an airport in Pickering.

Additionally, Minister Calandra, I am respectfully requesting that Northeast Pickering remains inside the Urban Area Boundary as set out in the Durham Regional Official Plan. Envision Durham was a comprehensive Official Plan Review process, which consulted with the public and numerous stakeholders over a five-year span. The Land Needs Assessment and Growth Allocations

included Northeast Pickering, which will accommodate over 40,000 residents and 10,000 jobs. The Northeast Pickering lands are required to meet the forecasted growth needs in Pickering and Durham Region, and removal of these lands will require significant revisions to the Regional Official Plan, and will ultimately undermine the Province's stated goal of building more homes for Ontarians.

It should be noted that Pickering Council has passed a resolution in support of the future development of Northeast Pickering, and subsequently Durham Regional Council adopted its new Regional Official Plan, which included Northeast Pickering within the Urban Area Boundary.

I thank you again for your time and consideration. We look forward to working in collaboration with the Government of Ontario to build tens of thousands of new homes for our citizens. United in vision and purpose, we can meaningfully address this housing crisis together. Please do not hesitate to contact me with any questions or concerns you may have at kashe@pickering.ca or 905.420.4600.

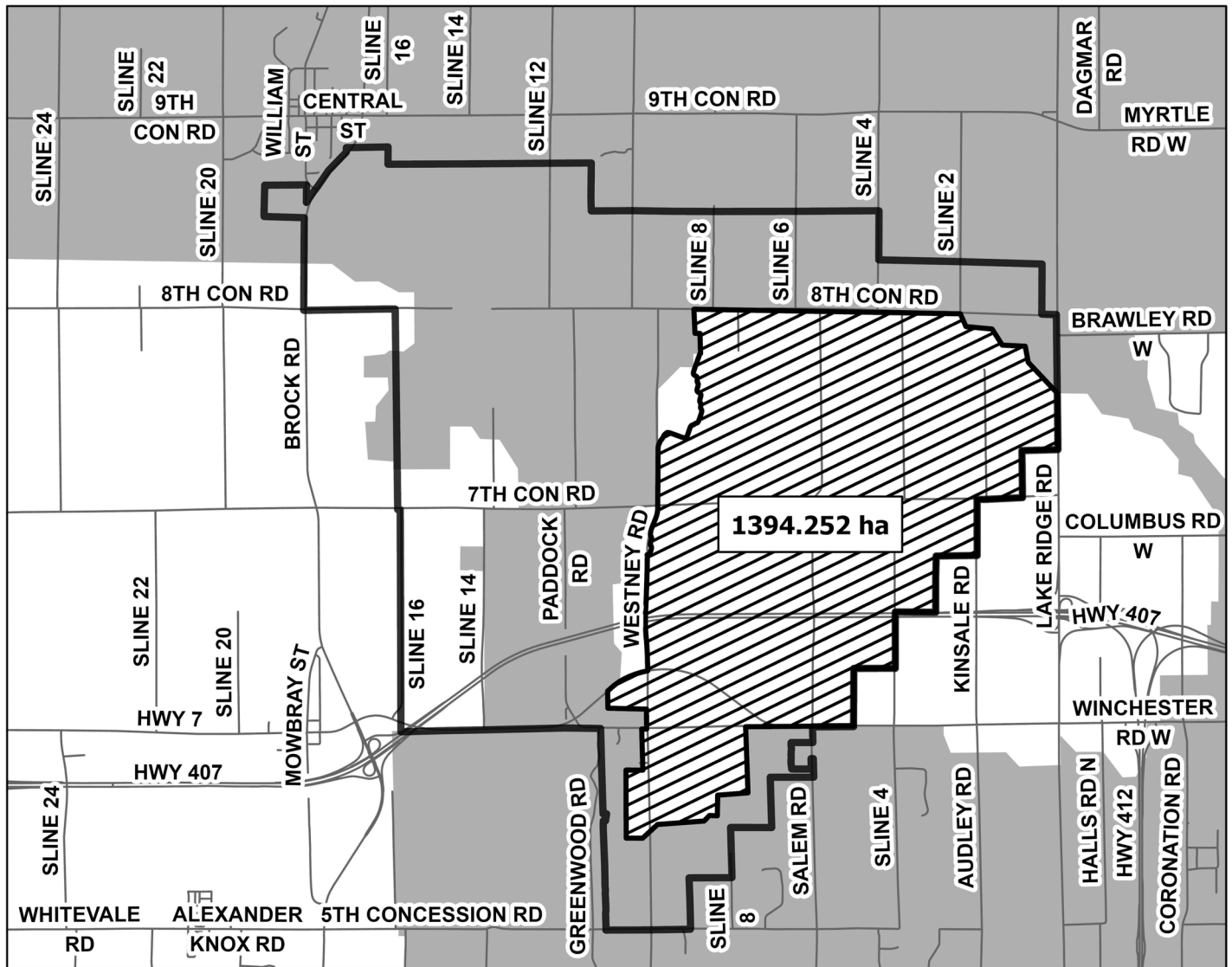
Yours truly

A handwritten signature in black ink that reads "Kevin Ashe". The signature is written in a cursive, flowing style.

Kevin Ashe
Mayor, City of Pickering

Copy: The Honourable Doug Ford, Premier
Peter Bethlenfalvy, MPP Pickering - Uxbridge
John Henry, Regional Chair and CEO

Ontario Regulation 102/72, City of Pickering



<p>LEGEND</p> <ul style="list-style-type: none"> Lands Subject to Ontario Regulation 102/72 Lands Proposed to be Revoked Greenbelt Plan Roads 	 <p>Map North (Degrees): 19°E</p> <div style="text-align: center;"> <p>0 1,000 2,000</p>  <p>Metres</p> </div> <p>1 cm equals 600 metres</p>
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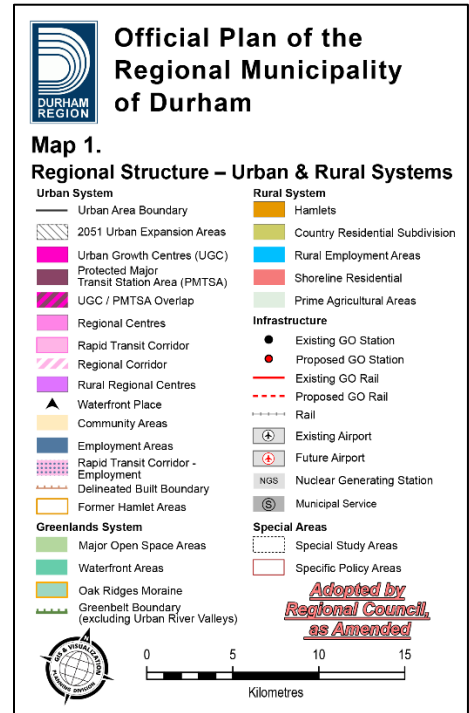
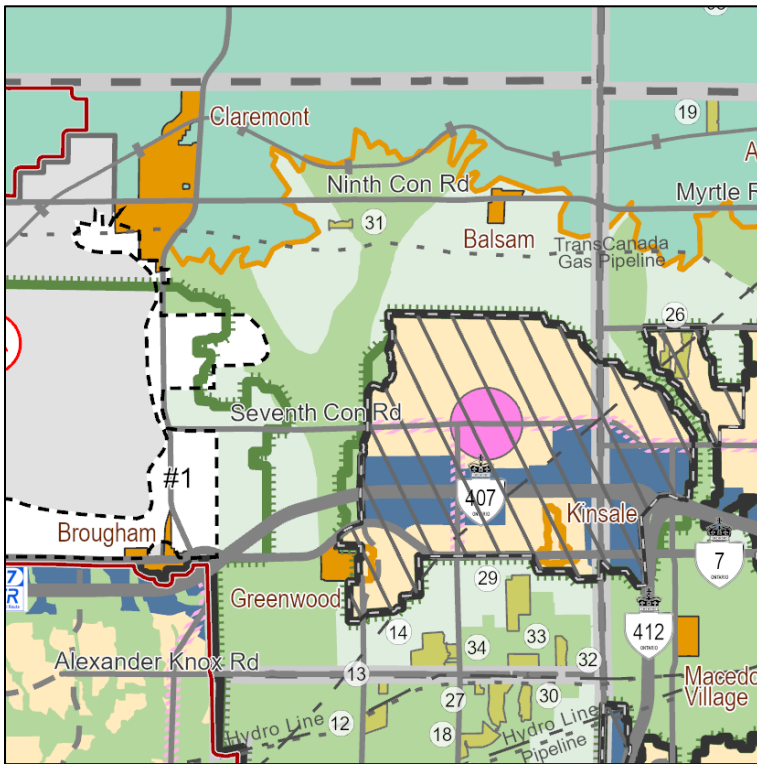
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Map 1. Regional Structure – Urban and Rural System Northeast Pickering

Adopted ROP, as amended



Proposed Amendments to O. Reg. 102/72 within ERO #019-8707

