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The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: #2024-INFO-57
Date: September 13, 2024

Subject:

Envision Durham – Provincial Decision on the new Regional Official Plan, File: D12-01

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 The purpose of this report is to inform Council members of the provincial decision to approve Envision Durham, the new Regional Official Plan (ROP), in part, with 77 modifications and a non-decision for mapping and policies related to the northeast Pickering urban area expansion lands.
- 1.2 On September 3, 2024, the Minister of Municipal Affairs and Housing (MMAH) released its decision to modify and approve in part the new ROP (see Attachments #1 and #2). The provincial notice and decision were published in the Environmental Registry of Ontario under [ERO #019-7195](#), which was also posted to the Region's project web page at durham.ca/EnvisionDurham. In addition, notice of the provincial decision has been communicated through social media channels, via a news release, and to every person who has registered to be on the Envision Durham Interested Parties List (over 800 individuals).

2. Background

- 2.1 Regional Council's adoption of Envision Durham on May 17, 2023, was the culmination of work completed through a highly consultative Municipal Comprehensive Review (MCR) process.
- 2.2 Following Council's consideration and adoption of the new ROP, the official plan document and supporting records were submitted to MMAH for review and approval on June 1, and deemed complete by provincial staff on June 27, 2023.
- 2.3 On June 21, 2023, the Minister suspended the 120-day review period for the adopted ROP and posted the document to the Environmental Registry of Ontario for a 60-day comment period, from June 21 to August 20, 2023, to gather public and stakeholder feedback. Comments submitted directly to the province through the registry are now publicly available [here](#).
- 2.4 Since that time, Regional staff have worked with provincial staff to consider modifications to the new ROP from ongoing Official Plan Amendments, Ontario Land Tribunal decisions and/or technical housekeeping refinements.
- 2.5 On May 6, 2024, Regional staff received MMAH's Draft Decision on the new ROP which included an invitation to review and provide comments. Regional planning staff provided initial comments on the Draft Decision and proposed modifications on May 15, and a final response on June 27, 2024 (see Attachment #3). Throughout this post-adoption process, staff's approach has been to obtain approval of the new OP in a form as close as possible to what was adopted by Regional Council on May 17, 2023.

3. Summary of the Province's September 3rd Decision on the new ROP

Modifications (Part A)

- 3.1 The Minister's decision on the new ROP contains 77 modifications. These modifications (sometimes referred to as mods) largely reflect those provided within MMAH's Draft Decision from May 6, 2024. Of these modifications:
 - a. Regional staff did not have any concerns with 56 mods (1, 3-5, 7-14, 16-17, 18-20, 23, 25, 27-33, 36-44, 47, 52-54, 55-60, 63-67, 69, 72-73, 75-77).

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- Generally, the purpose of these modifications was to revise certain policies for clarity and to be more consistent with applicable provincial plans and policies. This includes identifying the Oshawa GO/VIA station as a Protected Major Transit Station Area (PMTSA), while establishing a lower minimum density target to reflect land use constraints, as well as Regionally-requested modifications that reflect changes in legislation to reinstate lands into the Greenbelt Plan and to re-establish the Duffins Rouge Agricultural Preserve Act.
- b. Provincial staff amended 17 of the proposed mods that were provided on May 6, 2024, based on Regional staff's comments on the Draft Decision (2, 6, 15, 21-22, 24, 34-35, 45-46, 49-51, 61, 70-71, 74).
- Minor refinements to Provincial modifications recommended by the Region, and approved by the Minister, include updated references to "inter-regional" transit (i.e. GO Bus); new text for Policy 8.4.12; updates to Table 1 related to requirements for a "Transportation Impact Study"; and, several suggested revisions to be consistent with formatting with the rest of the ROP.
- c. The final Decision added one new mod (26), which Regional staff have no concerns with.
- This mod added a new sub-section to Policy 6.2.8 to ensure that non-agricultural uses in Prime Agricultural Areas, within the Greenbelt Area, are limited to those permitted by the applicable provincial plans.
- 3.2 Of the 74 modifications above, 22 were requested by Regional staff to ensure the new ROP is as complete and up-to-date as possible at the time of Ministerial approval. However, the Minister's decision did not address the following five modification requests from the Region:
- a. Expansion to the delineated boundary of the Thornton's Corners PMTSA in Oshawa (see requested Mod XI in Attachment #3);
 - b. Addition of 123 Regional Highway 47 within "Rural Employment Area #2" in Uxbridge to enhance clarity and support the implementation of Policy 10.4.25 (see requested Mod XIII in Attachment #3); and
 - c. Three amendments to facilitate the Region's approval and the City's implementation of the Columbus Part II Plan in Oshawa (see requested Mods XIV-XVI in Attachment #3).

- 3.3 In addition, notwithstanding the modifications identified in paragraph 3.1, three modifications approved within the final Decision were **not supported** by the Region, as follows:
- a. Modification 48 – to delete Policy 8.4.11 in its entirety. [Policy 8.4.11 stated *“Encourage MTO to construct the Highway 407 interchanges at Westney Road, Salem Road and Thornton Road, Highway 412 interchange at Rossland Road, and complete the Highway 401/Lake Ridge Road interchange, which were approved in the Highway 407 East Environmental Assessment study but deferred from initial construction”*.]
 - On June 26, 2024, Durham Regional Council endorsed the Planning and Economic Development Committee motion stating that *“Durham Region request the province to reinstate the policy encouraging the construction of an interchange at Highway 412 and Rossland Road in the Regional Official Plan”*. A copy of the Planning and Economic Development Committee’s Minutes from June 4, 2024, was provided to the Province.
 - b. Modification 62 vi) – to delete an enlarged boundary for “Rural Employment Area #2” (Uxville) in Uxbridge as requested by Regional Council, and replace it with the former/current boundary.
 - The additional land which Council sought to have added to Uxville is in the Protected Countryside Area of the Oak Ridges Moraine Conservation Plan. While Regional planning staff offered background and rationale for MMAH staff to consider an expansion, the Decision does not explain why the requested expansion was not approved.
 - c. Modification 68 ii) – to replace “Future Interchange” in the legend of Map 3b (Road Network) with the words “Conceptual Future Interchange”.
 - Staff accept that the term "Conceptual Future Interchange" might be justified for interchanges that do not currently have Environmental Assessment (EA) approval by MTO and are not identified in their current plans, including the following locations:
 - a) Highway 401/Prestonvale Road
 - b) Highway 401/Lambs Road
 - c) Highway 407/Cochrane Street
 - d) Highway 407/Townline Road

- However, it is staff's view that the term "Future Interchange" should continue to be used as a designation for interchanges that are included in the 407 East EA study, but were deferred from Phase 1 construction, or are part of the Seaton MOU agreements. These are no longer "conceptual" interchanges but have had preliminary design work conducted and a need/justification as part of those studies, and in the case of the 407 East EA study, led by MTO. "Future Interchange" would encompass interchanges at the following locations:
 - a) 407 ETR/Peter Matthews Drive
 - b) Highway 407/Westney Road
 - c) Highway 407/Salem Road
 - d) Highway 407/Thornton Road
 - e) Highway 412/Rossland Road

Deferred Decision (Part B)

- 3.4 A decision has been deferred on policies and mapping for the northeast Pickering urban expansion lands in the new ROP that overlap with O. Reg 102/72 (i.e. the Federal Airport Lands MZO). Moreover, the Minister has not yet made a decision on the proposed MZO amendment to O. Reg 102/72, as detailed in Report [#2024-P-13](#).
- 3.5 According to the Minister's letter to Chair Henry dated September 3, 2024 (see Attachment #4), the deferral of a decision on the lands in northeast Pickering is intended to allow time for the Region, the City of Pickering and Indigenous communities to work together to review the concerns raised by Indigenous communities regarding future development of the northeast Pickering lands and discuss any possible solutions for a path forward. Outreach and engagement with Indigenous communities, and specifically the comments, discussions and iterative policy revisions undertaken in collaboration with the Mississaugas of Scugog Island First Nation that led to the recommended ROP, are detailed in paragraphs 6.8 to 6.15 of Report [#2023-P-15](#).
- 3.6 Notwithstanding the deferral of northeast Pickering, the approval of the majority of the new ROP will allow for development proposals that have been held in abeyance pending approval of the new OP elsewhere in the Region to move forward, and for the Region's area municipalities to proceed with updating their area official plans.

4. Previous Reports and Decisions

- 4.1 The provincial Notice of Decision dated September 3, 2024, regarding the approval of the new ROP was published in the [September 6th Council Information Package](#) (CIP).
- 4.2 Correspondence between MMAH and the Region, including the province's Draft Decision from May 6, 2023, and the Region's preliminary and second submissions to provincial staff were published in CIPs on [May 10th](#), [May 31st](#), and [July 5th](#), 2023, respectively.
- 4.3 Since 2019, over 35 reports on various aspects of the Envision Durham process have been prepared by Regional planning staff. The process has been highly collaborative and transparent. A list of previous reports and decisions related to the Envision Durham MCR is available on the project web page within the [Document library](#).

5. Relationship to Strategic Plan

- 5.1 This report and the approval of the new ROP aligns with/addresses all the strategic goals and priorities in the Durham Region Strategic Plan.

6. Conclusion and Next Steps

- 6.1 The new Durham Regional Official Plan, as modified and approved in part by the Minister of Municipal Affairs and Housing, came into effect on September 3, 2024. The Planning Act specifies that the decision of the Minister regarding an official plan adopted in accordance with section 26 of the Planning Act is final and not subject to appeal.
- 6.2 Ministerial approval of the new ROP will support the continuation of service and infrastructure planning to facilitate mandated levels of growth while supporting Durham's eight area municipalities as they initiate their own Official Plan Reviews.
- 6.3 A copy of this report, along with the provincial "Notice of Decision", will be posted to the project web page at durham.ca/EnvisionDurham. Once Regional staff have updated the approved ROP with the final modifications and deferral, the new ROP will also be posted to the project web page and circulated to our area municipalities.

7. Attachments

Attachment #1: Provincial Notice of Decision

Attachment #2: Provincial Decision

Attachment #3: [Regional Response to MMAH's Proposed Modifications to the Durham Regional Official Plan \(Second Submission\)](#)

Attachment #4: Letter from Minister of Municipal Affairs and Housing Paul Calandra to Regional Chair Henry, September 3, 2024

Respectfully submitted,

Original signed by

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

File No.:	18-OP-237796	Date of Decision:	September 3, 2024
Municipality:	Regional Municipality of Durham	Date of Notice:	September 3, 2024
Subject	All lands within the Regional		
Lands:	Municipality of Durham		

NOTICE OF DECISION

With respect to an Official Plan Section 17(34) of the *Planning Act*

A decision was made on the date noted above to modify and approve in part, the Region of Durham Official Plan, as adopted by By-Law No. 38-2023 with seventy-seven (77) modifications and a non-decision for mapping and policies related to northeast Pickering expansion lands.

Purpose and Effect of the Official Plan Amendment

The approval of Durham Region's Official Plan in part and as modified, repeals and replaces the in-effect official plan that was adopted by the Region in 1991, including all amendments thereto.

The approved Region of Durham Official Plan outlines a comprehensive land use policy framework to guide growth and development within the Region to the year 2051, including policies that: establish minimum density and intensification targets; appropriately phase future development and infrastructure; establish major transit station areas; provide for a wide range of housing options; provide for employment area planning; environmental and agricultural protection; public health and safety, and other matters. The seventy-seven (77) modifications to the official plan have been made to address provincial policy direction and government priorities related to growth management, transportation, transit, infrastructure, land use compatibility, agricultural uses, hazards and the protection of drinking water.

Please note, a decision is being withheld at this time on maps and policies related to proposed settlement area boundary expansions in northeast Pickering that overlaps with O. Reg 102/72 which the Minister of Municipal Affairs and Housing recently consulted on a proposal to amend.

The new official Plan applies to all lands within the Region of Durham.

Decision Final

Pursuant to subsections 17(36.5) and (38.1) of the *Planning Act*, the decision of the Minister of Municipal Affairs and Housing regarding an official plan adopted in accordance with section 26 of the Planning Act is final and not subject to appeal. Accordingly, the Durham Official Plan, as modified and approved in part by the Minister, came into effect on September 3, 2024.

Other Related Applications: None

Getting Additional Information

Additional information is available on the Region of Durham's website:

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

Additional information is available during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below.

Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario (MSO-C)
777 Bay Street, 16th Floor
Toronto, Ontario, M7A 2J3

DECISION

With respect to New Region of Durham Official Plan Subsection 17(34) of the *Planning Act*

I hereby repeal the Region of Durham Official Plan adopted by By-law 103-91 as approved by the Ministry of Municipal Affairs and Housing on November 24, 1993, and subsequent amendments thereto. Furthermore, I hereby approve, as modified, the Region of Durham Official Plan, as adopted by the Region of Durham by By-law 38-2023, subject to the following modifications, as shown in Part A, with additions in **bold underline** and deletions in **~~bold strikethrough~~**. Part B identifies parts of the Official Plan where a decision is withheld.

PART A - MODIFICATIONS

1. Policy 3.3.24 d) is modified so that it reads:

"d) they do not disrupt the agricultural community **and impacts on the surrounding agricultural operations and lands are mitigated to the extent feasible.**"

2. Policy 3.3.31 is modified so that it reads:

"Consider new cemeteries subject to the following criteria:

a) for Prime Agricultural Areas, **there are no reasonable alternative locations which avoid Prime Agricultural Areas and the cemetery is located on lower priority lands in areas of lesser agricultural significance;**

b) there are no adverse impacts on the natural environment, hydrological features and surrounding land uses;

c) impacts from the cemetery on surrounding agricultural operations and lands are mitigated to the extent feasible;

dc) if locating adjacent to an operating landfill, the cemetery is sited in accordance with the Land Use Compatibility Guidelines, and any other guidelines and/or requirements issued by the province;

ed) the cemetery is no larger than 40 hectares within the Prime Agricultural Area.; and
f) within the Greenbelt Area, cemeteries are not permitted within the Prime Agricultural Areas."

3. Policies 3.3.39 d), e), and f) are modified so that they read:

"d) guide development, redevelopment, and intensification while protecting and preserving **built heritage resourcesbuildings, and cultural heritage landscapesfeatures and functions;**

e) support the restoration and where appropriate, the adaptive reuse of **built heritage resourcesbuildings;**

f) provide an appropriate interface or transition between new developments and **protected heritage propertiesbuildings** or heritage conservation districts;"

4. Policy 3.3.41 a) is modified so that it reads:

"adopt policies to protect and enhance cultural heritage resources in their official plans, **including the use of heritage impact assessments where development is proposed**"

adjacent to properties designated under the Ontario Heritage Act, heritage conservation districts and provincial heritage properties."

5. Policy 3.3.46 is modified so that it reads:

"Encourage area municipalities to **preserveconserve** and protect significant natural and cultural landscapes through the development process, including the Lake Ontario waterfront, the Lake Ontario Waterfront Trail, Lake Scugog, Lake Simcoe and the Rouge National Urban Park views and vistas."

6. Policy 3.3.50 is modified so that it reads:

"Ensure that, where archaeological resources are found to be of Indigenous **affiliation First Nation or Metis origin**, the proponent and/or their archaeological consultant are required to:

a) **where the finding takes place** through a Stage 2 archaeological assessment, provide a copy of the findings and receive a response from the **Indigenous community First Nation or Metis** identified as having cultural and/or local heritage within the area prior to development proceeding the subsequent stage of archaeological assessment; and

b) **during the through a** Stage 3 archaeological assessment, **engage notify** and receive a response from the **relevant Indigenous community First Nation or Metis** identified as having cultural and/or local heritage within the area **in the formulation of mitigation strategies advance of onsite assessment work.**"

7. Add a new policy 3.3.52 that reads:

"Encourage area municipalities to prepare archaeological management plans and cultural plans, where appropriate."

8. Policy 4.1.13 is modified so that it reads:

"Work with area municipalities, conservation authorities and other agencies to ensure stormwater management plans **encourage implementation of a hierarchy of source, lot-level, conveyance and end of pipe controls, to** address the impacts of a changing climate, and impacts from natural hazards, including through improved stormwater management design and the use of innovative technologies and best practices".

9. Policy 4.1.14 is modified so that it reads:

"Encourage area municipalities to include policies within their official plans to **implement source control programs that** reduce stormwater runoff volume and pollutant loadings within designated Urban Areas in the Lake Simcoe watershed, in accordance with the Lake Simcoe Protection Plan."

10. Policy 4.1.27 is modified so that it reads:

"Allow lands subject to Policy ~~9.1.2 b)~~ **9.2.12** located within the Uxbridge Urban Area **which are currently restricted from development due to servicing capacity**

constraints, to be considered for development without the need for a comprehensive review of this Plan ~~once a servicing solution is identified~~, and shall:

a) have priority over expansions to the Uxbridge Urban Area; and

b) be allocated any additional servicing capacity, in accordance with the relevant policies of the area municipal official plan."

11. Policy 4.1.39 is modified so that it reads:

"Investigate the long-term servicing of Urban Areas identified in Policy 4.1.38. Further expansions to these Urban Areas shall only be considered if there is a long-term plan in place to provide full municipal services and in accordance with applicable provincial plans.~~The applicable sewage and water infrastructure policies of the Greenbelt Plan also apply.~~"

12. Policy 5.1.14 g) is modified so that it reads:

"g) notwithstanding the intensification policies herein, ~~any~~ new or intensified development is not directed to within Floodplain Special Policy Areas, and shall be subject to the applicable provisions of the area municipal official plan."

13. Figure 11 – Strategic Growth Area Targets Table is modified by adding an asterisk (*) after the target for Protected Major Transit Station Areas and by adding the following note below the table:

"Notwithstanding the above, the Oshawa GO/VIA Protected Major Transit Station Area will be planned to achieve a minimum density target of 25 people and jobs per gross hectare".

14. Figure 11 – Strategic Growth Area Targets Table is modified by deleting footnote:

~~"Notwithstanding the above Minimum Transit Supportive Density Targets, where a Regional Centre is located along a Rapid Transit Corridor and is also comprised of a historic downtown, an area municipal official plan may establish an alternative density target for the Regional Centre provided the overall target for the area municipality is maintained."~~

15. The preamble of policy 5.2.6 and the associated subsection b) are modified so that they read:

"Require area municipalities to plan for Strategic Growth Areas by updating official plans, secondary plans and zoning by-laws to:

b) Set out designate appropriate:

i) land use designations;

ii) establish minimum residential and employment density targets in accordance with Figure 11; and

iii) identify permissible built form standards, including minimum and maximum building heights;

~~iv) establish minimum and maximum building heights."~~

16. Policy 5.2.8 e) is modified so that the first sentence reads:

"contributes to, recognizes, ~~preserves~~ and/or conserves ~~applicable built and~~ cultural heritage resources, in accordance with Section 3.3."

17. Add a new policy 5.2.11.1 which reads:

"Notwithstanding policies 5.2.10 and 5.2.11, the further refinement of the boundaries of Strategic Growth Areas shall only be undertaken in accordance with provincial plans and policy."

18. The preamble of Section 5.2 (after policy 5.2.14) 'Protected Major Transit Station Areas' is modified so that it reads:

"There are ~~seven~~ **eight** Protected Major Transit Station Areas located within southern Durham along the Lakeshore East GO Train line. ~~Three~~ **Four** Protected Major Transit Station Areas surround existing stations in Pickering, Ajax, ~~and~~ Whitby, ~~and~~ **Oshawa**, and four new stations are being planned along the GO East Extension, two of which are in the City of Oshawa (Thornton's Corners and Central Oshawa) and two of which are in the Municipality of Clarington (Courtice and Bowmanville)."

19. Policy 5.2.17 is modified to add the following new subsection:

"c) any land use that would adversely affect the achievement of the minimum density target,"

20. Policy 5.2.18 is modified so that it reads:

"Not permit sensitive land uses, notwithstanding any other policies of this Plan to the contrary, **at the following locations:**

a) on the lands located within the existing Oshawa GO/VIA Protected Major Transit Station Area in the City of Oshawa, due to surrounding industrial uses, railway and highway infrastructure; and,

b) on the lands located within the Courtice Protected Major Transit Station Area, east of Courtice Road and south of Baseline Road in the Municipality of Clarington, due to proximity to the Darlington Generating Station"

21. Policy 5.2.23 i) is modified so that it reads:

"Include plans to accommodate multimodal access to Protected Major Transit Station Areas by accounting for the retention or replacement of existing station access infrastructure (pedestrian, bus, cycle, pick-up and drop-off, and vehicle parking) and give priority to local and inter-regional transit, active transportation and passenger pick-up and drop off. Include plans for as well as the protection for future facility expansion when new development on existing GO Station land is proposed;"

22. Add a new policy 5.2.23 m) which reads:

"Require, where development is proposed adjacent or in the vicinity of MTO permit control areas, a transportation impact study be undertaken to determine the impacts of proposed development and intensification on highway interchange nodes within the Ministry's permit control area."

23. Add a new policy 5.2.23.1 which reads:

"Notwithstanding policies 5.2.15 to 5.2.23, the existing Oshawa GO/VIA station is to be planned for Employment Area permitted uses only with a minimum density target of 25 people and jobs per hectare."

24. Add a new policy 5.4.5.1 that reads:

"Development within the designated greenfield area shall be planned to achieve a minimum density target of not less than 53 people and jobs per hectare."

25. The preamble of section 5.7.2 is modified so that it reads:

"Require Area Municipalities to update ~~Consider support for amendments to an area municipal their~~ official plans to designate a supply of land for development up to the time frame of this Plan, including Settlement Area Boundary Expansions to the extent of the Region's Urban Area Boundary as shown on Map 1, provided that the amendment:"

26. Policy 6.2.8 is modified by adding a new subsection that reads:

"c) Notwithstanding policy 6.2.8 b), within the Greenbelt Area, uses are limited to those permitted by the applicable provincial plans."

27. Policy 6.4.5 c) and 6.4.6 c) are modified so that they read:

"c) ~~within the Protected Countryside of the Greenbelt Plan Area,~~ the dwelling was in existence in accordance with the date set out in the applicable provincial plans of December 16, 2004;"

28. Policy 6.7.4 is modified so that it reads:

"Ensure that the development of mineral aggregate operations and wayside pits shall, where applicable, conform with ~~the provincial plans and policies Oak Ridges-Moraine Conservation Plan and the Greenbelt Plan,~~ where applicable, in addition to the policies of this Plan."

29. Add a new policy 6.7.24 which reads:

"6.7.24 Ensure the rehabilitation of mineral aggregate extraction sites in Prime Agricultural Areas is undertaken in accordance with applicable provincial plans and policy."

30. Policy 7.1.11 b) is modified so that it reads:

"demonstrate that the use is appropriate for location in the Major Open Space Area and, apart from recreational uses, cemeteries, and mineral aggregate extraction, is small in scale and serves the resource and agricultural sectors;"

31. Add a new Policy 7.4.4 e) that reads:

"e) notwithstanding a) to d) above, stewardship, conservation, restoration and remediation undertakings, and flood and erosion control projects may be permitted if they are demonstrated to be necessary in the public interest and after all alternatives have been considered."

32. The preamble of policy 7.4.15 is modified so that it reads:

"Require that any proposal for development or site alteration in proximity to key natural heritage features or key hydrologic features include an environmental impact study as part of a complete application. The Region, in consultation with the area municipality, the conservation authority having jurisdiction if a conservation authority permit will be required and the Lake Simcoe Region Conservation Authority where applicable ~~conservation authority~~ and applicant, may select and retain a qualified environmental consultant to peer review the study at the applicant's expense. Such a study shall apply to the area to be developed, or may be expanded to include additional lands, as may be deemed necessary by the Region, in consultation with the area municipality, the Lake Simcoe Region Conservation Authority where applicable ~~conservation authority~~ and any other appropriate agency, and it shall address the following:"

33. Policy 7.4.15 j) is deleted in its entirety:

~~"j) the need for ecosystem compensation, as directed by the area municipality, if avoidance and mitigation are not possible, in accordance with Section 7.7;"~~

34. Policy 7.4.22 is modified so that it reads:

"Prohibit development and site alteration within significant woodlands, as verified by an appropriate site-specific study, such as an environment impact study. Notwithstanding, mineral aggregate operations may be permitted within significant woodlands provided the applicable policy requirements of provincial plans and policies are satisfied."

35. Policy 7.4.27 is modified so that it reads:

"Prohibit development and site alteration within provincially significant wetlands, significant coastal wetlands and wetlands within provincial natural heritage system areas, in accordance with Policies 7.4.10 to 7.4.18. Notwithstanding, mineral aggregate operations may be permitted within non-significant wetlands, provided the applicable policy requirements of provincial plans and policies are satisfied."

36. Policy 7.5.8 is modified so that it reads:

"Discourage alterations to watercourses and permanent and/or intermittent streams. Minor adjustments to watercourses and permanent and/or intermittent streams may be considered by the conservation authority having jurisdiction **in accordance with regulations under the Conservation Authorities Act where evidence can be provided that such alterations will not have an adverse effect on the functions of the watercourse or permanent and/or intermittent stream, including aquatic habitat.**"

37. Policy 7.5.13 is modified so that it reads:

"Require that area municipalities include policies and appropriate designations within their official plans, informed by watershed planning, that provide for the long-term protection of **key hydrologic features**, key hydrologic areas, **and their functions**".

38. Policies 7.5.33, 7.5.34 and 7.5.35 are modified to replace the words "the Beaverton intake protection zone - 1" where they occur, with the words "**any intake protection zone**".

39. Policy 7.6.11 is modified so that it reads:

"Require area municipalities to ensure hazardous forest types for wildland fire are considered through an environmental impact study when development is proposed in or adjacent to areas at risk for wildland fire, ~~as identified by Ministry of Northern Development, Mines, Natural Resources and Forestry mapping, or local refinements where available.~~"

40. Add new policies 7.6.12.1 and 7.6.12.2 which read:

7.6.12.1 Wildland fire mitigation measures shall not be permitted in significant wetlands and significant coastal wetlands.

7.6.12.2 Wildland fire mitigation measures shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest, coastal wetlands and fish habitat as well as adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

41. Objective iii) in Section 7.7 is deleted in its entirety and Objective iv) is renumbered to Objective iii):

~~"iii) Promote the use of ecosystem compensation when avoidance and mitigation of natural features is not possible.~~

iviii) Promote the increase in public ownership of natural heritage and natural hazard lands through land securement."

42. The Ecosystem Compensation Section, including the preamble and policies 7.7.11, 7.7.12 and 7.7.13, are deleted in their entirety.

43. Policy 8.1.9 is modified so that it reads:

"Encourage and work with Metrolinx, provincial, **municipal** and federal governments to **realize plan for** improved inter-regional transit connections, including Freeway Transit and Other Transit Connections designated on Map 3a."

44. Policy 8.3.7 is modified so that it reads:

"Request that the province continue to Work with the province to investigate the feasibility of implementing dedicated commuter parking lots along Highways 407, 412 and 418 as identified through section 8.1.2, and along other provincial highways, to support carpooling and inter-regional transit use."

45. Policy 8.4.8 is modified so that it reads:

"Recognize the importance of the **current and planned expansions to the** provincial freeway highway system, **including Highways 401-404, 407, 412, 418 and 416, in fostering planning for** continued economic development, supporting goods movement, and accommodating **Freeway inter-regional** transit **and reducing the burden of long distance travel on the Region's arterial road network.**"

46. Policy 8.4.9 is modified as follows:

i), Modifying the first sentence to read: "Support improvements to the provincial freeway and highway network **by encouraging the accelerated implementation of such as:**", and

ii) modifying subsection d) so that it reads: "**d) modifications to the** realignment of the Highway 7/12 intersection at Thickson Road, **subject to further study by the Town of Whitby and MTO, that** may be updated without amendment to this Plan."

47. Add new policy 8.4.10.1 that reads:

"Ensure MTO is consulted on all proposed development that is adjacent to or in the vicinity of provincial highways within MTOs permit control area under the Public Transportation and Highway Improvement Act."

48. Policy 8.4.11 is deleted in its entirety:

"Encourage MTO to construct the Highway 407 interchanges at Westney Road, Salem Road and Thornton Road, Highway 412 interchange at Rossland Road, and complete the Highway 401/Lake Ridge Road interchange, which were approved in the Highway 407 East Environmental Assessment study but deferred from initial construction."

49. Policy 8.4.12 is deleted in its entirety and replaced with a new policy 8.4.12 that reads:

"Support the further study of Conceptual Future Interchanges to improve freeway access and support development, in consultation with MTO, on Highways 401 and 407 as designated on Map 3b."

50. Policy 8.4.13 a) is modified so that it reads:

"a) Advocating the importance of inter-regional transportation improvements such as the widening of Steeles Avenue (west of Beare Road) and Highway 7 (west of Brock Road), ~~including advocating the provincial government to take a leadership role in their implementation;~~ and"

51. Policy 8.5 is modified as follows:

- i) Delete Objective iii) and replace with: "iii) Ensure the long-term operation and economic role of road, air, rail and marine facilities for goods movement is protected."
- ii) Add a new objective which reads: "iv) Ensure that goods movement facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other to mitigate noise and vibration impacts to adjacent land uses."

52. Delete Policy 9.1.2 b) in its entirety:

~~"b) Special Study Areas 2 and 3 apply to lands located within the Uxbridge Urban Area. These areas are considered Future Residential Development in the Uxbridge Official Plan and can be considered for development when the phasing considerations of the Uxbridge Official plan are satisfied. An amendment to this Plan to designate these lands for development shall be subject to the consideration of the following:~~

- ~~i) the amount and rate of development that has occurred in the area designated Community Area; and~~
- ~~ii) the availability of servicing capacity."~~

53. The first sentence of policy 9.1.2 c) is modified so that it reads:

~~"e)b) Special Study Area 4-2~~ applies to lands designated as Waterfront Area south of Highway 401, west of Courtice Road/Courtice Shores Drive, east of Darlington Provincial Park and north of the Lake Ontario shoreline in the Municipality of Clarington."

54. The first sentence of policy 9.1.2 d) is modified so that it reads:

~~"d)c) Special Study Area 5-3~~ recognizes the Special Policy Area identified in accordance with the Provincial Policy Statement that applies to lands within the Rapid Transit Corridor, along Highway 2, that are west of Duffins Creek in Ajax and Pickering comprised of historical development within the floodplain."

55. Policy 9.1.2 e) is deleted in its entirety:

~~"Special Study Area 6 applies to the lands removed from the Greenbelt Plan Area by the Province of Ontario within the City of Pickering, Town of Ajax and Municipality of Clarington. In accordance with the province, the following~~

~~conditions must be addressed to the satisfaction of the province, or it will initiate the process to return the lands back to the Greenbelt Plan Area:~~

- ~~i) significant progress on approvals is to be achieved by the end of 2023;~~
- ~~ii) construction of new homes is to begin on these lands by no later than 2025; and~~
- ~~iii) proponents will fully fund the necessary infrastructure upfront. If these conditions are addressed to the satisfaction of the province, the lands may be included within the Urban Area Boundary, and the population, household and employment forecasts may be revised to reflect the provision of additional housing supply in these areas.~~

56. The subtitle after policy 9.2.1 is modified so that it reads:

"Specific Policy Area A – Seaton Urban Area & Duffins Rouge Agricultural Preserve".

57. Policies 9.2.6 through 9.2.10 are renumbered as 9.2.7 through 9.2.11 respectively, and a new policy 9.2.6 is inserted (after policy 9.2.5) that reads:

"In addition to the applicable policies of the Greenbelt Plan and the implementing policy framework set out in this Plan, lands within the Duffins Rouge Agricultural Preserve are also subject to the Duffins Rouge Agricultural Preserve Act, 2023."

58. Add new "Specific Policy Area" sub-section "E" and new Policy 9.2.12 that reads:

"Specific Policy Area E – Uxbridge

It is the policy of Council to:

9.2.12 Apply this policy to lands within the Uxbridge Urban Area. Development on these lands shall be subject to the availability of servicing capacity. The capacity of municipal services is limited and will be regularly monitored to ensure that development approvals do not exceed available capacity. To manage development in an orderly and sequential manner that efficiently uses existing infrastructure, the Region shall continue to encourage infill development within the Uxbridge Urban Area in accordance with the relevant policies of the area municipal official plan."

59. Policy 10.2.5 c) is modified so that it reads:

"submission of a signed Record of Site Condition (RSC) to the Ministry of the Environment, Conservation and Parks (MECP) for the subject lands. The RSC must be to the satisfaction of the Region, and the Municipality of Clarington, and including an Acknowledgement of Receipt of the RSC by the MECP; and"

60. Policy 10.4.20 is modified by adding the following new subsections:

"10.4.20 fff) a surplus farm dwelling rendered surplus from the parcel identified as Assessment No. 18-39-010-003-14300 located in Part of Lot 6, Concession 5, former Township of Thorah, in the Township of Brock, subject to the inclusion of the provisions in the zoning by-law to prohibit the establishment of any dwellings

on the retained parcel in accordance with the Provincial and Regional policies, no further severance of the property is permitted;

10.4.20 ggg) a surplus farm dwelling is severed from the parcel identified as Assessment No. 18-39-050-005-28300 located in Part of Lots 17 and 18, Concession 7 in the Township of Brock, subject to the inclusion of provisions in the zoning by-law to prohibit the establishment of any dwellings on the retained parcel. In accordance with Provincial and Regional policies no further severance of property is permitted;"

10.4.20 hhh) a surplus farm dwelling rendered surplus from the parcel identified as Assessment No.18-17-010-110-06100 located in Part of Lots 7 and 8, Concession 6, former Township of Darlington, in the Municipality of Clarington, subject to the inclusion of the provisions in the zoning by-law to prohibit the construction of any new dwelling on the retained parcel; and the use of the existing barn for housing livestock. In accordance with Provincial and Regional policies, no further severances of the property are permitted;"

10.4.20 iii) a surplus farm dwelling rendered surplus from the parcel identified as Assessment No. 1817-030-080-13500 located in Part of Lot 1, Concession 5, in the Municipality of Clarington, subject to the inclusion of the provisions in the zoning by-law to prohibit the construction of any new dwelling on the retained parcel; and the use of the existing barn for housing livestock. In accordance with Provincial and Regional policies, no further severances of the property are permitted;"

61. Add a new policy 10.5.9, which reads:

"Permit, notwithstanding any other provision of this Plan, ancillary uses to the existing major recreational use including a hotel up to five storeys in height and an expanded parking area are permitted on lands located on the south side of Elgin Park Drive west of Concession 7, east of Howard Williams Court, identified as Assessment 18-29-040-009-00500 in Part of Lot 27 Concession 6, in the Township of Uxbridge. Prior to any development taking place, the following conditions shall be fulfilled to the satisfaction of the Region of Durham, the Township of Uxbridge, and the Lake Simcoe Region Conservation Authority:

a) that any negative impacts on identified natural heritage features and their functions as well as Species of Concern and Species at Risk will be properly mitigated; and

b) that any tree removal that occurs as a result of the development of the proposed hotel and expanded parking area will be compensated based on the requirements of the Ecological Offsetting Policy of the Lake Simcoe Region Conservation Authority."

62. Map 1 of the Official Plan is modified as follows:

- i) Delete "Special Study Area 2" and "Special Study Area 3" overlays in the Township of Uxbridge and replace them with a Specific Policy Area overlay labelled as "Specific Policy Area E".

- ii) Revise the "Special Study Area 4" overlay label in Clarington (Courtice Waterfront Area) so that it reads "**Special Study Area 2**".
- iii) Revise the "Special Study Area 5" overlay label in Pickering/Ajax (along a portion of the Highway 2 Rapid Transit Corridor) so that it reads "**Special Study Area 3**".
- iv) delete Special Study Area #6 from lands in the City of Pickering and Town of Ajax and redesignate to Agricultural Area; and
- v) delete Special Study Area #6 from lands in the Municipality of Clarington and redesignate to Major Open Space Area.
- vi) Delete the boundary of Rural Employment Area No. 2 in the Township of Uxbridge and replace it with the boundary as it was shown on Map 1 – Regional Structure – Urban and Rural System, in the 1993 Regional Official Plan, as amended

63. Map 2a of the Official Plan is modified as follows:

- i) Delete 'Special Study Area 6' and its associated boundaries in the City of Pickering, Town of Ajax, and Municipality of Clarington.
- ii) Delete "Special Study Area 2" and "Special Study Area 3" overlays in the Township of Uxbridge.
- iii) Revise the "Special Study Area 4" overlay label in Clarington (Courtice Waterfront Area) so that it reads "**Special Study Area 2**".
- iv) Revise the "Special Study Area 5" overlay label in Pickering/Ajax (along a portion of the Highway 2 Rapid Transit Corridor) so that it reads "**Special Study Area 3**".

64. Maps 1, 3a, 3b, 3c, 3d, and 3e of the Official Plan are modified by adjusting the boundary of Specific Policy Area A, in the City of Pickering to add the lands identified in Schedule 1 to the Duffins Rouge Agricultural Preserve Act, 2023.

65. Map 2b of the Official Plan is modified by identifying the lands, formerly identified as "Special Study Area #6" in the City of Pickering and Municipality of Clarington, as Greenbelt Natural Heritage System, as the system is depicted on Schedule 4 of the Greenbelt Plan.

66. Maps 2b, 2c, and 4 of the Official Plan are modified by identifying the lands, formerly identified as "Special Study Area #6" in the City of Pickering, Town of Ajax and Municipality of Clarington, as Protected Countryside.

67. Modify Maps 3a, 3b, 3c, 3d and 3e as follows:

Add a new "Specific Policy Area E" overlay and corresponding label to lands in the Township of Uxbridge that were previously identified as "Special Study Area 2" and "Special Study Area 3" on Map 1 of the Official Plan as adopted by Council on May 17, 2023.

68. Map 3b of the Official Plan is modified by:

- i) deleting the words "Existing Interchange to be Removed" from the legend and replacing the associated symbol on the map with the 'Existing Interchange' symbol, and
- ii) replacing the words, "Future Interchange" in the legend with the words, "**Conceptual Future Interchange**".

69. Map 3c of the Official Plan is modified by identifying the following road segments as part of the Strategic Goods Movement Network:

- King St, between Bowmanville Avenue and Highway 418
- King Avenue / Regional Highway 2, between Highway 35/115 to the region's eastern municipal boundary
- Ganaraska Rd, between Highway 35/115 to the region's eastern municipal boundary.

70. Add the following new definition to the Glossary:

"Agricultural Condition: in regard to prime agricultural land, means a condition in which substantially the same areas and same average soil capability for agriculture are restored."

71. Modify the definition of Significant Woodlands in the Glossary so that it reads:

"Significant Woodlands: at the regional scale are identified as:

- a) any woodland occurring within the Urban or Whitebelt Area which is two hectares in size or larger; or
- b) any woodland occurring within the Rural Area, which is 10 hectares in size or larger;
- c) any woodland occurring within the Urban or Whitebelt Area which is one hectare in size or larger or any woodland occurring within the Rural Area, which is four hectares in size or larger; and
 - i) occurs within 30 metres of significant natural heritage feature, **unevaluated any** wetland greater than 0.5 hectares in size, or fish habitat; or
 - ii) occurs wholly within an identified linkage area; or
- d) any woodland occurring within the Urban or Whitebelt Area which is one hectare in size or larger or any woodland occurring within the Rural Area, which is four hectares in size or larger; and **supports includes:**
 - i) a vegetation community with a provincial ranking of S1, S2, or S3 as designated by the Natural Heritage Information Centre;
 - ii) rare, uncommon species or species with a restricted habitat preference; or
 - iii) characteristics of older woodlands, including:
 - i. woodlands having 10 or more trees per hectare greater than 100 years old; or
 - ii. woodlands having 10 or more trees per hectare at least 50 centimetres in diameter, or a basal area of eight or more square metres in trees that are at least 40 centimetres in diameter.

e) notwithstanding, for woodlands occurring within the Oak Ridges Moraine or the Greenbelt Natural Heritage System, significant woodlands are based on the provincial criteria developed for the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan."

72. Add the following new definitions to the Glossary:

"Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites."

73. The third paragraph of 'Environmental Impact Study' under the Application/ Development Scenario column in Table 1 is modified so that it reads:

"Prior to the submission of any application, applicants shall confirm the scope of any potential environmental study requirements with the Region, and area municipality and

~~the conservation authority~~ to determine whether the study will be prepared by a consultant retained by the Region, or by the applicant. In those instances where the study is prepared by the Region, an application shall not be deemed to be a 'complete application' until such a time the study has been completed."

74. Table 1 is modified by changing the description of Transportation Impact Study in the second column so that it reads:

"A Transportation Impact Study (TIS) is required for any proposal for development or site alteration in proximity to a Regional Road. A TIS may be required by the Ministry of Transportation (MTO) as part of the permit application process to determine the extent to which highway improvements are required as a direct result of proposed construction or development within the MTO permit control area and adjacent to a provincial highway. In such cases, the requirement for the study shall be determined on a case-by-case basis, in consultation with the MTO."

75. Table 1 is modified to include the following new study (after Fiscal Impact Study) as part of a complete application:

"Heritage Impact Assessment: A Heritage Impact Assessment will be required for development on properties adjacent to protected heritage properties and for development on properties included in an area municipality's Heritage Register."

76. The 'Area of Natural and Scientific Interest' row in Table 7 is modified by replacing "(earth science)" with "(life science)" where it appears in the Greenbelt and Oak Ridges Moraine Conservation Plan columns.

77. Table 7 is modified by adding a new column titled, "Provincial Policy Statement" and adding indicator dots in the following rows: Habitat of Endangered and Threatened Species, Fish Habitat, Areas of Natural and Scientific Interest, Significant Valleylands, Significant Woodlands, Significant Wildlife Habitat, and Wetlands. Beside the new indicator dot added for wetlands, include the following note: "(significant wetlands, significant coastal wetlands, coastal wetlands)"

PART B: A decision is withheld on the following matters:

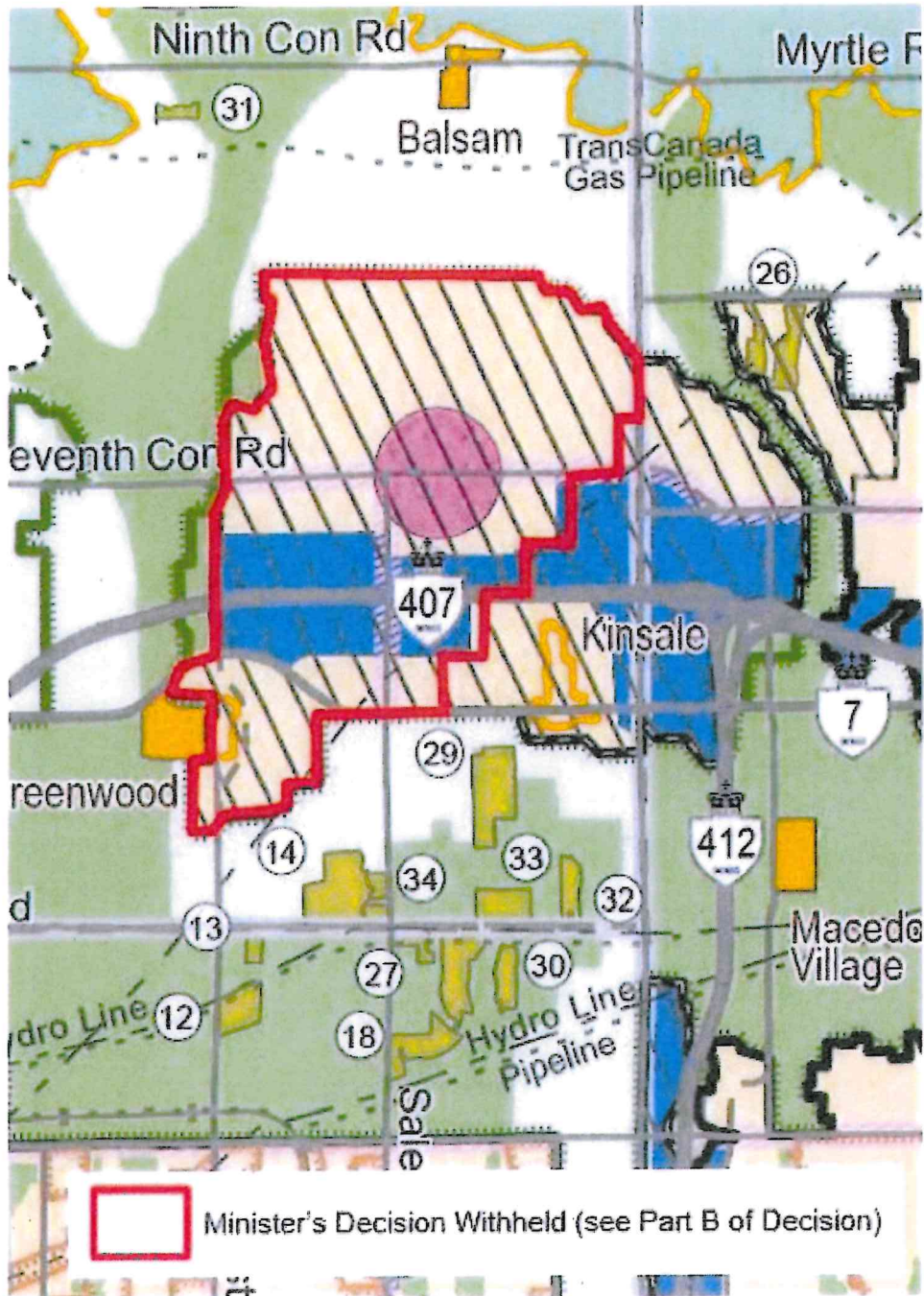
1. Figure 2 – Population, employment and household allocations table, but only as it relates to rows and columns for Pickering and Durham for lands within the 2051 Urban Expansions Areas overlay, that overlap with Minister's Zoning Order 102/72, outlined in red in Appendix 1.
2. Figure 9 – Intensification targets table, but only as it relates to rows and columns for Pickering and Durham.
3. Policy 5.7.8 b) in its entirety.
4. Map 1, but only as it relates to lands in the City of Pickering, that are within the 2051 Urban Area Expansions overlay, that overlap with Minister's Zoning Order 102/72, outlined in red in Appendix 1.
5. Maps 2a, 3a, 3b, 3c, 3d, 3e and 4 of the Official Plan, but only as they relate to the 2051 Urban Expansion Areas overlay and Urban Area in the City of Pickering, that overlap with Minister's Zoning Order 102/72, outlined in red in Appendix 1.

Dated at Toronto this 3rd day of September, 2024



Hannah Evans, Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

Appendix 1
(Minister's Decision on Durham Region Official Plan)



**Ministry of
Municipal Affairs
and Housing**

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234-2024-4229

September 3, 2024

John Henry
Regional Chair and CEO
Regional Municipality of Durham
605 Rossland Road East,
Whitby, Ontario,
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**Re: Region of Durham 2023 Official Plan
MMAH File No.: 18-OP-237796**

Dear Chair Henry,

I am pleased to inform you that the Durham Regional Official Plan was approved in part, with modifications, on September 3, 2024, and is now in effect.

A decision has been deferred on policies and mapping for the northeast Pickering urban expansion lands in the Durham Regional Official Plan that overlap with O. Reg 102/72. Moreover, I have not made a decision on the proposed MZO amendment to O. Reg 102/72 at this time.

The deferral of a decision on the lands in Northeast Pickering is intended to allow time for Durham Region, the City of Pickering and Indigenous communities to work together to review the concerns raised by Indigenous communities regarding future development of the northeast Pickering lands and discuss any possible solutions for a path forward.

The approval of the majority of the Durham Regional Official Plan will allow for planning processes outside of northeast Pickering to move forward, and for lower-tier municipalities to proceed with updating their local official plans.

.../2

Staff at the Ministry of Municipal Affairs and Housing will follow up with your staff to set up one-on-one meetings with the Region, the City and Indigenous communities on next steps. I am confident that the Region and the City will aim to work expeditiously towards finding a path forward on these matters.

Yours sincerely,



Hon. Paul Calandra
Minister of Municipal Affairs and Housing

cc: Martha Greenberg, Deputy Minister, Ministry of Municipal Affairs and Housing
Hannah Evans, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing
Elaine Baxter-Trahair, Chief Administrative Officer, Regional Municipality of Durham
Brian Bridgeman, Commissioner of Planning and Economic Development, Regional Municipality of Durham
Collen Goodchild, Director of Planning, Regional Municipality of Durham