



# The Regional Municipality of Durham Report

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To: Regional Council  
From: Commissioner of Planning and Economic Development  
Report: #2020-P-15  
Date: July 29, 2020

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**Subject:**

Dorsay Development Corporation's request for a Minister's Zoning Order for Lands in Northeast Pickering and the Region's Municipal Comprehensive Review, File # A14-15

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**Recommendation:**

It is recommended to Regional Council:

- A) That the Region advise Dorsay Development Corporation that their request to expand the urban boundary in northeast Pickering will be considered through Envision Durham, the Region's Municipal Comprehensive Review, in conjunction with the other urban boundary expansion requests, and subject to Policy 7.3.11p) of the Regional Official Plan, provided that the Region's Land Needs Assessment concludes additional urban land is required to accommodate the Region's population and employment forecasts to the planning horizon defined in A Place to Grow: A Growth Plan for the Greater Golden Horseshoe;
- B) That the Region advise the Minister of Municipal Affairs and Housing that it does not support Dorsay Development Corporation's request for a Minister's Zoning Order in northeast Pickering on the basis that the request:
  - i) does not include the information required for a request to amend or revoke an existing Minister's Zoning Order, of which there is one currently in place for these lands;
  - ii) requires separate evaluation and consultation with Transport Canada to ensure that the scope and scale of urban development would not compromise the long-

- term viability and operation of a future airport in Pickering;
- iii) impacts the integrity of the Region's Provincial Growth Plan conformity exercise and municipal comprehensive review of the Durham Regional Official Plan and needs to be considered within the context of all other urban boundary expansion requests across the Region;
  - iv) needs to be evaluated within the context of section 7.3.11 p) of the Durham Regional Official Plan including the Carruthers Creek Watershed Plan; and
  - v) requires detailed analysis to fully understand the servicing and fiscal impacts to the Region.
- C) That a copy of this report be sent to the federal Transport Canada Minister, the Region's area municipalities, the Toronto and Region Conservation Authority, and Durham's MPs and MPPs.
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## Report:

### 1. Purpose

- 1.1 In response to a discussion at the July 7, 2020 Planning and Economic Development Committee meeting, the purpose of this report is to provide staff's recommendation to Regional Council on Dorsay Development Corporation's request to the Minister of Municipal Affairs and Housing for a Minister's Zoning Order (MZO) for lands in northeast Pickering, currently referred to as the community of "Veraine".
- 1.2 On June 17, 2020, Geoffrey Grayhurst, President and CEO of Dorsay Development Corporation ("Dorsay") wrote to Pickering City Council to request that the City ask the Minister of Municipal Affairs and Housing to enact an MZO to enable development of the proposed Veraine community. (See Attachment #1.)
- 1.3 At its June 29, 2020 meeting, Pickering City Council received a delegation from representatives of Dorsay regarding their MZO request. Pickering City Council passed the following motion (See Attachment #2.):
  - 1. *"That Corr. 29-20, dated June 17, 2020, from Geoffrey Grayhurst, President and CEO, Dorsay (Pickering) Limited, regarding a Request to Initiate a Ministerial Zoning Order for Lands in Northeast Pickering – the Community of Veraine, be received;*

2. (a) *That the Deputy Mayor, on behalf of Council, be directed to make a request to Minister Steve Clark, Minister of Municipal Affairs and Housing, for a Minister's Zoning Order for the Community of Veraine;*

*(b) That Staff be directed to include in the August Secondary Plan Strategy, the ability to implement an interim control by-law, prior to any approvals, to ensure that the Town of Ajax is satisfied with any matters pertaining to the watershed on Carruthers Creek; and*

3. *That the request and this resolution be copied to the Premier of Ontario, the Honourable Doug Ford and Pickering-Uxbridge MPP, the Honourable Peter Bethlenfalvy."*

1.4 For the reasons outlined in this report, it is staff's recommendation that the Region advise Dorsay that their request to expand the urban boundary in northeast Pickering will be considered through Envision Durham, the Region's Municipal Comprehensive Review, in conjunction with the other urban boundary expansion requests received, and subject to Policy 7.3.11 p) of the Regional Official Plan, and that the Minister of Municipal Affairs and Housing be advised that the Region does not support the request for an MZO.

1.5 The Town of Ajax has also requested that the City of Pickering withdraw their MZO request. (See Attachment #3.)

## **2. Background**

2.1 The subject lands are situated in northeast Pickering, generally north of Highway 7, south of Concession Road 8, west of Lake Ridge Road, and east of Westney Road.

2.2 The majority of the subject lands are designated Prime Agricultural Area in the Durham Regional Official Plan. Prime Agricultural Areas are to be used primarily for agriculture and farm-related uses. Portions of the subject lands are also identified as Key Natural Heritage and Hydrologic Features. The subject lands are outside the Greenbelt Plan boundary and outside the Region's urban area boundary. Lands so located are sometimes referred to as "whitebelt", although this term has no official status in any planning documents.

2.3 Dorsay is the owner of approximately 410 hectares (1,000 acres) of land in northeast Pickering. Attachment #4 illustrates Dorsay's land parcels in their ownership outside of the Greenbelt, overlaid on the Veraine community concept.

- 2.4 Veraine would encompass an area of over 1,600 ha (4,000 acres) in size.
- 2.5 Documentation has been filed by Dorsay in support of a request for an urban boundary expansion under the Region's Municipal Comprehensive Review (MCR), Envision Durham. The documentation indicates that Veraine would provide for approximately 20,000 housing units in various forms, a future population of 60,000 people and up to 45,000 jobs within this area.

### **3. What is a Minister's Zoning Order?**

- 3.1 A Minister's Zoning Order (MZO) is a planning tool available under s. 47 of the *Planning Act* allowing the Minister of Municipal Affairs and Housing to enact zoning regulations and grant consents generally under s. 34 and 50(4) of the *Planning Act*. MZOs have the effect of establishing land use permissions and development controls that can be implemented in any area of the province, regardless of the underlying Regional or local municipal official plan designation. MZOs are passed without advanced public notice or public meetings, consultation, or rights of appeal. MZOs may set specific requirements for new development, such as minimum lot sizes, lot frontages, setbacks, access, servicing or other requirements. An MZO may also restrict certain types of development. The use of an MZO for something the size, scope and scale of what Dorsay is proposing would not be an appropriate way to plan an urban boundary expansion and is unprecedented in the Region.
- 3.2 In the event of a conflict between an order made under s. 47, and a by-law that is in effect, the MZO prevails to the extent of such conflict. Section 47(3) of the *Planning Act* states that MZOs prevail over any zoning by-law or Interim Control By-law that may be passed.

### **4. Existing Minister's Zoning Order**

- 4.1 An existing provincial MZO is in place in northeast Pickering, which applies to the lands generally north of Fifth Concession Road and east of the federal airport lands (O. Reg. 154/03). 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 the future Pickering Airport, and places restrictions on the use of the land in broad proximity to the airport lands. (see Attachment #5.)

4.2 Requests to amend or revoke an existing MZO are subject to O. Reg. 546/06, which specifies the information and material that is to be provided with such a request. This required information includes the following:

- Disclosure of any easements or restrictive covenants affecting the subject land, and their effects;
- A description of the current zoning under the Minister's order, in the applicable municipal zoning by-law, and the proposed zoning;
- A description of the current designation of the subject land in applicable official plan(s);
- Examination of existing uses, buildings, structures, etc.;
- Whether any buildings or structures are proposed to be built on the subject lands, and if so, the types of buildings or structures, setbacks, building heights, dimensions, floor areas and parking spaces;
- An explanation of how access to the subject lands is provided;
- How water services will be provided to the subject land;
- How sewage disposal will be provided to the subject land;
- Whether the subject land is the subject of a proposed official plan or plan amendment that has been submitted for approval;
- A statement whether the request is consistent with the Provincial Policy Statement;
- A sketch, showing the location, size and type of all existing and proposed buildings and structures, the approximate location of all natural and artificial features, the location and nature of any easement affecting the subject land, etc.;
- A statement whether the subject land is within an area of land designated under any provincial plan or plans, and if so, whether the request conforms to or does not conflict with the applicable provincial plan or plans; and
- A proposed strategy for consulting with the public with respect to the request.

In addition, upon revocation or amendment of an existing MZO, the Minister could refer the matter to the Local Planning Appeal Tribunal (LPAT).

## **5. Federal Airport Site Zoning Regulations**

5.1 In 2015, the federal government initiated the process to update the Airport Site Order (ASO) and Pickering Airport Site Zoning Regulations (PASZR). Once updated, it is intended to reflect the required airport site and runways and apply

the appropriate protections and restrictions on surrounding lands.

- 5.2 ASOs are enacted under the authority of the *Aeronautics Act*. The purpose of a Site Order is to officially declare lands as required for use as an airport. The 2001 Site Order protects for a seven-runway airport that occupied the former Pickering Airport site that was approximately 7,530 ha (18,600 acre) site. (see Attachment #6.)
- 5.3 The 2015 Site Order was developed recognizing the reallocation of a portion of the Pickering Lands to Rouge National Urban Park, and a 2015 announcement for the protection of a smaller and reconfigured potential airport site. The ASO would no longer apply to the lands identified for the creation of the Rouge National Urban Park. The ASO consists of a legal description of the affected lands and includes a provision which would repeal the current 2001 Site Order. (See Attachment #7.)
- 5.4 The PASZR's protect for the safe and unimpeded operation of an airport site, by imposing specific restrictions on surrounding property (e.g., limited size, scope and scale of permitted development). The boundaries of the Regulation are based on guidelines and standards developed by Transport Canada. The Regulations generally protect the approach and takeoff of the runways, the area immediately surrounding the airport site (referred to as the outer surface) and the wildlife hazard zone. The restrictions include:
- a. limits on the height of buildings, structures and objects (including trees and natural growth);
  - b. protection of aircraft from potential hazards by prohibiting electronic signal interference; and
  - c. prohibiting land use activities which attract birds that may create a hazard to aviation safety.
- 5.5 While Dorsay has been a supporter of an airport in Pickering, given the proximity of the proposed MZO to the future Pickering Airport, Transport Canada should be consulted on any future development proposals in this area.

## **6. Municipal Comprehensive Review, Envision Durham**

- 6.1 On May 2, 2018, Regional Council authorized staff to proceed with Envision Durham, the Region's municipal comprehensive review (MCR) of the Durham Regional Official Plan. The province has set a deadline for the completion of MCRs within areas subject to the Growth Plan by July 2022.

- 6.2 As part of the Region's MCR, a Land Needs Assessment (LNA) is being completed to provide a comprehensive evaluation and calculation of the Region's land base, and to determine how the Growth Plan population and employment forecasts will be accommodated.
- 6.3 Should it be determined that additional land is required to accommodate population and employment beyond the existing urban boundary, further analysis will determine the most appropriate location(s) of any boundary expansion. Candidate areas will be evaluated based on the criteria prescribed by A Place to Grow and other criteria that may be developed and approved by Regional Council. Requirements for evaluating settlement area boundary expansions within in A Place to Grow includes:
- Ensuring there is enough capacity in existing or planned infrastructure and public service facilities.
  - That infrastructure and public service facilities are viable over their full life cycle.
  - The proposed expansion would be informed by applicable water and wastewater master plans or equivalent and stormwater master plans or equivalent, as appropriate.
  - The proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid; or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system.
  - Key hydrologic areas and Natural Heritage System for the Growth Plan should be avoided where possible.
  - For non-Great Lake water/wastewater-based services, the service has capacity to accommodate the expansion.
  - Prime agricultural areas should be avoided where possible. The expansion should minimize the impact on the agricultural system and its operations and conform with the minimum distance separation formulae.
  - The expansion complies with the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Lake Simcoe Protection Plan, and Source Protection Plans.
- 6.4 To date, approximately 24 urban boundary expansion requests have been received through Envision Durham. These requests include sites within Pickering, Port Perry, north Oshawa, northeast Whitby, Beaverton, northeast Bowmanville, Courtice and Newcastle.

6.5 The province is currently undertaking a review of its LNA methodology as well as the population and employment forecasts contained in A Place to Grow. The proposed changes were released on June 16, 2020 as Proposed Amendment 1 to A Place to Grow and a proposed LNA methodology approach. The Region is providing comments through Commissioner's Report 2020-P-14 contained within the July 29, 2020 Council agenda.

6.6 The population and employment forecasts that will be provided by the province will inform Durham's urban land needs. This includes advancing consideration on the growth and development of Major Transit Station Areas and evaluating proposed employment land conversions. These considerations will inform the amount of urban area land required for Durham.

## 7. **ROPA 128 Outcome**

7.1 In 2009, Council adopted Regional Official Plan Amendment #128 (ROPA 128), which constituted the Region's required conformity exercise to the 2006 Provincial Growth Plan. ROPA 128 provided population and employment forecasts to 2031.

7.2 As the approval authority for ROPA 128, the Ministry of Municipal Affairs and Housing issued its decision on ROPA 128 in 2010, which refused certain proposed urban boundary expansions, and deferred decisions on others.

7.3 At the time, the Minister refused the following urban boundary expansions that were approved by Regional Council in the Council-adopted version of ROPA 128:

- Northeast Pickering;
- Courtice Employment Area;
- Certain Employment Area expansions in Pickering and Oshawa; and
- Special Study Area 2 (Clarington).

7.4 The Minister also deferred certain urban boundary expansions:

- North Whitby (Brooklin)<sup>1</sup>; and
- North Oshawa (Columbus).

7.5 The Minister's decision was subsequently appealed to the Ontario Municipal Board (OMB). Through the OMB appeal process on ROPA 128, Minutes of

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<sup>1</sup> As of July 2020, a portion of the North Whitby Lands remain at the Local Planning Appeal Tribunal under Policy 14.1.37 of the Regional Official Plan.

Settlement were executed. The settlement of the OMB appeals on ROPA 128 did not include the northeast Pickering lands in the urban boundary. The lands in North Whitby and Oshawa were substantially approved through the settlement and Board Order in 2013, with the remainder of those two areas expressly deferred to a future Board decision.

- 7.6 The decisions of the Minister and the OMB constituted the outcome of ROPA 128. The northeast Pickering lands remain outside the urban boundary with their in effect rural designations, (i.e. Prime Agricultural and Major Open Space).

## **8. Carruthers Creek Watershed Plan Update**

- 8.1 As part of the ROPA 128 Minutes of Settlement, Policy 7.3.11 p) was added to the Durham Regional Official Plan, which requires that the amount and rate of development in Seaton be evaluated, and that the watershed plans for Carruthers Creek and East Duffins Creek be updated, should urban area expansion be considered in northeast Pickering during a future MCR. Attachment #8 illustrates the area subject to Policy 7.3.11 p).
- 8.2 Ontario's provincial planning framework recognizes that watershed planning is important to informing land use and infrastructure planning decisions.
- 8.3 The purpose of the Carruthers Creek Watershed Plan is to understand the current conditions of the watershed, and identify measures to protect, enhance and restore its health. Watershed planning integrates natural systems into land use and infrastructure decision-making by identifying natural features to protect and by recommending how to mitigate impacts from land use and infrastructure development on natural systems. Attachment #9 illustrates the Carruthers Creek headwaters in the context of the Greenbelt Plan Area.
- 8.4 The development of a watershed plan for Carruthers Creek has been a collaborative effort between the Toronto and Region Conservation Authority (TRCA), the Region of Durham, the Town of Ajax and the City of Pickering. Additional stakeholders and members of the public have been involved throughout the watershed planning process.
- 8.5 The draft Watershed Plan Update was released for public review in [March 2020](#). In April 2020, Regional Council directed that the public comment period for the Watershed Plan be paused until the COVID-19 emergency state is lifted by all levels of government, at which time the public comment period would restart, and an in-person Public Open House could be rescheduled. It is staff's expectation

that the Watershed Plan Update will be finalized by early 2021, however, this is dependent on the restrictions related to the ongoing pandemic.

- 8.6 Dorsay has expressed significant concerns with the draft Watershed Plan Update. Notwithstanding these concerns, TRCA and Regional planning staff are confident the draft Watershed Plan is thorough, sound and defensible.
- 8.7 A watershed plan like the one currently in draft is not a land use plan. No development permissions would be established by the approval of the Carruthers Creek Watershed Plan Update.
- 8.8 Policy 7.3.11 p) sets additional requirements that are to be considered before these lands can be considered for urban boundary expansion. The policy does not lend preference to the consideration of an urban expansion request in northeast Pickering over other competing requests which may exist elsewhere in the Region.

## 9. **Bill 197, The COVID-19 Economic Recovery Act**

- 9.1 On July 8, 2020, the province introduced a broad omnibus legislation, [Bill 197, The COVID-19 Economic Recovery Act](#). At the time of writing this report, the legislation has not received Royal Assent. The province states that the legislation is aimed at giving municipalities additional tools to spur economic recovery efforts. The objective of the legislation is to support the implementation of infrastructure and development projects to create jobs and economic activity. The legislation is complex, totaling over 180 pages with 20 schedules amending other Acts.
- 9.2 Regional staff are in the midst of evaluating the legislation and its elements more thoroughly and will communicate significant concerns or implications assessed in a future report, if necessary.
- 9.3 Schedule 17 of the legislation proposes changes to the *Planning Act*, and in particular, changes the requirements related to MZOs. The proposed legislation adds a definition of “specified lands” to Section 47 of the Act, that limits the enactment of MZOs to areas outside of the Greenbelt and proposes to permit an MZO to impose conditions. The proposed legislation also provides for the Minister to give “direction” on agreements with the municipality, either before or after those agreements have been entered into by the parties, which could have the effect of interfering with existing municipal authority and create uncertainty.

9.4 In staff's view, the Veraine project is unrelated to immediate economic recovery from the COVID-19 pandemic. Given the unknowns regarding the infrastructure and financial requirements, Dorsay has estimated that the earliest the first house could be ready in the new Veraine community would be 2027. This timing is questionable based on the infrastructure planning, engineering and construction effort required.

## **10. Comments**

10.1 Regional staff have several concerns related to the use of an MZO in northeast Pickering as summarized below.

10.2 The proposed MZO would constitute a permanent land use decision to permit urban development on over 1,600 ha of land without the benefit of detailed analysis, agency review, public comment and input. Open public consultation on significant land use planning matters is a cornerstone of the Ontario's planning system.

10.3 Regional staff's concerns regarding Dorsay's MZO request are not in relation to the Veraine concept itself. Staff acknowledge that the Veraine concept includes sustainable design principles; however, the development proposal has not been examined in any detail given that the principle of development has not been established for this area in the first instance. In contrast, staff's concerns are about the lack of due process and the prematurity of using an MZO to assign development permissions to this area in isolation of knowing the overall impacts, financial and otherwise, on the Region.

10.4 The development of an airport on the federal lands in Pickering will be a key economic driver for the region. Since decisions on the design of an airport have not yet been made, the configuration of the runways could change. Given Transport Canada's recent report highlighting the potential for specialty passenger and industrial airport options, the federal government should be consulted on this matter. It is likely that the existing provincial MZO for northeast Pickering would need to be revoked or amended that currently prohibits development at this scope and scale.

10.5 MZOs can be appropriate for site-specific development projects that are shovel-ready. In this case, there is a great deal of complexity and Dorsay's proposed MZO represents a major land use policy decision.

- 10.6 A decision about if, where, and by how much, to expand the Region's urban area boundaries properly belongs to Regional Council based on the rigor of an MCR. If the Minister of Municipal Affairs and Housing were to enact the MZO for northeast Pickering as requested by Dorsay, it would be a defacto urban boundary expansion. It would undermine and have significant ramifications on the integrity of the Region's ongoing MCR process. To make such a policy decision now would be premature relative to the status of the MCR. The growth aspirations of Durham's other area municipalities would inevitably be affected.
- 10.7 Through the Region's MCR, a fulsome examination of all urban boundary expansion requests will be undertaken, within the context of the province's revised forecasts and updated land needs methodology. There are several other requests for urban boundary expansion through the Region's MCR process that warrant fair consideration, which may be undermined by the proposed MZO request.
- 10.8 The Region has over 60,000 draft approved and in-process residential units, representing at least a 10-year supply based on current absorption. There is no immediate shortage of land for new residential development in Durham. There are numerous intensification opportunities within the Region's Centres, Corridors and other sites within the built-up area, for smaller or more affordable accommodation. New development areas within Brooklin, Columbus, Courtice, Bowmanville and the remainder of Kedron will accommodate tens of thousands of residential units in addition to those units that are already draft approved or in-process.
- 10.9 It is not appropriate to use the status or timing of the MCR to justify the MZO request. The Region of Durham is generally in the same situation as all other GTHA regions that are in the process of completing their MCRs. All GTHA municipalities are awaiting from the province the new 2051 population and employment forecasts, as well as the updated LNA methodology. Until those items have been finalized, all MCRs within the GTHA cannot be completed.
- 10.10 The requirements of Policy 7.3.11 p) of the Durham Regional Official Plan have not yet been addressed. Regional Council has not yet had the opportunity to consider the Carruthers Creek Watershed Plan Update. As part of the MCR, an expansion in northeast Pickering should be evaluated within the context of section 7.3.11 p) of the Durham Regional Official Plan, including the watershed plan.

- 10.11 If an MZO was approved for northeast Pickering to permit urban development, it would still be necessary to expand the urban boundary in the Regional Official Plan, or at a minimum, include a new policy to permit water and sanitary sewer services to an area not yet within the urban boundary.
- 10.12 As the northeast Pickering lands are not in the Region's urban boundary, the cost of the infrastructure to service these lands is not contained within the Development Charges quantum. The magnitude of the fiscal impacts to the Region remain unknown. If an MZO for Veraine is enacted, the Region would have to advance water, wastewater and transportation infrastructure projects to support the development. Detailed analysis to fully understand the servicing and fiscal impacts to the Region to determine financial risk to the Region and impact to the Region's Development Charge is required. Implementation of these projects may require the Region to divert limited resources away from projects planned to support development in previously approved areas.
- 10.13 Dorsay's request for an MZO indicates that Veraine will enable immediate action to provide affordable housing supply and jobs for Durham. The servicing of these lands will be a very complex and lengthy process, with several years required for Environment Assessment studies, design and approvals before construction can even begin. Hence, the delivery of affordable housing and jobs in this area will not be immediate.
- 10.14 An MZO of this nature would prescribe zoning that could enable subdivision of land for development. An MZO would supercede any secondary planning that may be undertaken by the City of Pickering. When an MZO is in place, the language of the *Planning Act* leaves little to no room for the local planning process. It is unclear how an MZO would be implemented that takes into account secondary planning, as proposed by Dorsay.
- 10.15 Pickering has also indicated, in its June 29, 2020 motion, that an interim control by-law to regulate the process to protect the Town of Ajax's interests related to downstream flooding impacts. However, under the *Planning Act*, MZOs prevail over both zoning by-laws and interim control by-laws.

## **11. Conclusion/Next Steps**

- 11.1 Dorsay Development Corporation's request to expand the urban boundary in northeast Pickering will be considered through Envision Durham, the Region's MCR, in conjunction with the other urban boundary expansion requests received, and subject to Policy 7.3.11 p) of the Regional Official Plan, provided that the land

needs assessment concludes additional urban land is required to accommodate the Region's population and employment forecasts to the planning horizon defined in A Place to Grow: A Growth Plan for the Greater Golden Horseshoe.

- 11.2 For the reasons outlined above, it is recommended that Regional Council advise the Minister of Municipal Affairs and Housing that it does not support Dorsay's request for a Minister's Zoning Order as noted in Recommendation B.
- 11.3 It is also recommended that a copy of this report be sent to the federal Transport Canada Minister, the Region's area municipalities, the Toronto and Region Conservation Authority, and Durham's MPs and MPPs.
- 11.4 This report has been prepared in consultation with the CAO's Office, Works Department, Finance Department and Corporate Services – Legal Services.

## **12. Attachments**

Attachment #1: Letter dated June 17, 2020 from G. Grayhurst to the City of Pickering

Attachment #2: Letter dated July 7, 2020 from Deputy Mayor Ashe to the Minister of Municipal Affairs and Housing

Attachment #3: Letter dated July 7, 2020 from Mayor S. Collier to the City of Pickering and Dorsay

Attachment #4: Dorsay land ownership and Veraine Concept

Attachment #5: Outline of existing Provincial Minister's Zoning Order for northeast Pickering

Attachment #6: Existing Pickering Airport Site Zoning Regulations

Attachment #7: Federal Airport Lands – Proposed Airport Site Regulations (2015)

Attachment #8: Map illustrating lands subject to Policy 7.3.11 p) in the Durham Regional Official Plan

Attachment #9: Map illustrating Carruthers Creek Headwaters

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

June 17, 2020

Clerk's Office  
City of Pickering  
Pickering Civic Complex  
One The Esplanade  
Pickering, ON L1V 6K7

**RE: Request to initiate a Ministerial Zoning Order  
For lands in Northeast Pickering– the Community of Veraine**

Kindly ensure that this letter is provided to the Mayor and all members of Council prior to the June 29, 2020 Council Meeting.

**Dear Mayor and Members of Council**

For the last six years, Dorsay (Pickering) Limited ('Dorsay') has been working collaboratively with the City of Pickering to cultivate a vision for a healthier more sustainable community in Northeast Pickering called Veraine. Dorsay has gone to great lengths to pursue and strengthen this vision which will allow both people and the environment to thrive. To this end, Dorsay has spent countless hours researching these issues, visiting exemplary precedent communities, meeting with sustainable energy providers, potential employment partners, smart technology innovators, Universities, Health Care Providers and numerous staff members from the Region of Durham and the City of Pickering.

Our tenacity and commitment for creating a better environment and community for all has garnered tremendous support from City staff, the Region, and all members of Pickering City Council, for which we are grateful. The Motions passed by City Council on September 23, 2019 and November 25, 2019 exemplify your ongoing support for seeing this project take shape and come to fruition in a timely manner.

However, the lengthy Municipal Comprehensive Review (MCR) process and associated timeline creates development uncertainty and risks the realization of this project which has the opportunity to create jobs now and provide more housing. Dorsay, with Council's support, is requesting that the City ask that the Minister of Municipal Affairs and Housing implement a Ministerial Zoning Order (MZO), pursuant to s.47 of the *Planning Act*. As evidenced by recent MZO's, the Province has utilized this tool to help jump-start the economy, create more jobs, and provide more housing options. Municipal support through a Council Resolution is needed for Minister Clark to grant this request.

In light of what is happening in the world today, now more than ever, it is imperative to design our communities to be resilient and with a mind to creating healthier places for people and our environment. We believe now is the time to accelerate the approval and construction of this community to showcase to the world how this can be achieved.



### Why an MZO, why now?

The MZO will enable immediate action creating employment opportunities in construction and professional jobs. It will remove uncertainty for development timelines and those associated with the scale of the project. It will provide for more homes and more choices faster.

The Region of Durham is in the process of undertaking its MCR

. This process when commenced in 2018 was projected to be completed by 2022. Due to changes in Provincial policy coupled with the COVID-19 pandemic, it will likely take much longer to complete. The MZO would speed up the development approvals process by at least 3-5 years, advance servicing construction by 7-10 years and advance housing supply by 7 years. Homes could be occupied as early as 2024 as opposed to 2031. The Salem 407 interchange would become a candidate for construction now, in 2020, and other servicing could also commence. This development will also support and be supported by the high-speed rail line and stop proposed within the Pickering Federal Airport Lands.

To wait for the completion of the MCR would be a missed opportunity to create jobs quickly, cut red tape and support the Provinces More Homes, More Choice initiative. Major employment tenants need definitive development timelines when choosing location. With a MZO in place, Dorsay will be able to more actively pursue those major employers that have indicated an interest in locating in a community such as Veraine.

For background and supporting information please refer to the attached.

### Conclusion

Leveraging advancements in technology, architecture, healthy design and environmental planning, Veraine will be a built environment that benefits people and the planet. Exemplary planning and design principles, thoughtful placemaking and environmental stewardship ensure the project represents a direction in complete community design that will be regarded by cities all around the world.

We aim to have Veraine be a place where people from all over the world come to connect. Thanks to a prime location in the GTA's innovation corridor and a focus on mixed housing types for all stages of life this is possible. To that end, over the past year Dorsay has been working together with the City of Pickering to help refine the guiding Community Development Principles, to understand hurdles and align synergies. We all believe in creating a community that puts total well-being for all at the center of a development, that breaks through traditional barriers and aims higher than Provincial, Regional and Municipal requirements. Because the best communities evolve with the people and companies who call them home, Dorsay will work with nearby residents and landowners, other development partners, and the community at large, to ensure Veraine can support the kind of living the Greater Toronto Area is best known for: egalitarian, entrepreneurial, environmental.

Please accept this request to continue to move this exceptional community forward in a meaningful way. By requesting that the Province utilize the MZO tool for the Veraine lands, we are continuing the momentum to bring this joint vision into fruition.



☎ 416.368.1460

📍 130 Adelaide Street West, Suite 2200

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Do not hesitate to contact the undersigned to discuss any questions or concerns you may have.

Kindest regards,

Geoffrey Grayhurst, President and CEO  
Dorsay (Pickering) Limited.

cc: Marisa Carpino, Acting CAO, City of Pickering  
Fiaz Jadoon, Manager, Economic Development & Strategic Projects, City of Pickering  
John Henry, Regional Chair, Region of Durham  
Catherine Rose, Chief Planner, City of Pickering  
Kyle Bentley, Director, City Development and Chief Building Official  
Katarzyna Sliwa, Dentons LLP  
Paul Lowes, SGL Planning & Design Inc.  
Matthew Cory, Malone Given Parsons.



Attachment: Background and supporting information

**1. Does the approval of this MZO fetter the ability of the future Federal airport to move forward?**

No. In fact, we see tremendous potential opportunity and synergies between the two projects. Veraine has been strategically designed to ensure that sensitive land uses are not permitted within the airport flight zones as regulated by the Ministry of Transportation. Further, the employment lands along the Highway 407 corridor provide an opportunity to accommodate aeronautics facilities that we understand are desperately needed in Ontario.

Although very synergistic, neither development is dependant upon the other for success, rather they complement and support each other nicely.

**2. Is this development compatible with the future Federal airport?**

Yes. As mentioned above, there are many synergistic opportunities between the two projects. Veraine affords the ability to house the many employees employed by the airport and its ancillary uses providing complete communities. Thus, creating the ability to live and work nearby. As we know, this creates mental, physical health and environmental benefits from reduced commuting times.

Furthermore, land uses have been strategically located to ensure compatibility between the airport and residents such that both can coexist harmoniously.

**3. How does this plan address Policy 7.3.11p of the Region of Durham Official Plan?**

Policy 7.3.11p outlines the requirements for any future urban area boundary expansions and contains specific requirements for Northeast Pickering - Veraine. It is the product of negotiations and settlements during the Growing Durham Study which formed the basis of ROPA 128. ROPA 128 original direction was to designate the area of Northeast Pickering as "Living Areas" and "Employment Areas", with the additional introduction of a Regional Centre.

However, following adoption of ROPA 128 by the Region, the then Provincial government refused approval of the proposed urban boundary expansion over Northeast Pickering that was required to allow its development, primarily on the basis that growth in the provincially owned Seaton community must be achieved prior to considering growth in Northeast Pickering. Through the Ontario Municipal Board, a settlement was reached between the Region, the Province and other key stakeholders. The settlement had the effect of removing the Northeast Pickering lands from ROPA 128. However, the area of the Northeast Pickering, including the subject lands, was made subject to Policy 7.3.11p as part of the settlement. As mentioned, this policy outlines the requirements for any future urban area boundary expansions of these lands. This includes undertaking a study on the Carruthers Creek watershed. The policy was intended to continue to recognize that the area is planned to receive growth and should be considered as such in the next Regional Official Plan review. As such, the Region has commissioned the TRCA to undertake the Carruthers Creek Watershed study which is anticipated to be completed later this year.



As indicated by Growing Durham and the adopted ROPA 128, Veraine is a logical location for growth.

**4. What are the densities proposed for this community and do they achieve the targets outlined in the Growth Plan?**

Veraine achieves a good balanced density to support a variety of housing options, a mix of uses and public transportation. Overall, it is planned to accommodate roughly 100,000 people living and working at a density of about 90 people and jobs per hectare. The density has been intentionally spread out over the 4,000 acres. In order to achieve a diverse range of housing product to accommodate all ages and stages of future residents, neighbourhoods have been planned with this in mind. Lower density neighbourhoods accommodate predominantly grade related units which have densities of 13 units per acre, while medium density neighbourhoods, like the Town Centre, are planned to accommodate mid-rise mixed-use buildings at a density of 35 units per acre.

**5. How does this community help achieve the Provinces goals outlined in its Housing Action Plan?**

Veraine supports Ontario's Housing Supply Action Plan based on Ontario's Five Point Plan in the following ways...

1. **Speed:** Cut red tape. Maintain Ontario's strong environmental protections while making the development approvals process faster.

Veraine:

- Dedicated city staff member to expedite approvals
  - Years of collaboration, research and visioning already undertaken including environmental and stormwater studies
  - Support from the City and Region to make it happen quickly
  - A Lead developer that's committed to preserving the integrity of the developable land by enhancing the greenbelt and natural heritage of the lands
  - Speed up development approvals by 3-5 years and enable housing 7 years earlier.
2. **Cost:** Reduce development approval costs to encourage developers to build more housing.

Veraine:

- An increased supply of housing will assist in reducing housing costs in the market
  - Consideration for innovation and housing types included in council endorsed Plan Principles
  - City support to expedite will reduce development approval costs
  - Early detailed planning and collaboration between city and applicant lead to efficient reviews
  - Benefiting from economies of scale, the project is 4000 acres
  - Comprehensive plan for servicing will reduce the costs to municipal government
3. **Mix:** Make it easier to build different and varied housing types

Veraine:

- Commitment from developer to build varied and innovative housing types



- Considerations for: detached houses, townhomes, mid-rise rental apartments, second units, laneway housing, seniors housing, family sized units and courtyard housing
- Not sprawl: average density will exceed Provincial guidelines and Regional goals
- Age in place considerations

4. **Rent:** Protect tenants and make it easier to build rental housing

Veraine:

- Developer has initiated the exploration of rental options and other home ownership models
  - Aim to increase supply of purpose built rental
5. **Innovation:** Encourage more innovation and creativity in Ontario's housing sector and make sure government isn't standing in the way

Veraine:

- Commitment to resident's health with considerations for physical and mental health
- Environmental protections through good planning and innovative solutions
- Adapting to the future of building by exploring wood frame construction and partnering with leading edge Universities and Colleges
- Desire to build a research and innovation hub to attract a wide range of employment opportunities
- Investigating District Energy, Geothermal Energy and Vacuum waste
- Researching the impact of autonomous vehicles and Smart Technology on neighbourhood planning
- Groundbreaking and integrated stormwater management approach
- Use of best in class examples locally, provincially and internationally

6. **Will enacting the MZO take planning powers away from the City of Pickering?**

No, it will not. The MZO will enable an accelerated development timeline for Veraine while maintaining the City's regulatory authorities. The Region is undergoing a Municipal Comprehensive Review (MCR) that is not anticipated to be completed until 2022. With the delays due to COVID-19 and changes to Provincial policy, we anticipate that it will likely not be completed until 2023, at the earliest. The MZO allows Veraine to proceed to detailed planning and review. It will allow the City to undertake a comprehensive area-specific official plan amendment setting the policy framework for Veraine to move forward. The project will continue to proceed through regular planning channels for review and public engagement, just expedited by around 3-4 years.

7. **Will Veraine be just another typical suburban community?**

Quite the contrary. Typical suburban planning of past focussed on distinct clusters of land uses and a design which ultimately placed a high dependency on the private automobile. Liveability, sense of community, mental and physical health, and environmental stewardship were sacrificed. This is why today 'suburban' is considered a bad name. Over the last decades, progress has been made to change typical suburban planning methodologies to rectify this. However, a tremendous amount of work is still required to truly create great communities where people and the environment is paramount.



Veraine is designed as a new type of community that focuses on the health and enrichment of its residents and the environment. Through enhanced connectivity as the cornerstone of this community. We can empower people to use active transportation means to go to school/work, shop, visit friends and enjoy meals out. These connections, coupled with a mix of uses and built forms throughout the community allow for tremendous positive outcomes for humans and the environment.

**8. Will Development of Veraine increase flooding in downtown Ajax?**

No. Consistent with the Provincial Policy Statement, the Veraine lands cannot create new or aggravate existing Hazard lands. Durham Region have retained the Toronto and Region Conservation Authority (TRCA) to undertake the Carruthers Creek Watershed Study, which initiates a review of background information and establishes watershed management goals. The Study included an update of the existing condition watershed hydrology and also simulated the anticipated changes in peak flow for the various scenarios modelled. The Study concluded that through the further planning process, a hydraulic analysis will be required to confirm that the risk of flooding will not be increased. The process would involve a comprehensive assessment of alternatives to offset impacts associated with development of the Veraine lands, including downstream infrastructure conveyance improvements, flood protection options and on-site controls.

The Veraine consultant team have initiated the hydrology update and will be updating the hydraulic assessment to investigate various options to build on the previous Class EA recommendations to ensure no negative impacts from development of the Veraine lands and to improve the existing downstream condition. The floodplain analysis will be completed in close consultation with TRCA and with on-going coordination with the Town of Ajax and the City of Pickering staff.

**9. Will development of Veraine negatively affect the ecosystem of the Carruthers Creek Watershed?**

The development of Veraine has been designed to enhance the ecosystem of the Carruthers Creek watershed. The existing conditions within Veraine are degraded with less than 10% forest cover, limited riparian vegetation and extensive tile drains use. Veraine includes large restored valley corridors, a 47 ha natural heritage protection and enhancement area, and wide connections to the Provincial Greenbelt. In addition to the more than doubling of forest cover, Veraine includes retained agricultural areas that will be focused on less intensive farming and provide open habitat.

A very important and key component of Veraine is the approach taken with the stormwater design which is based on improving the ecohydrology of the watercourses and wetlands through the capture and infiltration of rainwater throughout the community as opposed to traditional development. The intent is to reduce the impact typically encountered by increasing impervious cover through land development. By applying stormwater control techniques that mitigate the effects of imperviousness, many of the impacts traditionally associated with land development can be alleviated, this includes reducing peak flows and thermal impacts in watercourses, reducing downstream flood risks, increasing groundwater recharge and improving water quality. Overall, this enhanced approach to treating stormwater sets Veraine apart from the way land development is typically done.



Sent by Email

July 7, 2020

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M5G 2E5  
[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

**Subject:** Request for a Minister's Zoning Order for Lands in Northeast Pickering, Community of Veraine  
**File:** D-1000-001

On June 16, 2020, we met with Minister Bethlenfalvy to discuss the opportunity to expedite a ground-breaking community in Northeast Pickering, called Veraine, with the use of a Minister's Zoning Order (MZO). We concluded that the best course of action was to obtain Council's position for this request.

I am pleased to advise that on June 29, 2020, City of Pickering Council gave unanimous support and asked me to make a request to you for a MZO for the Community of Veraine. Enclosed please find the Council resolution.

For the last seven years, Dorsay (Pickering) Limited (Dorsay) has been working collaboratively with the City of Pickering to cultivate a vision for Veraine, a healthier more sustainable community. This vision is centered on implementing a purpose-built community design that will renew the land, create a dynamic sense of place, and fuel opportunity for individuals and enterprises. It is focused on the mental and physical well-being of its residents and the sustainability of its natural environment. This will be done through ground-breaking practices in environmental and social place-making that will foster a more healthful and prosperous way of life.

Over this past year, Dorsay and the City of Pickering have worked together to help refine the guiding Community Development Principles for Veraine. The MZO we are requesting would permit urban uses on the lands while allowing Dorsay to continue working with City staff on an Official Plan Amendment, and other implementation tools to enable development that enshrines the Veraine Principles. We are careful to ensure that the process allows for the vision for this community to come to fruition.

I am confident that the commitment Dorsay has shown to date, to create a healthy, inclusive and thriving community, will be solidified and empowered through this process. The MZO will enable immediate action creating employment opportunities in construction and professional jobs. It will remove uncertainty with timelines for local and overall development, and with timelines associated with potential employers interested in locating in the community. It will provide for more homes and more choices faster.

Therefore, on behalf of the City of Pickering, I am respectfully requesting that your office work with Dorsay and the City of Pickering to prepare and subsequently approve a MZO for Veraine.

In support of this request, we are providing the following additional materials listed below, and accessed electronically here: <https://we.tl/t-kTE60rPxmM>

1. Letter from Geoffrey Grayhurst, Dorsay (Pickering) Ltd, dated June 17, 2020;
2. Why Veraine? Settlement Boundary Expansion Rationale prepared by Sorensen Gravely Lowes Planning Associates Inc., dated June 2020;
3. Veraine Master Plan Report prepared by Sasaki, dated October 2019;
4. Veraine Environmental Conditions Report: Final Report prepared by GeoProcess Research Associates, dated June 2020;
5. Veraine Hydrologic and Hydrogeologic Characterization Final Report prepared by GeoProcess Research Associates, dated June 15, 2020;
6. Preliminary Transportation Study Veraine, Pickering: Final Report prepared by IBI Group, dated October 2019;
7. Preliminary Master Servicing Report Veraine – North East Pickering prepared by SCS Consulting Group Ltd., dated April 2020;
8. The Veraine Sustainability Report prepared by Urban Equation, dated October 2019;
9. High Level Agricultural Assessment for Agricultural Capability, Livestock Operations and Identification of Agri-food Network Operators Durham Region prepared by DBH Soil Services Inc., dated October 2019;
10. Draft MZO, with Explanatory note by Dentons LLP; and
11. Council Directive Memorandum, City of Pickering.

I thank you for your consideration of this request. Please do not hesitate to contact the undersigned to discuss any questions or concerns you may have.

Yours truly



Kevin Ashe  
Deputy Mayor & Regional Councillor, Ward 1

Enclosure

Copy: The Honourable Doug Ford, Premier of Ontario  
The Honourable Peter Bethlenfalvy, MPP Pickering-Uxbridge  
The Honorable Rod Philips, Minister of Finance and MPP, Ajax  
John Henry, Regional Chair & CEO, Region of Durham  
Mayor Shaun Collier, Town of Ajax  
Alex Beduz, Chief of Staff, MMAH  
Geoffrey Grayhurst, Dorsay Development Corporation

Mayor Ryan  
Members of Council  
Marisa Carpino, Interim Chief Administrative Officer  
Kyle Bentley, Director, City Development & Chief Building Official  
Fiaz Jadoon, Director, Economic Development & Strategic Projects  
Catherine Rose, Chief Planner



Office of the Mayor

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July 7, 2020

Geoffrey Grayhurst  
President & CEO  
Dorsey (Pickering) Limited  
130 Adelaide St. W., Suite 2200  
Toronto, ON M5H 3P5

Kevin Ashe, Deputy Mayor  
City of Pickering  
Pickering Civic Complex  
One The Esplanade  
Pickering, ON L1V 6K7

John Henry, Regional Chair and CEO  
The Regional Municipality of Durham  
605 Rossland Rd. E.  
Whitby, ON L1N 6A3

**RE: Letter to Pickering Council (June 17, 2020) requesting a Ministerial Zoning Order (MZO) to permit development in northeast Pickering and subsequent decision by Pickering Council (June 29<sup>th</sup>) endorsing the MZO request.**

Dear Mr. Grayhurst, Deputy Mayor Ashe and Chair Henry,

This letter is to outline my strong objection to the requested Minister Zoning Order (MZO) to permit development of the headwaters of Carruthers Creek in northeast Pickering. The requested MZO seeks to by-pass Durham Region's Municipal Comprehensive Review (MCR), which is to be completed by July 1, 2022.

***Using an MZO as a mechanism to plan a new community of this size (1,650 - 2200 hectares) is highly unusual and inappropriate as it will not allow for proper public and agency consultation, or address serious cross-jurisdictional concerns (i.e. the impact of downstream flooding in south Ajax).***

Further, the headwaters of Carruthers Creek is surrounded by Ontario's Greenbelt. As such, it would be highly irresponsible and incredibly short-sighted of us to move forward in isolation of the MCR process. In fact, in the Region's previous MCR, it was specified that consideration of urban development in northeast Pickering would be addressed and evaluated through an MCR that takes into consideration, among other matters, the amount and rate of development that has occurred in the Seaton Community; and the preparation and completion of a watershed plan update for the East Duffins and Carruthers Creek watersheds.

The MCR is the only process that can determine if urban boundary area expansions are needed and where in Durham the most appropriate location for those expansions would be. If approved by the Province, this MZO would undermine the MCR process; take opportunities for growth away from other Durham municipalities; and allow urban growth in the whitebelt without justification. The focus for Durham Region should be intensification within existing urban area boundaries to be in conformity with, and advance, the Province's direction for creating complete communities and using infrastructure wisely and efficiently.

The Town has justified and real concerns regarding downstream flooding impacts associated with urbanization of the headwaters of the Carruthers Creek. Not only does this MZO seek to override the MCR process, it also overrides the published Draft Carruthers Creek Watershed Plan by the Toronto and Region Conservation Authority (TRCA), on behalf of the Region, by not addressing the following matters upfront:

1. A Hydraulic Assessment of the Carruthers Creek to determine what properties, dwellings and infrastructure would be impacted by flooding due to land use changes within the watershed;
2. The location, size and design of Regional Stormwater Controls in northeast Pickering to ensure that there is no increased downstream flooding;
3. A new or updated Environmental Assessment of the Pickering Beach Flood Vulnerable Area to determine required stormwater mitigations measures or infrastructure in south Ajax;
4. The designation of an enhanced Natural Heritage System (NHS) as provided in the Draft Carruthers Creek Watershed Plan to improve the health of the watershed; and
5. A firm financial commitment to pay for a new or updated EA and/or additional or enhanced mitigation measures or stormwater infrastructure.

It is imperative that any land use approvals continue to be advanced through the methodical analysis and comprehensive consultation being undertaken through the Region's MCR.

Therefore, I respectfully request that the City of Pickering follow up with the Minister of Municipal Affairs and Housing immediately to withdraw the MZO request for northeast Pickering to allow the Carruthers Creek Watershed Plan process to be completed and to allow for the comprehensive analysis for the need and appropriate location of an urban boundary expansion within Durham Region to be evaluated through the MCR process.

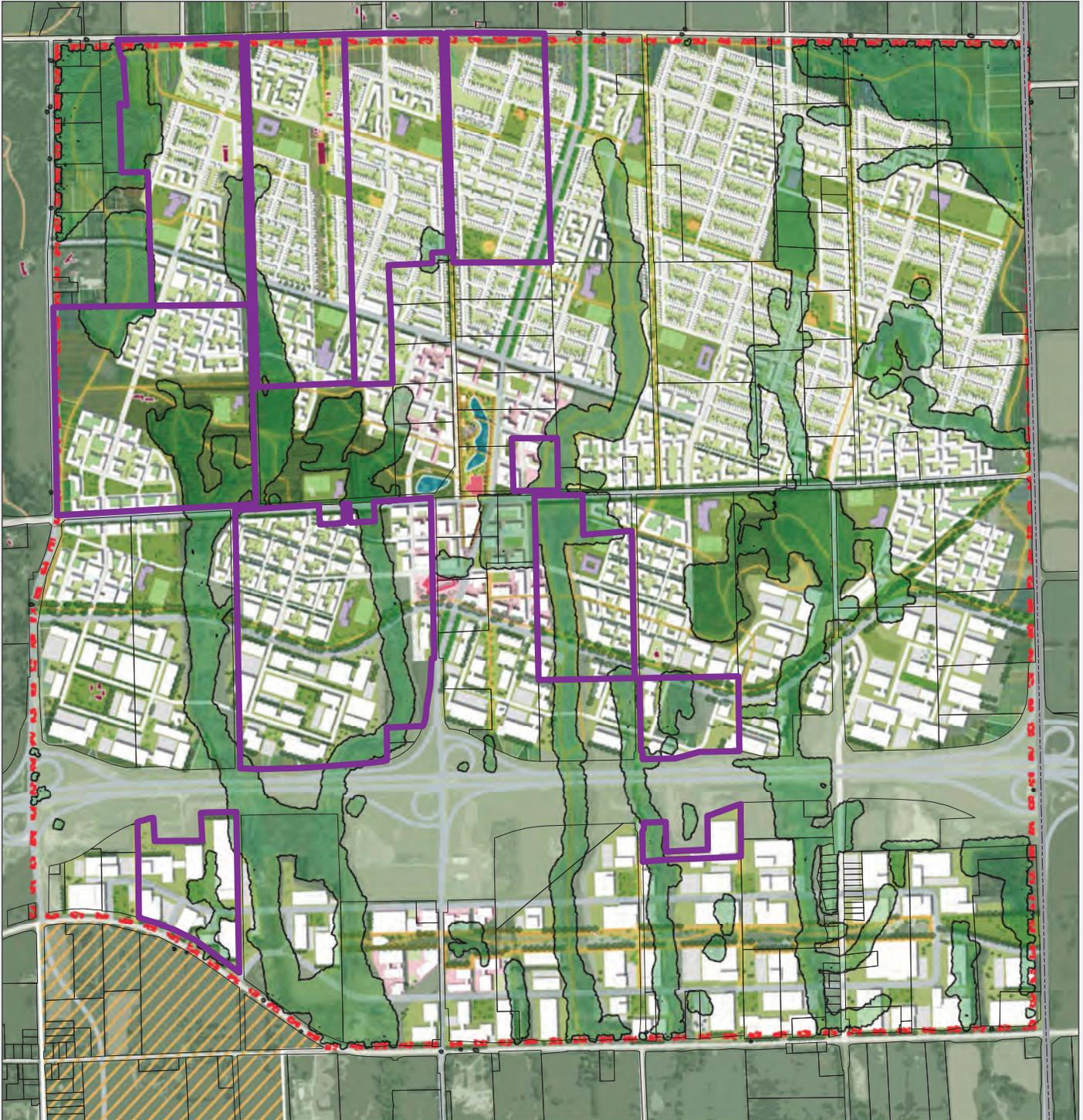
Sincerely,



Shaun Collier  
Mayor  
Town of Ajax

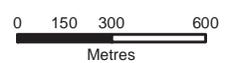
cc.

Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Hon. Rod Phillips, Minister of Finance  
Hon. Peter Bethlenfalvy, Minister of Treasury Board Secretariat  
Brian Bridgeman, Commissioner of Planning, Region of Durham



The Veraine Community Concept Plan

-  Natural Heritage System
-  Parcel Fabric
-  Properties owned by Dorsay (Pickering) Limited
-  Veraine Community Boundary



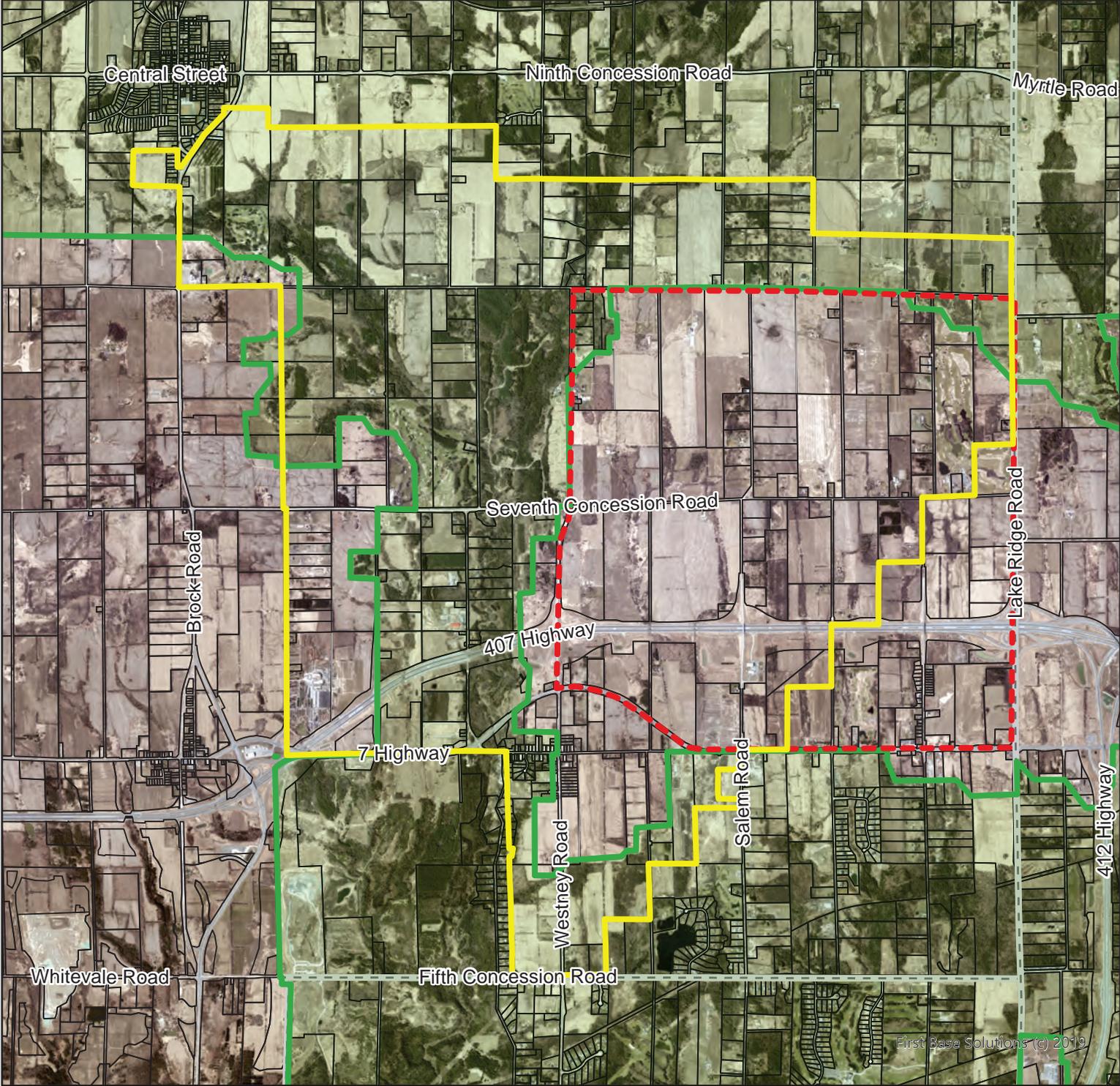
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Data Sources:  
 Natural Heritage System: GeoProcess Research Associates, October 2019.  
 Veraine Community Plan: SGL, October 2019.  
 Parcel Fabric: © 2019 MPAC and its suppliers. All rights reserved. Not a plan of survey.



**Existing Provincial Minister's Zoning Order related to a Future Pickering Airport, O. Reg. 154/03**



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 Metres

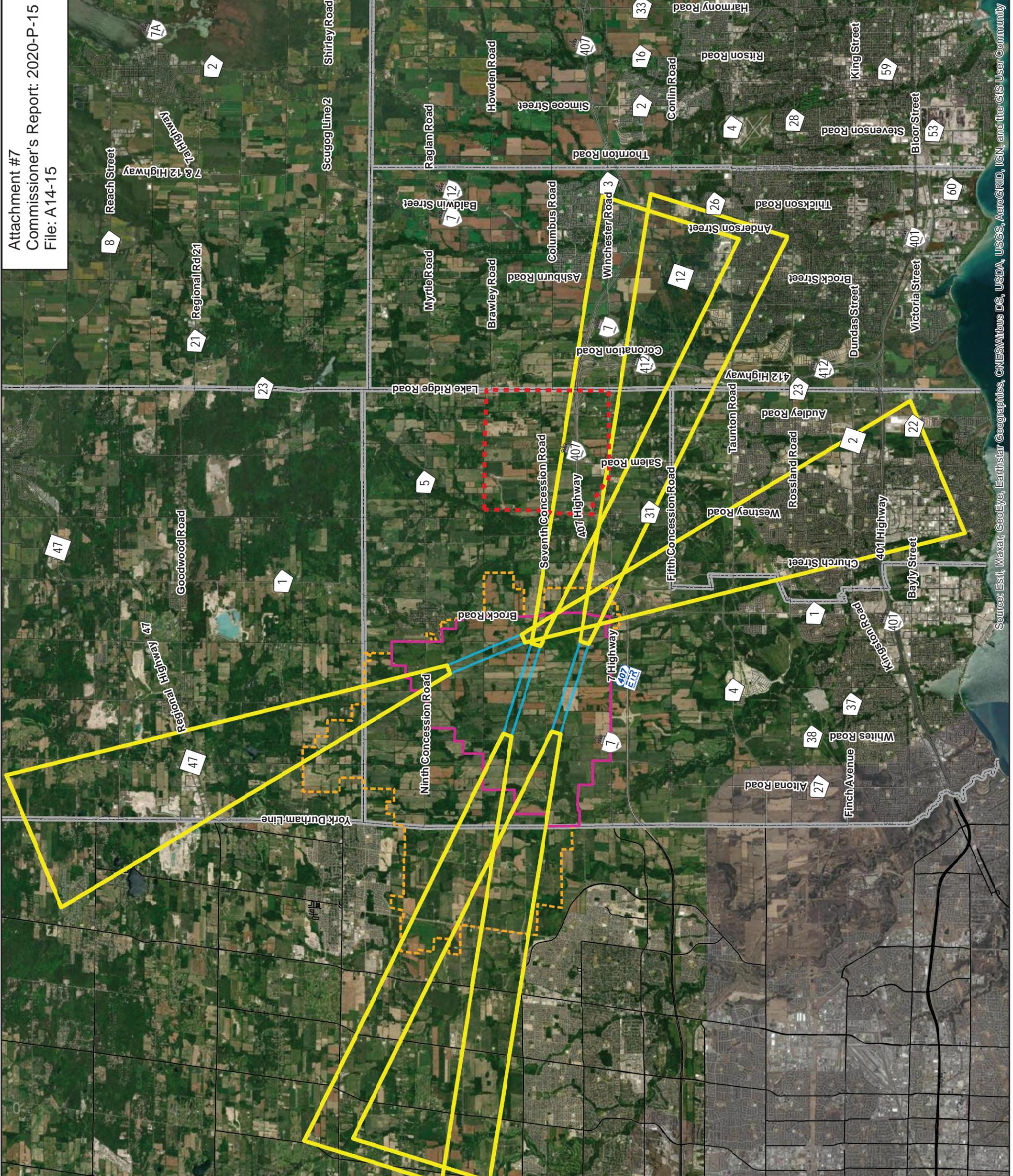
**Legend**

-  MZO
-  Greenbelt
-  Parcels
-  Veraine Community Boundary

**Data Sources and Disclaimer**

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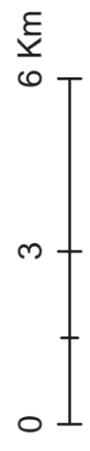




# Federal Airport Lands

## Legend

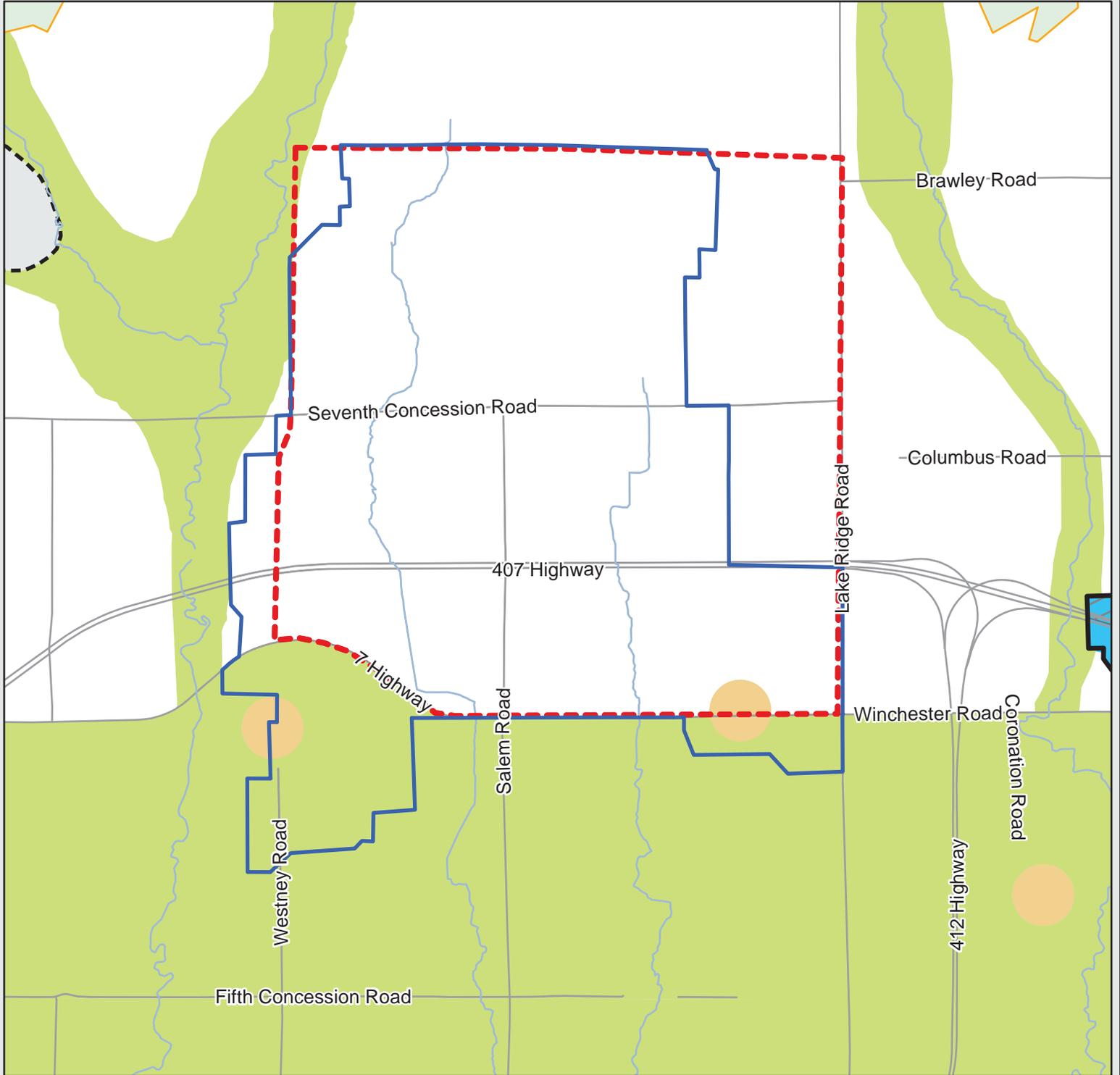
-  Veraine Community Boundary
-  Proposed Approach Surface
-  Proposed Airport Strip Surface
-  Current Federal Airport Lands
-  Original Federal Airport Lands (1972)
-  Municipal Boundary



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**Citation:** Digital cartography by The Regional Municipality of Durham, Planning & Economic Development Department, Planning Division, February 2019.



### Lands Subject to Policy 7.3.11p) in the Durham Official Plan



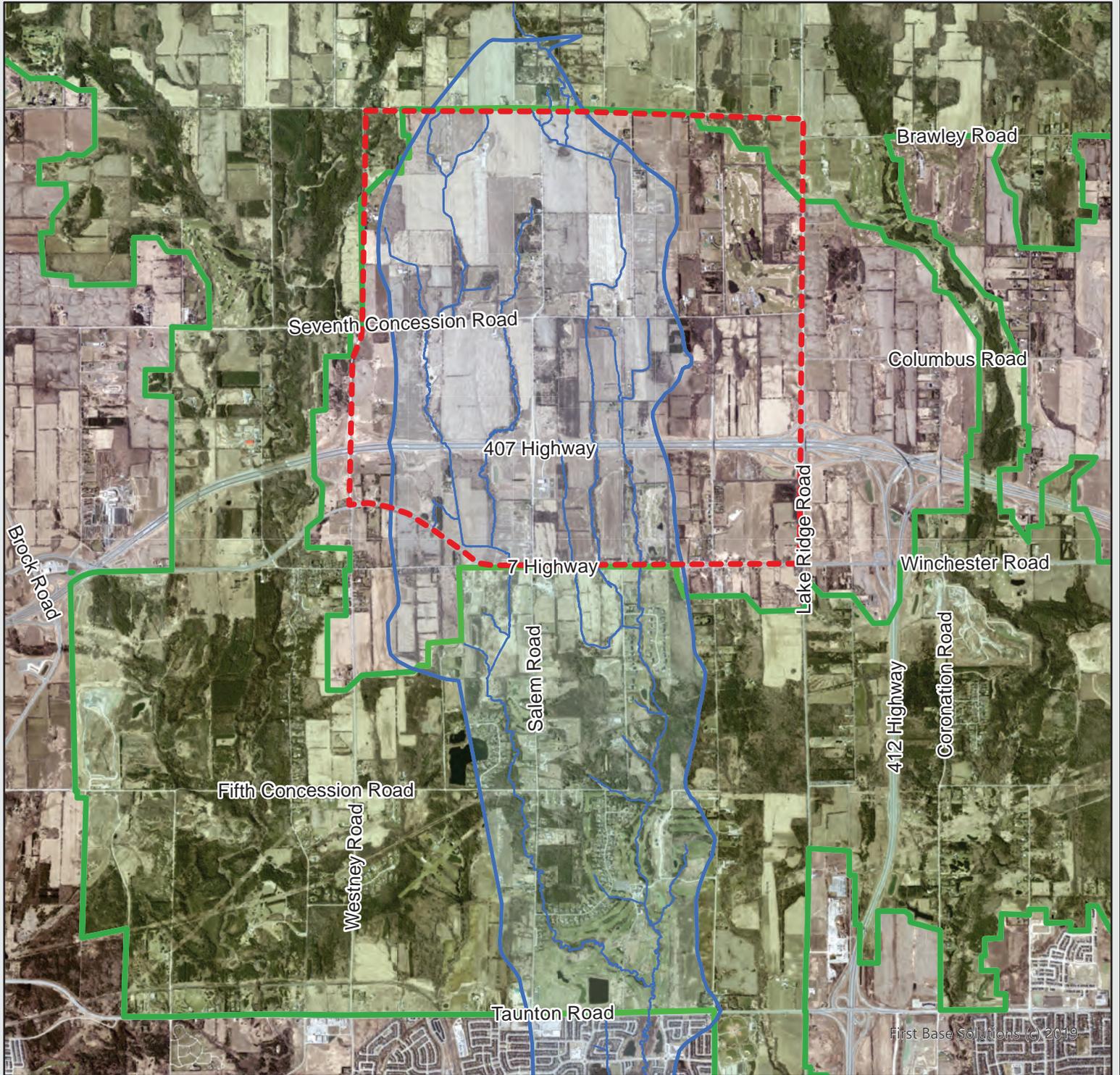
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#### Legend

- Lands Subject to Policy 7.3.11p
- Urban Area
- Veraine Community Boundary
- Prime Agricultural Area
- Hamlet
- Major Open Space
- Oak Ridges Moraine
- Employment Area

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### Carruthers Creek Watershed – Northern Portion



0 500 1,000  
 Metres

#### Legend

- Creeks and Rivers
- Carruthers Creek Watershed
- Greenbelt
- Veraine Community Boundary

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