

# **Planning Justification Memorandum**

## **Revised Zoning By-law Amendment Application (A 03/20)**

**Durham Live Phase 2 Lands  
Part of Lots 15 & 16, Concession 1, City of Pickering**

**September, 2024**

**Prepared for:  
Pickering Developments (Bayly) Inc.**

**Prepared by:  
Kristy Kilbourne Consulting Inc.**

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# 1.0 Background

## 1.1 Proposal Details

Revision to application A 03/20 has been initiated for a portion of the Durham Live development lands to reinstate land uses which were permitted through Minister's Zoning Order (MZO) O. Reg 607/20 and inadvertently removed by the Ministry of Municipal Affairs and Housing in April 2024 through MZO O. Reg 164/24 from the schedule to the regulation which effectively removed the "Mixed Use Major Tourist and Entertainment Zone" permissions and reverted them to "UR" Urban Reserve in By-Law 7404/15.

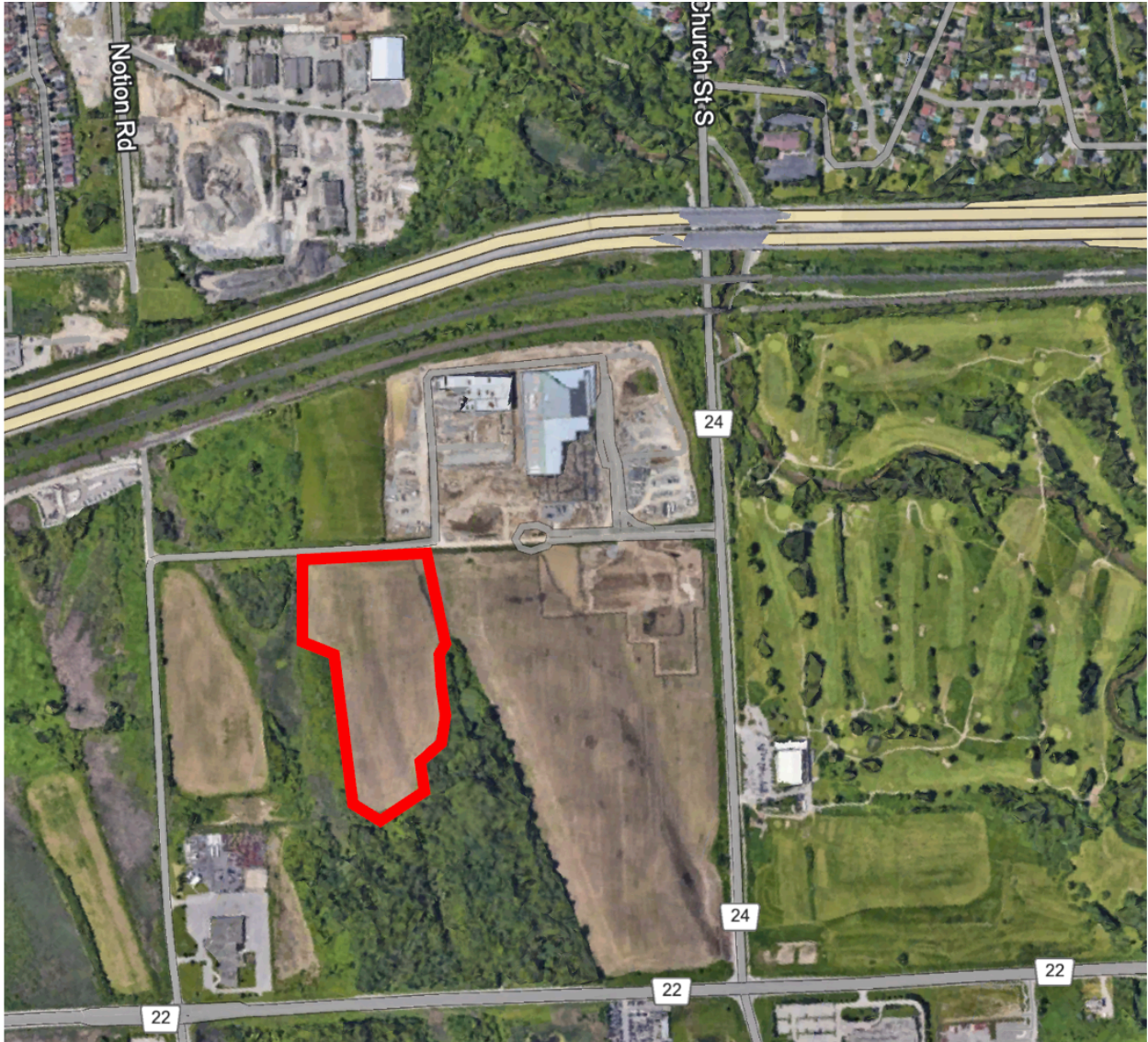
Prior to the enactment of MZO O. Reg 607/20 in 2020 which applied to the subject lands, the property owners of the Phase 2 lands initiated a zoning by-law amendment application with the City of Pickering to rezone the subject lands and other Phase 2 lands on the Durham Live site to permit a variety of uses, as well as delineate areas to be zoned as "Natural Heritage System", in accordance with the Durham Live Master Plan and the findings of completed environmental investigations.

The purpose and intent of the proposed revised zoning by-law amendment application is to reinstate the majority of the "Mixed Use Major Tourist and Entertainment Zone" uses from O. Reg 607/20, with the exception of residential uses (including apartment dwellings and home-based businesses) and a film studio use. A proposed zoning by-law amendment is included as Attachment 1 to this Report.

## 1.2 Site Location and Context

The subject lands, shown on Figure 1 below, are generally described as Part of Lots 15 & 16, Concession 1, in the City of Pickering. The subject lands consist of approximately 5.3 hectares of table lands, bounded by Kellino Street to the North, Phase 1 of the Durham Live Development to the east, including a variety of existing and proposed mixed use, including a casino, hotels, retail, recreational, high density residential, and other permitted uses, along with a Porche Experience, car racing facility which is currently under construction, further south. To the south and west of the subject lands, east of Squires Beach Road, are environmentally protected lands through MZO O.Reg 607/20.

As of April 10, 2024, land use permissions for the subject lands are limited to existing uses and environmental management through zoning by-law 7404/15. Currently the subject lands are farmed.



**Figure 1: Aerial photo of the subject lands (Image: Google Earth)**

The subject lands are located in proximity to Highway 401, accessible by the Brock Road interchange in the City of Pickering and the Westney Road interchange in the Town of Ajax. The broader surrounding area outside of the Durham Live lands is generally characterized by employment and other uses including, office, warehousing, and place of worship, and environmentally sensitive lands.

## 1.3 Site and Application History

The following provides a history of the site, planning applications, and Minister's Zoning Orders.

### 1.3.1 Rezoning Application A03/14

In 2014, Pickering Developments submitted rezoning application A03/14 to amend the City of Pickering's zoning by-law. The purpose of this amendment was to permit the development of an integrated mixed-use major tourist destination with a broad range of uses on the Durham Live property, based on a conceptual master plan for the property that included a convention centre, performing arts centre, amphitheatre, cinemas, restaurant plaza, casino, hotels, waterpark, office buildings, tourist centre/greenhouse, film studio, fitness centre and spa, and parking structures.

Due to the presence of existing natural environmental features on the property, Pickering Developments requested the rezoning application be considered in two phases. Phase 1 consisted of lands located more than 120 metres from the provincially significant wetland complex and associated woodlands identified in the Official Plan and provincial mapping. Phase 2 consisted of lands which were located within 120 metres of the significant environmental features, following the completion of additional environmental investigations.

Pickering Council approved rezoning application A03/14, allowing for development of the Phase 1 lands, through resolution no. 279/14 directing staff to prepare an implementing zoning by-law for Council's approval that included the following provisions:

1. The establishment of a Major Tourist Destination "MTD" zone on the Phase 1 portion of the site (i.e. the lands located more than 120 metres from the environmentally significant lands);
2. The establishment of an Urban Reserve "UR" zone on the Phase 2 portion of the site as an interim measure, which zoning category shall permit only existing legal uses and uses permitted by the Natural Heritage Systems zone;
3. The use of an (H) holding symbol for the MTD zoned lands to limit the amount and/or level of development that may be allowed on site before the required Regional and/or Provincial transportation infrastructure is provided, which amount and/or level of development shall be determined by the City of Pickering and the Region of Durham in consultation with the Ontario Ministry of Transportation;



4. The use of an (H) holding symbol for the MTD zoned lands to ensure appropriate agreements are in place with the City of Pickering, the Region of Durham and the Province of Ontario, if necessary, prior to development;
5. The use of an (H) holding symbol for the MTD zoned lands to ensure appropriate technical details have been provided related to the natural heritage features and environmental sensitive lands, to the satisfaction of the City of Pickering and the Toronto and Region Conservation Authority; and
6. An implementing zoning by-law that reflects conditions where a casino use not be permitted unless it is part of a hotel, convention centre, entertainment complex as per the referendum question.

This resolution of Council also directed staff to bring forward a report at a later date on the Durham Live Phase 2 lands “recommending the rezoning of these lands from Urban Reserve to Major Tourist Destination and Natural Heritage System as may be appropriate, once the required environmental investigations are completed to the satisfaction of the City and the Toronto and Region Conservation Authority.”

### 1.3.2 Zoning By-law 7404/15

The implementing Zoning By-law for the Phase 1 lands, Zoning By-law 7404/15 was approved by Pickering Council on January 15, 2015. By-law 7404/15 was subsequently appealed to the Ontario Municipal Board by the Town of Ajax. A decision was issued by the Board on July 7, 2017, to approve the by-law with only a minor technical modification requested by the City.

Zoning By-law 7404/15 rezoned the easterly portion of the Durham Live property as MTD (Major Tourist Destination) with three holding provisions, and the remainder of the property as Urban Reserve “UR”.

Subsequent amendments to this implementing by-law were made to remove holding provisions 1 and 2 as conditions were satisfied for lands to the east, by-law 7661/18 and by-law 7735/20, respectively. The holding provision remained for lands to the south of Kellino Street, immediately west of Church Street.

### 1.3.3 Rezoning Application A 03/20

The purpose and intent of zoning by-law amendment application A 03/20 was to adjust the limits of the UR (Urban Reserve Zone) from 120 metres from environmental features to within approximately 30 metres of environmental features on the property, and to rezone the remaining UR lands east of Squires Beach Road to NHS (Natural Heritage System).

The application sought to address the necessary information and investigation request of Council Resolution No.279/14 to rezone the lands zoned UR in By-Law 7404/15 to Major Tourist Destination (approximately 16.24 hectares) and Natural Heritage System (approximately 25.28 hectares) zone categories as appropriate to enable development on the Phase 2 lands not subject to environmental constraints (Refer to Figures 2 and 3 below).



Figure 2: Existing Zoning of Original Application Lands in By-law 7404/15





**Figure 3: Proposed Amendment to Zoning By-law 7404/15 for Original Application Lands**

The following technical reports were completed in support of the original rezoning application.

- Planning Opinion Report, prepared by Malone Given Parsons Ltd and Melymuk Consulting Limited, dated March 2020
- Hydrological Assessment prepared by Palmer Environmental Consulting Group Inc., dated February 5, 2020
- Functional Servicing and Stormwater Management Report prepared by Sabourin Kimble & Associates Ltd. Consulting Engineers, dated March 2020
- Environmental Impact Study (EIS) prepared by Beacon Environmental Limited, dated February 2020

A summary of these studies and their conclusions can be found in the Planning Opinion Report, prepared by Malone Given Parsons Ltd and Melymuk Consulting Limited, dated March 2020 and links to the supporting documents and studies can be found on the City's website at: <https://www.pickering.ca/en/city-hall/pickering-developments-inc-a0320.aspx>.

A Statutory Public Meeting was held on June 15, 2020, and the applications were circulated to the respective agencies for comment.

#### 1.3.4 Minister's Zoning Order O.Reg 607/20

In 2020, the property owner made an application for a Minister's Zoning Order. They worked in cooperation with the City, Region of Durham, and the Ministry of Municipal Affairs and Housing to prepare MZO for the lands.

On May 13, 2020, Pickering City Council passed Resolutions No. 293/20 to No. 295/20, affirmatively requesting the Ministry of Municipal Affairs and Housing to utilize their authority in passing an MZO on the Durham Live lands.

#### **Resolution No. 293/20, No. 294/20, No. 295/20**

1. That Corr. 09-20, dated May 6, 2020, from Don Given, Malone Given Parsons Ltd., regarding a Request for a Minister's Zoning Order, be received; and,
2. 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 Durham Live lands.
3. That given the economic stimulus of this project that Minister Clark be requested to expedite this Order.
4. That this Motion be forwarded to the Prime Minister, the Honourable Justin Trudeau, the Premier of Ontario, the Honourable Doug Ford, Pickering-Uxbridge MP, the Honourable Jennifer O'Connell, Pickering-Uxbridge MPP, the Honourable Peter Bethenfalvy, the Minister of Infrastructure, the Honourable Laurie Scott, and the Ministers of Finance, the Honourable Bill Morneau, and the Honourable Rod Phillips, to request consideration of infrastructure support and/or stimulus packages to support this project moving forward expeditiously.

On October 30, 2020 MZO O.Reg 607/20 was enacted which zoned the lands on the Durham Live site for Warehousing and Logistics (west of Squires Beach Road), Mixed Employment Zone (for some lands along the east side of Squires Beach Road), Natural Heritage and Open Space Zone (for a portion of lands between Squires Beach Road and Church Street), and Mixed Use Major Tourist and Entertainment Zone (for a portion

of lands west of Church St, including the lands which are the subject of this revised application) (Refer to Attachment 2).

### 1.3.5 MZO As Amended By O.Reg 515/21

In July of 2021, the Minister of Municipal Affairs and Housing amended O.Reg 607/20 to reduce the scope of the MZO and remove lands west of Squires Beach Road which were zoned for Warehousing and Logistics (Refer to Attachment 3).

### 1.3.6 MZO As Amended By O.Reg 164/24

In January of 2024, the Ministry of Municipal Affairs and Housing released an Environmental Registry Posting (ERO Posting 019-7993) to remove the subject lands from MZO O.Reg 607/20, as amended, citing “substantial progress not made on part of the lands”. Both the property owner and the Mayor of the City of Pickering provided letters to request the province reconsider, demonstrating that film studio uses were planned for the site and detailed drawings had been prepared. However, due to the market and a number of other conditions such as the pandemic, the film studio was developed elsewhere. The letters also indicated that the owner had entered into an agreement with LaunchPad Golf to develop the subject lands.

In April of 2024, the Ministry of Municipal Affairs and Housing further amended O.Reg 607/20 through O Reg. 164/24 which removed the subject lands, formerly zoned “Mixed Use Major Tourist and Entertainment Zone” from the Minister’s Zoning Order (Refer to Attachment 4).

Consequently, the subject lands are no longer zoned as “Mixed Use Major Tourist and Entertainment Zone” and the zoning established through zoning by-law 7404/15 applies to the subject lands.

## 2.0 Policy Conformity Review

### 2.1 Provincial Policy Statement, 2020, and Provincial Planning Statement, 2024

The Provincial Policy Statement sets out the land use planning framework broadly for the Province of Ontario and provides policy direction on matters of provincial interest related to land use planning and development. All planning decisions must be consistent and not conflict with the Provincial Policy Statement.

The PPS, 2020 promotes efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

The Province of Ontario has released a new Provincial Planning Statement which will replace the Provincial Policy Statement, 2020, on October 20, 2024. A policy analysis has been completed against the PPS, 2024 as the matter will be considered following the date of the new PPS coming into full force and effect and all decisions will need to conform with this document. The PPS 2024 also replaces the Growth Plan for the Greater Golden Horseshoe, 2019, which will be repealed.

The PPS 2024 provides the broad policy framework for land use planning and development in Ontario, in accordance with Provincial Interests. The PPS 2024 identifies settlement areas as the focus of growth and development directs planning authorities to support the achievement of complete communities and economic competitiveness through accommodating an appropriate range and mix of land uses, as well as employment, public service facilities and other institutional uses (including schools and associated child care facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet the long-term needs of communities.

The PPS 2024 also support the efficient use of lands and resources and optimization of existing and planned infrastructure and public service facilities.

The proposed application conforms with the PPS, 2020 and PPS, 2024 as the proposed development is located within a settlement area and supports efficient development of underutilized lands within the settlement area which is supportive of the financial well-being of the municipality, as well as supports an appropriate market-based range and mix of employment, recreation, and other uses on the subject lands to meet long term needs.

## 2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow is a provincial plan which applies to the Greater Golden Horseshoe and builds on the Provincial Policy Statement, 2020. It directs growth and development in a manner that is supportive of economic prosperity, protection of the environment, and helping communities to achieve a high quality of life. At the time of the writing of this report, the Growth Plan remains in effect, however, at the time the new Provincial Planning Statement comes into effect on October 20, 2024, this provincial plan will be repealed.

Provincial plans are to be read in conjunction with the PPS and take precedence over the policies of the PPS to the extent of any conflict, except where legislation provides otherwise. Planning decisions must conform or not conflict with provincial plans.

A Place to Grow's guiding principles including supporting the achievement of complete communities, prioritizing intensification and higher densities, making efficient use of land and infrastructure to support transit viability, providing flexibility to support economic and employment opportunities, and protecting and enhancing the environmental features and their functions.

The proposed application conforms with the Growth Plan as it assists in the achievement of complete communities by introducing a mix of land uses, in particular employment uses within an existing settlement area in proximity to a range of transportation options.

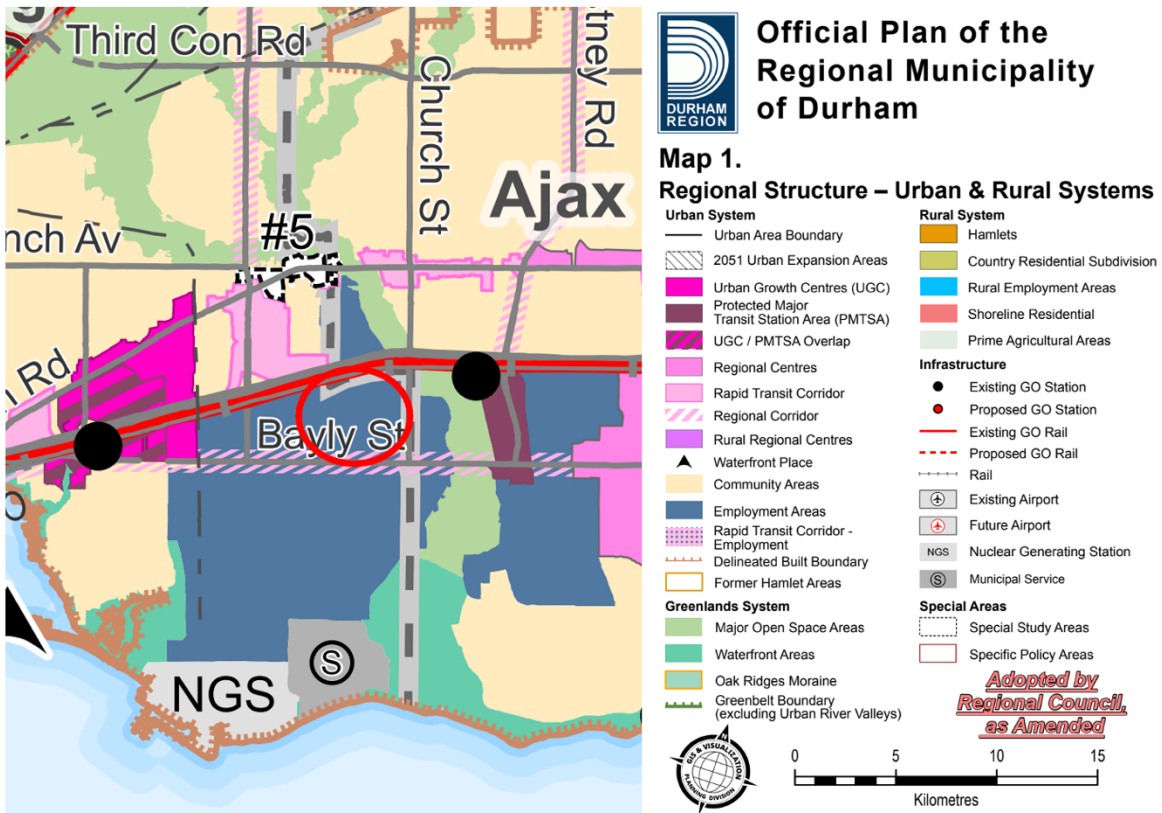
The subject proposal will also allow for a wide range of employment, recreational, office, and other uses in proximity to major goods movement facilities and corridors. The proposed rezoning would provide appropriate interface between employment areas to the west of Durham Live and adjacent non-employment areas on the Durham Live site, to maintain land use compatibility.

## 2.3 Durham Regional Official Plan, 2024

The Durham Regional Official Plan was adopted by Regional Council in the Spring of 2023 and came partially into force and effect on September 3<sup>rd</sup>, 2024 with provincial modifications. All planning decisions must be in conformity with the Regional Official Plan.

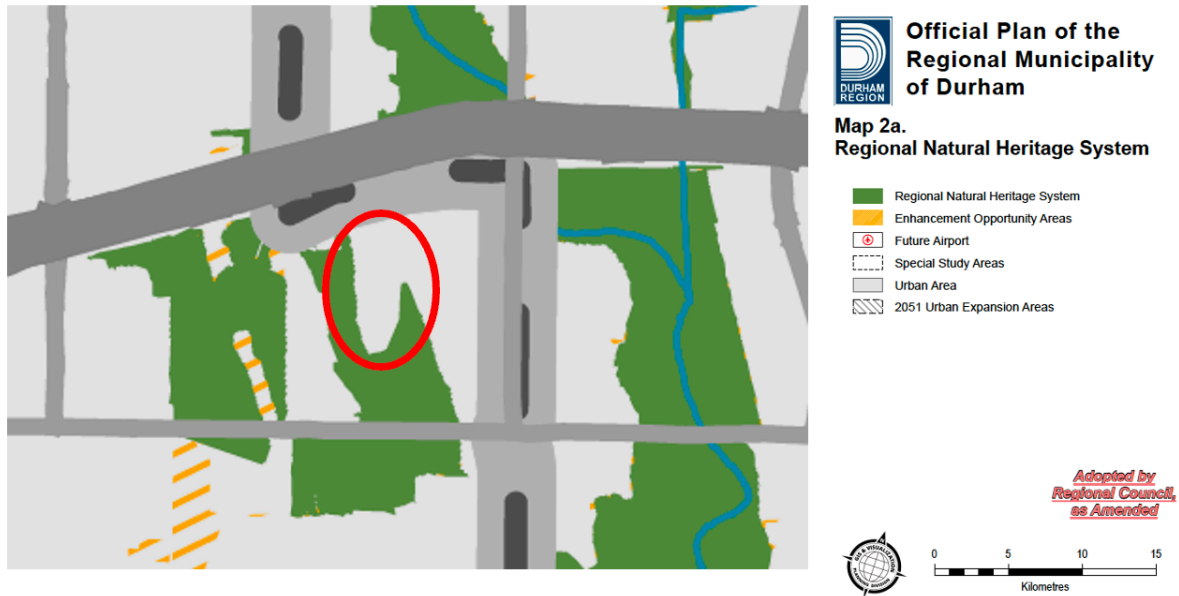
Subject lands are part of the Region's Urban System and are designated as Employment Areas on Map 1 Regional Structure (refer to Figure 4 below). Notwithstanding the designation on Map 1, and the policies for Employment Areas,

Regional Official Plan Policy 10.3.5 recognizes the Durham Live lands and permits additional uses including but not limited to certain residential, retail, entertainment, and personal service uses, in accordance with the provisions of Ministers Zoning Order 607/20 as amended by Ministers Zoning Order 515-21 (but not as further amended in 2024 by O. Reg. 164/24).



**Figure 4: Map 1 Regional Structure, Envision Durham, Durham Regional Official Plan, 2024**

The subject lands are located outside of, but immediately adjacent to the Natural Heritage System as shown on Map 2a Natural Heritage System in the Durham Regional Official Plan. Portions of the surrounding lands are shown to contain Provincially Significant Wetland on Map 2c of the Durham Regional Official Plan.



**Figure 5: Map 2a Regional Natural Heritage System, Envision Durham, Durham Regional Official Plan, 2024**

The subject lands do not appear to be identified as Significant Groundwater Recharge Areas or Wellhead Protection Areas on Map 2d of the Durham Regional Official Plan; nor do they appear to be part of the Water Resources System on Map 2e of the Durham Regional Official Plan or within any Wellhead Protection Areas or Intake Protection Zones as identified on Map 2f Source Water Protection of the Durham Regional Official Plan.

Further, the subject lands do not appear to contain Highly Vulnerable Aquifers or Areas of High Aquifer Vulnerability as shown on Map 2d of the Durham Regional Official Plan.

The subject application conforms with the Regional Official Plan which permits a variety of employment and additional uses on the Durham Live Lands in accordance with MZO O.Reg 607/20, as amended by only MZO O.Reg 515/21.

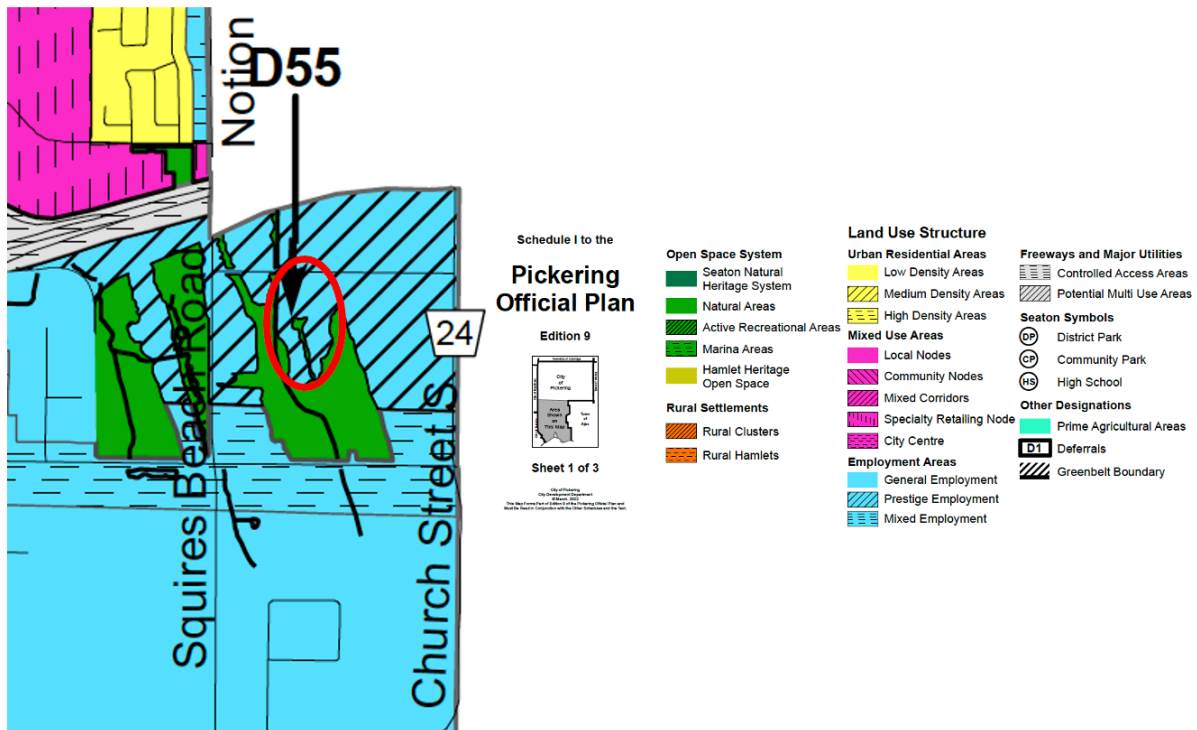
In accordance with the DROP, the subject application supports the direction of growth to the Urban System and supports the Region's aspiration to achieve a more balanced ratio of population and jobs, achievement of complete communities and greater mix of uses. Further, the proposal would facilitate the efficient use of land and supports the efficient use of existing and planned infrastructure through development and intensification within the delineated built up area.

The proposed development also represents logical and sequential development as the subject lands are also located immediately adjacent to existing developed and developing areas.



## 2.4 City of Pickering Official Plan, 2022

The subject lands are designated “Prestige Employment” with a portion of the lands designated as “Natural Areas” on Schedule I to the Pickering Official Plan as shown in Figure 6 below.



**Figure 6: Schedule I Land Use Structure to the Pickering Official Plan, 2022**

The subject lands are also located within the Brock Industrial Neighbourhood, however, there do not appear to be neighbourhood area specific policies which would apply to this application.

The subject lands front onto Kellino Street about halfway between Church Street and Squires Beach Road. Kellino is identified on Schedule II to the Pickering Official Plan as a local road. The closest arterial roads to the subject lands are Church Street, which is identified as a Type B Arterial Road and Squires Beach Road, which is identified as a Type C Arterial Road. Kellino Street is currently in the process of being transferred to the private landowner and will be converted to a private road.

An abandoned gas well is identified on adjacent lands to the northeast of the subject site on Schedule III E of the Pickering Official Plan. However, these lands have been developed for the casino, hotel and performing arts venue in Phase 1 of the Durham Live development.

The subject lands are not identified to contain any Significant Groundwater Recharge Areas or Highly Vulnerable Aquifers or Source Protection related Vulnerable Areas in the Pickering Official Plan.

Within Prestige Employment Areas, a variety of uses are permitted as shown in Table 7 of the Pickering Official Plan (refer to Figure 7 below).

City Policy  
 Table 7: Employment Areas:  
 Permissible Uses by Subcategory

<b>Table 7</b>	
<b>Employment Areas Subcategory</b>	<b>Permissible Uses (Restrictions and limitations on the uses permissible, arising from other policies of this Plan, will be detailed in zoning by-laws.)</b>
General Employment	<p>Manufacturing, assembly, processing of goods, service industries, research and development facilities, warehousing, storage of goods and materials, waste transfer and recycling, waste processing, freight transfer, transportation facilities, automotive and vehicle sales and repair;</p> <p>Offices as a minor component of an industrial operation or serving the area, limited personal service uses serving the area, restaurants serving the area, retail sales as a minor component of an industrial operation;</p> <p>Community, cultural and recreational uses, and other uses with similar performance characteristics that are more appropriately located in the employment area.</p>
Prestige Employment	<p>Light manufacturing, assembly and processing of goods, light service industries, research and development facilities, warehousing, equipment and vehicle suppliers, automotive and vehicle sales and repair;</p> <p>Offices, corporate office business parks, limited personal service uses serving the area, restaurants serving the area, retail sales as a minor component of an industrial operation, hotels, financial institutions serving the area;</p> <p>Community, cultural and recreational uses, and other uses with similar performance characteristics that are more appropriately located in the employment area.</p>
Mixed Employment	<p>All uses permissible in prestige employment areas;</p> <p>Limited retailing of goods and services serving the area.</p>

**Figure 7: Excerpt from Pickering Official Plan, Table 7: Employment Areas: Permissible Uses by Subcategory**

### 2.4.1 Natural Areas

The Natural Areas designation and identification of features on various schedules of the Pickering Official Plan on the subject lands and surrounding lands is currently the subject of an unresolved deferral.

Deferral 55 is described in the Pickering Official Plan as:

Schedules I, IIIA, IIIB and IIIC Deferred portion of the “Natural Areas” designation (Schedule I), and the identification of a portion of the “Natural Heritage System”, “Significant Woodlands”, and “Wetlands” on Schedules IIIA, IIIB and IIC respectively, in relation to lands located west of Church Street and north of Bayly Street (Roll Number 180102002201100), pending further discussion between the land owner, the Ministry of Natural Resources and Forestry, the Toronto and Region Conservation Authority, the Region of Durham, and the City of Pickering.

Consistent with the Regional Official Plan, the City of Pickering Official Plan also requires the submission of environmental evaluations where development is proposed adjacent to or within the minimum influence area/vegetation protection zone of identified features. Pickering’s Official Plan further allows for consideration of vegetation protection zones less than those specified in the Official Plan where it can be demonstrated that there is no increased risk to life or property; no impact to the control of flooding, erosion, dynamic beach, or pollution; and where a net environmental benefit can be established on the property.

According to the Environmental Impact Study prepared for the original zoning by-law amendment application by Beacon Environmental Limited, dated February 2020, the environmental feature identified on the subject lands does not exist currently on the subject lands and reflects an environmental feature which was removed by a previous landowner through farming activities. Through comments on the original application, it was determined that the deferral as it pertains specifically to the subject lands, may be able to be resolved through the site plan approvals process. Moreover, the limits of development (and of the Natural Heritage System lands) were established through the MZO with the support of the City and the Region. Those limits are being respected and adhered to through this rezoning application.

## 2.4.2 Prestige Employment

The Employment Area designation of Prestige Employment on the subject lands was established in the Pickering Official Plan prior to the development of Durham Live through various zoning by-law amendments and Minister’s Zoning Orders. As the Pickering Official Plan has not been updated yet to conform to the Regional Official Plan and reflect current conditions, there is conflicting policy direction between the Regional Official Plan and the City’s Official Plan as it pertains to the subject lands.

In order to ensure there is no conflict between the proposed zoning by-law amendment application and the Pickering Official Plan, the proposed zoning amendment reinstates all of the uses permitted in the “Mixed Use Major Tourist and Entertainment Zone” in

MZO O.Reg 607/20 (refer to Attachment 2), except for uses which would not be permitted within Prestige Employment Areas by the Pickering Official Plan.

On this basis, uses not proposed to be carried forward from the MZO for these lands include apartment dwellings and home-based businesses as they are residential uses which are not permitted by the Pickering Official Plan in the Prestige Employment Designation. Additionally, film studio uses are not being sought through the rezoning application. It is expected that the full range of uses may be reinstated through the City's recently launched Official Plan Update and subsequent zoning by-law conformity exercise.

Through previous and recent discussions and comments from City and TRCA Staff, it was suggested that Deferral 55 of the Pickering Official Plan as it pertains to the subject lands could likely be resolved at the Site Plan Application stage.

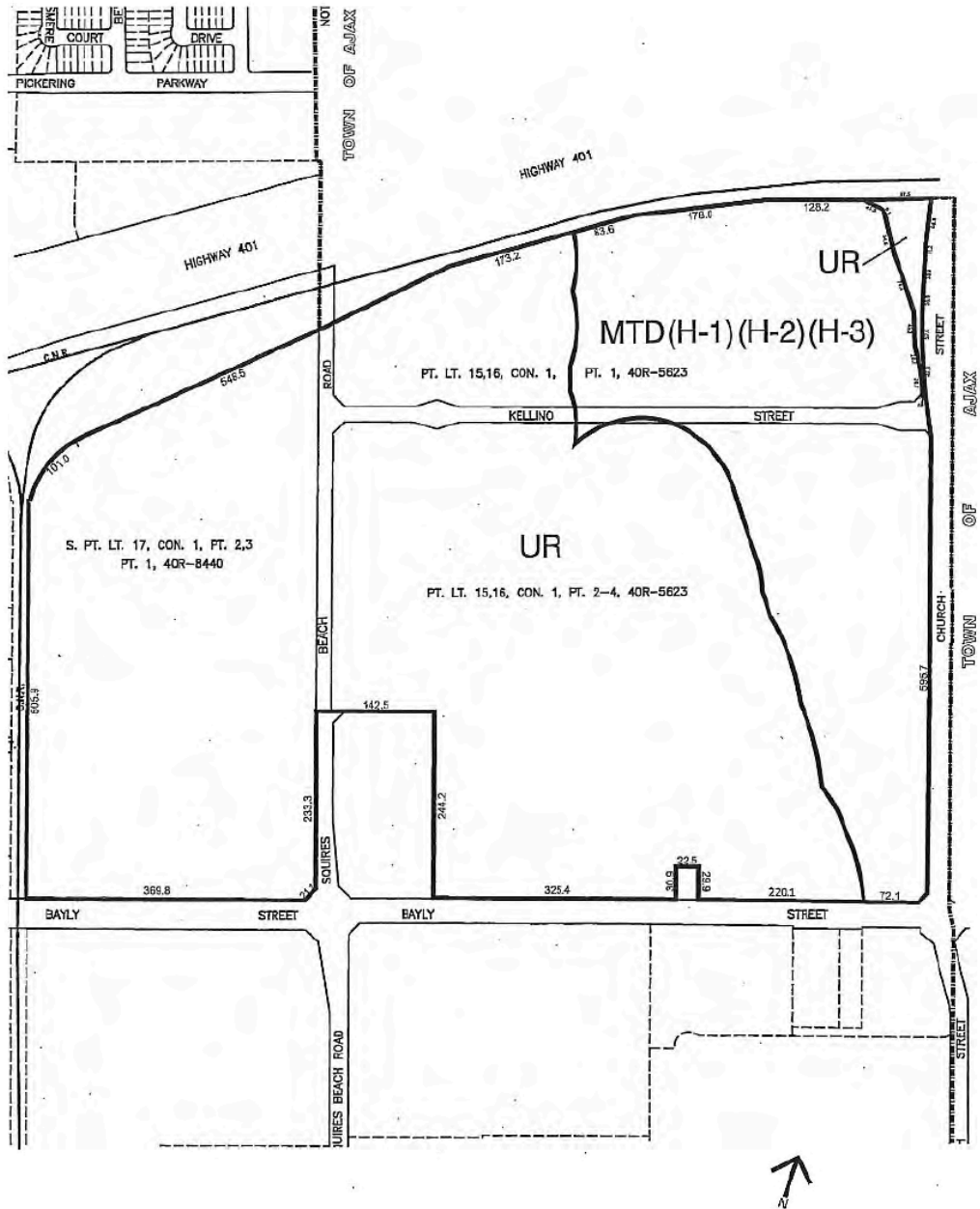
### 2.4.3 Zoning By-law 7404/15

As MZO O.Reg 607/20 was rescinded for the subject lands, Zoning By-law 7404/15 currently applies to the subject property and zones the subject lands as Urban Reserve "UR".

The UR zone does not permit use or development of the lot for any purpose except for:

- outdoor recreation uses without buildings or structures;
- preservation and conservation of the natural environment, soil and wildlife; or
- existing lawful uses, located on the land or in existing buildings or structures, provided such use continue in the same manner and for the same purpose for which they were used on the day this by-law was passed.

In accordance with Zoning By-law 7404/15, the UR zone was intended to be an interim zone until further information was provided.



**Figure 8: Excerpt from By-Law 7404/15 which zones the subject lands as Urban Reserve “UR”.**

The UR zone was intended to be an interim zone as indicated in by-law 7404/15 until such time as further information was provided.

MZO O. Reg 607/20 effectively established the limits of development for the majority of the Durham Live Lands and zoned the subject lands to permit a mix of uses including major tourism and entertainment uses.

Given that the limits of development have been established with respect to the environmentally sensitive lands through their zoning which continues to be protected through MZO O. Reg 607/20, as amended, it is appropriate that the subject lands could be rezoned from Urban Reserve to reinstate the majority of uses permitted in the “Mixed Use Major Tourist and Entertainment Zone” in MZO O. Reg 607/20, which were permitted uses on the subject lands from enactment of the MZO on October 30, 2020 up until April 10, 2024.

Through the proposed amendment (refer to Attachment 1), permissions are being sought to allow for the reinstatement of uses permitted through the MZO, with the exception of apartment dwelling, home-based business, and film studio uses.

#### 2.4.4 Toronto and Region Conservation Authority (TRCA) Regulations

In accordance with the *Conservation Authorities Act* and Ontario Regulation 41/24, conservation authorities regulate areas where development could be subject to flooding, erosion or dynamic beaches, and where interference with wetlands and alterations to shorelines and watercourses might adversely affect those environmental features. Development activities within a Regulated Area may require a permit from the respective conservation authority.

Portions of the subject lands on the southern and eastern areas of the property appear to be located within TRCA’s regulated area. Accordingly, the revised rezoning application requires review by TRCA and development may require issuance of a permit (prior to construction of the proposed use but not prior to rezoning) subject to their satisfaction. A re-initiation and review fee has been paid to TRCA to facilitate this review.

#### 2.4.5 Environmental Evaluation

Planning policy at the provincial, regional and local level requires that evaluation be conducted where development is proposed adjacent to environmentally sensitive and/or significant areas to ensure no adverse impacts.

Through the original zoning by-law amendment application in 2020, requisite investigations were undertaken for the majority of the lands east of Squires Beach Road, including the subject lands and the environmental lands immediately adjacent.

Subsequent to environmental reports being filed as part of the original application in 2020, the limits of development were established through discussions with TRCA, City and Region and reflected in MZO O. Reg 607/20.

Those limits of development established through MZO O. Reg 607/20 are being respected through the this re-zoning application and MZO O. Reg 607/20, as amended,

continues to zone the environmental lands as Natural Heritage System. This revised rezoning application only deals with the table lands which were formerly zoned “Mixed Use Major Tourist and Entertainment Zone” in MZO O. Reg 607/20.

Based on discussions with City Staff and previous comments from Toronto and Region Conservation Authority on the original submission, Deferral 55 to the Pickering Official Plan is proposed to be addressed through Site Plan Approval, along with any updates or addendums to environmental studies, to ensure the intent of provincial, regional and local policy is satisfied with regard to protection of natural features and areas.

### 3.0 Conclusion and Recommendation

It is my professional opinion that the proposed application to rezone the subject lands to reinstate uses which were permitted through MZO O. Reg 607/20 with the exception of apartment dwellings and home-based businesses is appropriate and desirable and that the proposed zoning by-law amendment application conforms to provincial, regional and local policy, including:

- The Provincial Planning Statement (2024)
- The Provincial Policy Statement (2020)
- A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)
- The Durham Regional Official Plan (2024)
- The City of Pickering Official Plan (2022)

Further, that the proposed application implements Pickering Council Resolution 279/14, and represents good planning.

I certify that I, Kristy Kilbourne, am a Registered Professional Planner in the Province of Ontario and the author of this report which represents my independent professional planning opinion on the matter.



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Kristy Kilbourne Consulting Inc.