

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

REPORT
RAPPORT

Our File/N/Réf. 23 11-97-0212
Your File/V/Réf.

DATE 31 March 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Commissioner, Planning and Development Approvals Department

SUBJECT/OBJET **APPEALS # 14 AND # 26 TO THE MINISTER'S NOTICE OF
DECISION OF 1997
REGIONAL OFFICIAL PLAN
AIRPORT NOISE POLICIES**

DEPARTMENTAL RECOMMENDATIONS

That the Planning and Environment Committee recommend that Council:

- 1. Approve a request to the Ontario Municipal Board, to modify the Airport Noise policies of Section 11.6.1 of the Regional Official Plan (1997) as shown in Annex A, attached to this report, and;**
- 2. Approve a request to the Ontario Municipal Board, with respect to the "Policies for Road, Rail and Rapid Transit Noise" of Section 11.6.2, to modify the Regional Official Plan (1997) as follows:**

"That Policy 7 be modified to delete the reference to "and Energy's" and that the date of "October, 1995" be replaced with the date "October, 1997"

BACKGROUND

1997 Provincial Policy on airport noise

In February 1997, the Province of Ontario amended the *Provincial Policy Statement (PPS)* of the Planning Act to prohibit residential and other noise sensitive development above the 30 Noise Exposure Forecast (NEF)¹ and Noise Exposure Projections (NEP)², with limited exceptions. This was undertaken as a way of protecting airports from incompatible development. The new Provincial Policy states that:

1. *“New residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) approved by Transport Canada; but*
2. *Redevelopment of existing residential uses and other sensitive land uses or infilling of residential land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long term function of the airport.”*

The amendment also adds a new definition to the *Provincial Policy Statement*, which is the definition of “airports” which for the purpose of this policy: “means Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.”

New Regional Official Plan (1997)

Concurrently, with the release of the aircraft noise amendment to the new *Provincial Policy Statement*, the Regional Municipality of Ottawa-Carleton was undergoing a review of the 1988 Regional Official Plan. The new Regional Official Plan (1997) policies were prepared to be consistent with the Province’s direction in that residential and other noise-sensitive development will not be permitted above the 30 NEF/NEP, except in certain limited circumstances. The Official Plan also introduced a requirement that development proposals would be reviewed in the context of Transport Canada’s land use compatibility guideline (1996), since the Province had eliminated reference to a provincial noise compatibility table when the new *Provincial Policy Statement* was released in 1996.

¹ Means the Noise Exposure Forecast (NEF) value at a ground position providing an estimate of the integrated noise exposure produced by all types of aircraft at an airport, based on the actual or projected number and type of aircraft as well as the yearly runway utilization. The NEF system takes into consideration the number of flights, the duration of noise, the time of day, the frequency components of the noise and the noise potential of different types of aircraft operating under specific conditions. NEF values increase or decrease in a logarithmic manner, and the resultant scale is aimed at approximating the human response to a complex noise exposure situation. NEF’s are prepared for a period of between 5 to 10 years into the future. Runway geometry used in the NEF is the current runway layout.

² Means the Noise Exposure Projection (NEP), value of noise exposure which is similar to the NEF with the exception that it provides long range guidance in land use planning based on a projection of aircraft traffic levels, aircraft types and runway configurations. The NEP’s are developed for periods beyond the five- year to 10-year horizon, up to 20 years into the future.

In addition, the Official Plan explicitly required that development applications comply with the Ottawa International Airport Zoning Regulations under the *Aeronautics Act*, regarding the location and height limits to which objects may project into the airspace and the protection requirements for electronic and telecommunications facilities associated with aircraft operations.

The Regional Official Plan also requires that development proponents prepare aircraft noise studies for all land use development proposals which are noise sensitive, such as for residential uses, at or above, the 25 NEF/NEP. The purpose of these studies are firstly to establish whether the proposed development will be compatible with aircraft noise, and if compatible, to identify various noise mitigation measures which would be included in the development as a condition of approval.

All of the airport noise policies are to be applied in an “Airport Vicinity Development Zone (AVDZ)”, which is a constraint area identified on Schedule G-Environmental Constraints, to the Regional Official Plan. The AVDZ for the Ottawa airport is based upon a combination of the noise contours (25 and above) associated with the then Transport Canada approved 1994 NEF and 2000 NEP contours; the area covered by airport zoning regulations (for existing runways); obstacle limitation surfaces for existing and future runway configurations and the area covered by the maps depicting protection of telecommunications and electronic systems in the vicinity of the airport, as shown in various maps which are part of the Transport Canada guideline called “Ottawa-Macdonald-Cartier International Airport Protection Plan, December, 1994”.

The AVDZ is a way of identifying the area where aircraft noise and other airport-related constraints to development are generally located and where Council’s aircraft noise and airport compatibility policies are to be applied. Development could proceed within the AVDZ only if these compatibility policies are met and the designation on Schedules A or B permits the proposed development. Council in deciding whether or not a proposed development is permitted would also seek the advice of the Ottawa Macdonald-Cartier International Airport Authority and the Ministry of Municipal Affairs and Housing.

An Airport Vicinity Development Zone is also identified for the Carp airport.

Regional Council adopted the new Regional Official Plan on 9 July 1997.

Appeals to Minister's Notice of Decision on 1997 Regional Official Plan

The Minister of Municipal Affairs and Housing issued a Notice of Decision on 21 October 1997 to approve all of the Regional Official Plan as adopted by Regional Council, subject to modifications.

Two appeals to the Ontario Municipal Board (OMB) have been filed with the Minister of Municipal Affairs and Housing on the decision to approve the Official Plan, specifically regarding the Airport Noise policies (Section 11.6.1). There are other appeals on the Regional Official Plan; these are not the subject of this report.

The first appeal (#14) was filed on behalf of the Ottawa-Carleton Home Builders' Association (OCHBA) and deals with the overall aircraft noise policies of Section 11.6.1; Schedule G - Environmental Constraints (Airport Vicinity Development Zone); and the definitions of various terms: "noise control feasibility study"; "noise exposure forecast (NEF)" and "Noise Exposure Projection (NEP)".

The second appeal (# 26) was filed by the City of Gloucester and relates only to Section 11.6.1., Policy 4. The policy under appeal mirrors the *Provincial Policy Statement* and would limit the establishment of new residential development and other sensitive land uses in areas above the 30 NEF/NEP. The issue as identified in the letter of appeal by the City of Gloucester is that the Regional Official Plan should allow for transition provisions in implementing the new Provincial Policy on aircraft noise.

A pre-hearing consultation with the OMB and the various appellants is scheduled for May 5 to 8, 1998.

DISCUSSION

Joint Planning and Development Committee Implementation of 1997 Provincial Policy on Land Use and Development near Airports

The Ottawa-Macdonald-Cartier International Airport is important to the economic development of the National Capital Region. It is therefore critical to provide a degree of protection to the airport from incompatible development, while at the same time designing new communities, in concert with relevant building standards, that will protect residents from the adverse effects of aircraft noise. The Ottawa-Macdonald-Cartier International Airport was assumed from the federal government by a local airport authority on 1 February 1997.

The new Provincial Policy with respect to aircraft noise was somewhat vague in terms of specific interpretations with development of implementation policies left to the local municipalities.

The Ottawa-Macdonald-Cartier International Airport Authority (OMCIAA), the Ottawa-Carleton Home Builders' Association, the Regional Municipality of Ottawa-Carleton and the individual municipalities in the vicinity of the Ottawa International Airport (Ottawa, Gloucester and Nepean) have a shared interest in this issue. Neither the Airport Authority, nor the development industry have direct control over permitted land use near the airport. This is a Regional and municipal government responsibility.

To fully understand the implications of the changing direction for planning near airports and to meet the objective of compatible land use around the airport, a multi-party committee was established in fall 1997 to study these issues and seek solutions on airport noise policies with respect to land use development and to address the appeals to the 1997 Regional Official Plan. The Committee's membership included representatives from the Airport Authority, the Ottawa-Carleton Home Builders' Association and staff from the Region, and the Cities of Ottawa, Gloucester and Nepean.

The Committee's tasks included :

- establishing the physical parameters of an "Airport Operating Influence Zone";
- establishing airport compatible development policies;
- establishing appropriate aircraft noise mitigation measures; and
- developing the necessary steps to implement the approvals in the regional and municipal planning documents and in the planning appeals process.

The Committee has now agreed on most of the above issues and therefore in addition to the concurrence of Regional Council the next step involves seeking endorsement from the three municipal Councils of the proposed policies with respect to the Airport Operating Influence Zone, including its boundaries. The document attached as Annex C sets out the planning considerations, general policies and definitions of various aspects of the Airport Operating Influence Zone associated with the Ottawa airport. The proposed Ottawa-Airport Operating Influence Zone map is in Annex B.

The Committee is also working on creating a prescriptive list of noise mitigation measures for residential development above the 25 NEF/NEP contours outside of the Airport Operating Influence Zone, to potentially replace the current requirements for noise studies in every case.

Municipal staff reports have been prepared and are to be considered by the Council of the City of Nepean on 26 March 1998; by the Council of the City of Gloucester on 31 March 1998 and by the Council of the City of Ottawa on 1 April 1998.

This review schedule was developed by the Committee to allow Regional Council to consider changes to the Regional Official Plan (1997) to reflect these new airport noise policies, assuming that they are endorsed by the three municipalities. If Regional Council agrees with the staff recommendations, then the proposed changes to the Regional Official Plan would be presented to the Ontario Municipal Board (OMB) at the pre-hearing conference scheduled for 5 to 8 May 1998, and the OMB will be asked to modify the Official Plan accordingly.

Staff are of the view that certain changes to the Regional Official Plan are warranted in light of this new approach and ought to be considered and be recommended to the OMB. The two appellants to the Regional Official Plan airport noise policies have agreed to withdraw their appeals to the OMB, if Regional Council recommends certain changes to the OMB as reflected in the staff recommendations above. If the Regional Official Plan is approved by the OMB, as modified by the recommendations in this report, the three municipalities would then prepare amendments to their respective Official Plans so that all plans would be in conformity with the Regional Official Plan and reflect the recommended approach to protecting the airport from incompatible development.

Committee's Recommendations on General Airport Protection Objectives and Development Policies

1. Ottawa Airport Operating Influence Zone (OAOIZ)

In the past, noise-sensitive development proposals around the Ottawa airport were evaluated primarily on the basis of Transport Canada's approved aircraft noise contours based on Transport Canada's NEF system and land use compatibility table. This approach was sometimes difficult to implement with aircraft noise contours often splitting property ownerships making interpretation difficult. This has resulted in different standards to address aircraft noise within the same community, sometimes different with respect to lots located next to each other.

A simpler and more consistent approach would be to establish a permanent airport "protection" or "influence" zone. This is the approach that has been proposed by the Committee.

The proposed Ottawa Airport Operating Influence Zone (OAOIZ) is a zone around the Ottawa -Macdonald-Cartier International airport which encompasses a composite of the 30 NEF/NEP aircraft noise contours and was developed using the 1994 NEF and newly proposed year 2014 NEP (Annex B refers).

The OAOIZ is based on a fixed line which follows physical features such as roads, creeks, rail or lot lines where possible. The zone includes some land that is below the 30 NEF/NEP contours and in some limited cases excludes some land above the 30 NEF/NEP, to reflect identifiable, physical boundaries and avoid the splitting of property and the application of different noise standards within the same community.

The intent of the Airport Authority is once the OAOIZ is established in planning documents that the actual zone limits would be precisely defined by detailed land survey.

2. General Policies that Apply to the OAOIZ as Proposed by the Committee

The principle of the OAOIZ is that no noise sensitive development including residential development would be permitted within the zone, with only minor exceptions. Commercial and Industrial development is not prohibited, provided that appropriate aircraft noise attenuation is included in the building design. Outside of the OAOIZ noise-sensitive development would be permitted between the 25 NEF/NEP and the OAOIZ subject to the provision of specific noise mitigation measures and noise warning clauses. The proposed OAOIZ is depicted on a map in Annex B and is a companion document to the attached list of general policies which is in Annex C. Both of these documents would be followed when considering land use development near the Ottawa airport and be reflected in appropriate policies in the regional and municipal official plans.

Other airport protection requirements such as building height limitations for the safety of aircraft are to be addressed separately.

The attached general policies in Annex C respect a property owner's rights to construct noise sensitive developments inside the OAOIZ on existing lots where the current zoning permits such uses. The policies would permit "infill" of noise sensitive uses subject to certain criteria; for example, on new lots created through the a municipal Committee of Adjustment which are in compliance with Official Plan policies and were zoned for noise sensitive development as of February 1, 1997, the date of the Provincial Policy amendment. An aircraft noise study to address noise mitigation measures and airport noise warning clauses to be registered on title would be conditions of approval for new lots created through the consent process. No redevelopment or new development of noise sensitive uses would be permitted in the OAOIZ that would require a rezoning and related Planning Act applications such as an official plan amendment or subdivision approval.

It is important to note that there is only one active residential development proposal that is pending (not draft approved) in the proposed OAOIZ. This proposal, which is located in the City of Ottawa and described as 4160 Riverside Drive, has been the subject of an OMB hearing with respect to a motion brought by the development firm concerning two development applications (a rezoning and a proposed plan of subdivision). A Notice of Motion for Leave to Appeal of an OMB decision to divisional court has been filed and a hearing on this matter is pending.

Proposed Changes to the Airport Noise Policies of the Regional Official Plan (1997)

Staff have proposed that the entire section of the Official Plan be deleted and replaced. Not all of the Regional Official Plan airport noise policies need to be modified, but it is simpler to read and consider all of the policies in their entirety. To implement the recommended approach to protecting the airport from incompatible development requires that the Regional Official Plan designate on Schedule G the Ottawa Airport Operating Influence Zone and its associated development policies. The following are the general changes to the policies of the Official Plan that are being recommended.

Addition of the Ottawa Airport Operating Influence Zone

In order to reflect the proposed development influence zone associated with the Ottawa airport the zone is shown on Schedule G to the Regional Official Plan. Schedule G would show two different zones, the first is the very large zone which identifies constraints to development, including aircraft noise, but also incorporates the various protection requirements associated with the aircraft landing and take-off zones regarding obstruction heights and the protection requirements associated with various navigation and telecommunications aids. This zone is designated as an " Airport Vicintiy Development Zone" . There is a similar zone shown for the Carp airport. The new influence or protection zone is much smaller and relates only to aircraft noise and describes the area and under what circumstances development, which is compatible to the airport, will be permitted.

Aircraft Noise Study Requirements

The committee has agreed to use the *Noise Assessment Criteria in Land Use Planning, Publication LU-131*, October, 1997 published by the Ministry of the Environment when reviewing development proposals around the Ottawa airport. The proposed policies reflect this concept. Since the committee is working on a prescriptive list of noise attenuation measures which could be considered for certain types of residential developments in the area between 25 NEF/NEP and the OAOIZ, the proposed policies regarding aircraft noise studies provide for an alternative approach to undertaking detailed aircraft noise studies. The requirements for noise studies therefore have been written in a discretionary fashion and would be required on the advice of the Airport Authority.

Elaboration of Regional Official Plan Development Policies: Ottawa Airport

Changes have been introduced to the previous Council airport noise development policy, which was identical to the wording of the amendment to the *Provincial Policy Statement* on land use compatibility and the airport. The new development policies embellish the previous policy on development, which was rather vague on municipal implementation, but nevertheless was the provincial policy. The proposed Official Plan policies that are in the recommendations above define how the Regional Official Plan would implement the suggested approach and development policies that have been drafted by the committee. The only major exception is that in considering an exception to the no development or redevelopment policy, the date for the implementation of the new policy is the date that the new Regional Official Plan was adopted by Council, that is July 9, 1997 not the date of the promulgation of the amendment to the *Provincial Policy Statement*, which is 1 February 1997. Amendments to the *Provincial Policy Statement* under the Planning Act are implemented through the Official Plan. Council adopted the new Regional Official Plan in July of 1997, therefore this date is considered to be an appropriate date to implement the amendment to the *Provincial Policy Statement*.

CONSULTATION

Provisions of these recommendations were discussed with the airport noise planning and development committee, which includes the two appellants to the aircraft noise policies of the Regional Official Plan. In addition, reports on this subject have been considered and endorsed by the Planning and Development committees and Councils of the Cities of Ottawa, Gloucester and Nepean.

FINANCIAL IMPLICATIONS

There are no immediate financial implications.

Approved by
N. Tunnacliffe, MCIP, RPP

JP/md

PROPOSED MODIFICATIONS TO THE AIRPORT NOISE POLICIES OF SECTION 11.6.1
OF THE REGIONAL OFFICIAL PLAN (1997)

1. a) That the land be designated Ottawa Airport Operating Influence Zone on Schedule G, as shown on Schedule 1 attached;

- b) Delete the policies of Section 11.6.1, Airport Noise, and replace with:

“Council shall:

1. Designate Airport Vicinity Development Zones and an Ottawa Airport Operating Influence Zone on Schedule G and apply the provisions of *Land Use in the Vicinity of Airports*, 7th Edition, as amended to May 1, 1996, published by Transport Canada and *Noise Assessment Criteria in Land Use Planning, Publication LU-131*, October, 1997 published by the Ministry of the Environment, in these zones.
2. When reviewing development proposals in areas affected by the zones designated on Schedule G and identified in Policy 1 above, ensure that acoustic design criteria and other requirements of *Land Use in the Vicinity of Airports, 1996* and *Noise Assessment Criteria in Land Use Planning, 1997* will be implemented, including appropriate landscaping and berming, building placement and height, and building design and construction methods and that appropriate notice to prospective purchasers of a possible noise problem is secured by way of agreement.
3. In deciding whether or not a proposed development is permitted:
 - a) implement the NEF and NEP contour maps approved by Transport Canada or its delegate, in the context of *Land Use in the Vicinity of Airports, 1996* and *Noise Assessment Criteria in Land Use Planning, 1997*. The applicable NEF/NEP values are determined from the NEF/NEP contour maps and the more restrictive NEF/NEP values shall apply;
 - b) may require that a noise control feasibility study be prepared for all land use development proposals at or above 25 NEF/NEP. The study will determine whether the proposed location and preliminary design of the development will be compatible with aircraft noise. The study shall also include consideration of other sources of noise not contained within the NEF/NEP calculation from aircraft operating on the ground such as aircraft run-ups and taxiing, the reverse thrust noise produced by landing aircraft, and helicopter noise;

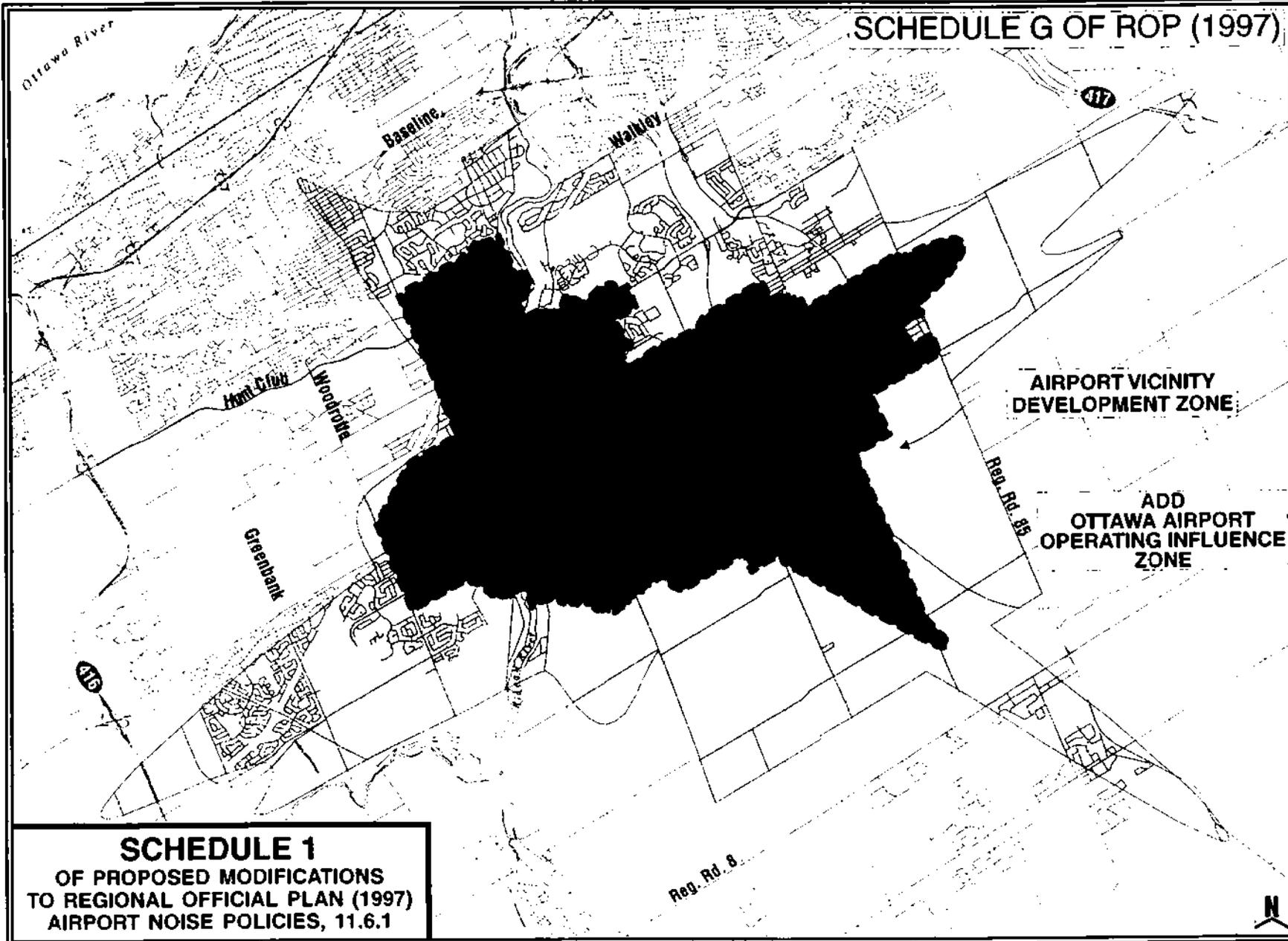
- c) may require that a detailed noise control study be prepared for all land use development proposals at or above 25 NEF/NEP as a condition of draft approval of subdivisions or condominiums or as a condition of the granting of a severance. The purpose of the study is to assess all noise sources affecting the proposed lands and include details of assessment methods, results and recommendations for noise control measures which will be secured by way of agreement with the approval authority; or

may consider an alternative approach to secure indoor aircraft noise attenuation for residential developments between the 25 NEF/NEP and the Ottawa Airport Operating Influence Zone on Schedule G, whereby a list of prescriptive measures are included in the components of residential building design and in any ventilation requirements necessary to meet Ministry of the Environment indoor noise criteria for aircraft noise, in the context of *Noise Assessment Criteria in Land Use Planning, 1997*. These noise control measures and the appropriate notice to prospective purchasers of a possible noise problem, would be secured by way of agreement with the approval authority;

- d) require that the development application complies with the provisions of the Ottawa International Airport Zoning Regulations under the *Aeronautics Act*, regarding the location and height limits to which objects project into the airspace in the vicinity of the airport, and the protection requirements of electronic and telecommunications facilities associated with aircraft operations;
 - e) seek the advice of Transport Canada, the Airport Authority or its delegate and the Ministry of Municipal Affairs and Housing;
 - f) determine that the designation on Schedules A or B permits the proposed development.
4. Not permit new development of residential and other noise-sensitive land uses such as hospitals, schools, day care facilities, nursing care facilities and other similar uses in the Ottawa Airport Operating Influence Zone on Schedule G above 35 NEF/NEP notwithstanding Policy 3.
5. Permit redevelopment of existing residential and other noise-sensitive land uses such as those described in policy 4, and infilling of new residential uses in the Ottawa Airport Operating Influence Zone on Schedule G below 35 NEF/NEP, notwithstanding policy 3a, provided that the development proposal:
- a) does not require the approval of a plan of subdivision, or amendment to the zoning by-law or official plan;

- b) is on a new lot created by severance that is permitted in the zoning by-law existing on 9 July 1997 and is in accordance with all the provisions of this Plan and the local official plan; or
 - c) is on a lot existing and fronting on a public road that is maintained year-round, provided that the lot was created under the *Planning Act* prior to 9 July 1997, and the use is permitted in the zoning by-law existing on 9 July 1997, and is in accordance with all the provisions of this Plan and the local official Plan.
6. Development permitted under policy 5 must meet all noise attenuation requirements, provisions of the Ottawa International Airport Zoning Regulations and be in accordance with policies 1, 2 and 3b through 3f.
7. For the purposes of Section 11.6.1 , the provisions of Section 1.5 regarding the definition of boundaries do not apply and the boundaries of the Ottawa Airport Operating Influence Zone on Schedule G are intended to reflect wherever possible physical measurable features such as roads, creeks, railways and lot lines and shall be strictly interpreted.”

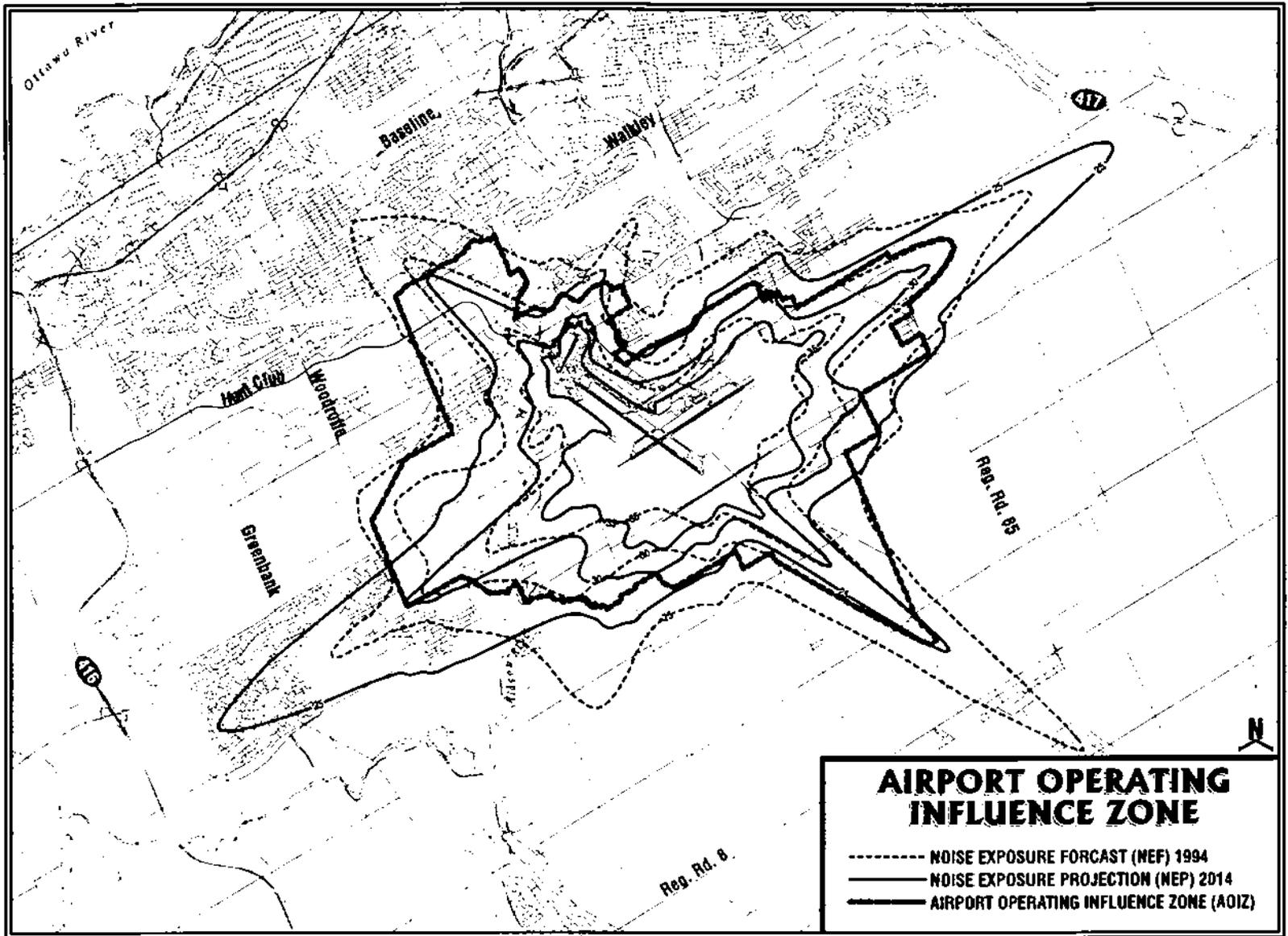
SCHEDULE G OF ROP (1997)



**AIRPORT VICINITY
DEVELOPMENT ZONE**

**ADD
OTTAWA AIRPORT
OPERATING INFLUENCE
ZONE**

SCHEDULE 1
OF PROPOSED MODIFICATIONS
TO REGIONAL OFFICIAL PLAN (1997)
AIRPORT NOISE POLICIES, 11.6.1



GENERAL OBJECTIVES AND DEVELOPMENT POLICIES, OTTAWA AIRPORT
OPERATING INFLUENCE ZONE, 24 MARCH 1998

DEFINITION OF NOISE-SENSITIVE DEVELOPMENT

The objective of the OAOIZ and associated policies is to avoid the use of lands near the Airport that will create conflict between the Airport and the surrounding communities leading to constraints on airport activities, and to protect future occupants of those lands from the adverse affects of aircraft noise. The Province of Ontario in its *Provincial Policy Statement* that deals with protecting airports from incompatible development, defines sensitive land uses as:

“buildings, amenity areas, or outdoor spaces where the routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminate discharges generated by a nearby facility. Sensitive land uses may be part of the natural or built environment.”

Adverse effects are later defined as “one or more of :

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment or normal use of property; and
- interference with normal conduct of business.

The following represents a list of known noise-sensitive development near airports. This list is provide for guidance and is not all-inclusive. Some discretion relating to other land uses is required.

- Residential land use including for single family homes, semi-detached homes, townhouses, garden houses, apartments, condominium units, homes for the aged, trailer parks, correction or detention units or any other dwelling where sleeping quarters are provided.
- Institutional land use such as that for hospitals, schools, places of worship, day care facilities, libraries or other facilities where the impact of aircraft noise may compromise the need for a quiet indoor and/or outdoor environment.
- Recreational uses such a camp grounds and drive-in theatres.

OTTAWA AIRPORT OPERATING INFLUENCE ZONE DEVELOPMENT POLICIES

1. No Noise-Sensitive Development above the 35 Noise Exposure Forecast (NEF) or 35 Noise Exposure Projection (NEP)

Under no circumstances will noise-sensitive development be permitted within the OAOIZ above the 35 NEF/NEP. Other forms of development may be considered subject to aircraft noise assessment and the use of acoustical mitigation in building design.

2. Limits on Noise-Sensitive Development Within the OAOIZ

No new development or redevelopment for a noise-sensitive land use will be permitted in the OAOIZ that is not already zoned for noise-sensitive use or would require a Planning Act application. This includes, but is not limited to, and Official Plan Amendment, a subdivision plan or a condominium application, or a severance. No rezoning for noise-sensitive land use will be permitted.

3. Exceptions

New development or redevelopment will be permitted for limited residential infilling within the OAOIZ up to the 35 NEF/NEP on lots of record which were in compliance with the Regional Official Plan, local official plans and were zoned for noise-sensitive development as of February 1, 1997, the date of the provincial policy amendment, Land Use and Development Near Airports.

New development or redevelopment will be permitted for limited residential infilling within the OAOIZ up to the 35 NEF/NEP on lots created by severance which were in compliance with the Regional Official Plan, local municipal plans and were zoned for noise-sensitive development as of February 1, 1997, the date of the new Provincial Policy, Land Use and Development near Airports.

Approval is contingent upon the applicant agreeing to undertake an aircraft noise study to determine the acoustical design features required to meet MOE indoor noise criteria for aircraft noise and to implement the recommended noise mitigation features proposed in the study. A warning clause worded to the satisfaction of the Airport Authority must be included in all offers of purchase and sale or rental agreements and shall be registered on title.

4. Acts of God

In the event of an “Act of God”, or other such occurrences such as a fire which results in the demolition of a building, a building permit will be issued for a new structure that is in compliance with the zoning existing at the time of such occurrence.

5. Noise-Sensitive Development 25 NEF/NEP to the OAOIZ

Noise-sensitive development is permitted between the 25 NEF/NEP and the OAOIZ, provided that buildings are designed to meet the indoor aircraft noise criteria outlined in LU-131 and notification is provided to future occupants of the lands affected by aircraft noise. In all cases, the more restrictive contour value applies.

Requirements for Aircraft Noise Studies/Prescriptive List of Measures 25 to OAOIZ

6. To be further negotiated.