

Appendix 'I' – Policy Analysis - Modifications to OPA No. 49

Provincial, Regional and City of Kitchener policies provide a planning policy framework to explicitly protect airports from incompatible development and protect their long term operation and economic role.

Provincial Policy Statement (PPS) (2020)

The Provincial Policy Statement (2020) recognizes the interrelationships among policy areas and is intended to be read in its entirety, considering all relevant policies. The Province requires that all land use planning decisions made by municipalities are consistent with the PPS. The PPS includes specific policies relating to the protection of airports included in italics below:

1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:

- a) their long-term operation and economic role is protected; and*
- b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.*

1.6.9.2 Airports shall be protected from incompatible land uses and development by:

- a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;*
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and*
- c) discouraging land uses which may cause a potential aviation safety hazard.*

Region of Waterloo Official Plan (ROP)

Chapter 5 of the ROP provides a high-level policy framework to protect the airport by providing direction to the Area Municipalities to establish policies to do so in their Official Plans. This framework recognizes that the Area Municipalities are responsible for the detailed level of planning that would implement the location and building height specifics that could conflict with airport safety.

Specifically, Policy 5.A.20 directs Area Municipalities to establish policies in their Official Plans to... “c) *protect the Airport from development that would preclude or hinder the expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental concerns*”; and “e) *prohibit any land use that may cause a potential aviation safety hazard*”.

City of Kitchener Official Plan

Policy 6.C.3.17 a) – e) of the City’s Official Plan implements this ROP policy direction and requires that the City will ensure conformity with the Regional Official Plan and “... *prohibit any land use or structure which could affect the operation of the Airport, cause a potential aviation safety hazard, or be incompatible for reasons of public health, safety or environmental concerns*”.

Summary

The geography of OPA No. 49 overlaps with approaches and departures from the primary runway of the Region of Waterloo International Airport (YKF), and so could never permit “unlimited height” without introducing a land use compatibility conflict and causing a potential aviation and public safety hazard impacting the long term operations and economic role of (YKF).

A policy framework which introduces no maximum building height and the potential for incompatible land use is not consistent with the Provincial Policy Statement and does not conform with the policy direction in the Regional Official Plan. Further, it does not align with the intent of the City’s Official Plan which includes policies supporting the long term operation of the Region of Waterloo International Airport and prohibiting any land use or structure which could affect the operation of the Airport, cause a potential aviation safety hazard, or be incompatible for reasons of public health, safety or environmental concerns.

The proposed modifications are required for OPA No. 49 to be consistent with Policies 1.6.9.1 and 1.6.9.2 c. of the PPS and 5. A. 20 c) and e) of the ROP. By introducing an Official Plan designation with no maximum height Policies 6.C.3.17 and 15.D.2.75 are not consistent with the direction from the Province to plan for land uses that are compatible with airports. Further, creating a land use designation that has no maximum height is in direct conflict with the direction to discourage land uses which may cause a potential aviation safety hazard.

The modified OPA would continue to provide for significant height and density to be achieved within Protected Major Transit Station Areas, consistent with what was adopted by the City, and achieve overall Provincial goals of increasing housing supply while balancing economic and public health and safety matters.