

# Niagara Escarpment Plan Review 2015

## Niagara Escarpment Commission Discussion Papers Executive Summaries

*Advice to the  
Ministry of Natural Resources and Forestry*

February 2016



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## INTRODUCTION

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The 2015 Co-ordinated Land Use Planning Review (Co-ordinated Review), of the four provincial land use plans: the Niagara Escarpment Plan (NEP), Greenbelt Plan, Oak Ridges Moraine Conservation Plan (ORMCP) and the Growth Plan for the Greater Golden Horseshoe is underway. These four plans work together to manage growth, protect the Province's agricultural land, natural and cultural heritage resources, and support economic prosperity. In recognition of their many complementary policy goals, the province is co-ordinating the review of all four plans to ensure a consistent and integrated approach that reinforces common policy goals.

As the arm's-length agency responsible for administering the NEP, the Niagara Escarpment Commission (NEC) prepared a series of 20 Discussion Papers<sup>1</sup> (and Addenda), on a variety of topic areas, which propose amendments to the NEP. These papers reflect the NEC's experience in administering the Plan since the last update in 2005 and have also considered new legislation, the Provincial Policy Statement (PPS, 2014) and enhanced scientific understanding. A chronology of all NEC Discussion Papers endorsed by the Commission since 2013, including Addenda to the original Papers is provided in Appendix A.

The Discussion Papers and final recommendations for amendments were guided by a number of "Guiding Principles" that the Commission developed and endorsed (see Appendix B). The proposed amendments endorsed by the Commission are intended to improve implementation and alignment with the other provincial Plans and broader provincial initiatives and legislation, in a manner that complements the Greenbelt Plan and the ORMCP visions, while maintaining the strength, integrity and intent of the NEP. These amendment proposals should not be interpreted as approved NEC policy.

The Discussion Papers and final amendment recommendations were provided to the Minister of Natural Resources and Forestry as advice during the first phase of consultation on the Co-ordinated Review (May 2015). The NEC has prepared Executive Summaries of all 20 Discussion Papers, including red-lined versions of the NEC's proposed amendments. To the greatest extent possible, proposed policies that were addressed in multiple Discussion Papers have been verified for consistency.

The second phase of consultation is anticipated to take place in 2016. The province will release proposed amendments to all four plans at the commencement of the second phase of consultation. The NEC will assess and consider comments received on proposed amendments, and provide final recommendations to the Minister under the process set out by the *Niagara Escarpment Planning and Development Act* (NEPDA). The Minister will consider the final recommendations of the Commission and submit the final NEP amendments to the Lieutenant Governor in Council for a decision.

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<sup>1</sup> Originally twenty-two Discussion Papers were endorsed by the Commission. Two of those papers (Net-Gain and Implementation), were determined to not be required and were removed from the list of Topics to be covered by the NEC.

# TOPICS 1 & 2: LAND USE DESIGNATION CRITERIA AND MAPPING

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## Background

The NEP in 1985 established a land use designation system with identified criteria designed to explicitly map natural features and areas, with accompanying permitted uses and land use policies. The ability to delineate and map areas and apply specific land use designations is a key strength of the NEP. However, the existing NEP land use designation mapping dates to the original 1985 NEP. The mapping is now out of date and does not accurately reflect the features and areas on the ground today.

The proposals for modifications to the NEP Land Use Designation Criteria provide clarity and achieve an enhanced consistency in interpretation, and also update and modernize terminology and language respecting natural heritage features and areas, consistent with the other Provincial Plans. Proposals for the introduction of new Designation Criteria and related definitions were also recommended with the intent to capture significant natural features and areas not currently addressed in the three core designations of the NEP (i.e., Escarpment Natural Area, Protection Area and Rural Area). The modifications and suggested new Criteria have been assessed against, and determined to meet the existing Purpose and Objectives of each respective land use designation. The Land Use Designation Criteria for the remaining NEP land use designations (Escarpment Recreation Area, Urban Areas and Minor Urban Centres), were also reviewed to determine if further updates or clarifications are also required.

The Commission reviewed the Land Use Designation Criteria and related mapping using three scenarios. As a baseline reference, the existing Land Use Designation Criteria (approved in 1985), identified on NEP Maps 1 through 9 were identified as “**Scenario 1**”. This represents the current NEP Criteria and land use designation mapping.

“**Scenario 2**” represents the current Land Use Designation Criteria as written, but updated by using the latest studies, Geographic Information System (GIS) data and orthophotography in order to map the features. Additionally, changes over time on the landscape (e.g., natural succession) and updates to boundaries of significant features and areas (e.g., Areas of Natural and Scientific Interest), also resulted in expected changes to the extent of the current NEP Land Use Designations.

“**Scenario 3**” illustrates both the updated Land Use Designation Criteria as well as the proposals for new Criteria. “Scenario 3” identified new Criteria including significant woodlands as Escarpment Natural Area and outliers for both Natural and Protection Areas. Additionally, the Commission was presented with mapping of “Scenario 3b”, which was the alternative scenario of mapping significant woodlands as a Criterion for Escarpment Protection Area.

Both Scenario 2 (existing Land Use Designation Criteria applying updated data) and Scenario 3 and 3b (updated and new proposed Criteria), alters the area of the

Escarpment Natural Area, Escarpment Protection Area and Escarpment Rural Area designations of the NEP.

### **Other Considerations**

The Oak Ridges Moraine Conservation Plan (ORMCP) and the Protected Countryside of the Greenbelt Plan define and base their land use designations on a network of natural systems that are defined to include natural heritage and water resource systems. For the purposes of the NEP, this system in the Greenbelt includes the Escarpment Natural Area and Escarpment Protection Area. The NEP Land Use Designation Criteria, although identified and defined differently because of the age of the NEP, encompass the same types of features that form the Natural System of the Greenbelt that extends beyond the NEP area.

### **Recommendations**

The Commission has recommended to the Minister of Natural Resources and Forestry that the NEP Land Use Designation Criteria be updated according to “Scenario 3b” – to update the existing Land Use Designation Criteria using new data and proposed new criteria (including significant woodlands as a Criterion for Escarpment Protection Area).

### **Summary of Proposed Changes**

- Minor housekeeping amendments to update the language of the existing Land Use Designation Criteria and definitions using modern standards and Provincial terminology (e.g., Provincially Significant Wetlands).
- Outliers (currently in the NEP Area), as a new criterion for Escarpment Natural Area and Escarpment Protection Area.
- Significant Woodlands as a Designation Criterion for Escarpment Protection Area.
- Introduce a new criterion for Escarpment Rural Area to better reflect lands that are in a state of rehabilitation or succession (e.g., rehabilitated aggregate sites).
- Improve Escarpment Recreation Area criterion through a number of minor housekeeping modifications; specifically, to identify ski areas, lakeshore cottage areas, resort development areas (as opposed to the current terminology of “centres”).

## **PROPOSED AMENDMENT**

### **TOPICS 1 & 2 – Land Use Designation Criteria and Mapping**

#### **1) Part 1.3 – Escarpment Natural Area should be amended as follows:**

Escarpment features ~~which~~ **that** are in a relatively natural state and associated ~~stream-valleys~~ **valleylands**, wetlands and forests ~~which~~ **that** are relatively

undisturbed are included within this designation. These contain important plant and animal habitats and geological features and cultural heritage features and are the most significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas.

### **Criteria for Designation**

1. Escarpment slopes, **outliers** and related landforms associated with the underlying bedrock ~~which~~ **that** are in a relatively natural state.
2. Where forested lands abut the Escarpment, the designation includes the forested lands 300 metres (1000 ft) back from the brow of the Escarpment slopes (e.g., Bruce Peninsula).
3. ~~The most significant~~ **Provincially Significant** Areas of Natural and Scientific Interest (Life Science).
4. ~~The most Significant stream Valleylands,~~ **Provincially Significant Wetlands, and other wetlands 5 hectares in size or greater.**

## **2) Part 1.4 – Escarpment Protection Area should be amended as follows:**

### **Criteria for Designation**

1. Escarpment slopes, **outliers** and related landforms where existing land uses have significantly altered the natural environment (e.g., agricultural lands or residential development).
2. Areas in close proximity to Escarpment slopes ~~which~~ **that** are visually part of the landscape unit.
3. Regionally Significant Areas of Natural and Scientific Interest (Life Science) or ~~areas designated as~~ **Environmentally Sensitive or Significant Areas (ESAs)** designated by municipalities or conservation authorities.
4. **Significant Woodlands**

## **3) Part 1.5 – Escarpment Rural Area should be amended as follows:**

### **Criteria for Designation**

1. Minor Escarpment slopes and landforms.
2. Lands in the vicinity of the Escarpment necessary to provide an open landscape **character.** ~~and/or are of ecological importance to the environment of the Escarpment.~~
3. **Lands in the vicinity of the Escarpment that are ecologically important to the Escarpment environment.**



4. Lands that have significant current or future potential for enhanced ecological value through restoration or natural succession processes, or due to their proximity to other ecologically significant lands (e.g., significant woodlands, wetlands).

4) **Part 1.8 – Escarpment Recreation Area should be amended as follows:  
Criterion for Designation**

Established, identified or approved recreational areas (e.g., ski areas, lakeshore cottage areas, **and** resort development **areas**) ~~and the Four Seasons Craighleith Camperdown Recreation Area in the Town of the Blue Mountains.~~

5) **Part 2.9 – Forest Management should be amended as follows:**

2.9.2 e) Minimum cutting within highly sensitive areas such as steep slopes, unstable soils, ~~stream valleys~~, **valleylands**, wetlands and areas of significant groundwater recharge and discharge.

2.9.4 Reforestation using native tree species shall be encouraged by both provincial and municipal authorities, particularly in areas of shallow and unstable soils, steep slopes, ~~stream valleys~~, **valleylands**, headwaters and groundwater infiltration areas...

6) **Appendix 2 – Definitions should be amended as follows:**

**Environmentally Significant/Sensitive Areas (ESAs)** – natural areas of land or water, identified, by the municipality or conservation authority, through inventories according to established criteria as having values worthy of protection based on ecological, hydrological and geological features and functions.

**Natural Heritage System (NHS)** – a system, approved in a municipal Official Plan, made up of natural heritage features and areas, linked by natural corridors that are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Open Landscape Character** – the system of rural features, both natural and human-made ~~which that~~ makes up the rural environment, including forests, slopes, streams and ~~stream valleys~~ **valleylands**, hedgerows, agricultural fields, etc.

**Outliers** – portions or islands of bedrock that lie detached, or out from the main body of the Escarpment, separated by a narrow deep valley, the connecting portion having been removed by erosion. Escarpment outliers may also be attached, in that the valley separating the island (the outlier) and the main body of the Escarpment is not cut down below the basal unit of the Escarpment. Examples of Escarpment outliers include: Milton, Mount Nemo, Caledon, Mono and Star.

**Provincially Significant Wetlands** – an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

**Significant Woodlands** – an area that is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified by the planning authority in an approved Official Plan or by the NEC, using criteria established and recommended by the Province.

**Significant Valleylands** – ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of the Niagara Escarpment.

**Valleyland** – a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year

**Woodlands** – means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, and provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest".

### **TOPIC 3: ADDITIONS TO THE NIAGARA ESCARPMENT PLAN AREA**

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#### **Background**

The outer boundaries of the NEP Area have never been comprehensively reviewed since the NEP Area was finalized in 1985. Scientific knowledge and other circumstances have changed since then, and the 2015 Co-ordinated Review provided an opportunity to review these boundaries to determine if there were additional Escarpment features, natural or cultural heritage features, and scenic resources that would benefit from protection through the NEP. The NEC undertook this work to be responsive to the provincial direction to grow the Greenbelt.

The NEC endorsed seven criteria to evaluate lands for addition. The first criteria required that any area considered for addition must have been included in the original Niagara Escarpment Planning Area established in 1973, which was much larger than the final NEP Area in 1985. Of the remaining six criteria, a potential addition had to meet at least three of the six in order to be considered. These criteria were intended to ensure that an area was significant to the Niagara Escarpment in multiple ways, and included:

- Lands containing a main Escarpment features, such as the Escarpment brow, toe, slope, secondary scarp, or outlier;
- Lands containing an Escarpment-related landform (e.g., moraine, karst);
- Lands just outside of the NEP boundary that were part of a provincial park, nature preserve, or conservation area partially within the NEP Area;
- Lands containing natural heritage features that straddle the NEP Area boundary;
- Lands with a high scenic value as per the Niagara Escarpment Landscape Evaluation Studies;
- Lands containing an Escarpment-related cultural heritage feature (e.g., lime kiln, mill).

In total, the NEC reviewed more than 84,000 hectares of land and recommended almost 45,000 hectares be added to the NEP Area. The NEC used Geographic Information Systems data, natural heritage, scenic resource, and geologic studies of the Niagara Escarpment, and site visits to evaluate the proposed additions.

#### **Other Considerations**

If any of the proposed areas are approved for addition to the NEP Area by the Minister of Natural Resources and Forestry, the NEC will eventually need to assign land use designations (e.g., Escarpment Natural Area, Escarpment Protection Area, etc.) to these areas. It was recommended that this be done when/if revised NEP Land Use Designation Criteria (Topic 2) are approved as part of the Review.

To ensure NEP Area municipalities were aware of the proposed additions, in July 2015 the NEC notified each municipality and provided access to the Discussion Paper and addenda.

## Recommendation

The NEC recommended that the Minister of Natural Resources and Forestry give consideration to the proposed additions, and bring them forward for consideration during the second phase of consultation on the Co-ordinated Review.

### SUMMARY OF PROPOSED ADDITIONS TO NEP AREA

Region/County	Local Municipality	Evaluated Area (ha)	Total Area Recommended for Addition (ha)
<b>Niagara Region</b>	Niagara-on-the-Lake	364	-
	Niagara Falls	48	-
	St. Catharines	47	-
	Thorold	73	-
	Pelham	182	7
	Lincoln	269	-
	Grimsby	67	-
	<b>TOTAL</b>	<b>1,050</b>	<b>7</b>
<b>City of Hamilton</b>	Hamilton	2,407	-
	<b>TOTAL</b>	<b>2,407</b>	<b>-</b>
<b>Halton Region</b>	Halton Hills	1,313	-
	Milton	848	-
	<b>TOTAL</b>	<b>2,162</b>	<b>-</b>
<b>Peel Region</b>	Caledon	17,552	-
	<b>TOTAL</b>	<b>17,552</b>	<b>-</b>
<b>Dufferin County</b>	Mono	2,093	1,008
	Mulmur	6,988	5,656
	Melancthon	897	897
	<b>TOTAL</b>	<b>9,978</b>	<b>7,561</b>
<b>Simcoe County</b>	Clearview	4,312	4,312
	<b>TOTAL</b>	<b>4,312</b>	<b>4,312</b>
<b>Grey County</b>	Grey Highlands	4,429	2,358
	Blue Mountains	7,163	4,464
	Chatsworth	1,172	-
	Meaford	21,323	21,323
	Georgian Bluffs	5,527	4,279
	<b>TOTAL</b>	<b>39,614</b>	<b>32,423</b>
<b>Bruce County</b>	South Bruce	610	610
	Northern Bruce	6,430	765
	<b>TOTAL</b>	<b>7,040</b>	<b>1,375</b>
<b>Planning Area</b>	<b>TOTALS</b>	<b>84,114</b>	<b>45,677</b>

### TOPIC 4: URBAN USES, URBAN LAND USE DESIGNATIONS AND INFRASTRUCTURE

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#### Background

Part 1 of the NEP contains policies related to the three urban land use designations in the NEP Area: Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas. These land use designations allow for more intensive urban or recreational development within the NEP Area. The NEC produced three Discussion Papers on this topic to: i) update and clarify existing policies related to urban development; ii) determine criteria to use in the assessment of requests for urban uses and/or re-designation to an urban land use designation that may come forward during the Co-ordinated Review; and iii) clarify policies related to infrastructure, including alignment with policies in the Greenbelt Plan.

The first Discussion Paper on this topic proposed general updates to the development and growth objectives of these three designations, including recognition that all Minor Urban Centres now have defined boundaries. A policy was proposed to ensure that the Escarpment's scenic resources in Urban Areas are protected by means of maximum building heights, setbacks, and screening.

The NEC also proposed to update Escarpment Recreation Area policies to reflect changes to the status of Escarpment Recreation Area lands within the Town of the Blue Mountains and the Municipality of Grey Highlands. The updated policies will continue to recognize the importance of these areas to the tourism sector of Ontario's economy, while ensuring that Escarpment slopes are protected from all but the most essential uses, including recreational uses that must be located on the slope (e.g., ski runs). The Discussion Paper also proposed that new golf courses in the NEP Area be required to have third-party certified environmental plans, and that existing golf courses be encouraged to do so.

A second Discussion Paper established evaluation criteria to use in assessing requests for urban uses or for re-designation to one of the NEP's urban land use designations. Pressure to development on the Escarpment is intense, especially in proximity to urban areas. The NEC therefore recommended that lands in the Escarpment Rural, Protection and Natural Area designations continue to be protected from urban development, and that no lands be removed from the NEP Area. However, the NEC recommended that some areas with existing urban development be recognized for inclusion in a Minor Urban Centre or Urban Area. In total, the NEC received 56 requests for urban uses or urban re-designations and removals of land from the NEP Area, 16 of which were recommended for deferral until after the Co-ordinated Review.

A third Discussion Paper examined NEP policies regarding infrastructure, especially municipal stormwater management and municipal/communal sewage and water systems. The Paper proposed better alignment of these NEP policies with those of the Greenbelt and Oak Ridges Moraine Conservation Plans.

## Recommendation

The NEC recommended that the Minister of Natural Resources and Forestry consider changes to Minor Urban Centre, Urban Area, Escarpment Recreation Area, and infrastructure policies to clarify and update existing policies, and to ensure general alignment with the Greenbelt Plan. In addition, the NEC has made recommendations on 56 proposals for urban uses, for re-designation as an urban designation, or removal of lands from the NEP. The NEC did not support any requests for the removal of land from the NEP.

## Summary of Proposed Changes

- Update the policies for Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas to ensure protection of non-urban Escarpment lands in proximity to these designations, and to reflect changes to the status of lands in The Blue Mountains and Grey Highlands.
- Alignment of the NEP's infrastructure policies with those of the Greenbelt Plan.
- Include in Urban Areas or Minor Urban Centres some lands where urban development already exists, and allow some requests for urban uses or urban designations to be deferred until after the Co-ordinated Review.
- Defer 16 proposals for urban uses or urban land use designation until after the Plan Review to allow for a more thorough review.

## PROPOSED AMENDMENT

### TOPIC 4: Urban Uses, Urban Land Use Designations and Infrastructure

#### 1) Parts 1.3, 1.4 and 1.5 should be amended as follows:

##### Permitted Uses

~~Subject to Part 2, Development Criteria, the following uses may be permitted:~~  
**Provided that the Development Criteria in Part 2 of the Plan can be met, the following uses may be permitted:**

#### 2) Part 1.6 – Minor Urban Centre should be amended as follows:

##### ~~Preparation of Municipal Official Plans and/or Secondary Plans~~ **Application of Development and Growth Objectives**

The general Objectives and Development and Growth Objectives of this designation ~~are to~~ **shall** be applied in the preparation and approval of official plans and/or secondary plans for Minor Urban Centres. **In Development Control areas, the Development and Growth Objectives will be applied to all proposed development in conjunction with the other policies in this plan.**

## Boundaries

- ~~1. The boundaries of Minor Urban Centres that have been clearly defined by the municipality in an approved official plan and/or secondary plan which are not in conflict with the Niagara Escarpment Plan are shown on Maps 1 to 9. Any change to expand these boundaries (e.g., expansion) will require an amendment to the Niagara Escarpment Plan. An amendment will not be required to reduce the area of a Minor Urban Centre and show the revised boundary on the Maps of the Niagara Escarpment Plan, if the boundary has been redefined to reduce the area of a Minor Urban Centre by a municipality, in an approved official plan and/or secondary plan.~~

~~It is the intention that application of the general Objectives and Development and Growth Objectives will result in clearly defined boundaries for all Minor Urban Centres. **Minor Urban Centre** These boundaries will maintain and enhance identify existing rural settlements, villages and hamlets. These Minor Urban Centres that shall will be maintained and enhanced either in their present form, or may will accommodate will provide for growth and development within their boundaries areas that can be so long as it does not conflict with community character, and can be accommodated and developed achieved in an environmentally sustainable manner.~~

~~Any **proposal** change to expand these boundaries of a Minor Urban Centre shall will require an amendment to the Niagara Escarpment Plan. An amendment shall will not be required to reduce the area of a Minor Urban Centre and show the revised boundary on the Maps of the Niagara Escarpment Plan, if the boundary has been redefined to reduce the area of a Minor Urban Centre by a municipality within the area of the former boundary by a municipality, in an approved official plan and/or secondary plan. Any reconfiguration of a Minor Urban Centre boundary, even if there is no net gain of Minor Urban Centre area, shall require an amendment if it includes lands outside the existing boundary.~~

- ~~2. Minor Urban Centres without defined boundaries are shown by a symbol on Maps 1 to 9. Boundaries to establish the growth areas for these Minor Urban Centres will be established by the municipality through the processing and approval of an official plan and/or secondary plan which is not in conflict with the Niagara Escarpment Plan. The approved boundary can be added to the Niagara Escarpment Plan Maps without requiring an amendment to the Niagara Escarpment Plan. Escarpment Plan. Any change to expand an approved boundary will require an amendment to the Niagara Escarpment Plan.~~

## Development and Growth Objectives

- ~~8. Development and growth should be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance in accordance with the Heritage Criteria in Part 2.12 of this Plan.~~

~~9. Development and growth should be compatible with and provide for the protection of unique ecologic areas, wildlife and fish habitat, streams and water supplies and other environmentally sensitive areas, consistent with Part 2, the Development Criteria of this Plan, both inside and adjacent to Urban Areas.~~

1. Growth and development in Minor Urban Centres shall be compatible with and provide for:

- a) The protection of unique ecologic areas;
- b) The protection of natural heritage features, systems and functions;
- c) The protection of hydrologic features, systems and functions;
- d) The conservation of cultural heritage and archaeological resources; and
- e) The protection of the character of the Escarpment environment.

~~10. Consideration of new growth and development must include an examination of the specific and cumulative environmental, economic and social effects of providing services (e.g., water, sewage disposal, schools, roads, etc.).~~

~~12. Prime Agricultural Areas should be protected and maintained when development and growth are being considered. For proposed new or expanded Minor Urban Centres, it must be demonstrated that there are no reasonable alternatives which avoid prime agricultural areas and if unavoidable, that there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.~~

~~13. Specialty crop areas must be protected and maintained when development and growth are being considered. No new or expanded Minor Urban Centres will be permitted in specialty crop areas.~~

2. For proposed new or expanded Minor Urban Centres, it must be demonstrated that the proposed growth and development:

- a) Has considered the goals, objectives and recommendations of any other federal, provincial, or municipal policy, plan, or regulation;
- b) Will not extend into prime agricultural areas, unless it can be demonstrated that there are no reasonable alternatives on lower priority agricultural lands; and
- c) Will not extend into specialty crop areas.

3. Municipal sewer and water services are the preferred form of servicing.



### 3) Part 1.7 – Urban Area should be amended as follows:

#### Objective

To minimize the impact and **prevent** further encroachment of urban growth on the Escarpment environment.

#### Boundaries

The boundaries of the Urban Area designation generally reflect those areas within a municipality identified for urban development in municipal official plans and/or secondary plans. **Some lands within a municipal urban boundary that also fall within the Niagara Escarpment Plan Area may not be designated as Urban Area because of the presence of natural heritage features, systems or functions, or because they are not suitable for urban development (e.g., hazard lands).**

#### Development Objectives

1. All development **shall** ~~should~~ be of an urban design compatible with the visual and natural environment of the Escarpment. ~~Where appropriate, a~~ **Provision for maximum heights**, adequate setbacks and screening **are** ~~should be~~ required to minimize the visual impact of urban development on the Escarpment **environment** landscape.
- ~~7. Development proposals should be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance in accordance with Part 2.12.~~
- ~~8. Special attention should be given to the protection and restoration of the former Village of Waterdown now in the City of Hamilton through municipal designation under the Ontario Heritage Act.~~
- ~~9. Growth should be compatible with and provide for the protection of unique ecologic areas, wildlife and fish habitat, streams and water supplies and other environmentally sensitive areas, consistent with Part 2, the Development Criteria of this Plan, both inside and adjacent to Urban Areas.~~
- ~~10. The boundaries of the Escarpment Natural Area and Escarpment Protection Area within the “Waterdown Policy Area” on Map 2 to the Niagara Escarpment Plan are determined by Order in Council 1262/2002.~~
3. **Growth and development in Urban Areas shall be compatible with and provide for:**
  - a) The protection of unique ecologic areas;
  - b) The protection of natural heritage features, systems and functions;**
  - c) The protection of hydrologic features, systems and functions;**

- d) The conservation of cultural heritage and archaeological resources; and
  - e) The protection of the character of the Escarpment environment.
- ~~12. Prime Agricultural Areas should be protected and maintained when development and growth are being considered. For proposed new or expanded Urban Areas, it must be demonstrated that there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.~~
- ~~13. Specialty crop areas must be protected and maintained when development and growth are being considered. No new or expanded Urban Areas will be permitted in specialty crop areas.~~
2. For proposed new or expanded Urban Areas, it must be demonstrated that the proposed growth or development:
- a) Will be on municipal sewer and water services;
  - b) Has considered the goals, objectives and recommendations of any other federal, provincial, or municipal policy, plan, or regulation;
  - c) Will not extend into prime agricultural areas, unless it can be demonstrated that there are no reasonable alternatives on lower priority agricultural lands; and
  - d) Will not extend into specialty crop areas.

**4) Part 1.8 – Escarpment Recreation Area should be amended as follows:**

**Objectives**

- 4. To recognize the importance of the ~~Four-Seasons Craigoith-Camperdown Recreation Areas~~ (in the Town of The Blue Mountains) to the tourism sector of Ontario's economy.
- 6. To ensure that future recreational development ~~is compatible~~ **maintains and enhances the Escarpment environment** with cultural and natural heritage values (e.g., fisheries and wildlife habitats) in the area.

**Criterion for Designation**

Established, identified or approved recreational areas (e.g., ski centres, lakeshore cottage **residential** areas and ~~Four-Season Craigoith-Camperdown Recreation Area in the Town of The Blue Mountains~~ **resort development**).

**Permitted Uses**

Subject to the **Development Criteria in Part 2, the Development Criteria, the Development Objectives and New Lots policies in this Section**, and the

requirements of **applicable** official plans and/or secondary plans, and where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, the following uses may be permitted:

~~5. In the Craigeleith-Camperdown and the Castle Glen Recreation Areas, uses as provided for in the Craigeleith-Camperdown and the Castle Glen Secondary Plans (in the Town of The Blue Mountains).~~

5. In the Town of The Blue Mountains, uses as provided for in the Town of The Blue Mountains Official Plan (as approved by the County of Grey on December 10, 2004) and Castle Glen Official Plan (dated October 23, 2006 and approved by the Ontario Municipal Board on December 4, 2006) and any subsequent amendments those Plans, where such amendments are not in conflict with the Niagara Escarpment Plan.

Notwithstanding the permitted uses of this Section, the permitted uses of the Escarpment Natural Area within the Castle Glen Official Plan shall be those set out in Section 7.23 for the Escarpment E designation of the Castle Glen Official Plan (dated October 23, 2006 and approved by the Ontario Municipal Board on December 4, 2006).

6. In the Municipality of the Grey Highlands, uses as provided for in its Official Plan (as approved by the Ontario Municipal Board on September 29, 2003) and any subsequent amendments to that Plan, where such amendments are not in conflict with the Niagara Escarpment Plan.

## **New Lots**

Subject to **the Development Criteria in Part 2, the Development Criteria, the Development Objectives of this Section**, and the requirements of **applicable** official plans, secondary plans and/or bylaws that are not in conflict with the Niagara Escarpment Plan, new lots may be created for permitted uses. ~~Residential development should occur on lots or blocks created by registered plans of subdivision or condominium or other similar forms of ownership.~~

## **Development Objectives**

~~1. Except for plans of subdivision which have been draft or final approved or for development which is permitted in existing secondary plans on the day this Plan was approved, development on prominent Escarpment slopes shall be limited to those recreational facilities such as ski runs, ski lifts or slides which require the slopes for the proper functioning of the operation.~~

1. **In ski centres and four season recreational resort areas**, development on prominent Escarpment slopes shall be limited to:

a) recreational facilities such as ski runs, ski lifts or slides ~~which~~ **that** require the slope for the proper functioning of the operation;

- b) Passive recreational uses including walking or hiking trails (e.g., the Bruce Trail);
- c) Incidental uses and facilities ~~which~~ **that** are buried ~~and/~~ or minor and localized in nature (e.g., pipes, minor utilities, laneways) and do not result in negative visual impacts, ~~the permanent contour changes,~~ **or permanent loss of ground-vegetation or trees, tree removal, but not including** ~~†Transportation or utility facilities major utilities, new roads, or large scale servicing projects like~~ **such as roads, stormwater management ponds or and sewer municipal/ communal sewage and water services lines are not permitted on Escarpment slopes.**
- d) Accessory and incidental uses related to existing uses that have no negative impact on the Escarpment environment; and
- e) **Existing** plans of subdivision or condominium ~~which~~ **that** have been ~~draft~~ **or final** approved.

Additionally, in the Town of The Blue Mountains and the Municipality of Grey Highlands no other development, including the creation of new lots, shall be permitted on the Escarpment slope above the contour identifying the toe of the Escarpment slope or the applicable property boundary deemed to be the toe of the Escarpment slope, except for those uses approved as part of the Town of The Blue Mountains Official Plan (as approved by the County of Grey on December 10, 2004), the Castle Glen Official Plan (dated October 23, 2006, and approved by the Ontario Municipal Board on December 4, 2006) or the Municipality of Grey Highlands Official Plan (as approved by the Ontario Municipal Board on September 29, 2003).

- ~~4. Growth should be compatible with and provide for the protection of unique ecologic, historic and archaeological areas, wildlife and fish habitat, streams and water supplies and other environmentally sensitive areas, consistent with Part 2, the Development Criteria of this Plan, both inside and adjacent to Escarpment Recreation Areas.~~
- 4. Growth and development in Escarpment Recreation Areas shall be compatible with and provide for:
  - a) The protection of unique ecologic areas;
  - b) The protection of natural heritage features, systems and functions;
  - c) The protection of hydrologic features, systems and functions;
  - d) The conservation of cultural heritage and archaeological resources; and
  - e) The protection of the character of the Escarpment environment.

5. Recreational uses shall be designed to utilize existing site and topographical conditions, with allowance for minimum regrading, placement/excavation of fill and vegetation removal only if they are essential to the use and **it can be demonstrated that the proposal would result in no negative impact to the Escarpment environment.** ~~adverse effects can be mitigated.~~
- ~~7. Prime Agricultural Areas should be protected and maintained when development and growth are being considered. For proposed new or expanded Escarpment Recreation Areas, it must be demonstrated that there are no reasonable alternatives which avoid prime agricultural areas and if unavoidable, that there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.~~
- ~~8. Specialty crop areas must be protected and maintained when development and growth are being considered. No new or expanded Escarpment Recreation Areas will be permitted in specialty crop areas.~~
7. For proposed new or expanded Escarpment Recreation Areas, it must be demonstrated that the proposed growth and development:
  - a) Has considered the goals, objectives and recommendations of any other federal, provincial or municipal policy, plan or regulation;
  - b) **Will not extend into** prime agricultural areas, unless it can be demonstrated that there are no reasonable alternatives on lower priority agricultural lands; and
  - c) **Will not extend into** specialty crop areas.
8. **Municipal sewer and water services will be the preferred form of servicing and, in the Town of The Blue Mountains, will be required in the Service Districts of Craigeith, Camperdown, Castle Glen, and Swiss Meadows in accordance with the municipal official plan.**

### **Official Plans, Secondary Plans, and/or Bylaws**

Official Plans, secondary plans and /or by-laws for the designated Escarpment Recreation Areas may be amended without requiring an amendment to the Niagara Escarpment Plan provided these amendments are not in conflict with the Objectives of the designation, the permitted uses, the Development Criteria in Part 2 **and the Development Objectives of this Section.**

**In the case of any amendments to the Castle Glen Official Plan, amendments to the Niagara Escarpment Plan will not be required unless the fundamental intent of the policies of the Castle Glen Official Plan (dated October 23, 2006 and approved by the Ontario Municipal Board on December 4, 2006) are proposed to be altered.**

5) **Part 2.1 – Introduction should be amended as follows:**

**Introduction**

The Development Criteria will also be used as a basis ~~minimum standards~~ for ~~assessing the conformity of a basis for bringing~~ local official plans, secondary plans and, where applicable, zoning bylaws ~~into conformity~~ with this Plan and in the administration of site-plan control approvals. ~~If an official plan, secondary plan, zoning bylaw, or other planning approval is silent on one or more Development Criteria included in this Plan, the Development Criteria of this Plan still apply.~~

6) **Part 2.2 – General Development Criteria should be amended as follows:**

~~6. The design of subdivisions, condominiums or other similar forms of residential lot ownership within Urban Areas, Minor Urban Centres and Escarpment Recreation Areas should be in harmony with and maintain the existing character of the Escarpment landscape. (Deleted because it is redundant with Parts 1.6, 1.7, 1.8)~~

7) **Part 2.13 – Recreation should be amended as follows:**

**Objective**

~~The objective is to minimize any adverse impact of~~ **ensure that** recreational activities **do not have a negative impact on the** Escarpment environment.

1. All recreational activities should be designed and located so as not to conflict with surrounding land uses (e.g., agriculture) and be compatible with ~~the natural and cultural character of the area~~ **Escarpment environment.**
2. Where they may be permitted, **new** golf courses shall be **required to adopt and achieve certification through an environmental management plan that is third-party certifiable.** This plan shall include provisions for the protection of hydrologic and natural heritage features, systems and functions and for **minimizing the application of pesticides and fertilizers.** **New** golf courses shall be designed and maintained to minimize **regrading, land contour changes, and the placement or excavation of fill.** ~~impact on the natural and physical Escarpment environment (i.e., minimum regrading, maximum incorporation of natural vegetation, undisturbed and rough areas, minimum fertilizer and irrigation demands).~~
- #. Existing golf courses are encouraged to adopt environmental management plans and practices that include provisions for the protection of hydrologic and natural heritage features and functions and for minimizing the application of pesticides and fertilizers.**

8) **Part 2.15 – Transportation and Utilities should be amended as follows:**  
**Objective**

The objective is to design and locate new and expanded transportation and utility facilities so the least possible change occurs in the **Escarpment environment** ~~environment and the natural and cultural landscape~~.

1. All new or **proposed expansion of** ~~reconstructed~~ transportation and utility facilities shall be designed and located to **avoid** ~~minimize the~~ **negative impacts** on the Escarpment environment and be consistent with the objectives of this Plan. Examples of such site and design guidelines include **but are not limited to** the following:
  - a) ~~Blasting, grading and tree removal should be minimized where possible through realignment and utilization of devices such as curbs and gutters, retaining walls and tree wells.~~
  - b) ~~Finished slopes should be graded to a 2 to 1 slope minimum and planted; large cuts should be terraced to minimize surface erosion and slope failure.~~
  - c) ~~Site rehabilitation shall should use native species of vegetation and~~ **maintain and enhance** ~~blend into the~~ **Escarpment environment** ~~surrounding landscape.~~
  - d) ~~Vegetation screens should be used where feasible.~~
  - e) ~~Transportation and utility structures should be sited and designed to minimize visual impact.~~
  - f) ~~A development setback from the Escarpment brow for utility structures will~~ **shall** be established by the implementing authority to **avoid** ~~minimize~~ visual impacts.
  - g) ~~Transmission towers (e.g., microwave and television towers) should be located in areas where similar facilities exist provided the areas carrying capacity is not exceeded.~~
  - h) **Negative** ~~The visual impacts from transportation and utility facilities (including telecommunication towers) of utility structures and service roads should be~~ **avoided through** ~~minimized by siting, structural design, colouration, landscape planting~~ **and/or vegetation screening** ~~in order to minimize the impact on the Escarpment environment.~~
  - i) ~~Transportation and utility facilities should be sited and designed to avoid or minimize the impacts on parks, open space and the Bruce Trail. Where~~ **Bruce** Trail impacts cannot be avoided, ~~the objective will be to provide for~~ **an option that is acceptable to the Bruce Trail Conservancy should be provided (e.g., a pedestrian bridge).**

2. New or proposed expansions to transportation and utility facilities should avoid Escarpment Natural Areas. Only linear facilities may be permitted after all options are considered.
3. ~~Agricultural areas, especially~~ New or proposed expansion to transportation and utility facilities should avoid prime agricultural areas and specialty crop areas. ~~should be avoided where possible and protected when new transportation and utility facilities are being considered and developed~~ Only linear facilities may be permitted after all options are considered.
4. Urban servicing, including stormwater management ponds and municipal/communal sewage and water services, shall not locate in or be extended into Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, or Mineral Resource Extraction Area unless such servicing is required to address failed individual on-site sewage or water services or to ensure the protection of public health where it has been determined by a medical officer of health (or health authority) that there is a public health concern associated with the existing services. The capacity of services provided in these circumstances will be restricted to that required to service the affected area, and shall not allow for growth or development beyond what is permitted in this Plan.
5. Notwithstanding #4, where municipal/communal sewage and water services already exist in Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area or Mineral Resource Extraction Area, existing uses within an approved service area boundary may be connected to these systems.

9) **Appendix 2 – Definitions should be amended as follows:**

**Development** – Pursuant to the *Niagara Escarpment Planning and Development Act*, development means a change in use of any land, building or structure.



### TOPIC 5: WATER RESOURCES

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#### Background

The current version of the NEP offers protection to surface water features and ground water, but is not comprehensive enough in the level of protection that should be afforded to specific features, including wetlands and other hydrologic features. Existing policies should be enhanced to ensure that hydrologic functions are also protected, as they are in the Greenbelt and Oak Ridges Moraine Conservation Plans. Therefore, the NEC recommended that NEP policies and definitions be amended to be consistent with these plans, as well as the 2014 Provincial Policy Statement.

Based on experience in implementing the NEP, the NEC has also found it impractical to prohibit all development in wetlands. The NEC recommended that specific exemptions allowing for essential infrastructure projects, fisheries and wildlife management, and passive trail uses be provided for development in wetlands.

New and revised legislation, including the *Clean Water Act* and the federal *Fisheries Act* have also introduced changes to how source water and fish habitat are protected in Ontario, and these changes were considered in the NEC recommendations for amendments to water resource policies.

#### Recommendation

The NEC recommended that *Part 2.6 – New Development Affecting Water Resources* be updated to enhance existing policies that protect water resources, including fisheries. These changes will also necessitate revisions to wording in other parts of the NEP. A new policy regarding source water protection was proposed for addition to Part 2.6.

#### Summary of Proposed Changes

- Align terminology and definitions with those in other provincial plans;
- Add source water protection considerations to the NEP;
- Clarify permitted uses and Development Criteria for development that is located within or adjacent to wetlands and other hydrologic features and ensure that the hydrologic functions of these features area also protected;
- Clarify permitted uses and Development Criteria for development that impacts quantity and quality of water resources (i.e., ponds, water takings);
- Update definitions and references to the federal *Fisheries Act* and ensure fish habitat continues to be considered as part of the protection

of natural heritage features in keeping with the Purpose and Objectives of the NEP.

## **PROPOSED AMENDMENT TOPIC 5: Water Resources**

### **1) Part 1.2 – Land Use Designations should be amended as follows:**

*(Insertion)*

For the purposes of policy interpretation, the applicable policies of the land use designation on lands abutting a watercourse or water body within the NEP Area also apply to the watercourse or water body. Where more than one land use designation abuts a watercourse or water body, the policies of the most protective land use designation apply.

### **2) Part 1.3 – Escarpment Natural Area should be amended as follows:**

#### **Permitted Uses**

8. Accessory buildings, structures and facilities (e.g., a garage), signs, and the site ~~modifications~~ **alterations** required to accommodate them.
9. Maintenance of existing farm ponds, provided they meet the Development Criteria in Part 2.6.
10. Incidental uses (e.g., swimming pools, tennis courts) and site ~~modifications~~ **alterations** required to accommodate them, provided ~~the impact on the environment is minimal~~ **there is no negative impact on the Escarpment environment.**

### **3) Part 1.4 – Escarpment Protection Area should be amended as follows:**

#### **Permitted Uses**

9. Accessory buildings, structures and facilities (e.g., a garage), signs, and the site ~~modifications~~ **alterations** required to accommodate them.
10. Farm ponds, provided they meet the Development Criteria in Part 2.6.
11. Incidental uses (e.g., swimming pools, tennis courts, **non-farm** ponds) and site ~~modifications~~ **alterations** required to accommodate them, provided ~~the impact on the environment is minimal~~ **there is no negative impact on the Escarpment environment.**

### **4) Part 2.1 – Development Criteria (Introduction) should be amended as follows:**

In addition, the Commission shall be consistent with specific provisions of other **applicable** provincial and federal policies, ~~pursuant to the~~

Federal Fish Habitat Management Policy including the *Fisheries Act* and the Parkland, Open Space and Trails Policy as set out in section 3.3 of the Greenbelt Plan 2005.

**5) Part 2.2 – General Development Criteria should be amended as follows:**

1. Permitted uses may be allowed provided that:

- a) The long-term carrying capacity of the site can support the use without a substantial negative impact on the Escarpment environment; features such as contours, water quality, water quantity, natural vegetation, soil, wildlife, population, visual attractiveness and cultural heritage features and can support the use with minimal negative impact on the scenic resources of the Escarpment.
- b) The cumulative impact of development will not have serious detrimental effects on the Escarpment environment negative impacts on the ecological and hydrological integrity of natural heritage features or systems or municipal and private drinking water sources.

**6) Part 2.3 – Existing Uses should be amended as follows:**

~~6. The expansion or enlargement of existing ponds is not permitted unless it is a farm pond and is not located in the Escarpment Natural Area. (Moved to Part 2.6 and modified.)~~

**7) Part 2.6 – New Development Affecting Water Resources is amended as follows:**

**Part 2.6 – New Development Affecting Water Resources**

The objective is to ensure that new development and site alteration affecting streams, watercourses, lakes, wetlands, and groundwater systems hydrologic features will not have minimum individual and cumulative effect on water quality and quantity negative impacts on the feature or its hydrological functions, or on the supporting natural heritage features and functions, at the local and watershed level. on the Escarpment environment.

**Water Quality**

1. Changes to the natural drainage should be avoided.

**General Provisions**

1. Development and site alteration are not permitted within hydrologic features with the exception of the following:
  - a) Fisheries and wildlife management;
  - b) Passive hiking trails or boardwalks on parks and open space lands

- that are in an approved Niagara Escarpment Parks and Open Space System Management Plan;
- c) Flood and erosion control projects, but only if demonstrated to be essential after all reasonable alternatives have been considered; and
  - d) Transportation and utility facilities that are shown to be essential, once all reasonable alternatives have been considered through an environmental assessment process.
2. On lands adjacent to a hydrologic feature, development and site alteration will only be permitted if it does not result in negative impacts on:
- a) Water quality and quantity in the hydrologic feature;
  - b) The overall water budget for the watershed, including existing and planned municipal drinking water systems;
  - c) Natural heritage features, functions, and systems; and
  - d) Hydrologic functions, including natural drainage patterns.
3. For development or site alteration on adjacent lands within 120 metres of a hydrologic feature, the proposal shall comply with the following, where applicable:
- a) Where in the opinion of the implementing authority ~~a there is the potential ground or surface water pollution problem for negative impacts on natural heritage features or functions, and/or hydrologic features or functions (e.g., ground or surface water pollution problem), the applicant shall detail through appropriate studies, the detrimental effects and how they will be minimized.~~ **any potential negative impacts and appropriate mitigation measures, including:**
    - ii. ~~A setback for other development~~ **vegetation protection zone, from each side of a stream, river bed, lakeshore, or wetland necessary to maintain existing water quality. which may be required to maintain or enhance hydrologic functions and natural heritage features (e.g., fish habitat). The width of this buffer shall be determined by the implementing authority in consultation with the Ministry of the Environment, Conservation Authority and the Ministry of Natural Resources, which shall consider: The study shall identify, to the satisfaction of the implementing authority, the width of the vegetation protection zone, to protect the hydrologic and natural heritage features and their functions from the impacts of the proposed development or site alteration.**
    - ii. No alteration of the natural grade or drainage shall occur within the ~~setback~~ **vegetation protection zone** where, in the opinion of the implementing authority, such action would adversely affect ~~surface and/or groundwater resources~~ **hydrologic features and functions and associated natural heritage features (e.g., fish habitat).**
  - b) ~~The cutting of trees within the setback is regulated by Parts 2.7 and 2.9, Development Criteria.~~

- b) Minimize erosion, sedimentation and the introduction of nutrients or pollutants and utilize best construction practices that maintain and improve water quality, and to the extent possible, enhance ecological features and functions associated with the water resource (e.g., riparian areas).

- ~~5. The cutting of trees within the setback is regulated by Parts 2.7 and 2.9, Development Criteria.~~
- ~~6. Where in the opinion of the implementing authority a potential ground or surface water pollution problem exists, the applicant shall detail through appropriate studies, the detrimental effects and how they will be minimized.~~

### Sewage Systems

- 4. No sewage system ~~should~~ shall be allowed closer than 30 metres (approximately 100 feet) from: **to a hydrologic feature.**
  - ~~a) The high water mark of any lake;~~
  - ~~b) The top of a stream bank or ravine; or~~
  - ~~c) The edge of any wetland.~~

Where this setback cannot be achieved on an existing lot of record, the distance may be varied **depending upon the sensitivity of the feature**, to the satisfaction of the Ministry of the Environment or its ~~designated agent~~ **implementing** authority.

- ~~7. During development, the following sediment and erosion control practices should be carried out:~~
  - ~~a) Only the smallest practical area of land should be exposed at any time during the development.~~
  - ~~b) When land is exposed during development the exposure should be kept to the shortest practical period of time.~~
  - ~~c) Natural features such as tree groves, grades and waterways should be preserved.~~
  - ~~d) Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.~~
  - ~~e) Final landscaping and vegetation should be installed as soon as practical following completion of the development.~~
  - ~~f) Topsoil should not be removed from the site, but rather, should be stored and redistributed as a suitable base for seeding and planting.~~
  - ~~g) Sediment control devices should be installed to remove sediment from run-off due to changed soil surface conditions during and after construction.~~
  - ~~h) Construction in or across a watercourse or wetland should be appropriately timed to minimize impacts on fish and wildlife habitat.~~

### Water Takings

- 5. Permitted Uses **that** ~~which~~ involve water taking or undertake stream diversions (~~e.g., agriculture~~) must be demonstrated to be an essential part of

~~their operation~~ **the Permitted Use**, and shall be of a scale and intensity that ~~will not adversely affect water quality, quantity and the Escarpment environment.~~ **must comply with all other policies in Part 2.6. Water takings that do not return water to its source (either directly or indirectly) must be demonstrated to be in the public interest.** The implementing authority may require ~~the applicant to undertake studies~~ **be undertaken** to justify the need and amount of water taking and/or diversions and to ~~mitigate~~ **demonstrate no negative impact on the hydrologic or natural heritage features or its functions, or the Escarpment environment.**

6. When considering whether to allow **or expand** a use ~~which that~~ involves water taking or diversion, the implementing authority shall consider:
  - a) The number, distribution, location and intensity of such activities within the watershed ~~in terms of~~ **with respect to:**
    - i. The impact on water quality and quantity ~~in~~ **of the hydrologic feature;**
    - ii. **The immediate and long-term impact on natural heritage features (e.g., fish habitat) and systems;**
    - iii. ~~The quality and character of natural streams and water supplies~~ **cumulative impact on the watershed's water budget, including the impact on existing and planned drinking water systems; and**
    - iv. The cumulative effect on the objectives of the Plan and its designations.
  - b) The water resource management policies/ activities and permit requirements of the Ministry of Environment and Climate Change, Ministry of Natural Resources and Forestry and Conservation Authorities **and their watershed and sub-watershed plans.**

## **Wetlands**

~~10. Development shall locate outside wetlands.~~

7. Development **within 120 metres of** a wetland may be permitted only if it **complies with policies 1 through 5 in Part 2.6, and does not result in:**
  - a) Loss of wetland functions;
  - b) Subsequent demand for future development ~~which that~~ will negatively affect existing wetland functions;
  - c) Conflict with existing site-specific wetland management practices; and
  - d) Loss of contiguous wetland area.

~~13. A development setback from the wetland area, which is to be maintained or established as a natural vegetative buffer, shall be established by the implementing authority in consultation with the Ministry of Natural Resources.~~

## **Fisheries.**

~~The objective is to ensure that water resources are maintained in a clean and healthy condition so that there is no net loss of aquatic ecosystems including fish habitat or other natural habitats which depend upon lakes, watercourses,~~

wetlands, and groundwater systems for their existence in accordance with the *Federal Fisheries Act* and any associated protocols or policies that the province and the federal government have established.

14. New Development or redevelopment adjacent to significant fishery resources shall demonstrate the following:

- a) The development shall ensure net gain/no net loss of productive capacity of fish habitat;
- b) Maintenance of minimum baseflow of watercourses;
- c) Maintenance of existing watercourses in a healthy, natural state;
- d) Maintenance of vegetative buffers in accordance with the sensitivity of the fishery resource and development criteria; and
- e) Best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving watercourses shall meet the standards established by the Ministries of Environment and Climate Change and Natural Resources and Forestry.

15. Public access to fishery resource areas shall be maintained or, wherever possible, improved.

## Ponds

13. Where it may be permitted, the construction, expansion and maintenance of ponds shall be in accordance with the following:

- a) The expansion/enlargement of an existing pond is not permitted in the Escarpment Natural Area, unless it is a farm pond;
- b) The pond(s) shall be designed and located to avoid streams, wetlands, Areas of Natural and Scientific Interest (Life Science), source areas, hydrologic features and their setbacks vegetation protection zones, vulnerable source protection areas, Life Science Areas of Natural and Scientific Interest and Escarpment slopes and significant watercourses; and
- c) The implementing authority shall consider the number, distribution and location of ponds within the watershed in terms of their cumulative effect impact on hydrologic functions at the local and watershed levels and the objectives of the Plan as well as the quality and character of natural streams and water supplies. It must also meet with the water resource management policies/activities and permit requirements of the Ministry of Environment and Climate Change, Ministry of Natural Resources and Forestry and Conservation Authorities must also be met.
- d) Applications that involve the impoundment or damming of surface drainage or spring sources shall be accompanied by detailed design drawings approved by a qualified professional if structural or safety concerns exist.

~~22. Where it may be permitted, the construction, expansion and maintenance of ponds shall be in accordance with the following:~~

- ~~a) The policies of this Plan and the requirements of the Ministry of Environment, Ministry of Natural Resources, Conservation Authority and/or Ministry of Agriculture and Food;~~
- ~~b) Natural vegetative buffers shall be maintained or established;~~
- ~~c) The design shall not adversely affect downstream water quality, quantity, adjacent lands and riparian rights; and~~
- ~~d) Applications which involve the impoundment or damming of surface drainage or spring sources shall be accompanied by detailed design drawings approved by a water resource engineer if structural or safety concerns exist.~~

14. Where there are ecological or hydrologic problems, the property owner shall be encouraged to allow the pond to revert to a natural state (e.g., where there are significant environmental impacts or structural problems). Where an existing pond has a substantial ecological or potentially hazardous impact, the property owner shall be encouraged and to take corrective measures which that may include the installation of a bottom draw-off device or the establishment of a natural vegetative buffer vegetation protection zone at the edge of the pond.

1622. Where possible permitted, ponds shall be designed to be off-stream with bottom draw-off control structures.

### Source Protection

- #. Development and growth shall meet the objectives and policies of the source protection plan for the given source protection region
- #. Existing and future municipal drinking water sources shall be protected by ensuring that development ceases to be or does not become a significant drinking water threat.

### 8) Appendix 2 – Definitions should be s amended as follows:

#### Fish Habitat

The spawning grounds and any other areas including nursery, rearing, food supply, and migration areas on which fish depend, directly or indirectly, in order to carry out their life processes.

**Groundwater Recharge** – the replenishment of subsurface water, a) resulting from natural processes such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands, and b) resulting from human intervention, such as the use of storm water management systems.

**Hydrologic Features** – permanent and intermittent streams, wetlands, lakes (and their littoral zones), seepage areas and springs, and aquifers and groundwater recharge areas.



**Hydrologic Functions** – the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.

**Mitigation** – mitigation refers to actions taken during planning, design and development for the prevention of negative impacts on the Escarpment environment.

**Natural Heritage Features –**

Natural heritage features include:

- Wildlife Habitat;
- Habitat of Endangered Species, Threatened Species, Special Concern Species;
- Fish habitat;
- Wetlands;
- Life Science Areas of Natural and Scientific Interest (both Provincially and Regionally Significant);
- Valleylands;
- Woodlands;
- Alvars; and
- Grasslands, prairies, sand barrens.

**Negative Impact** – In regard to hydrologic features and functions, negative impact means degradation to ecological health and integrity of hydrologic features, functions, and systems due to single, multiple or successive development or site alteration activities.

In regard to fish habitat, is any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate (implementing) authorities, it has been authorized under the *Fisheries Act*.

**Seepage Areas and Springs** – sites of emergence of groundwater where the water table is present at the ground surface.

**Source Protection Region** – a drinking water source protection region established under the *Clean Water Act*.

**Source Protection Plan**

A drinking water source protection plan prepared under the Clean Water Act.

**Vegetation Protection Zone** – a vegetated buffer area surrounding a natural heritage feature or hydrologic feature within which only those land uses permitted within the feature itself are permitted. The width of the vegetation protection zone is to be determined through appropriate studies when new development or site alteration occurs within adjacent lands to a natural heritage feature or hydrologic feature, and is to be of sufficient size to protect the feature and its functions from

the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and its functions.

### TOPIC 6: MINERAL AGGREGATE RESOURCES

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#### Background

The NEP currently permits new mineral resource extraction to be considered in the Escarpment Rural Area through an amendment to the NEP to change the designations to Mineral Resource Extraction Area (except for new licensed pits and quarries producing less than 20,000 tonnes per year, which are Permitted Uses subject to the Development Criteria of the NEP). There are specific requirements to evaluate an amendment application for a new pit or quarry in Part 1.5 (Development Policies for Mineral Extraction). Part 1.9 of the NEP, Mineral Resource Extraction Area, contains the policies that apply to existing pits and quarries including after uses and rehabilitation.

Although all of the NEP's Development Criteria apply, there are specific Development Criteria for Mineral Resource Extraction found in Part 2.11. Various aggregate-related definitions including After Uses, Aggregate, Mineral Resources, Pit, Quarry, Rehabilitation and Wayside Pit or Quarry are found in Appendix 2 of the NEP.

#### Other Considerations

The NEC supports changes to the *Aggregate Resources Act* (ARA) and provided comments to the MNRF on A Blueprint for Change, a proposal to modernize and strengthen the *Aggregate Resources Act* policy framework in November 2015.

#### Recommendations

The NEC has recommended to the Minister of Natural Resources and Forestry that Part 1.5, Escarpment Rural Area be amended to delete Objective 5 such that no new mineral resource extraction would be permitted and that the rehabilitation and after use policies in Part 1.9, Mineral Resource Extraction Area and the Development Criteria in Part 2.11 be updated. The Commission has also recommended that the existing definitions related to mineral resource extraction be updated and new definitions introduced to reflect the PPS (2014). These changes have been proposed to support improvements to the rehabilitation of pits and quarries, to control fill activity and encourage compatible after uses including adding land to the Niagara Escarpment Parks and Open Space System.

#### Summary of Proposed Changes

##### Land Use Policies:

- Part 1.2.1 – add policy to prohibit Plan Amendment applications for new pits and quarries and deal with applications already initiated
- Part 1.2.2 p – delete the Exception allowing new Mineral Resource Extraction Areas producing less than 20,000 tonnes per year
- Parts 1.3, 1.4, 1.5 – remove permission for the expansion of small sandstone quarries

- Part 1.5 – remove Objective to allow Amendment applications for new pits and quarries, remove new licensed pits and quarries from Permitted Uses, remove allowance for wayside pits and quarries, delete Development Policies for Mineral Extraction
- Part 1.9 – revise Objectives to clarify that the designation relates to existing pits and quarries and to delete the opportunity for new pits and quarries; delete golf courses as a permitted use; revise new lot, rehabilitation and after use policies by creating new subsections for each set of policies, updating and clarifying the policies and enhancing the standards for rehabilitation; delete policies permitting new Mineral Resource Extraction Areas
- Part 2.11 (Development Criteria for Mineral Resources) – revise the Objective of this policy by deleting reference to “new” pits and quarries; delete policies that reference applications for new wayside pits and quarries
- Appendix 2, Definitions – revise existing definitions (e.g., After Uses and Rehabilitation); introduce new definitions related to mineral resource extraction (e.g., comprehensive rehabilitation, mineral aggregate operation) and delete the definition of wayside pit or quarry based on removal of this permitted use

#### Mapping

- Correct maps to align the boundaries of the existing Mineral Resource Extraction Areas with areas licensed under the *Aggregate Resources Act*; change designation of existing pits and quarries producing less than 20,000 tonnes per year to Mineral Resource Extraction Area

## PROPOSED AMENDMENT

### TOPIC 6: Mineral Aggregate Resources

#### 1) Part 1.2.1 -- Plan Amendments should be amended as follows:

##### Part 1.2.1.1

- a) Notwithstanding Part 1.2.1, no amendment may be made to the Niagara Escarpment Plan to re-designate lands to Mineral Resource Extraction Area.
- b) Plan Amendment applications that have been initiated under the provisions of the *Niagara Escarpment Planning and Development Act* before the coming into force of this policy may continue to be processed in accordance with Part 1.5 of the Niagara Escarpment Plan (2005) that allowed such applications to be considered in the Escarpment Rural Area subject to the Development Criteria in Part 2 of this Plan.
- c) Within an area already designated Mineral Resource Extraction Area, where changes to an existing mineral resource extraction operation may require a Plan Amendment, such an application may be submitted.

**2) Part 1.2.2 – Exceptions should be amended as follows:**

~~p) New Mineral Resource Extraction Areas producing less than 20,000 tonnes (22,000 tons) annually may be permitted in the Escarpment Rural Area without an Amendment to this Plan.~~

**3) Part 1.3 – Escarpment Natural Area should be amended as follows:**

**Permitted Uses**

~~13 Limited expansion of the existing small sandstone quarries subject to Part 2.11.~~

**4) Part 1.4 – Escarpment Protection Area should be amended as follows:**

**Permitted Uses**

~~18. Limited expansion of the existing small sandstone quarries subject to Part 2.11.~~

**5) Part 1.5 – Escarpment Rural Area should be amended as follows:**

**Objectives**

~~5. To provide for the designation of new Mineral Resource Extraction Areas which can be accommodated by an amendment to the Niagara Escarpment Plan.~~

**Criteria for Designation**

~~2. Lands in the vicinity of the Escarpment necessary to provide an open landscape character, and/or of ecological importance to the Escarpment Environment.~~

2. Lands in the vicinity of the Escarpment necessary to provide an open landscape **character**.

3. Lands in the vicinity of the Escarpment that are of ecological importance to the ~~environment~~ of the Escarpment **environment**.

**4. Lands that have significant current or potential future for enhanced ecological values through restoration or natural succession processes or due to their proximity to other ecologically significant lands (e.g., significant woodlands, wetlands).**

**Permitted Uses**

~~20. New licensed pits or quarries producing less than 20,000 tonnes (22,000 tons) annually, subject to Part 2.11.~~

21. ~~New licensed pits or quarries producing less than 20,000 tonnes (22,000 tons) annually subject to Part 1.9 (requiring an amendment to the Niagara Escarpment Plan), and Part 2.11.~~
22. ~~Wayside pits or wayside quarries subject to the *Aggregate Resources Act*, the Ministry of Transportation Directive on Procedures for Administration of Mineral Aggregate Extraction on Ministry of Transportation Contracts and Part 2.11.23. Limited expansion of the existing small sandstone quarries subject to Part 2.11.~~

## **Development Policies for Mineral Extraction**

1. ~~In evaluating applications for amendment to the Niagara Escarpment Plan to redesignate Escarpment Rural Area to Mineral Resource Extraction Area, the following matters will be considered:~~
  - a) ~~Protection of the natural and cultural environment, namely:~~
    - i. ~~Groundwater and surface water systems on a watershed basis;~~
    - ii. ~~Habitat of endangered (regulated), endangered (not regulated), rare, special concern and threatened species;~~
    - iii. ~~Adjacent Escarpment Protection and Escarpment Natural Areas;~~
    - iv. ~~Adjacent Rural Area natural features;~~
    - v. ~~Existing and optimum routes of the Bruce Trail;~~
    - vi. ~~Provincially significant wetlands;~~
    - vii. ~~Provincially significant ANSIs; and~~
    - viii. ~~Significant cultural heritage features.~~
  - b) ~~Opportunities for achieving the objectives of Section 8 of the *Niagara Escarpment Planning and Development Act* through the final rehabilitation of the site;~~
  - c) ~~Maintenance and enhancement of the quality and character of natural systems, water supplies, including fish habitat; and~~
  - d) ~~Capability of the land for agricultural uses and its potential for rehabilitation for agricultural uses.~~
2. ~~Amendment applications must be accompanied by:~~
  - a) ~~Information on the location of the site in relation to the actual Escarpment and to the Escarpment Rural, Protection and Natural Area designations;~~
  - b) ~~Information to support the requirements of Policy 1, along with information submitted to meet the requirements of the *Aggregate Resources Act*, including site plans submitted under Section 8 and reports submitted under Section 9; and~~
  - c) ~~Information on the ultimate use of the site in conformity with the Escarpment Rural, Protection or Natural Area designations.~~
3. ~~A Processing Guide is available from the Niagara Escarpment Commission for assistance in preparing applications to amend the Niagara Escarpment Plan designation from Escarpment Rural Area to Mineral Resource Extraction Area, and for the consideration of new Provincial wayside pits and quarries.~~

~~The Processing Guide was developed following completion of the Mineral Resource Planning Study: “Niagara Escarpment Plan Area and Surrounding Areas” in November, 1995. The Guide provides information on the Plan Amendment and Development Permit processes. It does not change the legal requirements for evaluating those applications under the *Niagara Escarpment Planning and Development Act* or the Niagara Escarpment Plan.~~

**6) Part 1.9 – Mineral Resource Extraction Area should be amended as follows:**

The Mineral Resource Extraction Area includes **existing** pits and quarries licensed pursuant to the *Aggregate Resources Act* and areas where **the associated extraction and rehabilitation** may be permitted subject to the policies of this Plan.

**Objectives**

- ~~1. To designate~~ **identify existing** licensed Mineral Resource Extraction Areas **and to identify areas where pits and quarries have been established.**
- ~~3. To provide for areas where new pits and quarries may be established.~~
- 3. To encourage the timely completion of mineral aggregate operations and final site rehabilitation.**
- 4. To ensure that operators undertake progressive rehabilitation for the duration of the licensed mineral aggregate operation until the land has been fully rehabilitated in accordance with the approved site plan and any additional plan that enhances the level of rehabilitation of the approved site plan, as approved by the implementing authority.**
- 5. To encourage rehabilitated mineral aggregate operations to be restored and enhanced to a state that is of equal or greater ecological value than the original conditions of the site and that meets the Designation Criteria for re-designation to an Escarpment Natural, Escarpment Protection or Escarpment Rural Area designation in accordance with the long term ecological potential of the site.**
- 6. To discourage changes to existing mineral aggregate operations that require active and perpetual engineered water management systems that continue after rehabilitation.**
- 7. Rehabilitated mineral aggregate operations shall be made available for public access and compatible recreation through the inclusion of such sites into the Niagara Escarpment Parks and Open Space System.**
- 48. To ensure that after uses are compatible with the applicable Plan objectives the designation of adjacent lands, the surrounding Escarpment environment and existing land uses in the area.**

9. To encourage comprehensive rehabilitation in those parts of the Niagara Escarpment Plan Area where there is a concentration of mineral aggregate operations.

### 1.9.3 Permitted Uses

1. Agricultural operations uses.
3. Mineral extraction aggregate operations licensed pursuant to the *Aggregate Resources Act* existing as of [date of Plan Review] are permitted to continue.
5. Licensed archaeological activities fieldwork.
9. Accessory buildings and facilities structures normally associated with the mineral extraction operation, such as a small-scale offices serving the subject site, signage, or crushing and washing facilities and recycling as provide for in Regulation 828/90 but not including asphalt plants, concrete plants, brick manufacturing plants and other similar aggregate manufacturing and processing uses shall not be permitted and commercial filling and landfill operations.
- #. Built heritage resources (conserving the site history e.g., lime kilns, brick plants).

### 1.9.4 After Uses, Permitted Uses and New Lots

1. Except for progressive rehabilitation, as set out in the Development Criteria for Mineral Resources in Parts 2.11.5, 2.11.6 and 2.11.9 of this Plan, Any new lot creation or any change in land use within a Mineral Resource Extraction Area, other than the identified permitted uses, shall require an amendment to the Niagara Escarpment Plan.
2. Notwithstanding subsection 1 of this section and as provided for in Part 2.4.14 of this Plan, a new lot may be created within a Mineral Resource Extraction Area by a public agency/body or approved conservation organization specifically for the Niagara Escarpment Parks and Open Space System provided there is not more than one remnant lot.

### 1.9.5 After Uses, Permitted Uses and New Lots

Within the Mineral Resource Extraction Area an amendment to the Niagara Escarpment Plan is required to change the land use to any use other than the Permitted Uses and After Uses in Part 1.9. However, following the surrender of the licence it is intended that the designation of land previously associated with the licensed aggregate operation shall be changed by Plan Amendment to Escarpment Natural Area, Escarpment Protection Area or Escarpment Rural Area depending on the existing or anticipated characteristics of the land under the mature state of the rehabilitation plan. In all cases, the permitted uses of the area after re-designation shall be compatible with and have minimal impact upon, the surrounding natural and visual environment and existing uses land uses,



shall not be in conflict with the Purpose, Objectives and Policies of the Niagara Escarpment Plan and shall take into consideration the potential impact of the uses on ground water and surface water systems.

After Uses are also subject to the following provisions:

1. Except for the identified Permitted Uses and After Uses that comply with the provisions of the Development Criteria of this Plan, all **other After Uses** shall require an amendment to the Niagara Escarpment Plan and shall be subject to a re-designation of the ~~from~~ Mineral Resource Extraction Area designation to the applicable **an appropriate** Niagara Escarpment Plan designation as ~~determined through the application of the criteria for designation contained in the Niagara Escarpment Plan~~ **based on an evaluation of the Designation Criteria.**
2. Industrial uses including asphalt plants, concrete plants, brick manufacturing plants, aggregate recycling and other similar aggregate manufacturing and processing uses and commercial filling and landfill operations shall not be permitted After Uses.
3. After Uses of the Mineral Resource Extraction Area shall be in conformity with the objectives and permitted uses of the applicable designation of the Plan as determined through subsection 1 of this section.

**85.** Notwithstanding subsection ~~2~~ **1** above, the following apply:

- g) The location of the single dwelling and its construction should limit disturbance of the rehabilitated lands.

#### **1.9.5.1 Permitted After Uses**

Subject to Part 2, Development Criteria, the following uses may be permitted:

1. Agricultural uses
2. Existing uses.
3. Forest, fisheries and wildlife management.
4. Recreational uses that are oriented to the land and do not involve building of major structures and do not include golf courses.
5. Licensed archaeological fieldwork
6. Essential transportation and utility facilities
7. Watershed management and flood and erosion control projects carried out or supervised by a public agency

8. Uses permitted in Niagara Escarpment Parks and Open Space Management Plans that are not in conflict with the Niagara Escarpment Plan.
9. Single dwellings and accessory uses (e.g., garage, storage shed) subject to the policies of Part 1.9.5.5, incidental uses and site modifications required to accommodate them, provided that the impacts of such uses on the natural environment are minimal, home occupation, cottage industry, home industry.
10. Nature preserves owned and managed by an approved conservation organization.
11. Signs as an accessory use and the site modifications required to accommodate them, subject to Part 2.2.11.
12. The Bruce Trail corridor, including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail related construction, un-serviced overnight rest areas and access points for trail users.
13. Built heritage resources (conserving the site history e.g., lime kilns, brick plants).

### **1.9.6 Rehabilitation**

Mineral aggregate operations shall be progressively and finally rehabilitated in accordance with the policies and Development Criteria of this Plan. The objective shall be the re-designation of such lands to Escarpment Natural, Protection or Rural Area and the inclusion of such lands into the Niagara Escarpment Parks and Open Space System.

To achieve this objective the following provisions apply:

1. Progressive rehabilitation shall be undertaken so that the rehabilitated area will be maximized and the area disturbed by extraction minimized as part of the mineral aggregate operation.
2. The Niagara Escarpment Commission in consultation with the Ministry of Natural Resources and Forestry will determine the maximum allowable disturbed area of each existing mineral aggregate operation.
3. Rehabilitation on the site shall contribute to restoring, maintaining and enhancing the site's contribution to the open landscape character and the surrounding Escarpment environment taking into account the applicable policies of this Plan and municipal and provincial policies not in conflict with this Plan.
4. Where a Mineral Resource Extraction Area is to be rehabilitated through reforestation, the use of native vegetation or the introduction of features such as wetlands or water features, the goal shall be to achieve a functioning

- ecosystem, where possible, that is similar or has a greater ecological value to the natural ecosystems in the surrounding area and is equivalent to or better than what existed on the site prior to extraction.
5. Where a Mineral Resource Extraction Area is to be returned or rehabilitated to support an agricultural use, the land will be restored to an agricultural condition as defined in the Provincial Policy Statement and the applicable policies and objectives relating to agriculture in this Plan.
  6. Where possible, perpetual water management shall be avoided or discontinued when rehabilitation is complete.
  7. Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.

#### **~~New Mineral Resource Extraction Areas~~**

- ~~1. New Mineral Resource Extraction Areas producing less than 20,000 tonnes (22,000 tons) annually may be permitted in the Escarpment Rural Area without an amendment to the Plan (see exception Part 1.5, Permitted Use 37).~~
- ~~2. New Mineral Resource Extraction Areas producing more than 20,000 tonnes (22,000 tons) annually may be designated in the Escarpment Rural Area by an amendment to the Plan. Such an amendment will be to effect the change from Escarpment Rural Area to Mineral Resource Extraction Area (see exception, Part 1.5, Permitted Use 37).~~

#### **7) Part 2.11 – Mineral Resources should be amended as follows:**

The objective is to minimize the impact of new mineral extraction aggregate operations and their accessory and incidental uses on the Escarpment environment and to support a variety of approaches to rehabilitation to protect and achieve the restoration and enhancement of the site to maximize its ecological value and provide for compatible After Uses.

1. Extractive operations including wayside pits and quarries and haul routes shall not conflict with the following criteria:
  - c) The maintenance protection of agricultural areas, especially prime agricultural and specialty crop areas, in accordance with the Agricultural Policies of the Provincial Policy Statement (PPS) Development Criteria in Part 2.10 of this Plan.
  - d) The minimization of the adverse impact of extractive and accessory operations on existing agricultural or residential development. The protection of surrounding land uses from the adverse impact of mineral aggregate operations and their accessory and incidental uses.

- e) ~~Outside the area of extraction, the preservation of the natural and cultural landscapes~~ Escarpment environment as much as possible during ~~the period of~~ extraction and ~~after~~ rehabilitation.
  - #) The timely, progressive and final rehabilitation of the licensed site to an enhanced ecological condition including utilizing native, non-invasive species and to accommodate subsequent compatible land uses consistent with the applicable future Plan designation and Part 1.9.5, After Uses.
3. ~~As a condition of the licence the extractive~~ The mineral aggregate operation shall be screened while it is in progress and, where possible, prior to extraction in a manner compatible with the surrounding ~~visual~~ Escarpment environment ~~and in accordance with the conditions of the Development Permit.~~
  4. Screening of the mineral aggregate operation shall incorporate the following:
    - a) Overburden material in the form of a berm with varied heights and widths so that it appears as a natural extension of the existing landform, supplemented with native tree and, shrub and vegetative plantings should be utilized for screening purposes.
    - b) ~~Tree~~ Vegetative screen plantings are to be of compatible species and sizes to permit only very limited ~~visual contact~~ views from the surrounding landscape.
    - c) All plantings ~~should~~ shall be properly maintained to ensure continued survival and good growth rates.
    - d) Where the existing forest is adequate to be considered as an effective screen along the perimeter of the site, no additional artificial berming or stock piling of overburden materials will be permitted within the forested area being used as a natural screen. ~~If required for noise attenuation purposes, a berm may be constructed outside the forested area.~~
  5. ~~Wherever possible~~ ~~Wherever possible, rehabilitation shall be progressive as the extraction proceeds.~~ Progressive rehabilitation may include the use of off-site material, and where on-site material is not available, minimal amounts of off-site material required to stabilize and re-vegetate disturbed areas, but shall not include any major re-grading toward a planned after-use with the deposition of off-site material.
  6. ~~The use of off-site material for progressive rehabilitation must also be acceptable to the Ministry of Environment and Climate Change and the Ministry of Natural Resources and Forestry.~~ Deposition of fill or the land filling of a licensed pit or quarry to original grade using off-site material is not permitted.
  7. ~~Off-site material required for the processing of aggregate products being produced, may be transported to the site, i.e., sands to be mixed with existing aggregate to create a specified aggregate product.~~ The use of off-site material for progressive rehabilitation as provided for in 2.11.5 shall meet the

applicable provisions of Part 2.XX – Site Alteration of the Plan and such material shall also meet the relevant standards of the Ministry of the Environment and Climate Change, the Ministry of Natural Resources and Forestry and the municipality where it has approved such standards.

8. ~~All accessory uses to the Mineral Resource Extraction Area operation shall be discontinued and be required to vacate the property as soon as the site is depleted, and on-site processed material has been transported from the property.~~ The use of off-site material shall not be permitted unless it is determined through appropriate environmental, technical and planning studies that doing so will achieve greater long term ecological integrity and land use compatibility (e.g., the importation of topsoil to improve site capability for agriculture, forestry or habitat diversity) and the implementing authority is satisfied that the use of off-site material does not constitute a commercial fill or landfill operation.
- # . Mineral aggregate operations shall be completed in a timely manner and all accessory and incidental uses shall be discontinued and be required to vacate the property as soon as extraction ceases including any on-site processed aggregate material. Conditions in this regard may be imposed as part of any required Development Permit.
9. Rehabilitation shall incorporate the following:
  - b) ~~All excavated~~ The pit and quarry walls are to be regarded to a slope of 3 to 1 or less ~~except in regions sloped and rehabilitated in accordance with the Aggregate Resources Act.~~ However, on sites where a higher standard of rehabilitation is justified (e.g., to improve land use compatibility) or on sites where topsoil and/or land fill material ~~are~~ is scarce, alternative approaches to slope standards may be applied. ~~Exposed~~ Sections of pit or quarry faces may be left unrehabilitated ~~exposed~~ for aesthetic or education purposes ~~or to create habitat diversity as incorporated into an approved after use rehabilitation plan.~~
  - c) Vegetation, including seeding, crops or trees and shrubs, shall be planted as soon as possible following grading as part of progressive rehabilitation of the pit or quarry consistent with the maximum allowable disturbed area policy of Part 1.9.6.2.

### ~~Wayside Pits and Quarries~~

1. ~~In addition to the Aggregate Resources Act proposed wayside pits and quarries shall also be subject to the following:~~
  - a) ~~An application for a wayside permit shall be accompanied by a sketch map drawn to scale indicating property features, present pit areas, excavation faces, areas to be excavated and other areas to be used.~~
  - b) ~~An application for a wayside permit shall be accompanied by a rehabilitation statement or plan compatible with the proposed operation and the land use in the area.~~

- ~~c) The comments of affected municipalities will be solicited on applications for wayside permits for provincial road construction purposes.~~
- ~~d) The opportunity to use mineral aggregate resources which would not be otherwise commercially developed, including abandoned pits and quarries, shall be considered prior to issuing a wayside permit.~~
- ~~e) A wayside permit expires on the completion of the project or contract or eighteen (18) months after its issuance, whichever occurs first. Application for renewal or a new permit for the completion of the project or contract will be considered.~~
- ~~f) An estimated tonnage limit shall be determined based on the requirement of the project or contract and will be placed as a condition on the permit at the time of issuance.~~
- ~~g) Terms and conditions related to the method of operation and rehabilitation shall also be placed on the permit at the time of issuance.~~

**8) Appendix 2 – Definitions should be amended as follows:**

**After Uses** – ~~means~~ the ~~changed~~ use of any land, building or structure within a Mineral Resource Extraction Area ~~to a use other than that which is permitted under the Permitted Uses~~ after extraction of aggregate has ceased within the licensed area or the licence has been surrendered and identified as a permitted After Use in this Plan.

**Comprehensive Rehabilitation** – rehabilitation as defined in this Plan of land from which mineral aggregate resources have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a concentration of mineral aggregate operations.

**Mineral Aggregate Operation** – the extraction of mineral aggregate resources from lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act* comprising the removal and stockpiling of overburden, the construction of berms and other site preparation and the blasting, excavation, crushing, washing, stockpiling and hauling of mineral aggregate resources from the licensed area, including recycling and reprocessing of materials originally produced from aggregate on a licensed site while extraction of aggregate is occurring on the site and the rehabilitation of the licensed area prior to the surrender of the licence, but not including asphalt plants, concrete plants, brick manufacturing plants and other similar manufacturing uses.

**Rehabilitation** – after ~~mineral resource~~ extraction, to treat land so that the ~~use or~~ condition of the land is restored to its former ~~use or~~ condition or an improved condition, or is changed to another ~~use or~~ condition ~~which that is consistent with the surrounding Escarpment environment~~, compatible with adjacent land uses and ~~meets~~ the objectives and policies of the Niagara Escarpment Plan ~~(e.g., restoration of land from which aggregate has been extracted).~~

**Wayside Pit or Quarry** – ~~A temporary pit or quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of~~

~~road construction and not located on the road right-of-way, but does not include a licensed pit or quarry.~~

### TOPIC 7: AGRICULTURE

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#### Background

The NEP acknowledges agriculture as an important element of the natural and cultural landscape. The policies of the NEP support agriculture through the Objectives, the Permitted Uses in the Escarpment Natural (existing agricultural operations only), Escarpment Protection, Escarpment Rural, Escarpment Recreation and Mineral Resource Extraction Areas and through Part 2.10 that sets out the Development Criteria for agricultural operations, wineries and related commercial uses.

The Province has acknowledged that there is a need to better recognize and support agricultural and rural communities in Ontario. The PPS (2014), promotes healthy, integrated and viable rural areas. It also recognizes the need to protect and promote agricultural viability by encouraging on-farm diversified uses and allowing greater flexibility for agriculture-related uses. The NEP was assessed to determine whether the current policies adequately support the Province's goals and objectives for rural and agricultural communities, while ensuring that the Purpose and Objectives of the NEP continue to be met. In addition, there is also an opportunity to improve, streamline and clarify agricultural policies of the NEP to improve implementation.

#### Other Considerations

The proposed policy changes to the agriculture policies, Development Criteria and definitions were undertaken through consultation with the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The proposals provide additional support to agricultural viability and would provide an opportunity to allow a greater range of commercial uses related to agriculture, as well as clarify the policies related to severances and farm dwellings. The definitions relating to agriculture would also be updated to provide better alignment with the definitions in the PPS, 2014 and the other provincial land use plans.

#### Recommendation

The Commission has recommended to the Minister of Natural Resources and Forestry, that the policies in Part 1.3, the Escarpment Natural Area (Permitted Uses), Part 1.4, the Escarpment Protection Area (Description, Objectives and Permitted Uses), Part 1.5, the Escarpment Rural Area (Description, Objectives and Permitted Uses), the Development Criteria in Part 2.10 Agriculture and Part 2.4 Lot Creation and the Definitions related to agriculture in Appendix 2, be amended as follows, and that new definitions introduced to provide greater policy clarity regarding the approach to considering agricultural operations and related uses and better policy alignment with the PPS and the other provincial land use plans.

#### Summary of Proposed Changes

##### Land Use Policies

- Part 1.3 – revise permitted uses to use terms more consistent with PPS



- Part 1.4 – revise descriptor, objectives related to agricultural uses to provide additional support to those uses, permitted uses
- Part 1.5 – revise descriptor objectives and permitted uses

#### General Development Criteria

- Part 2.2 – proposed new policy to require an applicant to submit a traffic and parking analysis if the proposed use may have an impact on traffic

#### Development Criteria – New Lots:

- Part 2.4 – clarification of existing lot creation policy with respect to new lots in prime agricultural areas and agricultural purposes only lots

#### Development Criteria - Agriculture:

- Part 2.10 – revise goals and objectives and general agriculture policies to provide support for agricultural and agriculture-related uses, clarify policies with respect to dwelling units accessory to agriculture, introduce new policies for on-farm diversified uses, clarify winery policies and introduce new requirements for studies in support of an application for a new winery

#### Definitions – Appendix 2

- Introduce new Definition for Agricultural Use, Agriculture-related uses, Agri-tourism uses, Bed and Breakfast Home, Locally Grown, Minimum Distance Separation Formulae, Normal Farm Practices, On-farm diversified uses, Prime Agricultural Area, Prime agricultural land, Specialty Crop Area
- Delete Definition of Farmer, Farm Property, Farm Vacation Home, Light Meals and Region

## PROPOSED AMENDMENT

### TOPIC 7: Agriculture

#### 1) Part 1.3 – Escarpment Natural Area Permitted Uses should be amended as follows:

1. Existing agricultural operations **uses**

~~17. Farm vacation homes~~

#### 2) Part 1.4 – Escarpment Protection Area should be amended as follows:

Escarpment Protection Areas are important because of their visual prominence and their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been ~~significantly modified~~ **changed** by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance.

#### **Objectives**

4. To encourage agriculture, ~~forestry and recreation~~ **protect prime agricultural areas and specialty crop areas, and provide for compatible agricultural and rural land uses.**
5. To encourage **compatible** forestry and recreation.

### Permitted Uses

1. Agricultural ~~operations~~ **uses**
4. ~~Mobile or portable dwelling units (s) accessory to an agricultural operation.~~
5. Recreational uses oriented towards the land ~~which~~ **that** require minimal modification of the existing natural, topographic and landscape features and ~~which~~ **that** do not require the building of major structures (e.g., picnic sites, day use sites, unserviced camp sites, trail uses). Golf courses are not permitted.
8. Transportation and utility facilities, ~~however, only linear facilities will be permitted in prime agricultural areas and specialty crop areas.~~
10. ~~Small scale commercial uses accessory to agriculture.~~
27. ~~Farm Vacation Homes.~~
35. Agricultural Purposes Only (APO) lot

### 3) Part 1.5 – Escarpment Rural Area should be amended as follows:

Escarpment Rural Areas are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They ~~se~~ **areas** provide a buffer to the more ecologically sensitive areas of the Escarpment, **contribute to the Escarpment's cultural landscape and protect farmland. The policies aim to maintain and enhance the open landscape character of the Escarpment and lands in its vicinity. They also aim to protect farmland, in particular prime agricultural areas and specialty crop areas, and support agricultural and rural communities.**

### Objectives

2. To maintain the open landscape character by encouraging the conservation of the ~~traditional cultural landscape~~ **rural character** and cultural heritage features.
3. To encourage ~~agriculture and forestry and to provide for compatible rural land uses~~ **and protect prime agricultural areas and specialty crop areas.**
4. **To support rural communities by providing for compatible rural land uses.**
5. To encourage ~~agriculture and~~ **compatible** forestry ~~and to provide for compatible rural land uses~~ **and recreation.**

## Permitted Uses

1. Agricultural operations ~~uses~~.
  4. ~~Mobile or portable dwelling units(s) accessory to an agricultural operation.~~
  5. ~~In non-prime agricultural areas and non-specialty crop areas,~~ Recreational uses such as campgrounds, golf courses and associated golf course country clubs and trail uses, provided that any detrimental impact of these uses on the Escarpment scenic qualities and natural environment is kept to a minimum.
  6. Small-scale agriculture-related uses
  7. Small-scale on-farm diversified uses
  8. Transportation and utility facilities; ~~however only linear facilities may be permitted in prime agricultural areas and specialty crop areas.~~
  17. ~~In non-prime agricultural areas and non-specialty crop areas,~~ Small-scale commercial and industrial development ~~uses~~ servicing agriculture and the rural community.
  28. ~~Farm Vacation Homes.~~
  36. Agricultural Purposes Only (APO) lot (~~see definition and policies for APO lots~~).
- 4) **Part 2.2 – General Development Criteria should be amended as follows:**
- #. Where in the opinion of the implementing authority the proposed use may have an impact on traffic, the applicant shall demonstrate that traffic and parking can be accommodated and/or managed to the satisfaction of the authority.
- 5) **Part 2.4 – Lot Creation should be amended as follows:**
17. Where more than one single dwelling exists on the same lot, a new lot may be created for the additional dwelling(s) ~~may be severed~~ provided all the following criteria ~~can be~~ are met:
    - a) That neither the dwelling to be severed nor the dwelling(s) to be retained were approved on the basis that they would be for temporary use or as a dwelling unit accessory to agriculture ~~for farm help~~.
    - b) That all the dwellings on the property are ~~legally~~ existing uses, as defined in this Plan, and have received approval from the municipality.

- c) That both the dwelling to be severed and the dwelling retained are in a reasonable standard for habitation and have been used as a dwelling unit within the year before making application to sever.
  - d) **A new lot shall not be created for a** mobile or portable dwelling unit. ~~shall not be severed.~~
  - e) That severance of existing dwelling shall not conflict with Part 2.4.19 b).
- #. Lot creation in prime agricultural areas is discouraged and may only be permitted for:**
- a) **Agricultural uses provided that the lots satisfy the New Lots provisions in Part 1 of the Plan, are of a size appropriate for the type of agricultural uses(s) common in the area, and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;**
  - b) **A residence surplus to a farming operation as a result of a farm consolidation, as provided for in this Plan.**

### **Special Provisions for Farm Consolidations, Surplus Residences and APO Lots**

23. The parcel associated with the residence that has been rendered surplus to an agricultural operation through a farm consolidation may be severed **provided** if the following criteria are met:
- a) The parcel shall be limited to the minimum size needed to accommodate the surplus residence and any related accessory facilities (e.g., detached garage) in order to preserve the farmland associated with the remnant APO lot.
  - b) The minimum parcel size noted in a) above shall take into account applicable municipal lot area and configuration requirements including the land needed to accommodate private sewage systems and water supplies.
  - c) **The parcel(s) shall not** ~~that would~~ limit the agricultural viability or use of the remnant APO lot because of the location of the surplus residence or existing buildings (e.g., key-hole lot situations). ~~shall be prohibited.~~
  - d) The proposed surplus residence was not originally approved on the basis that it was for temporary use or **as a dwelling unit accessory to agriculture farm help.**
  - e) The proposed surplus residence is an existing use, **as defined in this Plan,** and has been determined to be habitable under the provisions of the **Ontario** Building Code, at the time of the application for severance.
  - f) The proposed surplus residence has been built and occupied for not less than ten (10) years, at the time of the application for severance.
  - g) The application for severance of the surplus residence must occur within two (2) years of the date that the lands were acquired as part of a farm consolidation.
  - h) **A parcel supporting a** mobile or portable dwelling **or as a dwelling unit accessory to agriculture** unit shall not be severed as **property with a** surplus residence.

24. The APO lot shall have an appropriate legal restriction registered against the property's title providing that the lot will not be used for any purpose other than an agricultural use as prescribed in Part 2.2.1(f) of this Plan, which amongst other matters, will specify that no dwelling unit, including a mobile or portable dwelling unit or **as a dwelling unit accessory to agriculture** ~~farm help house~~, will be established on the APO lot. The legal restriction may be implemented by an agreement made under subsection 24(2.1) of the *Niagara Escarpment Planning and Development Act*.

6) **Part 2.10 – Agriculture should be amended as follows:**

**Objectives**

The objective is to encourage ~~agricultural uses in agricultural areas, especially in prime agricultural and specialty crop areas, to protect such areas,~~ **agriculture, to protect prime agricultural areas and specialty crop areas for long-term agricultural use, and to permit uses that are compatible with farming to provide for compatible agricultural uses and rural land uses** and to encourage ~~accessory uses that directly support continued agricultural use.~~

**General**

1. ~~Development and the creation of new lots, including any lot associated with a farm consolidation, should maintain and protect prime agricultural areas and specialty crop areas for uses considered incompatible with sustaining the agricultural use and/or land base~~ **Prime agricultural areas and specialty crop areas shall be protected for long-term use for agriculture.**
2. **The agricultural use involves normal farm practices in accordance with provincial standards.**
23. ~~Development, and the creation of new lots including~~ **the creation of lots** and any lot associated with a farm consolidation, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
4. **Limited non-agricultural uses may be permitted in prime agricultural areas provided that the following criteria are met:**
  - a) **the use is compatible with, and does not hinder, surrounding agricultural operations;**
  - b) **the use complies with the minimum distance separation formulae, where applicable;**
  - c) **there is an identified need for the use, including an evaluation of alternative locations that demonstrates that there are no sites that avoid prime agricultural areas;**
  - d) **the impacts of the use on surrounding agricultural operations and lands shall be mitigated;**

- e) the building, structure or facility shall be small scale (maximum 465 square metres/5000 square feet), except in the case of a single dwelling where a larger size may be considered, if justified;
- f) transportation and utility facilities shall only be linear; and
- g) with the exception of the Bruce Trail Corridor, recreational uses (including golf courses) shall not be permitted in prime agricultural areas.

### Dwelling Units Accessory to Agriculture

35. A dwelling unit(s) for full-time farm labour may be permitted accessory to an agricultural operation on the same property as the principal farm house subject to conformity with the following: provided that the following criteria are met:

- a) Farm-help must be necessary on a seasonal or full-time basis on the farm. Additional farm labour is required on a full-time or seasonal basis when it is justified based on the size and nature of the operation.
- b) The farmer shall live in the principal farm residence with farming as his/her principal occupation, and in the case of seasonal farming, work part-time on the farm.
- eb) The dwelling unit(s) shall be mobile or portable, without a basement; or the dwelling unit(s) in the case of horse farming, a dwelling unit may be permitted within an existing farm building or structure on a temporary basis, where justified, i.e., the horse barn. (e.g., barn).
- dc) The dwelling unit(s) shall should be located within the existing farm cluster and where possible, use the existing farm lane access is to be used, where possible. and a separate lot shall not be created for it.
- ed) The Development Permit shall be valid for three (3) years only and f) Continuance of dwelling unit(s) will be considered through reapplication on a three-year basis subject to adequate justification that the farm-help continues to be necessary to the farm operation. must be reapplied for every three (3) years. adequate Justification must be provided to demonstrate that the farm-help continues to be necessary to the farm operation in order for the dwelling unit(s) to remain on the property.
- ge) The dwelling unit(s) shall be removed when no longer required and/or when the Development Permit(s) expires.
- h) That any approval or agreement struck between the local municipality and the applicant to permit the additional dwelling unit(s) or farm help shall also be renewed, if necessary, on the anniversary of the Development Permit.

### Agriculture-related Uses and on Farm Diversified Uses

6. Agriculture-related uses and on-farm diversified uses may be permitted in prime agricultural areas provided that the following criteria are met:

- a) The use is compatible with, and does not hinder, surrounding agricultural operations.
- ab) A small scale commercial use accessory to agriculture may be permitted provided it is subordinate, incidental and exclusively devoted to the The

use is small scale (maximum 465 square metres/5000 square feet) and is secondary to the principal agricultural use on carried out on the farm property by the owner and is not considered a high intensity use out of character with the agricultural area.

- c) The use provides direct products and/or services to nearby farm operations and the use benefits from being in close proximity to farm operations.
  - d) Existing buildings, structures or facilities on the property should be used for the agriculture-related use, where possible.
  - e) All buildings, structures and facilities, including parking areas, associated with the ~~small scale commercial use accessory to agriculture~~ agriculture-related use shall be designed and located to minimize the ~~have minimal~~ impact on the principal agricultural use, adjacent land uses and the rural Escarpment's open landscape character.
  - f) The total of all agriculture-related uses and on-farm diversified uses (as provided for in Part 2.10.# of the Plan) on the property shall not exceed 465 square metres (5000 square feet) or 1.5 percent of the farm parcel on which the uses are located, whichever is less.
  - g) Restaurants, banquet and conference/event facilities, hotels and similar uses shall not be permitted as an agriculture-related use or on-farm diversified use. Occasional special events permits may be permitted as an agri-tourism use, subject to the provisions set out in Part 2.10.## of the Plan.
  - h) Notwithstanding the policies that apply to wineries in Part 2.10.4 d), ~~t~~ The majority of retail sales conducted as part of the ~~small scale commercial use accessory to agriculture~~ use shall be limited to the sale of produce products grown locally or raised on the property and/or value-added agricultural products produced locally or on the property from the produce grown on the property. This relationship shall be clearly outlined to the satisfaction of the implementing authority in the proposed plans for the development.
10. Signage for small scale commercial uses accessory to agriculture shall be subject to Part 2.2.11 General Development Criteria.

## Winery and Winery Incidental Uses

57. In addition to the applicable Development Criteria of the Plan, Winery and winery incidental uses must satisfy the following criteria: may be permitted provided that the following criteria are met:

- a) The use is compatible with, and does not hinder, surrounding agricultural operations.
- ab) A winery may be permitted provided ~~t~~ The winery farm parcel upon which the winery is proposed is a minimum of 4 hectares (10 acres). The minimum lot size applies to the consideration of a proposed winery on an existing lot of record and not to the creation of a lot upon which a winery may be proposed. A
- bc) The winery or winery incidental use shall not be severed from the winery farm parcel.

- ~~ed)~~ A minimum of 2 hectares (5 acres) of arable ~~winery~~ **the** farm parcel upon which the winery is proposed shall be capable and committed **is able** to **grow and** producing fruit used in the winery. ~~and provided that a~~ A minimum of two-thirds of that area **is must be** in full fruit production **and must be available for** use in the winery at the time the winery is built.
- ~~de)~~ ~~That e~~ Eighty-five percent (85 percent) of the fruit used in the production of wine comes **s** from the fruit **locally-grown fruit** in the region within which the winery is located. This may be reduced in any one year due to a regional crop failure.
- ~~e)~~ All applications for new or expanded wineries shall be required to submit a traffic analysis that predicts the anticipated volume, scale of vehicles and the capability of the local/regional road to accommodate the anticipated traffic.
- ~~f)~~ All applications for new or expanded wineries shall submit for approval a detailed sewage system design prepared by a qualified individual, such as a sewage system engineer, and may require the expertise of a hydrogeologist.
- ~~gf)~~ The maximum size of a winery shall not exceed 1.5 percent of the winery farm parcel to a maximum of 2,323 square metres (25,000 square feet), ~~–~~ whichever is **the** lesser. This area calculation shall not include that portion of the winery that is fully underground.
- ~~hg)~~ The area for the display and retail sales of wine produced on the winery farm parcel, ~~and~~ the sale of farm products grown and/or produced from the farm property, and the tasting area may be in addition to but shall not exceed 25 percent of the total size of the winery aboveground.
- ~~ih)~~ The sale of gift, promotional, and ~~non-local~~ **other** products may be permitted to a maximum of 20 percent of the retail sales and tasting area and shall be located within the retail sales and tasting area.
- ~~i)~~ **Any additional uses, including agriculture-related and/or on-farm diversified uses, shall be included within the maximum size allowed for wineries and winery incidental uses.**
- ~~j)~~ ~~The sale of gift, promotional, and non-local products meet the requirements of the Liquor Control Board of Ontario or the Alcohol Gaming Commission of Ontario.~~
- ~~kj)~~ Educational and historical displays that are directly related to the wine and grape or fruit industry to a maximum size of 10 percent of the total area of the winery above ground.
- ~~lk)~~ Limited complementary food services may be provided within the retail sales and tasting area.
- ~~m)~~ ~~Outdoor barbecues and picnics at wineries may be permitted provided that adequate and appropriate on-site water and sanitary services are available to the satisfaction of the Public Health Department and relevant authorities.~~
- ~~n)~~ ~~Signage for wineries shall be subject to Part 2.2.11.~~
- ~~el)~~ Restaurants, banquet halls and conference facilities **and similar uses** will not be permitted at wineries.
- ~~m)~~ **In the event of conflict between the policies in this section and the agriculture-related uses and on-farm diversified uses policies, the policies that apply to a winery or winery incidental facility will prevail for winery and winery incidental uses.**



## **Winery and Winery Incidental Uses (Winery Incidental Facility)**

- 5.1 a) n)** A single, incidental facility to sell wine with limited food service may be permitted at a winery provided the following criteria are met:
- ~~i) The incidental facility is appropriately licensed under the *Liquor Licence Act*;~~
  - i)** Subject to on-site private sewage systems and water supplies The maximum number of patrons of the incidental facility **is shall not exceed 50 patrons** people;
  - ii)** The incidental facility is located within the winery building and/or decks/patios attached to the winery building(s) **and is not a separate, detached structure or utilizes an existing building or structure**;
  - iii)** The size of the incidental facility comprises part of, and is not in addition to, the maximum permitted size of the winery and the permitted size of the retail sales and tasting area as per Sections **Part 2.10.#**;
  - iv)** ~~If the incidental facility has~~ Any outdoor seating space/area **then that area (square footage) comprises is considered** part of, ~~and is not in addition to,~~ the total maximum **allowable area for a** permitted winery size and the permitted size of the retail sales and tasting area as per Sections **Part 2.10.#**;
  - v)** The incidental facility ~~may only operates~~ when the winery is open for public tours or public events ~~and as provided for in the *Liquor Licence Act*;~~
  - vi)** ~~There shall be~~ **No new or expansions to** parking facilities or vehicle access infrastructure **will be permitted unless justified** ~~constructed to serve this incidental facility unless it can be demonstrated to the satisfaction of the implementing authority that the expansion of the existing parking and vehicle access infrastructure needs to be expanded as is an essential requirement for the operation of the incidental facility or if it is necessary required to meet any provincial or municipal requirements;~~
  - vii)** ~~Notwithstanding ii) above,~~ **Municipal servicing may only be permitted:**
    - if public health authorities or **the** Ministry of the Environment and Climate Change determines it is ~~the only sustainable~~ **a necessary** means of servicing the winery and the incidental facility for reasons of public health or environmental protection; or
    - if existing municipal servicing is located adjacent to the winery and a lateral connection is approved by the relevant authorities.
  - viii)** No other buildings or infrastructure are required to serve this incidental facility except as otherwise provided for in **i),ii), vi) and vii)** above; **and**
  - xix)** ~~The incidental facility~~ **will gives** priority to serving wine produced at that winery.
  - ~~xi) The food service provided does not exceed light meals as defined in this Plan.~~
  - ~~xii) All relevant provincial and municipal requirements are met.~~

## **Winery Events**

5.38. Indoor and outdoor events that are incidental to the principal use of the property, ~~subject to the following criteria~~ **may be permitted provided that the following criteria are met:**

- ~~a) The event and any related use will not result in the permanent loss of agricultural land and shall be conducted in such a manner as to minimize land use conflicts.~~
- ~~b) The applicant for the event shall demonstrate to the satisfaction of the Public Health authorities or the Ministry of Environment and Climate Change, and relevant authorities, that adequate water and on-site sanitary services are available.~~
- ~~c) The applicant for the event shall demonstrate to the satisfaction of any relevant authorities that appropriate traffic management and on-site parking is available.~~
- ~~d) The event shall be in compliance with municipal requirements.~~
- eb) The applicant for the event shall include in the application, information related to items #), #), #), #) and #) above as well as information on the exterior noise to be created by the event, the proposed hours of operation, and in the case multiple events are proposed, the number of these events to be held annually and any other information deemed appropriate by the implementing authority.**

7) **Appendix 2 – Definitions should be amended as follows:**

**Agricultural Use** – ~~The land, building or structure used for the purpose of animal husbandry, horticulture, beekeeping, dairying, fallow, field crops, fruit farming, fur farming, market gardening, maple syrup production, pasturage, poultry keeping, mushroom farming or any other farming use and may include growing, raising, small-scale packing and storing of produce on the premises and other similar uses customarily carried out in the field of general agriculture.~~ **the growing of crops, including nursery, biomass, and horticultural crops; raising livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to, livestock facilities, manure storages, value-retaining facilities, and mobile or portable accommodation for full-time farm labour when the size and nature of the operation requires additional employment.**

**Agriculture-related Uses** – ~~farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.~~

**Agri-tourism Uses** – ~~means farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.~~

**Farmer**

~~A person who owns and/or leases property and farms such property, whose main occupation is farming and whose primary income is derived from agriculture on the owned or leased property.~~

**Light Meals**

~~Will not exceed five main selections with no more than four snacks or side dishes. The selection will be such that it allows a reasonable variety of meals, either as a single order or by combining orders.~~

**Locally Grown** – means grown, produced and harvested in Ontario.

**Minimum Distance Separation Formulae** – means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Normal Farm Practices** – means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

**On-farm Diversified Uses** – uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

**Prime Agricultural Areas** – ~~means~~ areas where prime agricultural lands (specialty crop lands and/or Canada Land Inventory Classes 1, 2 and 3 soils) predominate. This includes: **an** areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional area where there is a local concentration of farms ~~which~~ **that** exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using ~~evaluation procedures~~ **guidelines** established **developed** by the **province** as amended from time to time, ~~or~~. **A prime agricultural area** may also be identified through an alternative agricultural land evaluation system approved by the **province**.

**Prime Agricultural Land** – means specialty crop areas and/or Canada Land Inventory Class 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection.

**Region** – ~~when used in Part 2.10.4 of this Plan, for grapes, means the Designated Viticultural Area (DVA) within which the winery is proposed. Should additional Designated Viticultural Areas be included in the Niagara Peninsula, the original boundary of the DVA is to be applied for the purposes of this definition.~~

For other fruit, this shall mean the nearby area or region growing the fruit for the winery.

**Specialty Crop Areas** – means areas designated using ~~evaluation procedures~~ ~~guidelines~~ ~~established~~ ~~developed~~ by the province, as amended from time to time, ~~where~~. ~~In these areas~~, specialty crops ~~are predominantly grown~~ such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil ~~lands are predominantly grown~~, usually resulting from:

- a) soils that have suitability to produce speciality crops, or lands that are subject to special climatic conditions, or a combination of both; ~~and/or~~
- b) ~~a combination of farmers skilled in the production of specialty crops~~; and
- c) ~~a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store or process specialty crops.~~

## Discussion Paper Executive Summary

### TOPIC 8: SCENIC RESOURCES

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#### Background

The NEP contains policies regarding the natural scenery, scenic quality, visual attractiveness and other similar terms that would collectively be described as scenic resources. This is a component of the NEP reflective of the Purpose and Objectives of the Plan.

While policies pertaining to scenic resources within the current NEP remain sound, they are general in nature and the NEP should be updated to include more focused and objective guidance to assess various forms of development, in order to minimize visual impact and preserve, maintain and enhance the scenic resources of the Escarpment. In keeping with the Purpose and Objectives of the NEP, the NEC has a role in protecting scenic resources related to both natural and cultural heritage.

#### Other Considerations:

Other proposed policy amendments that are directly related to the scenic resources proposals are included in Topic 4: Urban Uses and Urban Designations, and Topic 21: Cultural Heritage. The amendments proposed under these three topics should be considered concurrently. The proposed scenic resources policy amendments include revised terms and definitions that were addressed in these other Discussion Papers.

#### Recommendation

The NEC has recommended to the Minister of Natural Resources and Forestry that new definitions and terms be added, land use designation policies and Development Criteria be updated to reflect new terms and that a new set of Development Criteria specifically addressing development and scenic resources be added. These changes will also necessitate revisions to wording in other parts of the NEP to ensure consistency throughout the NEP.

#### Summary of Proposed Changes

- Replace terminology associated with Escarpment aesthetics namely: *natural scenery, scenic areas, landscape quality, visually, scenic values, scenic qualities, visual attractiveness, landscape, visual(s)* and other similar terms with the term scenic resources;
- Add to Appendix 2 new definitions and revise existing definitions;
- Revise existing Part 2 Development Criteria and add new criteria addressing Development and Scenic Resources. The new criteria are proposed to clarify policy and strengthen the identification and protection of the scenic resources and provide visual access for the public to the Escarpment scenery.

**PROPOSED AMENDMENT**  
**TOPIC 8: Scenic Resources**

**1) Part 1.4 Escarpment Protection Area should be amended as follows:**

(Preamble)

The policy aims to maintain **and enhance** the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.

**2) Part 1.5 Escarpment Rural Area should be amended as follows:**

**Objectives**

1. To maintain **the scenic values qualities** of lands in the vicinity of the Escarpment.

**3) Part 1.6 Minor Urban Center is amended as follows:**

**Development and Growth Objectives**

4. Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and, ~~where appropriate incorporate adequate screening and / or setbacks to reduce the visual impact on the Escarpment landscape (e.g., berming, tree planting, subdued lighting).~~ **All development should be of a design compatible with the scenic resources and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks, maximum heights for buildings / structures and screening shall be required to minimize the visual impact of development on the Escarpment environment.**
11. Adequate public access to the Escarpment ~~should~~ **shall, where appropriate,** be provided by such means as parking areas, walkways or pedestrian trails (e.g., the Bruce Trail) **and by the protection of views to the scenic resources of the Escarpment.**
15. Municipalities are encouraged to pass sign by-laws to ensure that the ~~cultural heritage features, attractive streetscapes community character and scenic qualities~~ **resources** of Minor Urban Centres are maintained and enhanced.

**4) Part 1.7 Urban Area should be amended as follows:**

**Development Objectives**

1. All development ~~should~~ **shall** be of an urban design **and scale** compatible with the ~~visual~~ **scenic resources** and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks, **maximum heights for buildings / structures** and screening ~~should~~ **shall** be required to minimize the visual impact of urban development on the Escarpment ~~landscape~~ **environment.**

6. Adequate public access to the Escarpment ~~should~~ **shall, where appropriate,** be provided by such means as parking areas, walkways or pedestrian trails (e.g., the Bruce Trail) **and/or by the protection of views to the scenic resources of the Escarpment.**
11. Municipalities are encouraged to pass sign by-laws to ensure that the ~~cultural heritage features, attractive streetscapes~~ community character and scenic ~~qualities~~ **resources** of Urban Areas are maintained and enhanced.

**5) Part 1.8 Escarpment Recreation Area should be amended as follows:**

**Objectives**

1. To minimize any adverse effects of recreational ~~activities~~ **development** on the Escarpment environment.
6. To ensure that ~~future~~ recreational development maintains and enhances ~~is compatible with cultural and natural heritage values~~ community character, scenic resources and **natural heritage features and functions** (e.g., fisheries and wildlife habitats) **and scenic resources** in the area.

**Development Objectives**

9. Adequate public access to the Escarpment **shall, where appropriate, be provided by the protection of views to the scenic resources of the Escarpment.**
10. All development shall be designed so as to be compatible with the Escarpment's natural scenery. Where development is proposed Escarpment slopes or along shorelines appropriate setbacks, height restrictions and screening shall be required to ensure minimal visibility of built form and associated changes to the landscape.

**6) Part 2.2 – General Development Criteria should be amended as follows:**

- 2.2.1a) The long term carrying capacity of the site can support the use without a substantial negative impact on Escarpment environmental features such as contours, water quality, water quantity, natural vegetation, soil, wildlife, population, ~~visual attractiveness~~ and features of significant ~~cultural heritage features~~ value or interest; and

**The long term carrying capacity of the site can support the use with minimal negative impact on the scenic resources of the Escarpment.**

- 2.2.1b) The cumulative ~~impact~~ **effect** of development will not have serious detrimental effects on the Escarpment environment (e.g., water quality, vegetation, soil, wildlife, and landscape); **and**

Development affecting the Escarpment environment shall have minimal cumulative effect on the scenic resources of the Escarpment.

2.2.4 Any development permitted ~~should~~ **shall** be designed and located in such a manner as to ~~preserve~~ **ensure the protection of natural heritage features and functions, open landscape character, community character and the scenic resources** ~~visual and cultural characteristics~~ of the area.

2.2.5 Where development involves new roads, road improvements or service corridors, their designation and alignment ~~should~~ **shall** be in harmony with the Escarpment landscape ~~environment~~.

2.2.8 Development permitted ~~should~~ **shall** be designed and located in such a manner as to provide for or **ensure the protection of** ~~protect~~ access to the Niagara Escarpment including the Bruce Trail Corridor **and to the scenic resources of the Escarpment**.

2.15.1e) Transportation and utility structures ~~should~~ **shall** be sited and designed to minimize visual impact.

2.15.1h) The visual impact of utility structures and service roads ~~should~~ **shall** be minimized by siting, structural design, colouration and landscape planting in order to minimize the impact on the Escarpment environment.

**7) A new section of Development Criteria should be added to the NEP as follows:**

**2. XX Development and Scenic Resources**

The objective is to ensure that new development affecting the Escarpment environment shall have minimal individual and cumulative effect on the scenic resources of the Escarpment.

1. Development may be permitted provided that:

- a. Such development ensures the protection of the existing scenery and views to the scenery from the public domain;
- b. Where impact on the scenic resources is identified as a concern by the implementing authority a visual impact assessment shall be required. The Niagara Escarpment Commission Visual Assessment Guidelines set out the minimum standards for undertaking the assessment.

2. Where it is permitted new development shall:

- a. Be sited and designed to be predominantly visually subordinate within the Escarpment environment;
- b. Be compatible with the surrounding open landscape character, community character, and natural heritage features;
- c. Maintain and where possible enhance the scenic resources of the Escarpment.

3. New built form must ensure the following:



- a. Minimized visibility of built form and associated vertical features;
  - b. The built form does not, in so far as possible, skyline above the horizon line.
4. Appropriate siting and design measures, shall be used to minimize the impact of development on the scenic resources, including:
- a. Setbacks and maximum building heights;
  - b. Orientation of built form to reduce visibility;
  - c. Clustering of buildings where appropriate;
  - d. Minimize the development footprint and changes to the existing topography and vegetation;
  - e. Use of natural topography and vegetation as screening for visual mitigation;
  - f. Where there is minimal existing screening or vegetation cannot be retained, provide new planting (native species) to screen development;
  - g. Use of materials and colours that blend harmoniously and are compatible with the surrounding landscape;
  - h. Use of non-reflective materials on roofs and walls along with measures to reduce reflectivity associated with fenestration (e.g., deep eaves over windows, minimal number of windows);
  - i. Minimize the effect from exterior lighting; lighting directed downward and sited, hooded and shielded such that the illumination of the site, all or in part, is not highly visible from the public domain.

8) **APPENDIX 2 – Definition should be amended as follows:**

**Carrying Capacity** – capacity of a site to support a use without substantial negative impact on environmental features such as water quality, natural vegetation, soil, wildlife population and ~~visual attractiveness~~ **scenic resources**.

**Compatible** – where the building, structure, activity or use blends, conforms or is harmonious with the Escarpment's ecological ~~or~~ physical, ~~visual or cultural~~ environment, **scenic resources and** community character.

**Escarpment Environment** – the physical, natural, ~~visual and~~ cultural heritage ~~features~~ **and scenic resources** associated with the Escarpment landscape.

**Open Landscape Character** – the system of rural features, both natural and human-made ~~which~~ **that** makes up the rural environment, including forests, slopes, streams and ~~stream valleys~~ **valleylands**, hedgerows, agricultural fields, ~~etc.~~ **agricultural buildings and other features of similar character and scale**.

**Height of a Structure** – the greatest vertical distance between the point of lowest finished grade and the highest point or points of the structure.

**Natural Scenery** – the existing scenery of the Escarpment environment, associated with its substantially continuous natural environment.

**Scenic Quality** – a reference to the six scenic rankings (Outstanding, Very Attractive, Attractive, Average, Low and Very Low) derived from the Niagara Escarpment Planning Area Landscape Evaluation Study and updates to the Study.

**Scenic Resources** – means the visual condition and scenic quality of the features or system of features within the Niagara Escarpment landscape based on the visual conditions and scenic quality of the landscape and dependent upon the Escarpment characteristics, or combination of characteristics, present such as geology, landform, vegetation, land use, the shore land of the Great Lakes and existing water bodies, special features and areas modified by human activities past and present.

**Skylining** – extending above the horizon line of the Escarpment brow, slope or other prominent landform and, where applicable, associated vegetation.

**Viewpoint** – a strategic viewing position, receptor point or observation point from which a viewshed is determined.

**Viewshed** – the total surface area visible from an observer's viewpoint.

**Visual Impact Assessment** – a study in accordance with the Niagara Escarpment Commission Visual Assessment Guidelines.

**Visual Impact** – change to the existing Escarpment environment from viewpoints; usually associated with proposed development.

### **TOPIC 9: LAND FILLING AND CONTOUR CHANGES**

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#### **Background**

The NEP does not currently contain any Development Criteria related to the large-scale disposal of fill or excess soil within the NEP Area, nor is it listed as a Permitted Use in any of the NEP land use designations. However, the NEC has established guidelines to assist with administration of the Plan and has allowed limited fill placement when it is accessory or incidental to a Permitted Use, such as the construction of a dwelling.

In research to support this Discussion Paper, the NEC found that Niagara Escarpment Hearing Officers have upheld the NEC's finding that the disposal of large quantities of fill is not consistent with the Purpose and Objectives of the NEP, specifically because of the risk posed by contaminated fill, and the potential to modify Escarpment features and landforms. Over the last decade, the NEC has seen an increase in both Development Permit applications and compliance challenges related to the large-scale placement of fill, likely as a result of the large number of growth-related transportation infrastructure and urban intensification projects in the Region requiring sites for the deposition of excess soil and fill.

#### **Other Considerations**

Municipal site alteration by-laws are not consistent across the NEP Area, and therefore cannot be relied upon to address illegal filling or grading in the NEP Area. The Ministry of Environment and Climate Change is developing a policy framework to protect human health and the environment from inappropriate disposal of excess soil, and to improve consistency in managing excess soil across the province.

#### **Recommendation**

The NEC recommended that new policies related to site alteration be added to Part 2 of the NEP to provide greater clarity and transparency on land use policies relating to filling and site alteration. The proposed policy clarifies that filling and site alteration occur only if accessory or incidental to a Permitted Use, and that soil augmentation or site alteration related to agriculture is subject to strict criteria.

#### **Summary of Proposed Changes**

- New Development Criteria in Part 2 of the NEP in a new section entitled "Site Alteration"
- Additional Development Criterion in Part 2.10 – Agriculture and 2.11 – Mineral Resources (see Topic 6 for proposed changes to Part 2.11)
- New terms and definitions to support proposed policies

## PROPOSED AMENDMENT

### TOPIC 9: Land Filling and Contour Changes

#### 1) Part 1.3 – Escarpment Natural Area should be amended as follows:

##### Permitted Uses

8. Accessory buildings, structures and facilities (e.g., garage), signs, and the site ~~modifications~~ **alterations** required to accommodate them.
9. Incidental uses (e.g., swimming pools, tennis courts) and site ~~modifications~~ **alterations** required to accommodate them, provided ~~the that the impact on the natural environment is minimal~~ **there is no negative impact on the Escarpment environment.**

#### 2) Part 1.4 – Escarpment Protection Area should be amended as follows:

##### Permitted Uses

9. Accessory buildings, structures and facilities (e.g., garage), signs, and the site ~~modifications~~ **alterations** required to accommodate them.
11. Incidental uses (e.g., swimming pools, tennis courts) and site ~~modifications~~ **alterations** required to accommodate them, provided ~~that the impact on the natural environment is minimal~~ **there is no negative impact on the Escarpment environment.**

#### 3) Part 2.10 – Agriculture should be amended as follows:

##### General

5. Topsoil augmentation and site alteration on pasture or crop land may be permitted if it is in accordance with all other Development Criteria, and if it is supported by a report from a certified agrologist establishing that the development serves to enhance the agricultural capability of the site. A fill management plan may be required at the discretion of the implementing authority depending upon the quantity of fill, the scale of site alteration and the ecological and landscape sensitivity of the site. Placement of fill that does not meet the definition of topsoil will not be permitted on pasture or crop land.

#### 4) A new section of Development Criteria should be added to the NEP, as follows:

##### Part 2.XX Site Alteration

The objective is to ensure that filling and site alteration occurs only if it is accessory or incidental to a permitted use, and that it will have minimal impact on the natural scenery, the open landscape character, natural landforms, water

resources and natural heritage features and functions of the Niagara Escarpment.

1. Changes to natural drainage patterns shall be avoided. No re-direction of water at the sub-watershed level will be permitted.
2. Planning, design and construction practices shall ensure that Escarpment-related landforms are maintained or enhanced, and that development is visually compatible with the natural scenery and open landscape character of the Niagara Escarpment and are in accordance with Part 2.XX – Development and Scenic Resources.
3. Impervious surfacing shall be limited to areas of the site where it is essential to the Permitted Use (e.g., driveways, walkways, patios, parking, recreational surfaces).
4. Except as provided for in Part 2.11 - Mineral Resources, the construction of berms will only be permitted in cases where natural vegetation is insufficient to mitigate visually incompatible land uses, or where noise attenuation is required.
5. Any excess excavated materials should be retained on site and integrated into the site plan so as to maintain natural drainage, protect existing vegetation, and minimize contour changes.
6. Any proposed cutting and filling must be clearly shown on a proper grading and drainage plan. If imported fill is needed, a fill management plan, prepared and overseen by a qualified professional, may be required at the discretion of the implementing authority.
7. Any fill imported on to a site must satisfy the definition of inert fill and must meet or exceed existing on-site soil quality conditions. The objective is that imported fill shall meet Table 1 of the Soil and Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act, R.S.O 1990, c.E.19, unless at the discretion of the implementing authority, a different Table Standard is deemed safe and appropriate. This assessment will be based upon site conditions, the quantity of fill proposed and a consideration of possible impacts on human health and the environment.
8. Inert fill, once applied, must be covered with topsoil and vegetated with self-sustaining vegetation, as soon as possible.
9. Notwithstanding the other provisions of this section, filling and site alteration associated with an existing or closed municipal waste disposal site shall be governed by Part 2.3 (Existing Uses) regarding its operation plan, site remediation and decommissioning.

5) **Appendix 2 – Definitions should be amended as follows:**

**Berm** – an artificial mound or bank of earth.

**Certified Agrologist** – a person who has been certified as a Professional Agrologist (“P. Ag.”) by meeting the academic and registration requirements established by a provincial institute of agrologists.

**Inert Fill** – means earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances (as defined in Ont. Reg. 347/90 under the Environmental Protection Act.)

**Site Alteration** – means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site (as defined in the Provincial Policy Statement, 2005).

**Topsoil** – means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat (as defined in the Municipal Act, 2001).

### TOPIC 10: SECONDARY DWELLING UNITS

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#### Background

The NEP, in principle, currently only permits secondary dwelling units (SDUs) and garden suites in the Escarpment Urban Area, Minor Urban Centre and Escarpment Recreation Areas (off the prominent Escarpment slope), provided the use is permitted within the underlying local municipal Official Plan and/or by-law.

The Commission has, on occasion, permitted the establishment of a SDU or garden suite where otherwise not permitted (i.e., in the Escarpment Rural Area), determining in those site-specific proposals that the use would not offend the overall Purpose and Objectives of the Plan. However, the Commission has not been consistent in their approach to these proposals, and therefore the need to address this issue through NEP policy was identified.

#### Other Considerations

The *Strong Communities through Affordable Housing Act* (2011) amended various sections of the *Planning Act* in 2012 to facilitate the creation of second units, by requiring municipalities to establish Official Plan policies and zoning by-law provisions within certain areas of the municipalities, allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures and to increase the number of years that garden suites may be authorized under a temporary use by-law (to 20 years). Municipalities are responsible for determining where second units are appropriate, as well as the appropriate standards for second units.

The Provincial Policy Statement (PPS, 2014) also includes policies that require an appropriate range and mix of housing types and densities, including second units. The Province does recognize that there may be constraints that would make certain areas inappropriate for second units (e.g., in the floodplain, inadequate servicing, environmentally sensitive areas).

#### Recommendations

The Commission recommended that subject to the appropriate Development Criteria, secondary dwelling units (within single dwellings), could be considered a permitted use, in principle, in the Escarpment Rural Area, while still maintaining the overall environment first Purpose and Objectives of the NEP. The Commission found that opportunities for separate detached secondary dwelling units (i.e., garden suites), continue to be appropriately provided for in Minor Urban Centres, Urban Areas and Escarpment Recreation Areas, and that the current NEP policies will continue to support these uses in these designations, subject to municipal standards or policies.

The Commission further recommended that the existing policies for secondary dwelling units in the Minor Urban Centre, Urban Area and Escarpment Recreation Areas be clarified as a permitted use.

## Summary of Proposed Changes

- Secondary Dwelling Units added as a Permitted Use in the Escarpment Rural Area and Escarpment Recreation Area.
- Proposed new Development Criteria in Part 2.2 General Development Criteria of the NEP entitled “Secondary Dwelling Units”.
- New definition to support policy proposals that are consistent with provincial direction.

## PROPOSED AMENDMENT

### TOPIC 10: Secondary Dwelling Units

#### 1) Part 1.5 – Escarpment Rural Area should be amended as follows:

##### Permitted Uses

##### 5. Secondary dwelling units

#### 2) Part 1.8 – Escarpment Recreation Area should be amended as follows:

##### Permitted Uses

##### 15. Secondary dwelling units

#### 3) Part 2.2 – General Development Criteria should be amended as follows:

##### Secondary Dwelling Units

##### 8. The following provisions apply to secondary dwelling units:

- a) One single secondary dwelling unit may be permitted per existing lot of record.
- b) Notwithstanding the above, a secondary dwelling unit shall not be permitted on an existing lot of record where there is more than one single dwelling, including any dwelling approved under Part 2.2.7 b) of this Plan.
- c) The secondary dwelling unit shall be contained entirely within a single dwelling or in an addition to a single dwelling and shall not be permitted in a detached accessory structure.
- d) A secondary dwelling unit shall not be used for vacation or tourism rental accommodation.
- e) The floor area of a secondary dwelling unit shall not be greater than 40 percent of the single dwelling to a maximum of 90 sq metres (1000 sq ft), excluding any basement and any attached garage.
- f) Where municipal official plan policies permit secondary dwelling units, the municipal standards (e.g., lot size, parking requirements, maximum floor area, licencing), shall be met, and adequate servicing shall be available to



accommodate the secondary dwelling unit (including septic and water), to the satisfaction of the municipality and the implementing authority.

g) Secondary dwelling units shall not be permitted in a group home or a single dwelling containing a Bed and Breakfast Home.

h) A home business shall not be permitted within a secondary dwelling unit.

**3) Appendix 2 – Definitions should be amended as follows:**

**Secondary Dwelling Unit** – a self-contained dwelling unit containing facilities for the preparation of food, sleeping, living area and sanitation, and is designed for habitation by a separate individual(s), and is subordinate to the primary single dwelling in terms of size and function.

## Discussion Paper Executive Summary

### TOPIC 12: EXISTING USES

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#### Background

The NEP currently includes Existing Uses in the list of Permitted Uses in each land use designation, has specific Development Criteria for Existing Uses (Part 2.3) and has a definition of the term Existing Use in Appendix 2.

#### Other Considerations

The proposed changes to the Existing Uses policies would replace the current administrative “policy” regarding size increases to Existing Uses and address the lack of policy guidance on “lapsed” existing uses. In addition, there would be an opportunity to allow the use of former institutional buildings to be used for group homes. This new Plan policy would assist applicants and staff considering Development Permit applications by providing clear, transparent and enforceable policy guidance.

#### Recommendation

The NEC recommends that the Development Criteria in Part 2.3 and the definition of Existing Uses be revised to provide greater policy clarity regarding the approach to considering changes of use or expansions of such uses.

An additional policy clarification is proposed to the General Development Criteria, Part 2.2.7, to provide clarity that single dwellings are only permitted on an Existing Lot of Record, as defined in the NEP.

#### Summary of Proposed Changes

Land Use Policies - Permitted Uses:

- Parts 1.3, 1.4, 1.5, 1.8, and 1.9: Change sub-heading to “Permitted and Existing Uses”
- Revise Part 2.2.7, General Development Criteria for single dwellings
- Revise Part 2.3, Development Criteria for Existing Uses
- Revise Definition of Existing Uses in Appendix 2

#### PROPOSED AMENDMENT

##### TOPIC 12: Existing Uses

#### 1) Part 2.2 – General Development Criteria should be amended as follows:

7. Single dwellings are limited to one per **existing lot of record** in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless... *(remainder of policy remains the same)*

## 2) Part 2.3 – Existing Uses should be amended as follows:

The objective is to encourage generally not to disrupt existing uses to be brought into conformity with the Niagara Escarpment Plan or to be replaced by permitted uses.

### Change of Use

1. An existing use may change to a similar use or more compatible use only if it can be sufficiently demonstrated that the Objectives of the applicable designation of the Niagara Escarpment Plan and the relevant Development Criteria are met.
2. An existing use, building or structure may expand or change in use or be replaced on the property where it is located when it can be sufficiently demonstrated that the Objectives of the applicable designation of the Niagara Escarpment Plan and the relevant Development Criteria are met.
3. Where an existing use has a substantial environmental or visual impact, the property owner shall be encouraged to bring it into closer conformity with the Objectives of the applicable designation of the Niagara Escarpment Plan (e.g., erect a fence around a wrecking yard or install manure storage facilities) and with the relevant Development Criteria through appropriate mitigation on the property where it is located.
4. An expansion or enlargement of an existing use shall be minor considered in proportion to the size and scale of the building or use, building or structure at the time it became a legally an existing use as defined by the Plan, and shall not result in an intensification of the use.
5. Where an existing use is the subject of an application for a Development Permit, expansions or enlargements of the existing use including its related buildings or structures and area occupied on the property by the use may be considered up to a cumulative total of 25%. The resulting development must demonstrate compatibility with surrounding uses and conformity with the relevant Development Criteria in Part 2.
6. ~~The expansion/enlargement of existing ponds is not permitted unless it is a farm pond and is not located in the Escarpment Natural Area. (Moved to Part 2.6 – Water Resources)~~
6. Where it cannot be sufficiently demonstrated that an existing use has been continuously operating up to and including a date within one year prior to the date the application is made for a Development Permit, no development should be permitted based on the status of the use as an existing use. In the case of a seasonal existing use, two years is required.

## Waste Related Facilities

7. On existing ~~landfill~~ waste disposal sites in the Escarpment Natural, Escarpment Protection, Escarpment Rural Areas and Mineral Resource Extraction Area, the following municipal waste related facilities may be permitted without an amendment to the Niagara Escarpment Plan provided it can be demonstrated that the Objectives and Development Criteria of the Niagara Escarpment Plan are met:

- a. small scale recycling and/or compost facilities, serving the local community;
- b. temporary storage of household wastes (paint, etc.) serving the local community;
- c. containers and weight scales; and
- d. other incidental uses normally associated with the waste disposal site, serving the local community;

but does not include:

- any expansion or alteration to an existing waste disposal site from what has been approved under the *Niagara Escarpment Planning and Development Act*, and the *Environmental Protection Act* and/or the *Environmental Assessment Act* (including any expansion in area or height of a landfill or any change in the type of waste material being disposed of, such as a change from non-hazardous solid industrial waste to municipal waste);
- incineration facilities (including energy from waste facilities); and
- large scale packer and/or recycling plants or similar uses.

8. Notwithstanding Criterion 7 above, filling and site alteration on the property of an existing operating waste disposal site or an existing closed waste disposal site may be permitted if it is determined that such filling and site alteration is consistent with the Certificate of Approval under the *Environmental Protection Act* or is required for site remediation or decommissioning. The fill must be inert or of a quality and condition deemed suitable for the site by the Ministry of the Environment. Where possible such activities will be consistent with maintaining and enhancing the natural scenery and open landscape of the Escarpment.

9. Vacant or surplus institutional buildings may be considered for use as group homes, provided that all other relevant Development Criteria and municipal official plan requirements are met. [New from small scale uses paper]

### 3) Appendix 2 – Definitions should be amended as follows:

**Existing Use** – the legal use of any land, building or structure ~~legally~~ for a purpose that is not otherwise listed as a permitted use under the applicable designation in the Niagara Escarpment Plan, and that was:

- i) Existing on the day of approval of the Niagara Escarpment Plan, June 12, 1985; or
- ii) Approved in accordance with the provisions of the Niagara Escarpment Plan since June 12, 1985 but prior to the date of any amendment to the Plan ~~that prohibited the use~~ **under which the use ceased to be a permitted use**; or
- iii) Existing, ~~or approved,~~ in an area added to the Niagara Escarpment Plan at the date **of the approval** of the amendment to the Plan adding the lands to the Plan **and,**

**Provided that the existing use had continued legally and without interruption after the effective date as set out under i), ii), and iii).**

## Discussion Paper Executive Summary

### TOPIC 13: SMALL-SCALE USES

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#### Background

The NEP uses the words “small scale” with respect to certain permitted uses and Development Criteria. Examples included small-scale institutional uses, small-scale commercial uses accessory to agriculture, small-scale commercial and industrial development servicing agriculture and the rural community, and small-scale recycling depots serving the local community. Although the NEP does not have a formal definition for “small scale,” the NEC has interpreted this to mean less than 5000 square feet in gross floor area. This interpretation has been upheld by Niagara Escarpment Hearing Officers several times. The range of small-scale permitted uses and definitions for various small-scale uses were also reviewed to determine if there were clarifications or changes to policies were required.

#### Recommendation

The NEC has recommended to the Minister of Natural Resources and Forestry that a definition for “small scale” be included in the NEP and that the policies regarding small-scale uses, including institutional uses, group homes, home industries, and animal kennels be revised to provide greater clarity and in some cases, increase the range of permitted uses. The NEC also recommended adding “country inns” as a new permitted use in several land use designations.

#### Summary of Proposed Changes:

- Add a definition of “small scale” to the NEP, specifying that it means less than 5000 square feet in gross floor area.
- Add “country inns” as an additional category of permitted uses in Escarpment Rural Areas. Country inns would also be allowed on protected heritage properties in Escarpment Natural Area and Escarpment Protection Area.
- Revise the definition of “institutional use” to include commercial health care and social well-being facilities. These might include day cares, homes for the elderly, or medical clinics, provided that they still meet the definition of small scale and serve the local community. Minor adjustments to the definition of “group home” were also recommended.
- Revise the definitions of “animal kennel” to include reference to the NEC’s Dog Kennel Guidelines, as well as the requirement that municipal licensing requirements be met.
- Revise the definition for “home industry” to include property maintenance companies that provide snow clearing, grass cutting, or limited landscaping.

**PROPOSED AMENDMENT**  
**TOPIC 13: Small-Scale Uses**

**1) Part 1.4 – Escarpment Natural Area should be amended as follows:**

**Permitted Uses**

#. Country inns in existing single dwellings on protected heritage properties subject to a heritage conservation easement agreement

**2) Part 1.5 – Escarpment Protection Area should be amended as follows:**

**Permitted Uses**

#. Country inns in existing single dwellings on protected heritage properties subject to a heritage conservation easement agreement

**3) Part 1.6 – Escarpment Rural Area should be amended as follows:**

#. Country inns

**4) Part 2.2 – General Development Criteria should be amended by adding the following:**

**Country Inns**

1. A maximum of six guestrooms may be provided
2. One parking space shall be provided per guestroom
3. Food services may be provided for guests only

**5) Appendix 2 – Definitions should be amended as follows:**

**Animal Kennel**

A building, structure or premises used for the raising or boarding of dogs, cats or other household pets. Where permitted, animal kennels must also comply with municipal requirements and the NEC's Kennel Guidelines, as amended from time to time.

**Country Inn** – means a residential use that is in the principal residence of the owner/operator and host, having no more than six rooms and providing lodging and meals to overnight guests. A Country Inn is considered a secondary use in a single detached dwelling and does not include hotels or motels.

**Group Home** – a residence that is licensed or funded by a public agency for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit where meals are provided in a central facility and who, by reason of their emotional, mental, social, or physical

condition or legal status, require a group or **shared** living arrangement for their wellbeing.

**Home Industry** – a ~~small-scale use, providing a~~ service **provided** primarily to the rural or farming community and ~~which~~ is accessory to a single dwelling or agricultural operation, performed by one or more residents of the household on the same property. A home industry may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, **a property maintenance operation**, an electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop, or furniture stripping.

**Institutional Use** – use of land, building or structure ~~for some public or social purpose, but not for commercial purposes~~, for governmental, religious, educational, charitable, philanthropic, hospital, **group home**, or other **similar public or altruistic purpose** ~~similar non-commercial use~~ to serve the immediate community, **but does not include cemeteries or cemetery accessory uses.**

**Small Scale or Small-scale** – refers to a building or structure associated with a permitted use with a maximum gross floor area of 465 m<sup>2</sup> (5000 sq ft).



### **TOPIC 14: NIAGARA PARKS AND OPEN SPACE SYSTEM**

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#### **Background**

Policies related to the Niagara Escarpment Parks and Open Space System (NEPOSS) are included in Part 3 of the NEP. The Co-ordinated Review provided an opportunity to review NEPOSS policies based on policy interpretations, the implementation experience of NEPOSS agencies/bodies, as well as current research on park and open space management. Recommended policy changes are intended to provide better direction to NEPOSS agencies/bodies, as well as to ensure consistency in management approaches across NEPOSS.

#### **Other Considerations**

The NEPOSS Council, consisting of agencies/bodies that own and manage lands within NEPOSS, provided input to the recommended policy changes. Changes recommended by the Council included clarification on the role of the MNRF, the NEC and the NEPOSS Council. Greater flexibility in the range and size of park facilities was requested to better accommodate educational programming and recreational uses. The requested changes were consistent with the overall Purpose and Objectives of the NEP.

#### **Recommendations**

The NEC has recommended to the Minister of Natural Resources and Forestry that the policies relating to NEPOSS be updated to clarify the structure of NEPOSS, and that policies for park facilities and recreational uses be revised to allow for a greater range of uses within NEPOSS.

#### **Summary of Proposed Changes:**

- Add the following definitions to the NEP: rock climbing, ropes course, zip line, and NEPOSS agency/body.
- Clarification of the intent of NEPOSS, as well as the roles of the NEC, the NEPOSS Council, and the Ministry of Natural Resources in Part 3 of the NEP.
- Greater flexibility in the range and size of park facilities and recreational uses to accommodate opportunities for educational programming and new recreational uses.
- New policies on rock climbing, snowmobiling, ropes courses, and zip lines, and where they are permitted in NEPOSS.
- Recognition of lands acquired by the Bruce Trail Conservancy with NEPOSS.

## PROPOSED AMENDMENT

### TOPIC 14: Niagara Escarpment Parks and Open Space System

#### 1) Part 1.4 – Escarpment Natural Area should be amended as follows:

##### Permitted Uses

4. Non-intensive recreation uses such as nature viewing and trail activities except ~~motorized vehicle trails or the use of motorized trail vehicles off-road vehicles as defined in the *Off-Road Vehicles Act* and motorized snow vehicles as defined in the *Motorized Snow Vehicles Act*~~. Notwithstanding, off-road vehicles authorized by a NEPOSS agency/body (e.g., for emergency purposes) and motorized snow vehicles may be permitted within the Niagara Escarpment Parks and Open Space System, subject to Part 3.1.6 subsections 12, 13 and 14.

#### 2) Part 1.9 – Mineral Resource Extraction Area should be amended as follows:

##### After Uses, Permitted Uses and New Lots

1. Except for progressive rehabilitation, as set out in the Development Criteria for Mineral Resources in Parts 2.11.5, 2.11.6 and 2.11.9 of this Plan, any new lot creation or any change in land use within a Mineral Resource Extraction Area, other than the identified permitted uses, shall require an amendment to the Niagara Escarpment Plan. ~~Notwithstanding, a new lot may be created by a NEPOSS agency/body specifically for the Niagara Escarpment Parks and Open Space System provided there is no more than one remnant lot.~~

#### 3) Part 3.1 – The Niagara Parks and Open Space System should be amended as follows:

Part 3 of this Plan sets ~~includes~~ out policies for a ~~the~~ Niagara Escarpment Parks and Open Space System (NEPOSS) as a framework for the establishment and coordination of a ~~S~~system of publicly owned lands ~~along~~ the Escarpment ~~as well as~~ ~~and~~ the Bruce Trail.

~~The Niagara Escarpment Parks and Open Space System~~ ~~Lands within NEPOSS~~ is ~~are~~ owned and/or managed through the ~~continued~~ cooperation of ~~seven~~ conservation authorities, the Ministry of Natural Resources and Forestry, Ontario Parks, ~~the Ontario Heritage Trust, Parks Canada, the St. Lawrence Seaway Management Corporation,~~ ~~Transport Canada,~~ the Niagara Parks Commission, the Royal Botanical Gardens, municipalities and other ~~agencies/bodies~~ capable of managing ~~areas~~ land in the public interest (e.g., the Bruce Trail Conservancy, local ~~service~~ ~~naturalists'~~ clubs ~~and~~; approved conservation organizations).

~~Public agencies/bodies and approved conservation organizations that own/manage land within NEPOSS (“NEPOSS agencies/bodies”) must comply with the policies in Part 3.~~

The Ministry of Natural Resources and Forestry coordinates the development and administration of NEPOSS, including the approval of Management Plans the Niagara Escarpment Parks and Open Space System. The Niagara Escarpment Commission works collaboratively with the Ministry of Natural Resources and Forestry to ensure that recreational activities and development within NEPOSS are consistent with the objectives and policies of this Plan.

There are 158 over 160 existing and proposed parks and open spaces in NEPOSS, the majority of which are connected by the Bruce Trail. areas within the System. The majority are or will be linked by the Bruce Trail. Appendix 1 briefly describes each park and open space area in the System.

Excluding land purchased for the Bruce Trail corridor, The System in its entirety is shown on Map 10. Maps 1 to 9 identify Public Land (in the Parks and Open Space System) with as an overlay, including lands owned/managed by the Bruce Trail Conservancy acquired specifically to protect the Bruce Trail Corridor. This overlay is considered to be part of the Niagara Escarpment Plan but is not a land use designation. however, lands in the Parks and Open Space System are subject to the policies of Part 3 of the Plan.

### 3.1.1 Objectives

NEPOSS is a provincially coordinated system that secures and protects significant Escarpment features and scenic landscapes and provides the public with opportunities for compatible recreation in a manner that satisfies the broad park and open space goals set out in this Plan. It is not a local or urban-focused park system. In this context, the objectives of NEPOSS are: The objectives of the Niagara Escarpment Parks and Open Space System:

1. To protect unique ecological and historical areas the Niagara Escarpment's significant natural and cultural heritage resources;
2. To provide adequate opportunities for outdoor education and recreation;
3. To provide for adequate public access to the Niagara Escarpment;
4. To complete a public system of major parks and open spaces through additional land acquisition and park and open space management planning;
5. To secure a permanent route for the Bruce Trail;
6. To maintain and enhance the natural environment of the Niagara Escarpment;
7. To support tourism by providing opportunities on public land for discovery and enjoyment by Ontario's residents and visitors;

8. To provide a common understanding and appreciation of the Niagara Escarpment; and,
9. To show leadership in supporting and promoting the principles of the Niagara Escarpment's UNESCO World Biosphere Reserve **Designation** through sustainable park planning, ecological management, community involvement, environmental monitoring, research and education.

In addition to the nine objectives listed above, it is also recognized that in special cases, some areas may also be managed for flood control, fish and wildlife or resource production.

### 3.1.2 Parks and Open Space System Concept

The System, which is linear in nature, is based on public lands acquired to protect distinctive **natural and cultural heritage resources** and significant areas along the Escarpment. ~~Feature areas are waterfalls, distinctive landforms associated with the Escarpment and special plant communities and animal habitats. Historical and archaeological sites, often found associated with these feature areas, are also incorporated.~~ **The System focuses on environmental protection while providing opportunities for public access, appreciation, education and compatible outdoor recreation.** The Bruce Trail **Corridor** ~~corridor~~ serves as the common public linkage tying the parks, open spaces, ~~areas,~~ distinctive natural features and landforms together ~~into~~ **in** the System.

As noted in Part 3.1, the System ~~will consist~~ **consists** of lands owned and/or managed by a number of **NEPOSS agencies/bodies.** ~~public bodies or approved conservation organizations including, but not limited to, the Ministry of Natural Resources and Forestry, seven conservation authorities, the Niagara Parks Commission, Ontario Parks, Parks Canada, the St. Lawrence Seaway Management Corporation, the Ontario Heritage Trust, and the Bruce Trail Conservancy and municipalities.~~ The System includes lands that ~~are~~ **may be** considered by their managing agencies as public parks, such as provincial parks, certain conservation areas and municipal parks. In addition, several areas are ~~included which~~ are not considered to be parks, such as certain conservation authority lands, county forests and the Bruce Trail **lands.** Including these lands **areas** advances the objective of protecting important Escarpment features and ~~provides~~ **providing** public access and opportunities for outdoor education and recreation.

The strength and public image of **NEPOSS** ~~the Niagara Escarpment Parks and Open Space System~~ **is** entirely dependent upon the cooperation of the various park and open space management **NEPOSS agencies/bodies** in complying with the policies of the Niagara Escarpment Plan. Coordination and consistency of purpose, management and ~~identity for individual parks and open space~~ **visual identity of the System** ~~areas and for the Niagara Escarpment Parks and Open Space System~~ will be achieved through **the following:**

- a) The common pursuit, by all **NEPOSS agencies/bodies** ~~park and open space management agencies,~~ of the objectives of the System;
- b) The common application of a set of park and open space ~~planning and management policies to individual parks and open spaces~~ **areas** within the System; ~~and~~
- c) ~~Encouraging the~~ **The** use of the Niagara Escarpment Program **NEPOSS** logo on park and open space signs and literature to identify public lands within the ~~Parks and Open Space System~~; ~~and,~~
- d) **The participation of public agencies/bodies on the NEPOSS Council (“the Council”).**

### **3.1.2.1 NEPOSS Council**

The Council, which is comprised of representatives from public agencies/bodies as defined in Appendix 2 of this Plan, is intended to advance **NEPOSS** objectives. The Council will provide advice to the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission on **NEPOSS** policies, programs and issues.

### **3.1.2.2 NEPOSS Planning Manual**

The **NEPOSS Planning Manual (“the Manual”)** was developed by the Ministry of Natural Resources and Forestry in consultation with the Niagara Escarpment Commission and **NEPOSS agencies/bodies**. The Manual, in conjunction with Part 3, provides minimum standards and a consistent approach for the development of Management Plans for lands within **NEPOSS**.

### **3.1.3 Nodal Parks**

~~Because of the diverse environments found along the Escarpment, there are regional differences within the Parks and Open Space System. To fully exploit~~ **promote these differences for the the Escarpment’s diverse environments for** public benefit and to provide ~~starting/destination, and starting points within~~ **NEPOSS, the Parks and Open Space System, nine focal areas (called Nodal Parks)** have been selected ~~to serve segments of the Escarpment:~~

- Bruce Peninsula National Park
- Inglis Falls Conservation Area
- Mono Cliffs Provincial Park
- Terra Cotta Conservation Area
- Crawford Lake Conservation Area
- Cootes Paradise Sanctuary
- Dundas Valley Conservation Area
- Balls Falls Conservation Area
- Queenston Heights (Brock’s Monument)

### 3.1.3.1 Administrative Role of Nodal Parks

Each geographic segment of the Escarpment is to include one or more Nodal Parks based on areas that are most representative. Administratively, Nodal Parks perform the following functions: ~~function of visitor reception and information dissemination concerning park and open space activities, points of interest, and attractions in surrounding Escarpment areas and communities. Elements of the program include:~~

- **Orientation** - to tell visitors where they are in relation to other parks, open spaces ~~areas~~, trails, natural features and points of interest.
- **Education** - to stimulate an understanding of the Niagara Escarpment and its many natural and cultural heritage values (e.g., Biosphere Reserve designation).
- **Interpretation** - to familiarize visitors with the features of any given a park or open space area.
- **Recreation** - to identify and provide information on how to participate in nearby Escarpment recreational activities.

As permitted in Part 3.1.6 subsection 2, a A Nodal Park may contain buildings or facilities (e.g., visitor centre, administrative office space) appropriately scaled for the site and to support uses directly related to its educational and administrative role in NEPOSS. ~~the Parks and Open Space System as outlined in Part 3.1.2. In addition, to support and enhance their role in the System, a Nodal Park may include special purpose, fully serviced buildings with meals and overnight accommodations in accordance with Part 3.1.6 subsection 4.~~

Literature promoting the Niagara Escarpment UNESCO World Biosphere Reserve, the Niagara Escarpment Plan and ~~the Niagara Escarpment Parks and Open Space System-NEPOSS~~ would will be available at the Nodal Parks in order to promote the distinctiveness and visual identity of the System. While not all Nodal Parks may include visitor reception or related facilities, the long-term goal is to have fully functioning Nodal Parks within each geographic segment.

### 3.1.3.2 Modifications to the List of Nodal Parks

New Nodal Parks may be added to the list or existing Nodal Parks replaced without requiring an Amendment amendment to the Niagara Escarpment Plan provided the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission are satisfied following public and park agency stakeholder consultation, and that such a the modification change would be consistent with the Parks and Open Space System NEPOSS Objectives in Part 3.1.1 and the Nodal Park concept outlined under in Part 3.1.2.3.1.3.

### 3.1.4 Parks and Open Space Classification Policy

Parks and open spaces in the Niagara Escarpment Parks and Open Space System NEPOSS will be assigned a classification, based on the predominant characteristics of the property. The recreational potential or intended use is a secondary consideration. The classification, as noted in Appendix 1 and on Map 10, is closely tied to natural and cultural heritage values and will serve as a guide to the management and use of the park or open space area. The classification will be subject to confirmation at the time Park or Open Space when a Master/Management Plans are prepared or revised. Exceptions to the classification policy include: (i) lands held by Parks Canada; (ii) lands owned by, the St. Lawrence Seaway Management Corporation Transport Canada; and (iii) lands acquired specifically for the Bruce Trail Corridor not listed in Appendix 1 of this Plan.

Park and open space classifications will ensure the maintenance of the variety and diversity intended in the System. There are six park and open space classes:

- Nature Reserve
- Natural Environment
- Recreation
- Historical Cultural Heritage
- Escarpment Access
- Resource Management Area

The following brief descriptions form a basis upon which the managing agencies will develop more detailed guidelines for the classification, planning and management of the parks and open space in the System. More detailed guidelines will be included in the Niagara Escarpment Parks and Open Space System Manual.

Where camping is suggested as an appropriate use in the following classifications, it is understood that camping (car or overnight) includes but is not necessarily limited to, depending on the provisions of any master/management plan, campgrounds, temporary yurts, tents, lean-to's and unserviced camper's cabins.

Brief descriptions of the park classifications within NEPOSS are outlined below with more detailed guidelines provided in the Manual:

#### 1. Nature Reserve

These are areas which represent and protect the most significant and the distinctive natural areas features and landforms found along the Niagara Escarpment, such as . These areas serve to protect selected provincially significant wetlands and provincially significant Life Science Areas of Natural and Scientific Interest. Management practices and uses in a nature reserve will ensure that the features and values for which the reserve was established remain are protected in perpetuity.

Access to these areas will not be widely promoted and activities will be limited to those that can further scientific understanding and education (e.g. i.e., scientific research, natural history interpretation, and nature trails or the Bruce Trail for passive recreation). The minimum amount of facilities necessary to support these activities will be provided.

## 2. Natural Environment

These lands are characterized by and serve to protect a the variety and combination of outstanding natural and cultural heritage features, historical resources and outstanding landscapes. Natural Environment areas provide opportunities for the protection of important natural and cultural features. Activities may range from back-country hiking in the interior of these areas to car-camping and day use activities in the more developed or accessible areas.

## 3. Recreation

These are some of the best recreational environments along the Escarpment. They either that occur naturally or are capable of being can be developed to provide a wide variety of outdoor recreational recreational opportunities in attractive Escarpment surroundings. In Recreation areas parks, management and development of resources is appropriate in order to provide the recreational environment and facilities required to support a wide variety of activities. These may be include day use only activities and more intensive/active outdoor recreational activities. Facilities for overnight camping may also be provided including campgrounds, temporary yurts, and tents, lean-to shelters and unserviced camper's cabins. Special purposes buildings that include overnight accommodations and meals for guests may also be permitted in accordance with Part 3.1.6 subsection 4.

## 4. Historical Cultural Heritage

These areas are intended to protect and interpret the distinctive resources areas representative of the Escarpment's archaeological resources and historical cultural heritage. Development of facilities in these lands will be oriented focused primarily to on the protection, enhancement, and interpretation of the archaeological, cultural and/or historical characteristics of the site features.

## 5. Escarpment Access

These generally small areas will complement the larger, and in some cases, more developed parks or open spaces areas, by providing opportunities for public access to the Niagara Escarpment at appropriate points along the Escarpment. These areas will normally be small and may provide modest facilities to support day use activities at view points points of interest (e.g., rest areas, trailheads, picnic sites, scenic areas, fishing areas, beaches), or other points of interest.



~~New Escarpment Accesses may be established by the Ministry of Natural Resources and Forestry, conservation authorities, or on the initiative of local municipalities or organizations such as service clubs.~~

~~Not all Escarpment Accesses are identified in Appendix 1 or on Map 10 since new Accesses at strategic locations may be secured or acquired from time to time where a gap in the System has been identified (e.g., lack of public access).~~

## **6. Resource Management Areas**

~~This classification includes certain public lands that are managed primarily to provide resource related benefits such as forest products, fish and wildlife, or flood control. These areas will also provide many benefits, including recreation recreational opportunities and protect, the protection of important natural and cultural heritage resources. and resource products. In most cases, these areas will undergo include more intensive resource management than the activities relative to other classifications in the System.~~

### **3.1.4.1 Existing Uses in Parks and Open Spaces**

~~It is recognized that some existing uses within parks or open space areas may not conform exactly to the policies of their assigned classification. In this regard, a building, structure or facility (e.g., existing ski area) may expand, change in use, be replaced or be upgraded when it can be sufficiently demonstrated that the objectives of the applicable Niagara Escarpment Plan designation in Part 1, the requirements of Part 2.3 of the this Plan and the NEPOSS Objectives of the Niagara Escarpment Parks and Open Space System in Part 3.1.1. can be met. NEPOSS agencies/bodies will be encouraged to bring uses into conformity over a number of years. The preparation development or revision of any a Park Master/Management Plan shall will address any conformity issues and any proposed expansion of existing uses.~~

~~Managing agencies will be encouraged to bring parks or open space areas into conformity over a number of years, especially where monitoring shows that existing uses have exceeded the carrying capacity of the site or area. It is also recognized that some parks or open space areas may be managed in pursuit of objectives such as flood control and resource production, in addition to those presented in Part 3.1.1. Where that is the case, habitat protection and scenic values, as well as the Objectives of Part 3 of this Plan, will be taken into account in the Park Master/Management Plan or management of the area. Off-road, power-driven, recreational vehicles are not permitted in Escarpment parks~~

### **3.1.5 Parks and Open Space Zoning Zones Policy**

~~As identified in the Manual, an inventory of natural and cultural heritage resources is essential to develop park and open space zones, with consideration given to the underlying land use designation(s) of the Niagara Escarpment Plan.~~

The development of zone mapping and zone policies Zoning is essential required to the for orderly planning, compatible development and effective management of an area. of a park or open space area. Zoning Zones recognizes that every park or open space area includes a particular combination of significant resources, natural and cultural heritage features and potential or existing development. Zoning Zones will assign uses to lands based on their significance for protection and their potential for recreation within the context of the Parks and Open Space Classification Policy in Part 3.1.4. It is anticipated that some existing Management Plans plans for existing park or open space areas may not conform exactly with to this policy. Agencies NEPOSS agencies/bodies will be encouraged to bring such plans into conformity over a number of years when park and open space plans are Master/Management Plans are renewed, updated, or reviewed for conflict with the Niagara Escarpment Plan.

The brief description of the six zones that follows will be expanded by the management agencies as a component of the Niagara Escarpment Parks and Open Space System Manual: There are six NEPOSS zones, which are described in greater detail in the Manual:

1. **Nature Reserve Zones:** include the most significant natural heritage features or and areas which that require careful management to ensure the long-term protection. of these natural values.
2. **Natural Environment Zones:** include aesthetic scenic landscapes in which a minimum of development is permitted to support low to moderate intensity recreational activities.
3. **Access Zones:** serve as staging areas (e.g., trailheads, parking lots) where minimal facilities support the use of Nature Reserve Zones and relatively undeveloped Natural Environment and Historical Cultural Heritage Zones.
4. **Historical Cultural Heritage Zones:** include features of significant cultural heritage value or interest, such as archaeological resources, areas of archaeological potential or historical features or areas which that require management that will to ensure the long-term protection of the significant values. conservation.
5. **Development Zones:** provide the main access to the park and open space access, orientation and operational, and facilities (e.g., visitor centres, maintenance buildings parking lots) and services to support appreciation and recreation. the recreational activities available This zone may include areas designed to provide facilities for recreational purposes (e.g., campgrounds, athletic fields, picnic areas, maintenance facilities).
6. **Resource Management Zones:** provide for intensive sustainable resource management (e.g., forest management, fisheries management, water management, fish and wildlife management, multiple use management and flood control).

The **NEPOSS** zones can be applied to all park and open space classes, except in the case of Natural **Environment** Zones, Development Zones and Resource Management Zones which **that** are not permitted in the Nature Reserves class as defined in Part 3.1.4.

In addition, Resource Management Zones will not be established in provincial parks or on Public Lands in the Niagara Escarpment Parks and Open Space System identified as being in an **a Life Science** Area of Natural and Scientific Interest (Life Science) **with** the following exceptions:

- a) Where existing forestry agreements are in effect;
- b) To facilitate uses permitted under **an** existing approved Parks Master/Management Plans;
- c) To maintain or protect the unique features of an Area of Natural or Scientific Interest, where such features would otherwise disappear without active management;
- d) For emergency access (e.g., fire protection); and
- e) On public lands included in **a** the Resource Management Area Class as defined in Part 3.1.4.

Other zones may be established and applied in specific circumstances to resolve special planning or management **problems considerations** which **that** cannot be accommodated by the above-described zones.

### **3.1.4.1 3.1.6 Recreation and Commercial Uses in Parks and Open Space**

1. **Permitted uses and the recreational experience within a park or open space are closely linked to the area's values and objectives.** Where permitted by the **park and open space** classification, recreational uses in parks and open space, other than in Recreation Parks, shall **and development will** be incidental or secondary to the protection of land within the park or open space area for public enjoyment and as habitat for wildlife and plant communities **natural and cultural heritage resources.**
2. Retail and visitor service facilities appropriately scaled for the site may be permitted if identified in the Development Zone of an approved **Master/Management Plan**, especially if developed in conjunction with interpretative displays and information related to the Niagara Escarpment.
3. The introduction of intensive **recreational and commercial** uses, **including but not limited to**, like downhill ski slopes, golf courses, golf driving ranges, banquet halls, full service restaurants, lodges, hotels, conference centres, retreats, schools, spas and buildings with provision for fully serviced overnight accommodation, as distinct from camping, shall **are** not be permitted.

4. Notwithstanding Part 3.1.6 subsection 3, special purpose buildings designed and operated to support environmental, cultural and/or UNESCO World Biosphere Reserve programming that include meals and fully serviced overnight accommodations for specific park user groups (e.g., school boards, youth organizations, hiking clubs) may be permitted as an accessory use in Nodal Parks or Recreation parks if appropriately scaled for the site and identified in the Development Zone of an approved Management Plan.
5. While public use of Recreation parks may include more intensive recreational activities than other parks in the ~~Niagara Escarpment Parks and Open Space System NEPOSS~~, such activities shall ~~will~~ be especially suited to the natural character of the particular park ~~align with the objectives of the park and open space classification in Part 3.1.4,~~ must be situated in ~~an appropriate~~ zones identified in an approved ~~master/~~Management Plan and ~~must~~ be conducted in an environmentally sustainable manner. Development of facilities must be designed and undertaken in a way that will minimize the environmental impact. ~~of the development. In Recreation Parks, visitor service facilities with a retail component may be permitted, but intensive commercial facilities such as full service restaurants, banquet halls, lodges, hotels, conference centres, retreats, schools, spas and buildings with provision for fully serviced overnight accommodation, as distinct from camping, shall not be permitted. However small scale special purpose facilities designed and operated in support of natural history, environmental and UNESCO Biosphere Reserve related programming, which may include fully serviced overnight accommodations with meals for facility guests only, may be allowed as an accessory use if specifically permitted in an approved Parks Master/Management Plan.~~
6. Rock climbing will not be permitted in Nature Reserves as defined in Part 3.1.4.
7. Rock climbing may be permitted in other park and open space classes where a climbing management plan to address and minimize environmental impacts is developed by the NEPOSS agency/body in consultation with the Niagara Escarpment Commission and the Ministry of Natural Resources and Forestry.
8. Ropes courses and zip lines are not permitted in Nature Reserves as defined in Part 3.1.4.
9. Ropes courses and zip lines may be permitted in other park and open space classes where identified in the Development Zone of an approved Management Plan.
10. Where camping (car or back-country) is permitted in an approved Management Plan, it is understood that camping includes campgrounds, temporary yurts, tents, lean-to shelters and unserviced campers' cabins.
11. The establishment of a new trail within a Nature Reserve or Nature Reserve Zone as defined in Parts 3.1.4 and 3.1.5 respectively may be permitted if, in consultation with the Niagara Escarpment Commission and Ministry of Natural Resources and Forestry:

- a) The use is approved by the landowner after a detailed environmental review; or
  - b) The use is required for human safety (e.g., emergency access) where there is no feasible alternative; or
  - c) The use has been appropriately identified in an approved Management Plan.
12. Off-road vehicles, as defined in the *Off-Road Vehicles Act*, are not permitted in NEPOSS. The use of off-road vehicles authorized by a NEPOSS agency/body (e.g., for hazardous tree removal, maintenance or emergency access) may be permitted provided there are no feasible alternatives.
13. Motorized snow vehicles, as defined in the *Motorized Snow Vehicles Act*, are not permitted in Nature Reserves or Nature Reserve Zones as defined in Parts 3.1.4 and 3.1.5 respectively.
14. Motorized snow vehicles may be permitted in other park and open space classes and zones in an approved Management Plan, subject to the following provision:
- a) Where the use is restricted to Ontario Federation of Snowmobile Club trails managed in partnership with the NEPOSS agency/body to ensure environmentally responsible and sustainable use.

### 3.1.67 Master/Management Planning Policy

#### Management Plans

1. ~~Management~~ NEPOSS agencies/bodies will prepare a Management Plan plans for each park or ~~and~~ open space in the Niagara Escarpment Parks and Open Space System in accordance with Part 3 and the guidelines provided in the Manual, with consideration of NEPOSS agency/body policies, procedures and .guidelines.
2. ~~Each~~ Management Plans will establish ~~policy guidelines~~ zone policies and zone mapping for long-term protection, development and management of the park or open space area.
3. The land use designations of the Niagara Escarpment Plan and the Development Criteria in Part 2 will be used as a guide in the planning process. ~~instead of a final statement on permitted uses. Zoning~~ Zone policies developed through the Management park and open space planning process takes precedence over the land use designations in of the Niagara Escarpment Plan once a Parks Master/Management Plan is approved and not in conflict with the Niagara Escarpment Plan. ~~as per Part 3.1.7.2 subsection 1.~~

4. Undertakings within an approved Management Plan may be exempt from Development Control in accordance with Regulations established under the *Niagara Escarpment Planning and Development Act*.
5. Parks or open spaces ~~areas~~ without a plan ~~an approved Management Plan~~ are subject to the Land Use ~~policy~~ Designations and Development Criteria of the Niagara Escarpment Plan.
- ~~6. Park and open space plans will provide for the zoning of parks and open space and appropriate management prescriptions for each zone.~~
6. The existing and Optimum Route of the Bruce Trail through the park and open space area shall ~~will~~ be identified as the Bruce Trail Corridor in Parks Master/Management Plans and managed in cooperation with the Bruce Trail Conservancy.
7. A change in the classification of a park or open space area as a result of the master/Management planning process shall ~~will~~ not require an amendment to the Niagara Escarpment Plan.
8. Parks Master/Management Plans will recognize that a parks and/or open space areas are ~~is~~ part of the UNESCO Niagara Escarpment UNESCO World Biosphere Reserve and will include policies that recognize the Biosphere Reserve designation.
9. Agencies involved with specific park or open space plans ~~NEPOSS agencies/bodies~~ must ensure that the implementation of the plan ~~Management Plan~~ and operation of the park or open space area meet the requirements of the *Environmental Assessment Act*.

#### **3.1.7.1 Public and Stakeholder Consultation**

1. Public and stakeholder consultation will be undertaken by a NEPOSS agency/body during the Management planning process in accordance with the Manual and respective NEPOSS agency/body policies, procedures and guidelines. Comments received through the consultation process will be considered in the development of the Management Plan.
2. The NEPOSS agency/body will consult with the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission throughout the development of the Management Plan.

#### **3.1.7.2 Approval Process**

1. The Niagara Escarpment Commission will endorse a Management Plan when it is not in conflict with the Niagara Escarpment Plan before forwarding to the Ministry of Natural Resources and Forestry for approval.

2. Lands owned/managed by the Bruce Trail Conservancy not listed in Appendix 1 of the Niagara Escarpment Plan and lands held by federal agencies listed in Part 3.1.4 are exempt from requiring approval under Part 3.1.7.2 subsection 1. However, management of these areas should be consistent with the objectives of NEPOSS.

### 3.2 The Bruce Trail

1. The Bruce Trail is an essential component of the ~~Niagara Escarpment Parks and Open Space System~~ NEPOSS linking parks, open spaces ~~areas~~ and natural features through the establishment of a ~~the Bruce Trail~~ Corridor in conjunction with Bruce Trail Access Points and Overnight Rest Areas. The long term goal is to secure a permanent ~~corridor~~ route for the Bruce Trail along its entire length.
2. Where the ~~route of the~~ Bruce Trail does not follow the Optimum Route or where the Optimum Route has become available because the opportunity for acquisition has occurred, the method of securing the Trail will be fee simple acquisition and lesser rights will be acquired where appropriate. Acquisition will occur on a willing seller/buyer basis.
3. Bruce Trail Conservancy owned and/or managed lands including easements are reserved for pedestrian use only. On these lands, no other uses are permitted unless express written approval is provided by the Bruce Trail Conservancy or where emergency access authorized by the landowner is granted. On other NEPOSS lands through which the Bruce Trail passes, NEPOSS agencies/bodies are encouraged to designate the Bruce Trail portion as a footpath only.
4. The Optimum Route of the Bruce Trail ~~shall~~ will be determined by the Bruce Trail Conservancy and the Development Criteria in Part 2.16 of the Niagara Escarpment Plan. The process of final corridor selection and acquisition from willing sellers ~~shall~~ will include consultations with partner agencies.
5. The Bruce Trail Conservancy is responsible for planning, designing, developing, maintaining and managing the Bruce Trail Corridor in accordance with the provisions of the Niagara Escarpment Plan.
6. Securing a permanent, continuous route for the Bruce Trail will be accorded the same priority as establishing and completing the other parks and open spaces ~~areas of the Niagara Escarpment Parks and Open Space System~~ in the System.

### 3.3 Municipal Parks and Open Space

Municipal parks and open spaces not identified in Appendix 1 or on Map 10 may, upon request by the municipality and with agreement of the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission, be included in the ~~Niagara Escarpment Parks and Open Space System~~ NEPOSS.

Such a park or open space area could be added to the Niagara Escarpment Plan and Plan Maps and be considered Public Land (in NEPOSS ~~the Parks and Open~~

Space System) without requiring a Niagara Escarpment Plan amendment provided the municipality or managing agency (e.g., local service club) was is prepared to plan and manage the lands in accordance with Parts 3.1.4, 3.1.5 and 3.1.6. **Part 3.**

In determining whether or not a municipal park or open space area should be part of the System **NEPOSS**, the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission would **must** have to be satisfied that the addition met **meets** the **NEPOSS** Objectives in Part 3.1.1 and **Planning Concept the Parks and Open Space System Concept** outlined in Part 3.1.2.

### 3.4 Land Acquisition and Land Disposal

#### Acquisition

Where lands have been acquired under the Niagara Escarpment Land Acquisition and Stewardship Program, the Natural Areas Protection Program, or a successor to these programs, to add to a park or open space area identified in Appendix 1, such lands upon purchase are considered Public Land in the Parks and Open Space System and subject to the policies of Part 3. **Land acquisition to grow the System relies on the continuous efforts of NEPOSS agencies/bodies including the Bruce Trail Conservancy. Where lands are acquired and are to be managed as part of an existing park or open space in the System, the lands can be included on Niagara Escarpment Plan Maps without an amendment to the Niagara Escarpment Plan. A Niagara Escarpment Plan amendment is not required to include such lands on the Plan maps.**

#### Disposal

Public Land (in **NEPOSS** the Parks and open Space System) as identified on Maps 1 to 9 or lands acquired to secure the Bruce Trail Corridor may be disposed of and removed from the public land base without a Niagara Escarpment Plan amendment provided that the following four criteria are met:

1. The disposal is considered minor in nature and would not result in the removal of a park or open space lands from the System or change the **its** boundary of a park or open space area in a significant manner. In this regard, minor shall generally means parcels of **2.0** hectares (**5.0** acres) or less **in size**.
2. The disposal must be in conformity **conform to with** the land use provisions, **New Lot** policies and **the Development Criteria** of Parts 1 and 2 of the Niagara Escarpment Plan.
3. The disposal can be justified as being beneficial to the **Escarpment Parks and Open Space Program-NEPOSS** (e.g., exchanging surplus lands for lands **having-with** a higher environmental or recreational priority); **and**
4. The disposal will not detrimentally affect the public land base, its future use or adjacent properties.



Subject to Part 2.4.14 (Lot Creation), exceptions to the criteria listed above will be for the disposal of land in instances where more land than necessary had to be acquired to complete a Parks and Open Space System NEPOSS purchase after June 12, 1985, or where an approved master/Management Plan not in conflict with the Niagara Escarpment Plan identifies and justifies the sale of such land.

### 3.5 Addition or Deletion of Parks or Open Space

1. New parks or open space areas may be added to the Niagara Escarpment Plan and the Plan Maps without requiring a Niagara Escarpment Plan amendment provided the Ministry of Natural Resources and Forestry and the Niagara Escarpment Commission are satisfied that such an addition would satisfy the Parks and Open Space System NEPOSS Objectives in Part 3.1.1. The managing agency must agree to the addition and be prepared to plan manage the land in accordance with Parts 3.1.4, 3.1.5 and 3.1.6. Part 3.
2. An amendment to the Niagara Escarpment Plan will be is required to remove a park or open space Area from the Niagara Escarpment Parks and Open Space System NEPOSS.

#### 4) Appendix 1 - Niagara Escarpment Parks and Open Space System should be amended as follows:

Appendix 1 which follows is provides a brief description of the parks and open spaces areas presently in the Niagara Escarpment Parks and Open Space System NEPOSS. Parks or open spaces areas marked with an asterisk are designated Nodal Parks in the System as defined in Part 3.1.3 of this Plan. The classification of each park or and open space area, as described in Part 3.1.4, is noted in brackets following the name.

Changes to the parks and open space descriptions which follow the classifications in Appendix 1 resulting from land acquisition and Management planning do not require a Plan an amendment to the Niagara Escarpment Plan as a result of land acquisition and park and open space planning activities. These descriptions may be updated as the System shown on Map 10 develops and matures.

#### 5) Appendix 2 - Definitions should be amended as follows:

##### **Niagara Escarpment Land Acquisition and Stewardship Program**

The program adopted and funded by the Province at the time of approval of the Niagara Escarpment Plan to:

- a) Complete the system of public parks and open space identified in Part 3 and secure a corridor for the Bruce Trail linking parks, open space areas and natural features, and
- b) Promote and support responsible protection and stewardship of significant natural and cultural heritage properties and features.

The Program was replaced by the Natural Areas Protection Program in 1998.

**NEPOSS Agency/Body** – Public agencies/bodies and approved conservation organizations that own/manage land within NEPOSS.

**Ontario Federation of Snowmobile Club** – a volunteer-led, not-for-profit association that provides programs and services to, and on behalf of, its member organizations, including the management of a provincial network of organized snowmobiles trails.

**Rock Climbing** – the sport or activity of climbing a vertical rock face (e.g., cliff face) especially by means of specialized techniques and equipment.

**Ropes Course** – an outdoor activity consisting of challenging elements placed on or above the ground (e.g., swings, suspension bridges, ropes, ladders, climbing nets and zip lines) usually constructed using trees and/or artificial utility poles.

**Zip Line** – a pulley suspended by cables mounted on an incline or tilt. It is designed to be driven by gravity to slide from the top to the bottom of a cable by holding onto, or attaching to, a freely moving pulley.

### **TOPIC 15: ENVIRONMENTAL MONITORING**

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#### **Background**

An environmental monitoring program was mandated under the 2005 NEP. The overall objective of environmental monitoring is to determine whether the policies of the Plan are meeting the goals and objectives of the NEPDA. It was intended that monitoring results would contribute to day-to-day planning decisions, inform NEP amendments and policy reviews and the development of State of the Escarpment Reporting. The Niagara Escarpment also received international recognition in 1990, through the designation by the United Nations Education Scientific and Cultural Organization (UNESCO) as a World Biosphere Reserve. A key function of the Biosphere Reserve designation is the requirement for research, education and monitoring, together with the requirement to demonstrate sustainable development and conservation functions.

The NEC has been working on the monitoring of selected indicators for targeted natural heritage theme areas over a number of years. Monitoring is occurring at the site and landscape levels, and relies on various partnerships for implementation of data collection and analysis.

#### **Other Considerations**

Although positive progress has been made over the years on the development of the NEC environmental monitoring Program, implementation and general advancement of the Program has been challenging. Core funding to carry out the identified indicator monitoring projects identified in the various Framework documents, including the original Framework, was not provided with the formalization of monitoring as a requirement in the NEP in 2005. Data standards and methodologies have also evolved over time and continue to be dynamic, posing challenges to undertaking reliable change over time analysis. The NEC has focused its limited capacity on projects that can be achieved through partnerships (e.g., forest biodiversity plot monitoring) and landscape scale Geographic Information System (GIS) based studies using available Provincial data (e.g., SOLRIS). The current NEP provisions are generally consistent with those of the other Greenbelt Plans.

It is anticipated that the MNRF will continue to lead strategic science initiatives for research and monitoring in the Province, including the establishment of a process for prioritizing science needs in the Ministry, in order to ensure that science priorities are aligned with ministry mandate. Such initiatives will assist in work planning, and will facilitate communication of science priorities in the MNRF with partners.

#### **Recommendations**

The Commission recommended to the Minister of Natural Resources and Forestry that the current wording in the NEP respecting Environmental Monitoring and the related Development Criteria respecting cumulative impacts assessment remain until further discussions take place with partner ministries and agencies, in order to determine areas

of potential alignment with the other Provincial Plans.

Additionally, the Commission recommended that for effective and efficient implementation of the NEP, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Growth Plan, that the provincial government should appoint a special purpose agency reporting to the Ministry of Natural Resources and Forestry, responsible for developing and directing a comprehensive, co-ordinated environmental monitoring program that will collate, integrate and rationalize the existing network of environmental monitoring systems and methods. Such an agency should be funded appropriately on a long-term basis, but for a minimum of ten years, dating from the government's approval of the provincial plans.

1. Strengthen the alignment of the current NEC monitoring activities and indicator framework with that of the other Greenbelt Plans, as well as with the identified science priorities of the MNRF and the Ministry of Environment and Climate Change (MOECC), for the purposes of improved capacity for program implementation and reporting.
2. The NEC should continue to work with the other provincial ministries to develop a shared understanding of roles and responsibilities for performance monitoring, information management, analysis and reporting. NEC staff together with the appropriate ministries and partners should assist in the development, promotion and implementation of common standards, metrics, methodologies, scales of monitoring, information management and reporting for overall improved integration and coordination of monitoring activities.
3. Current NEC monitoring projects should be re-designed where necessary, in order to increase data consistency and the ability to share and aggregate data sets with those of partner ministries and agencies engaged in similar monitoring. Additional theme areas and indicators should be considered and assessed for inclusion into the monitoring program framework, consistent with those developed in the baseline Greenbelt Performance Indicators Framework, to inform the on-going effectiveness of the NEP.
4. The current objectives and wording respecting Environmental Monitoring in the NEP is still relevant and applicable. These provisions should not be modified until further discussions take place with the MNRF and the MMAH, and a clear direction for a collaborative approach to performance monitoring for all of the Plans is established.

### **Summary of Proposed Changes**

No amendments were proposed to the current NEP provisions respecting Environmental Monitoring.

## Discussion Paper Executive Summary

### TOPIC 16: HOUSEKEEPING

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#### Background

The housekeeping Discussion Paper addresses those matters that have come to the attention of the NEC through implementation of the NEP, where it has been identified as appropriate for reasons of administration, clarity, streamlining, updating, delivery and good program planning, to improve the policies, mapping and/or wording of the NEP. In some instances sections are proposed for elimination or modification where areas have been identified as being redundant and in other areas will modify the NEP to reflect matters that have been dealt with at hearings and tribunals or before the NEC in considering its decisions.

Many of the matters outlined are viewed as routine housekeeping items that have been identified by staff and Commission over the years through implementation of the Plan, and others involve issues that were not addressed under other Discussion Papers because they were not within the scope of the topic.

#### Other Considerations

Some of the amendments proposed in the Housekeeping Discussion Paper were integrated into the final proposed amendments for other topics (e.g., urban uses, agriculture). For simplicity, these amendments have not been repeated in this summary.

#### Recommendations

The Commission has recommended to the Minister of Natural Resources and Forestry that the housekeeping amendments identified be addressed through the Co-ordinated Review for the purposes of clarity and improved implementation of the NEP, and improved alignment with the other provincial plans.

#### Summary of Proposed Changes

- Clarify and amend the terminology with respect to the use of the term “accessory” under the Permitted Uses in the Escarpment Natural, Protection and Rural Areas and the Escarpment Recreation Area
- Delete paragraph in the New Lots policy 4 in Part 1.3, policy 6 in Part 1.4 and policy 7 in 1.5 for improved implementation.
- Clarify Part 1.6 Minor Urban Centre (MUC), the Section under the heading “Amendments to Official Plans and Secondary Plans
- Clarifications to Development Objectives 2, 3, 4 and 5 in Urban Area should be provided. These policies deal with lot creation that straddles the urban boundary with other Plan designations. The changes will assist in interpretation of the policies since all designations will be referred to not just some.
- The Escarpment Recreation Area Part 1.8 should include policies similar to Objectives 2, 3, 4 and 5 in Urban Area, as these are required to address and provide guidance on similar planning issues relating to lot development and lot

creation where these straddle the boundary between designations. These should be placed under the New Lots policies.

- Escarpment Recreation Area Part 1.8 should include transportation and utilities as a Permitted Use.
- Part 2.2.6 (General Development Criteria) regarding the design of subdivisions should be moved to Part 2.4 New Lots.
- Part 2.2.9 (General Development Criteria) regarding Bed and Breakfast Homes should have a heading and include an opening paragraph and new policies.
- Part 2.2.10 (General Development Criteria) regarding Home Businesses should be revised in a manner similar to Bed and Breakfast Homes for clarity and to be specific about where and how the policies apply.
- Part 2.4.6 (New Lots) regarding lot creation should be revised to make it clear that policy a) does not apply in urban situations and replace confusing terms in policies b) and c). For example, the policies refer to the design of lots when the term should be configuration and/or location.
- Part 2.5 (New Development Affecting Steep Slopes and Ravines) should be revised and modernized to reflect the terminology respecting the protection of steep slopes and their associated environmental features from proposed development and not the development from a hazards/hazard land perspective.
- Part 2.10.5 e) (Agriculture), which is one of the Special Provisions applying to Winery and Winery Incidental Uses should be revised.
- Part 2.13.4 (Recreation), which is one of the provisions applying to intensive recreation is vague and inaccurate in that it does not recognize that all Escarpment Recreation Areas may not be suitable for intensive recreation nor is it consistent with the policies of the NEPOSS respecting where intensive recreation is intended to occur.
- Part 2.15 (Transportation and Utilities) sub-section 1b) should be modified to clarify the reference to the term “minimum” in the paragraph. Part 2.15.1b).
- Changes to mapping and Designation Criteria on Map 4.
- Appendix 2 Definitions: Accessory definition clarified, existing lot of record definition modified, campground definition modified.

## **PROPOSED AMENDMENT**

### **TOPIC 16: Housekeeping**

#### **1) Part 1.2.2 – Exceptions should be amended as follows:**

n) A revision to the boundary of a Listed Minor Urban Centre only if the boundary has been redefined to reduce the area of a Minor Urban Centre **within the area of the former boundary** by a municipality, in an approved official plan and/or secondary plan.

~~e) The addition to the Plan of an approved boundary of a Listed Minor Urban Centre shown with a symbol;~~

#### **2) Parts 1.3, 1.4, 1.5 and 1.8 – Escarpment Natural, Protection and Rural Areas and Escarpment Recreation Area Permitted Uses should be amended as follows:**

- Accessory **uses including** buildings, structures and facilities (e.g., a-garage, or farm pond), signs and the site **alterations** modifications to accommodate them.
- 3) **Part 1.9 – Mineral Resource Extraction Permitted Uses** is amended as follows:
- Accessory **uses including** buildings, **structures** and facilities normally associated with a mineral extraction operation...
- 4) **Part 1.3, 1.4 and 1.5 – Escarpment Natural, Protection and Rural Areas New Lots policies should be amended as follows:**

~~A lot created by a public body (e.g., for a road or a park) or by an approved conservation organization for a nature preserve will not be considered a [previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body, or an approved conservation organization, which may be used as a building lot(s) shall be considered a previous lot. A lot owned by a public body as part of the Parks and Open Space System or the Bruce Trail Corridor or a lot owned by an approved conservation organization as a nature preserve which was an existing lot of record prior to its acquisition by the public body or approved conservation organization shall be considered a previous lot.~~

- 5) **Part 1.6 - Minor Urban Centre is amended as follows:**

#### **Amendments to Municipal Plans and/or Secondary Plans**

Amendments to designations and/or land use policies within the boundaries of an approved official plan and/or secondary plan ~~which~~ **that** is not in conflict with the Niagara Escarpment Plan may be made without requiring an amendment to the Niagara Escarpment Plan provide such an amendment does not involve the Escarpment Natural Area **or the Mineral Resource Extraction Area** or conflict with the Objectives and Development and Growth Objectives of this designation.

Additionally, under the MUC's heading "Development and Growth Objectives," sub-section 1 should be modified to add the following reference to Mineral Resource Extraction Areas:

Development and growth, including the creation of new lots, shall not extend into Escarpment Natural Areas **or Mineral Resource Extraction Areas**.

#### **Permitted Uses and New Lots**

1. The range of permitted uses and the creation of new lots in a Minor Urban Centre will be those in an approved official plan and/or secondary plan not in conflict with the Niagara Escarpment Plan, **subject to the Development and Growth Objectives of this designation and Part 2, the Development Criteria**.

~~2. The range of permitted uses and the creation of new lots for Minor Urban Centres without an approved official plan and/or secondary plan (or where the official plan and/or secondary plan has not been reviewed for conflict) will be subject to the Objectives and Development and Growth Objectives of this designation.~~

**6) Part 1.7 - Urban Area should be amended as follows:**

**Development Objectives**

2. New Development **within Urban Areas** shall not encroach into the Escarpment Natural, Escarpment Protection, **Escarpment Rural and Mineral Resource Extraction Areas adjacent to the Urban Area.**
3. New lots **within Urban Areas** shall not be created **if such lots encroach into include the** Escarpment Natural, Escarpment Protection, **Escarpment Rural and Mineral Resource Extraction Areas adjacent to the Urban Area.**
4. Lots **within the Urban Area** shall not be enlarged to ~~extend~~ **encroach** into the Escarpment Natural, Escarpment Protection, **Escarpment Rural and Mineral Resource Extraction Areas** in order to provide more area for development.
5. **Notwithstanding Objectives 3 and 4,** new lots may include the Escarpment Natural, Escarpment Protection, **Escarpment Rural and Mineral Resource Extraction Areas** under the following circumstances:
  - a) Correcting conveyances;
  - b) Where the land ~~land in the Escarpment Natural Area or Escarpment Protection Area~~ has, or is to be, acquired by a public body or an approved conservation organization.
  - c) Enlarging existing lots provided that no further fragmentation of the Escarpment Natural, ~~or~~ Escarpment Protection, **Escarpment Rural and Mineral Resource Extraction Areas adjacent to the Urban Area** would result and ~~provided~~ there is sufficient area in the Urban Area to accommodate the ~~proposed~~ development.

**7) Part 1.8 - Escarpment Recreation Area should be amended as follows:**

**Permitted Uses**

**15. Transportation and utility facilities, subject to the Escarpment Recreation Area Development Objectives and policies respecting development on Escarpment slopes, where transportation and utility facilities are essential.**

**New Lots**

1. **New lots within the Escarpment Recreation Area shall not be created where such lots encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural and Mineral Resource Extraction Areas.**



2. Lots within the Escarpment Recreation Area shall not be enlarged to encroach into the Escarpment Natural, Escarpment Protection, Escarpment Rural and Mineral Resource Extraction Areas in order to provide more area for development.
3. Notwithstanding Policy 1 and 2, new lots may include the Escarpment Natural, Escarpment Protection, Escarpment Rural and Mineral Resource Extraction Areas under the following circumstances:
  - a) Correcting conveyances;
  - b) Where the land has, or is to be, acquired by a public body or an approved conservation organization.
  - c) Enlarging existing lots provided that no further fragmentation of the Escarpment Natural, or Escarpment Protection, Escarpment Rural and Mineral Resource Extraction Areas would result adjacent to the Escarpment Recreation Area and there is sufficient area in the Escarpment Recreation Area to accommodate development.

### **Development Objectives**

1. New Development within Escarpment Recreation Areas shall not encroach into ~~the~~ Escarpment Natural, Escarpment Protection, Escarpment Rural and Mineral Resource Extraction Areas adjacent to the Escarpment Recreation Area.

### **8) Part 2.2 – General Development Criteria should be amended as follows:**

- ~~6. The design of subdivisions, condominiums or other similar forms of lot ownership within Urban Areas, Minor Urban Centres and Escarpment Recreation Areas should be in harmony with and maintain the existing character of the Escarpment landscape.~~

### **~~9. Bed and Breakfast Homes (Farm Vacation Homes)~~**

The following provisions apply to bed and breakfast homes as defined by this Plan:

1. Bed and Breakfast Homes in the Urban Area, Minor Urban Centre and Escarpment Recreation Area are subject to the policies for such uses as set out in the municipal official plan and/or zoning by-law and prohibited in the Mineral Resource Extraction Area.
2. In the Escarpment Natural, Protection and Rural Areas Bed and Breakfast Homes (Farm Vacation Homes) shall meet the following criteria:
  - *Existing sub-sections a) through f) – should be retained*

### **~~10. Home Businesses~~**

The following provisions apply to home businesses as defined by this Plan:

Home businesses in the Urban Area, Minor Urban Centre and Escarpment Recreation Area are subject to the policies for such uses as set out in the municipal official plan and/or zoning by-law. In the case of all other Plan designations the following criteria apply:

- Existing sub-sections a) through o) as written should be retained.
- Provision b) viii) be changed to a stand-alone sub-section to read as follows:

The applicant shall provide information to justify why the home business cannot be appropriately located in an Urban Area, Minor Urban Centre or Escarpment Recreation Area.

**9) Part 2.4 – New Lots should be amended as follows:**

6. New lots must satisfy the following criteria:

- a) The location, ~~design~~ configuration and size ~~and density~~ retain the open rural landscape in the Escarpment Natural, Protection and Rural Area.
- b) Avoid or be located to protect and avoid fragmentation of natural heritage features and areas.
- c) The ~~design~~ configuration and location is in harmony with the existing cultural heritage resources of the Escarpment landscape.

**10) Part 2.5 – New Development Affecting Steep Slopes and Ravines should be amended as follows:**

The Objective is to ensure that ~~new development affecting~~ steep slopes (e.g., Escarpment slopes, rock faces and talus slopes) and ravines **are protected from development that result** in environmental damage, **negative impacts** or unsafe conditions.

5. **Development** Structures of any kind should not be placed **permitted** on slopes in excess of 25 per cent (~~1:4~~ **1 in 4** slope).

**11) Part 2.13 – Recreation should be amended as follows:**

4. Intensive recreation is intended to occur primarily **on those lands in** Escarpment Recreation Areas **designated for this purpose** and on the public lands of the Niagara Escarpment Parks and Open Space System **identified as Recreation class parks** (see Part 3 of this Plan).

**12) Part 2.15 – Transportation and Utilities should be amended as follows:**

1. b) Finished slopes should **have grades that are not steeper than 1:2 (50 percent)** and planted; large cuts should be terraced to minimize erosion and slope failure.

**13) Appendix 2 – Definitions should be amended as follows:**

**Accessory Building, Structure or Facility** – a detached building, structure or **facility** that is not used for human habitation, the use of which is naturally and

normally incidental to, subordinate to, or exclusively devoted to the principle use ~~or building and~~ located on the same lot.

**Accessory Use** – the use of any land, building, structure ~~or facility which~~ **that** is subordinate to and exclusively devoted to the principle use located on the same lot.

**Campground** – an area used for a range of overnight camping experiences from tenting to serviced trailer sites, including accessory facilities ~~which support the use,~~ such as administration offices, laundry facilities **and** washrooms, **to support the use** recreational facilities, but not including the use of mobile homes or trailers on a year round basis.

### **Existing Lot of Record**

- i) A lot held under distinct and separate ownership from all abutting lots as shown by a registered conveyance in the records of the Land Registry office at the date of approval of the Niagara Escarpment Plan on June 12, 1985 by the Government of Ontario; or
- ii) Any new lot created in conformity with the provisions of the Niagara Escarpment Plan since June 12, 1985; or
- iii) Where lands have been added to the Niagara Escarpment Plan;
  - a) A lot held under distinct and separate ownership from all abutting lots as shown by a registered conveyance in the records of the Land Registry Office at the date of approval of the amendment to the Plan adding the lands to the Plan; or
  - b) Any new lot created in conformity with the Plan provisions after the date of approval of the amendment to the Plan adding the lands to the Plan.
- iv) **A lot created through testamentary devise or by a navigable waterway is not considered an Existing Lot of Record unless it meets the provisions set out in i), ii) and iii) of this definition.**

Note: See Special Provisions that apply to the Pleasant View Survey Lands in Part 2.2.20 a) of this Plan.

## **14) Mapping and Designation Criteria**

*Since the Escarpment Recreation Area designation can no longer be justified, the lands within Township Lots 9 and 10, Concession 6 EHS Town of Mono on Map 4 of the Niagara Escarpment Plan should be re-designated to Escarpment Natural Area, Escarpment Protection Area and/or Escarpment Rural Area based on the Designation Criteria in the NEP.*

## Discussion Paper Executive Summary

### TOPIC 18: CEMETERIES

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#### Background

The NEP does not list cemeteries as a Permitted Use in each land use designation. Instead cemeteries have been considered as institutional uses. These are defined in Appendix 2 as “use of land, building or structure for some public or social purpose, but not for commercial purposes, and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar or non-commercial use to serve the immediate community”.

The Commission recommended revising the definition of institutional use and including a new definition for cemetery, cemetery accessory uses. A new Development Criteria specifically for cemeteries in the NEP was proposed.

#### Other Considerations

The proposed policy for cemeteries would provide policy guidance on where cemeteries could locate in the NEP Area and address the current trend toward large new cemeteries that are operated commercially and so do not meet the definition of an institutional use. In addition, the proposed policy would assist applicants and staff in considering Development Permit applications for expansion to existing cemeteries or for proposed new cemeteries by specifying the information that would be required to assess the use.

The Provincial Policy Statement 2014 (PPS) broadly encourages the provision of land for a range of uses to meet projected needs for up to 20 years. Providing policy clarity about where cemeteries could locate in the NEP would be supportive of the PPS policy.

#### Recommendation

The NEC recommends that the list of Permitted Uses in the Escarpment Rural Area, Minor Urban Centre, Urban Area and Escarpment Recreation Area include cemeteries to provide guidance about where they can locate in the NEP, that a new Development Criteria be added to Part 2 and that a new definition for cemetery and cemetery accessory uses be included to distinguish between institutional uses and commercial cemeteries and clarify what types of accessory uses may be permitted.

#### Summary of Proposed Changes

Part 1 Land Use Policies - Permitted Uses:

- Parts 1.5, 1.6, 1.7 and 1.8: Add cemeteries

Part 2 Development Criteria

- Add new Development Criteria for cemeteries and cemetery accessory uses

Appendix 2 Definition

- Add definition for “Cemetery”

- Add definition for “Cemetery Accessory Uses”
- Revise definition of “Institutional Use” so as not to include cemeteries and cemetery accessory uses

## PROPOSED AMENDMENT

### TOPIC 18: Cemeteries

- 1) **Parts 1.5 – Escarpment Rural Area, 1.6 – Minor Urban Centre, 1.7 – Urban Area, and 1.8 – Escarpment Recreation Area should be amended to add the following to Permitted Uses:**

#### Permitted Uses

##### #. Cemetery

- 2) **Part 2 should be amended to add a new section to Part 2, as follows:**

#### **Part 2.XX Cemeteries**

The objective is to ensure that cemetery design and development is compatible with the Escarpment’s natural environment and open landscape character, that environmentally sustainable practices are undertaken on cemetery lands, and that cemetery development is directed to locations that are the least environmentally and visually sensitive.

1. New and changes to existing cemeteries shall meet the requirements of any relevant Development Criteria of this Plan.
2. New cemeteries, the expansion of existing cemeteries and cemetery accessory uses shall be located, designed and maintained so as to be compatible with the natural, cultural, visual and open landscape character of the area. This will include, but is not limited to, giving consideration to the following:
  - a. Locating the cemetery adjacent to or in close proximity to the regional greenspace network, particularly publicly owned greenspaces, where possible.
  - b. Integrating and maintaining existing site features, such as topography and vegetation, into the design (i.e., minimum re-grading, maximum incorporation of natural vegetation, undisturbed and rough areas).
  - c. Improving connectivity and enhancing existing natural heritage and hydrologic features onsite, where feasible.
  - d. Planting native, non-invasive plant species, where feasible.
  - e. Concentrating plantings to maximize canopy and habitat on the site, as well as minimizing large expanses of lawn, where appropriate.
  - f. Encouraging environmentally sustainable cemetery practices (e.g., minimum fertilizer application, limited irrigation demands).

- g. Designing and locating roadways and trails such that they will not adversely affect adjoining private landowners and will ensure the safety of trail users.
  - h. Providing public access to portions of the property, where appropriate.
- 3. The need for the cemetery or expansion of an existing cemetery has been demonstrated.
- 4. The size/area and capacity of the cemetery and cemetery accessory uses are demonstrated to be appropriate for the location.
- 5. Cemetery accessory uses shall be small scale and the maximum size of all accessory uses together shall not exceed a footprint of 465 square metres (5000 square feet) in total.
- 6. Cemetery accessory uses may be permitted provided they are directly related to the cemetery use and are not considered a high intensity use out of character with the surrounding local area.
- 7. Cemetery accessory uses shall be designed and located to minimize the impact on the principal use, adjacent land use and the rural open landscape character.
- 8. Crematoriums, funeral homes, restaurants, banquet halls and conference facilities shall not be permitted as part of the cemetery.
- 9. The cemetery development shall meet the requirements of any other applicable provincial and municipal policies, plans, regulations or by-laws.
- 10. The cemetery development shall not extend onto specialty crop areas or prime agricultural areas unless, in the case of prime agricultural areas only, it can be demonstrated that no reasonable alternatives on lower priority agricultural areas exist.
- 11. Extension of urban services (e.g., sewers, water) shall not be permitted except in Minor Urban Centres, Urban Areas or Escarpment Recreation Areas if consistent with municipal planning policy.
- 12. As deemed appropriate by the implementing authority, the following studies are to be submitted for review and approval:
  - a. Environmental Impact Study or a similar study that assesses potential impacts to natural heritage features including but not limited to woodlands, wetlands, watercourses, as well as any mitigation measures to address impacts.
  - b. Hydrological and/or hydrogeological study that assesses potential impacts on the quality and quantity of ground and surface water or vulnerable source protection area, as well as any mitigation measures to address impacts.

- c. Traffic analysis that assesses potential impacts to existing surrounding uses, including an assessment of projected onsite parking requirements, as well as any mitigation measures to address impacts.
- d. Cemetery Master Plan that provides information relating to the protection and management of natural features onsite and maintenance plan.
- e. Site plan that shows location of all buildings and structures, proposed grading and drainage, all accesses and parking areas and outdoor areas planned to be used by the public. (e.g., gazebos)
- f. Sediment and erosion control plan that demonstrates how soil will be stabilized and sensitive features will be protected during construction.
- g. Any other studies deemed appropriate based on the proposal or site conditions.

**3) Appendix 2 – Definitions should be amended as follows:**

**Institutional Use** – use of land, building or structure ~~for some public or social purpose, but not for commercial purposes,~~ for governmental, religious, educational, charitable, philanthropic, hospital, **group home**, or other **similar public or altruistic purpose** ~~similar non-commercial use~~ to serve the immediate community, **but does not include cemeteries or cemetery accessory uses.**

**Cemetery** – land that has been established or is recognized as a cemetery under the “*Funeral, Burial and Cremation Services Act*” or a predecessor of this Act, and includes, land that has been set aside for the interment of human remains and related grave markers but does not include a mausoleum, columbarium, crematorium or funeral home.

**Cemetery Accessory Uses** – includes a mausoleum, columbarium, office, chapel, visitation centre, parking related to cemetery services and/or monuments but does not include a crematorium.

### **TOPIC 19: WOODLANDS AND SIGNIFICANT WOODLANDS**

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#### **Background**

Since the NEP pre-dates the Provincial direction on significant woodlands, the NEP currently has no explicit policy direction with respect to these features, which are defined in the Provincial Policy Statement (PPS, 2014) as: *Areas which are ecologically important in terms of features such as species composition, age of trees and stand history, functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.*

The current NEP includes policies (Part 2.7) protect all “Wooded Areas” from impacts of development. These policies are applicable to all the land use designations within the NEP Area and are supportive of the Purpose and Objectives of the NEPDA and the NEP. The current NEP may be considered deficient since it does not include provisions for the protection of significant woodlands, which the PPS (2014) provides direction for. Previous NEP Plan Reviews have not dealt with the matter of significant woodlands as the topic was never made part of the Terms of Reference for the Review.

#### **Other Considerations**

The Co-ordinated Review is an opportunity to align where appropriate and in keeping with the Purpose and Objectives of the NEP. Both the Greenbelt Plan (GP) and the Oak Ridges Moraine Conservation Plan (ORMCP) recognize significant woodlands as “key natural heritage features”, and include policy provisions for the long-term protection of these features and their ecological functions from negative impacts.

The PPS (2014) requires significant woodlands to be identified by the planning authority, using criteria established and recommended by the MNRF. The Natural Heritage Reference Manual (NHRM, 2010), represents the Province’s recommended technical criteria and approaches for being consistent with the PPS in protecting natural heritage features, areas and systems in Ontario. The NEC considered the provincial direction in proposing amendments to the NEP to address significant woodlands.

#### **Recommendations**

The Commission has recommended to the Minister of Natural Resources and Forestry that amendments be made to the NEP Objectives and policies respecting wooded areas and that policies for the protection of significant woodlands be introduced to ensure that the NEP is supporting a consistent and coordinated approach, where appropriate with the other Provincial Plans. The amendments as proposed support the NEP objective to support municipalities within the NEP Area in their exercise of the planning functions conferred upon them by the *Planning Act*, by recognizing the municipal identification criteria and mapping for significant woodlands.



## Summary of Proposed Changes

- Introduce a new Objective and policies and definitions respecting the protection of significant woodlands and their adjacent lands, consistent with that of the PPS, and Greenbelt and Oak Ridges Moraine Conservation Plans.
- Strengthen and clarify the objective and policies respecting the development within and adjacent to “other” woodlands.

### PROPOSED AMENDMENT

#### TOPIC 19: Woodlands and Significant Woodlands

- 1) **Part 1.5 – Escarpment Rural Area should be amended by adding the following text:**

##### Development Policies for Mineral Extraction

##### 1. a) ix) Significant Woodlands<sup>2</sup>

- 2) **Part 2.7 – New Development within Wooded Areas should be amended as follows:**

##### **2.7 New Development Within Wooded Areas and Adjacent to Woodlands**

The objective is to ensure that new development should preserve as much as possible of wooded areas **protect the ecological health of woodlands, ensuring that development maintains as much as possible of woodlands, that impacts are minimized and that there are no negative impacts on Significant Woodlands or their ecological functions.**

1. Disturbance of ~~tree areas~~ **woodlands** should be minimized and proposed developments in ~~heavily tree areas~~ **and adjacent to woodlands** shall have site plan agreements **or be subject to tree inventory and vegetation preservation plans** containing specific management details regarding the protection of existing trees **and understory vegetation.**
2. Trees to be retained shall be protected by such means as ~~now~~ **fencing or wrapping** other acceptable means during and after construction. ~~(e.g., tree wells).~~
3. Existing tree cover or other stabilizing vegetation will be maintained on slopes in excess of 25 percent (1:4 slope).

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<sup>2</sup> **Note** – This policy proposal is subject to outcome of Designation Criteria Topics 1 and 2, which have proposed significant woodlands as a Criterion for either the Escarpment Natural Area or Escarpment Protection Area. If this new criterion were to be adopted it would remove the need for proposed Part 1.5 ix, as for the most part, no significant woodland features would be mapped in the Escarpment Rural Area designation.

4. Fragmentation of woodlands should be avoided wherever possible and connectivity between woodlands and other natural features and areas (e.g., wetlands, wildlife habitat) should be maintained and where possible, enhanced.

### **Significant Woodlands**

5. Development shall not be permitted within Significant Woodlands unless an Environmental Impact Study (EIS) or equivalent study is undertaken that demonstrates, to the satisfaction of the Niagara Escarpment Commission in consultation with the applicable planning authorities, that the development will result in no negative impacts on the Significant Woodland or its ecological functions.
6. Development proposed on adjacent lands to a Significant Woodland requires an Environmental Impact Study or equivalent study to be undertaken to the satisfaction of the Niagara Escarpment Commission in consultation with the applicable planning authorities. The Environmental Impact Study or equivalent study must evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on the Significant Woodlands or their ecological functions.
7. If determined to be necessary, the Environmental Impact Study or equivalent study shall identify appropriate Vegetation Protection Zone that:
  - a) Shall be of sufficient width to protect the Significant Woodland from negative impacts on the feature or its ecological functions from the development, and where possible enhance the Significant Woodland and it's ecological functions; and
  - b) Shall be maintained in a natural self-sustaining vegetated state.
8. Notwithstanding subsections 2.7.5, 2.7.6 and 2.7.7, the requirements for an Environmental Impact Study may be scoped or reduced to the satisfaction of the Niagara Escarpment Commission, in consultation with other applicable planning authorities, based on the scale of the development and associated potential or anticipated impacts.
9. Notwithstanding the above, the following exceptions to 2.7.5, 2.7.6 and 2.7.7 apply:
  - a) Forest, fish and wildlife management.
  - b) Essential watershed management and flood and erosion control projects carried out or supervised by a public authority
  - c) Essential transportation and utility facilities.
  - d) Existing Agricultural operations.
  - e) The Bruce Trail.
  - f) Pedestrian recreational trails established and maintained by a public authority provided that such uses are designed, constructed and managed to minimize their impact on the feature and its ecological functions.

3) **Part 2.13 – Recreation should be amended as follows:**

2.13.8. Trails will be located and designed to avoid wherever possible steep slopes, wetlands, erosion-prone soils, agricultural areas, ecologically sensitive areas such as deer-wintering yards, **Significant Woodlands** and significant ~~wildlife habitat~~ ~~plant and animal habitats~~ and Areas of Natural and Scientific Interest.

4) **Appendix 2 – The following new definitions should be added:**

**Adjacent Lands** – with respect to Significant Woodlands means those lands contiguous to a Significant Woodland where it is likely that development would have a negative impact on the Significant Woodland or its ecological functions. For the purposes of Part 2.7.6, the extent of adjacent lands may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Ecological Function** – the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Environmental Impact Study (EIS)** – a technical study prepared by a qualified professional, according to terms of reference approved by and carried out to the satisfaction of the Niagara Escarpment Commission, in consultation with other applicable planning authorities, in order to identify natural features and functions within or adjacent to proposed development, and to determine if and to what extent the proposed development may reasonably be expected to change the biological and physical characteristics of the natural feature or area. An EIS must assess and provide recommendations as to how potential negative impacts can be mitigated and prevented.

**Negative Impact**<sup>3</sup> - with respect to Significant Woodlands, means degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive developments.

**Significant Woodland** – an area that is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. Significant Woodlands are identified using municipal criteria approved within an Official Plan and that meet or exceed provincial standards, using the most up to date technical criteria recommended by the Province.

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<sup>3</sup> Note that the 2015 Water Resources Topic Discussion Paper Topic 5 paper proposed a definition of negative impacts, this definition mirrors that previously proposed.

**Vegetation Protection Zone**<sup>4</sup> - means a vegetated buffer area surrounding a natural heritage feature or hydrologic feature within which only those lands uses permitted within the feature itself are permitted. The width of the vegetation protection zone is to be determined through appropriate studies when new development or site alteration occurs within adjacent lands to a natural heritage feature or hydrologic feature, and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after construction, and where possible, restore or enhance the feature and/or its functions.

**Woodlands** – means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, and provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands is a general term that collectively refers to treed areas, woodlots, forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest”.

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<sup>4</sup> Note that the definition of Vegetation Protection Zone was proposed in the Topic 5 Water Resources Discussion Topic Paper.

### TOPIC 20: SPECIES AT RISK

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#### Background

The current NEP includes policies pertaining to the protection of all wildlife habitat with specific provisions for the protection of Species at Risk (SAR) habitat (e.g., habitat of endangered, threatened, special concern species). These provisions are applicable to all lands within the NEP Area and are supportive of the Purpose and Objectives of the NEPDA and the NEP, particularly the objective requiring protection of unique ecologic areas, which may, in some cases include the habitat of SAR.

The *Endangered Species Act* (ESA, 2007), came into force on June 30, 2008. This legislation replaces the previous *Endangered Species Act*, which was drafted and passed in 1971, and therefore had become outdated. As a result of the new Act, it is appropriate to make amendments to the relevant provisions of the NEP respecting the protection of endangered and threatened species habitat in order to better align with the ESA (2007) and ensure a more consistent and coordinated approach to the protection of SAR habitat through the various Provincial plans and legislation, where appropriate.

#### Other Considerations

The current standard of the NEP (Part 2.8.1) is a prohibition of development in the identified habitat of endangered species, regardless of whether the development could take place without damaging or destroying the identified habitat. Currently all development proposed within the identified habitat of an endangered species would be prohibited and require an application for an Amendment to the NEP that would have to provide justification seeking an exception to Part 2.8.1.

There is a need to address the current planning implications of the NEP Part 2.8.1 prohibition of development in the habitat of endangered species, for proposed developments that are currently identified in the NEP as permitted uses, in principle, particularly in the Urban Area, Minor Urban and Recreation Area designations, where the NEC has traditionally directed and focused development.

With respect to the potential for the issuance of an ESA Permit in the NEP Area, S. 24(3) of the NEPDA states that no other permits that relate to development shall be issued, and no approval or permissions authorized by an Act shall be made, unless the development is exempt under the NEPDA or an NEP Development Permit is issued. Therefore an ESA Permit cannot be issued by the Minister prior to an NEP Development Permit, and in the case of development proposed in the habitat of an endangered species, no such Permit could be issued on the basis of not being consistent with the current NEP Part 2.8.1, as written.

Development that is not identified as an exception to the prohibition of development in the proposed amendment, and those uses not identified as Permitted Uses, would still be required to be assessed through an NEP Amendment application, where justification

as to how the proposal maintains the overall purpose and objectives of the NEPDA and the NEP would be required.

## Recommendations

The Commission has recommended to the Minister of Natural Resources and Forestry that proposed modifications to the NEP Part 2.8 Wildlife Habitat. The intent is to improve alignment with the ESA (2007) in order to consider uses established as permitted by the NEP in the appropriate land use designations, while ensuring that the Purpose and Objectives of the NEP continue to be met. The proposal also includes housekeeping modifications to other parts of the Plan to achieve consistency and update definitions related to both general wildlife habitat and SAR habitat to reflect the standardized terminology reflected within the ESA (2007) and the PPS (2014).

## Summary of Proposed Changes

- Adopt the language of S. 10.1 of the ESA, and prohibit development that would damage or destroy habitat of endangered and threatened species. The adoption of the damage and destroy language of the ESA in the NEP would assist with current operational issues associated with current NEP Part 2.8.1, where proposed development would be refused even where the development could proceed, in principle, without negatively impacting the habitat.
- Provide exceptions to the prohibition of development in the habitat of endangered species and threatened species (subject to meeting the requirements of the ESA), that would address additional current operational issues, and improve alignment with the ESA (2007).
- Alignment of definitions with that of the ESA (2007) and the PPS (2014)

## PROPOSED AMENDMENT

### Topic 20: Species at Risk

#### 1) Part 1.3 – Escarpment Natural Area should be amended as follows:

Escarpment features ~~which~~ **that** are in relatively natural state and associated stream valleys, wetlands and forests which are relatively undisturbed are included within this designation. These contain important ~~plant and animal habitats~~ **wildlife habitat, Species at Risk habitat**, fish habitat and geological features and cultural heritage features and are the most significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas.

#### 2) Part 1.5 – Escarpment Rural Area should be amended as follows:

##### Development Policies for Mineral Extraction

1. a) Protection of the natural and cultural environment, namely:

- ii) ~~Habitat of endangered (regulated), endangered (not regulated), threatened, special concern and rare species;~~

**3) Part 2.8 – Wildlife Habitat should be amended as follows:**

**Objective**

The objective is to ~~protect the habitat of endangered (regulated) as prescribed by the *Endangered Species Act*, endangered (not regulated), rare, special concern and threatened, plant and animal species, and minimize the impact of new development on wildlife habitat~~ **minimize the impact of development on wildlife habitat and protect the habitat of endangered, threatened, special concern and rare species.**

- 1. ~~New development will not be permitted in identified habitat of endangered (regulated) plant or animal species.~~
  - 1. **In the habitat of endangered species and threatened species:**
    - a) **Development that will damage or destroy the habitat of an endangered or threatened species will not be permitted.**
    - b) **Notwithstanding Part 2.8.1 a), creation of a new lot or lots shall not be permitted where all or part of the new lot includes the habitat of an endangered or threatened species, except in the following circumstances:**
      - i) **Land acquisition by a public body for park and open space, or pedestrian trail purposes;**
      - ii) **Land acquisition by an approved conservation organization;**
      - iii) **For the purpose of enlarging existing lots;**
      - iv) **For the purpose of correcting a conveyance as defined by this Plan.**
  - 2. **Notwithstanding Part 2.8.1, development may be permitted in the following circumstances provided the requirements of the *Endangered Species Act* (2007) are met, in addition to all other requirements of this Plan:**
    - a) **Development of a single dwelling and accessory building or structure or incidental uses on an existing lot of record.**
    - b) **Development in the habitat of species identified in the species specific exemption regulations under the *Endangered Species Act*, 2007: Ontario Regulation 242/08 as amended.**
    - c) **Development in an Urban Area, Minor Urban Centre, Escarpment Recreation Area or a Mineral Resource Extraction Area designation.**
    - d) **Development within a park or open space area identified within Appendix 1 of this Plan where such development is authorized under a Master or Management Plan approved in accordance with Part 3 of this Plan as of X, XX, XX.**
    - e) **Development of a transportation or utility facility where such development is determined to be essential under the policies of this Plan.**

- f) Development where the purpose of the activity is to assist in the protection and recovery of the species.
3. Where development in wildlife habitat and Species at Risk habitat may be permitted, including those developments identified under Part 2.8.2, development shall be designed so as to:
    - a) Minimize the impacts upon wildlife habitat and Species at Risk habitat, in particular the habitats of endangered (~~not regulated~~), threatened, special concern and rare ~~plant or animal~~ species, as identified by on-site evaluation;
    - b) Maintain wildlife corridors and linkages with adjacent areas **wherever possible**; and
    - c) Enhance wildlife habitat and Species at Risk habitat wherever possible.
  4. All objectives and policies of this Plan respecting fish habitat including, but not limited to, Part 2.6.14 and Part 2.6.15 Fisheries applies, as well as Part 2.8.1 and Part 2.8.2 if the habitat is habitat of a fish species that is endangered or threatened, and Part 2.8.3 if the habitat is habitat of a fish species that is special concern or rare.
- 4) **Part 2.13 – Recreation should be amended as follows:**
8. Trails will be located and designed to avoid wherever possible steep slopes, wetlands, erosion prone soils, agricultural areas and ecologically sensitive areas such as deer-wintering yards and ~~significant plant and animal habitats~~ Species at Risk habitat and Areas of Natural and Scientific Interest.
- 5) **Part 2.16 – The Bruce Trail should be amended as follows:**
5. All uses within the Trail corridor shall be located and designed, where possible, to avoid steep slopes, wetlands, erosion prone soils and ecologically sensitive areas such as Species at Risk habitat and sensitive areas within Areas of Natural and Scientific Interest.
- 6) **Appendix 2 – Definitions should be amended as follows:**
- Damaging Habitat** – an activity that damages the habitat of a species is one that alters the habitat in ways that impair the function (usefulness) of the habitat for supporting one or more of the species' life processes.
- Destroying Habitat** – an activity or development that destroys the habitat of a species is one that alters the habitat in ways that eliminate the function (usefulness) of the habitat for supporting the species' life processes.
- Habitat of Endangered Species and Threatened Species**
- a) Species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55 (1) (a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species; or,



- b) With respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ministry of Natural Resources and Forestry; and places in the areas described in a) or b) whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences. Any species listed or categorized as an endangered species on the Ontario Ministry of Natural Resources and Forestry's official Species at Risk List, as updated and amended from time to time.

**Rare Species** – ~~any indigenous species of flora or fauna, identified by the Ministry of Natural Resources, that is represented in Ontario by small but relatively stable populations, and/or that occurs sporadically or in a very restricted area of Ontario or at the fringe of its range, and that should be monitored periodically for evidence of a possible decline.~~ Any species of wild animal, plant or other organism that is tracked and identified by the Natural Heritage Information Centre of the Ministry of Natural Resources and Forestry as provincially rare, excluding any endangered, threatened, special concern species as defined in this Plan.

**Species at Risk in Ontario List (SARO)** – the Species at Risk in Ontario List Ontario Regulation 230/80 made under the *Endangered Species Act, 2007*, as amended from time to time.

**Special Concern Species** – ~~(Formerly Vulnerable Species) Any indigenous species of fauna or flora with characteristics that make it sensitive to human activities or natural events as identified by the Ministry of Natural Resources.~~ Any species listed on the Species at Risk in Ontario List as special concern.

**Wildlife Habitat** – ~~Areas of the natural environment where plants, animals, and other organisms, excluding fish, survive in self-sustaining populations, and from which they derive services such as cover, protection, or food.~~ Means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas that are important to migratory or non-migratory species.

## Discussion Paper Executive Summary

### TOPIC 21: CULTURAL HERITAGE

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#### Background

While the fundamental cultural heritage policies within the current NEP remain sound, the NEP should be updated to include the concept of cultural heritage landscape and other terms and definitions that are consistent with the 2014 Provincial Policy Statement (PPS) and the *Ontario Heritage Act* (OHA). In keeping with its Purpose and Objectives, the NEP should continue to contain policies “to protect unique ecologic and historic areas.” Within this context, cultural heritage resources, including built heritage resources and scenic vistas, are essential components of the open landscape character of the Niagara Escarpment, and should therefore be considered and protected alongside the Escarpment’s natural environment.

As the primary land use planning authority in the NEP Area, the NEC has a role in protecting both natural and cultural heritage. This ensures a holistic approach in managing the impacts of development on the Escarpment landscape.

#### Recommendation

The NEC has recommended that *Part 2.12 - Heritage* of the NEP be updated to reflect new terms and definitions that are consistent with the PPS (2014) and the OHA. These changes will also necessitate revisions to wording in other parts of the NEP. A new policy regarding the protection of cultural heritage landscapes is also proposed for addition to Part 2.12.

#### Summary of Proposed Changes

- Replace existing terminology and definitions in the NEP with those that are consistent with the PPS and the OHA, namely: *archaeological resources, areas of archaeological potential, built heritage resources, conserved/conservation, protected heritage property, cultural heritage landscape, and heritage attributes*;
- Add new terms as follows: *cultural heritage resource, cultural heritage value or interest, and community character* to further clarify NEP cultural heritage policies;
- Adopt policies that support the identification and conservation of cultural heritage landscapes in the NEP Area.

#### PROPOSED AMENDMENT TOPIC 21: Cultural Heritage

##### 1) Part 1.3 Escarpment Natural Area should be amended as follows:

##### 1.3 Escarpment Natural Area

Escarpment features ~~that which~~ are in a relatively natural state and associated stream valley ~~lands~~, wetlands and forests ~~that which~~ are relatively undisturbed are included within this designation. These contain important plant and animal habitats, and geological features and ~~cultural heritage features~~ **and properties of significant cultural heritage value or interest** and are the most significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas.

### Permitted Uses

6. **Licensed** archaeological fieldwork activities.

19. Provided there is no alternative (see Part 2.2.7.b)iii)), a second single dwelling on an existing lot of record where there is an existing single dwelling ~~designated~~ **on a protected heritage property and subject to a heritage conservation** ~~and an easement agreement. registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest.~~

## 2) Part 1.4 – Escarpment Protection Area should be amended as follows:

### Objectives

To maintain natural areas of regional significance and **features of significant cultural heritage value or interest.** ~~cultural heritage features.~~

### Permitted Uses

7. **Licensed** archaeological **fieldwork** activities.

28. A second single dwelling on an existing lot of record where there is an existing single dwelling ~~on a designated~~ **protected heritage property and subject to a heritage conservation** ~~and an easement agreement. registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest.~~

## 3) Part 1.5 – Escarpment Rural Area should be amended as follows:

### Objectives

2. **To conserve the Escarpment's** cultural heritage **resources** and open landscape character. ~~by encouraging the conservation of the traditional cultural landscape and cultural heritage features.~~

### Permitted Uses

7. **Licensed** archaeological **fieldwork** activities.

29. A second single dwelling on an existing lot of record where there is an existing single dwelling ~~on a designated~~ **protected heritage property and**

~~subject to a heritage conservation and an easement agreement. registered under the *Ontario Heritage Act*, or such a dwelling is considered to be of provincial or national heritage value or interest.~~

**4) Part 1.6 – Minor Urban Centre should be amended as follows:**

**Objectives**

3. To ~~conserve~~ maintain and enhance the ~~features or properties of significant cultural heritage value or interest~~ features of these settlement areas, municipalities are encouraged to: ~~(a) designate all or parts of them in accordance with the *Ontario Heritage Act*, or (b) list them in a municipal register of features or properties of local heritage value or interest.~~ and (b) recommend all or parts of them be listed as being of heritage significance in the Niagara Escarpment Plan. In addition the Commission is encouraged to list in the Niagara Escarpment Plan ~~these and~~ any ~~other~~ such areas it ~~determines~~ feels appropriate.

**Development and Growth Objectives**

5. Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the ~~rural heritage of the community~~ ~~community character~~ is maintained. ~~A consideration shall be the scale (e.g., floor area, height, design) of new housing and its compatibility with the traditional character of the village.~~
8. Development and growth should be compatible with and provide for the ~~conservation protection or restoration of~~ ~~properties and features of significant cultural heritage value or interest, including~~ historic features or areas, ~~built heritage resources, cultural heritage landscapes,~~ archaeological resources sites and structures of architectural significance and/or ~~areas of archaeological potential~~ in accordance with the ~~Cultural~~ Heritage Criteria in Part 2.12 of this Plan.
15. Municipalities are encouraged to pass sign by-laws to ensure that the ~~cultural heritage features, attractive streetscapes and scenic qualities of Minor Urban Centres~~ ~~community character and scenic resources~~ are maintained and enhanced.

**5) Part 1.7 – Urban Area should be amended as follows:**

**Development Objectives**

7. Development proposals should be compatible with and provide for the ~~conservation protection or restoration of~~ ~~properties and features of significant cultural heritage value or interest, including~~ built heritage resources, ~~cultural heritage landscapes, historic features or areas,~~ archaeological resources and/or ~~areas of archaeological potential~~ sites and structures of architectural significance in accordance with ~~the Cultural Heritage Criteria in~~ Part 2.12 of this Plan.

~~8. Special attention should be given to the protection and restoration of the former Village of Waterdown now in the City of Hamilton through municipal designation under the *Ontario Heritage Act*.~~

11. Municipalities are encouraged to pass sign by-laws to ensure that the **community character and scenic resources** ~~cultural heritage features, attractive streetscapes and scenic qualities of Urban Areas~~ are maintained and enhanced.

**6) Part 1.8 – Escarpment Recreation Area should be amended as follows:**

**Objectives**

6. To ensure that future recreational development is compatible with **maintains and enhances** ~~cultural landscapes~~ **community character, scenic resources** and natural heritage ~~values~~ **features and functions** (e.g., fisheries and wildlife habitat) in the area.

**Development Objectives**

6. Municipalities are encouraged to pass sign by-laws to ensure that the **community character, open landscape character and scenic resources** ~~cultural heritage features, attractive streetscapes and scenic qualities of Escarpment Recreation Areas~~ are maintained **or** and enhanced.

**7) Part 2.2 – General Development Criteria should be amended as follows:**

1. Permitted uses may be allowed provided that:

- a) The long-term **carrying** capacity of the site can support the use without a ~~substantial~~ negative impact on **the** Escarpment environmental ~~features such as contours, water quality, water quantity, natural vegetation, soil, wildlife, population, visual attractiveness and cultural heritage features.~~ **and can support the use with minimal negative impact on the scenic resources of the Escarpment.**
4. Any development permitted shall be designed and located in ~~such a manner as to~~ **ensure the protection of the natural heritage features and functions, visual and cultural characteristics open landscape character, community character, and scenic resources** of the area.
7. Single dwellings are limited to one per lot in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless:
  - b) The approval/construction of a second dwelling is, in the opinion of the implementing authority, the only viable way to ~~preserve~~ **conserve** the **heritage attributes** of an existing single dwelling ~~the local, provincial or national heritage;~~ and

- i. The existing single dwelling is a protected heritage property, has been designated and is subject to a heritage conservation and an easement agreement. registered under the *Ontario Heritage Act*. or such a dwelling is considered to be of provincial or national heritage value or interest.

This policy shall not apply to existing lots of record that which already have more than one dwelling unit.

#### 9. Bed and Breakfast Homes and Farm Vacation Homes:

Notwithstanding a) above, more than three rooms may be permitted in a Bed and Breakfast Home or a Farm Vacation Home in an existing single dwelling that is a protected heritage property and subject to a heritage conservation easement agreement. of local heritage value or interest. A Bed and Breakfast or a Farm Vacation Home in such a dwelling an existing single dwelling of local heritage value or interest may only operate with more than three rooms as long as it retains the heritage attributes features that caused it to be designated under the *Ontario Heritage Act*. of local heritage value or interest.

#### 10. Home Businesses

- i) Home businesses shall be subject to the following general requirements:
  - home businesses shall be secondary to the primary residential or agricultural use on the lot;
  - home businesses shall not alter the cultural landscape of the property and be compatible with the community character and/or the open landscape character of the Escarpment. surrounding residential or rural community;

#### 11. Signs

The following additional provisions apply to signs where permitted as an accessory use in the Escarpment Natural, Protection, Rural and Mineral Resource Extraction Areas, and in the Escarpment Recreation Area under this Plan:

- b) Signs shall be compatible with not alter the community character natural features or cultural landscape of the property and shall be visually subordinate to be compatible with the local topography and surrounding scenic resources of the Escarpment environment. environment and rural or residential community;

### 8) Part 2.4 – Lot Creation should be amended as follows:

6. New lots must satisfy the following criteria:

- a) maintain or enhance the existing community character and/or open landscape character of the Escarpment environment,
  - b) maintain or enhance existing natural heritage features, and
  - c) conserve the Escarpment's cultural heritage resources.
19. a) ~~When the approval/construction of a second single dwelling which has been granted by the implementing authority for the purpose of~~ **to conserve an existing dwelling on the same lot that is a protected heritage property and is subject to a heritage conservation easement agreement,** ~~the local, provincial or national heritage value or interest of an existing single dwelling shall preclude the severance of a new lot off the existing lot of record, which would~~ **may have been otherwise be** permitted by the Niagara Escarpment Plan (as ~~per~~ **per** subject to Part 2.4.18), shall be precluded.

9) **Part 2.12 – Heritage should be amended as follows:**

**Part 2.12 Cultural Heritage**

The objective is to ~~inventory, interpret, evaluate, maintain and conserve~~ **protect** the Escarpment's ~~the cultural heritage features~~ **and archaeological resources** of the Niagara Escarpment Plan Area ~~so that they maintain and enhance the~~ **Escarpment environment, and contribute to an understanding of the interaction of nature and people.**

1. Care should be taken to ~~identify, document, and conserve~~ **discover unknown** and to ~~preserve known~~ **archaeological resources** sites (especially native burial sites) ~~and areas of archaeological potential, including sites of significance to Aboriginal peoples.~~ **where such sites might reasonably be expected to exist.**
2. ~~Existing heritage features, areas and properties value or interest features~~ **Significant cultural heritage resources, including significant cultural heritage landscapes, shall be identified and conserved. Planning approvals shall be guided and informed by cultural heritage impact assessments when significant cultural heritage resources may be affected by development.** ~~areas and properties should be retained and reused. To determine whether such actions are feasible, Consideration shall be given to both economic and social benefits and costs.~~
3. New development including reconstruction, alterations and consideration of a second dwelling under Part 2.2.7.b) should be **compatible** in harmony with the area's **existing community character.** ~~and heritage features and buildings with respect to in general mass, height and setback and in the treatment of architectural details, especially on building facades.~~
4. ~~Where new development involves a heritage feature it should express the feature in some way. This may include one or more of the following:~~

- ~~a) Preservation and display of fragments of the former buildings' features and landscaping;~~
  - ~~b) Marking the traces of former locations, shapes and circulation lines;~~
  - ~~c) Displaying graphic verbal descriptions of the former use; or~~
  - ~~d) Reflection of the former architecture and use in the new development.~~
4. Where proposed new development is likely to alter a significant cultural heritage resource, i.e., a built heritage resource, cultural heritage landscape, archaeological resource, or area of archaeological potential, the proponent shall be required to prepare and execute a conservation plan to the satisfaction of the implementing authority. Mitigative measures and/or alternative development approaches that avoid or limit impacts can be included in the conservation plan.

Notwithstanding the above, a built heritage resource cannot be relocated to an existing lot of record that already has a single dwelling as a means of establishing a second single dwelling where such a dwelling is otherwise permitted by this Plan.

5. Significant cultural heritage landscapes will be maintained and protected through the conservation of the Escarpment's scenic resources in accordance with Part 2.XX – Development and Scenic Resources of this Plan.
6. Where the implementing authority has approved the construction of a second single dwelling on an existing lot of record **that is a protected heritage property and is subject to a heritage conservation easement agreement**, the property and details regarding its size and location shall be recorded and listed in Appendix 3. Removal of the property from the list on Appendix 3 shall require an amendment to ~~the Niagara Escarpment~~ **this Plan**.

**10) Appendix 2 – Definitions should be added to the NEP as follows:**

**Archaeological Resources** – includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act. (Source: PPS)

**Areas of Archaeological Potential** – means areas the likelihood to contain archaeological resources. Methods to identify archaeological potential are established by the Province, but municipal approaches that achieve the same objectives may also be used. The Ontario Heritage Act requires archaeological potential to be confirmed through archaeological fieldwork. (Source: PPS)

**Built Heritage Resource** – means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers. (Source: PPS)



**Community Character** – the combination of natural and human-made elements that contribute to a community’s history, sense of place and its visual appearance. These elements include the architectural style, density, height, mass, scale, pattern and type of built form; natural heritage features; parks; open space; viewsheds; streetscapes; and pedestrian and other transportation-related corridors within a community.

**Conservation/conserved (cultural heritage)** – means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

**Cultural Heritage Resources** – includes structures, buildings, sites, artifacts, and traditions that are indicative of an area’s history, and are valued by a community. These include, but are not limited to cultural heritage landscapes, archaeological resources, scenic resources, built heritage resources, monuments, heritage cemeteries, and heritage traditions (e.g., food, celebrations, art).

**Heritage Attributes** – means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property). (Source: PPS)

**Cultural Heritage Value or Interest** – a property may be determined to have cultural heritage value or interest if it meets one or more of the criteria found in Ontario Regulation 9/06 under the *Ontario Heritage Act*. A property may be determined to have cultural heritage value or interest of provincial significance if it meets one or more of the criteria found in Ontario Regulation 10/06 under the *Ontario Heritage Act*.

**Cultural Heritage Landscape** – means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and PPS 2015 Niagara Escarpment Plan Review Discussion Paper DRAFT 42 NEP Section Existing Wording Proposed Wording Rationale areas recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site). (Source: PPS)

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

**Heritage Conservation Easement Agreement** – means a covenant or agreement that may be entered into by the owner of real property and either a municipality or the Ontario Heritage Trust, is registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss. A heritage conservation easement may be entered into under either Parts II (Section 10) or IV (Section 37) of the *Ontario Heritage Act*.

**Local Heritage Value or Interest**

~~Status accorded to heritage properties by a municipality where the council of the municipality, on the advice of a Local Architectural Conservation Advisory Committee (LACAC) or the Ontario Heritage Trust, is prepared to designate or has designated, and will enter or has entered into an easement agreement under the Ontario Heritage Act.~~

**National Heritage Value or Interest**

~~Status accorded to properties recognized as national historic sites on a list compiled by the Historic Sites and Monuments Board of Canada, an agency of the federal Department of the Environment – Parks Canada.~~

**Provincial Heritage Value or Interest**

~~Status accorded properties for which provincial heritage plaques have been erected, or otherwise which have been declared to be provincially significant by the Ontario Heritage Trust, an agency of the Ministry of Culture.~~

### TOPIC 22: CLIMATE CHANGE

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#### Background

The NEP does not currently contain any explicit Objectives, Policies, Development Criteria or Definitions for climate change. One of the goals of the Co-ordinated Review is to address climate change and build resilient communities. It is recognized that climate change is one of the most significant challenges facing the Region, and that protecting the Region's ecological health can ensure resiliency against extreme weather events and improve human health and quality of life in the Region's communities.

The NEC proposed changes to the NEP to encourage green infrastructure, strengthen policies for stormwater management, consider risks associated with natural hazards and promote development patterns that facilitate intensification, energy conservation, transportation efficiency, improved air quality, and reduced greenhouse emissions. The proposed policies will also assist in the maintenance or enhancement of natural areas and rural land use patterns as a means of mitigating the effects of climate change.

#### Other Considerations

The proposed policies build on the Ministry of Environment and Climate Change's (MOECC) work on climate change and the new provisions within the Provincial Policy Statement (PPS 2014), which direct land use authorities to address climate change through specific objectives and policies in their planning documents. As a provincial land use plan, the NEP should provide direction on matters like climate change that municipalities and other land use authorities should address across the province.

#### Recommendation

The NEC recommended that climate change be identified as an area that is important in the administration and delivery of the NEP in the Introduction to the Plan. New policies related to climate change were proposed for addition to Part 2, the Development Criteria, and Appendix 2, the Definitions of the NEP, to provide greater focus on land use policies relating to climate change.

#### Summary of Proposed Changes

- Modify the Introduction to the Plan to add a statement respecting the importance of dealing with climate change in the administration and overall delivery of the policies of the NEP.
- Add new Development Criteria specific to climate change in Part 2.2 of the NEP – General Development Criteria.
- Add new Development Criteria in Part 2.15 – Transportation and Utilities – specific to climate change.

- Add a definition for “green infrastructure” to support new policies.

## **PROPOSED AMENDMENT**

### **Topic 22: Climate Change**

- 1) The Introduction to the NEP should be amended by adding the following paragraph:**

Climate change is one of the most significant challenges facing the Province and will have an impact on the natural systems and human modified and built environment of the Escarpment. The Province is committed to addressing climate change through reduced greenhouse gas emissions and increasing the resiliency of these natural systems and human made environment. The natural heritage and agricultural areas of the Niagara Escarpment play an important role in mitigating some of the effects of climate change. The Niagara Escarpment Plan’s purpose and supportive land use policies, objectives and development criteria support actions that reduce greenhouse gas emissions that cause climate change, as well as actions that help communities to adapt to the impacts that are occurring or are likely to occur as a result of climate change.

- 2) Part 2.2 – General Development Criteria should be amended by adding the following policies:**

2.2.# In assessing permitted uses the implementing authority must be satisfied that the impacts of climate change are appropriately assessed by considering, where appropriate:

- a. Development patterns and land uses with compact form;
- b. The focusing of uses to areas that because of their infrastructure, transportation systems, public transit opportunities and walkability can accommodate intensification (e.g., Urban Areas);
- c. The use of mitigation and adaptation measures in development design;
- d. The maximization of green infrastructure and the use of or protection of vegetation for mitigation;
- e. The maintenance of or securement of natural areas or open space;
- f. Naturalization of disturbed sites, marginal farmlands, source areas and along watercourses
- g. Energy efficiency and conservation through development siting and orientation; and
- h. The use of renewable energy resources.

- 3) Part 2.15 – Transportation and Utilities should be amended by adding the following policies:**

2.15.# New and expanded transportation and utility facilities must appropriately demonstrate that climate change has been considered and that:

- a. mitigation measures and adaptation measures have been incorporated into the selection of alternatives and the design;
- b. green infrastructure has been maximized on the site;
- c. the design, alignment and orientation of the development:

- i. maximizes conservation of the Escarpment landscape, protects vegetation, avoids removing forest cover and disturbing hydrogeological features, and considers the mitigating effects of vegetation; and
- ii. maximizes and has considered opportunities for the use of existing corridors and rights of way and considers the repurposing of existing transportation and utility facilities, where feasible.

**4) Appendix 2 – Definitions should be amended as follows:**

**Green Infrastructure** – means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

## Appendix A

### GUIDING PRINCIPLES FOR THE NIAGARA ESCARPMENT PLAN REVIEW

June 2013

The Niagara Escarpment Commission's advice to the Minister of Natural Resources and Forestry on the 2015 Review of the Niagara Escarpment Plan will be guided by the following principles:

1. The fundamental environmental vision as set out in the land use principles and objectives of the Niagara Escarpment Plan (NEP) will continue to be the basis for achieving the Purpose of the *Niagara Escarpment Planning and Development Act* (NEPDA), which is *to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.*
2. The area of land that the NEP currently covers and protects will be maintained and additions considered.
3. The geographic scope of the Review is the Niagara Escarpment Planning Area, as prescribed under the NEPDA.
4. To ensure that the municipalities and public are consulted and given the opportunity to participate in the Review.
5. The NEP will continue to enable Ontarians over the long-term to benefit from and enjoy the Niagara Escarpment as a valuable environmental, cultural, recreational and economic resource, within the context of protecting its unique features and associated ecosystems.
6. The NEP will continue to embrace the principles of, and uphold the Niagara Escarpment's status as a United Nations Educational Scientific and Cultural Organization (UNESCO) World Biosphere Reserve.
7. In the interest of good governance and efficient land use planning, the review will look to enhancing the collective strengths and benefits of the NEP, the Oak Ridges Moraine Conservation Plan (ORMCP), and the Greenbelt Plan, by considering the NEP's land use designations, policies and related definitions in a manner that complements the Greenbelt Plan and the ORMCP visions, while maintaining the integrity and intent of the NEP.
8. To achieve the most effective implementation of the NEP by the Niagara Escarpment Commission through the land use and development permit system, measures will be identified to streamline relevant provincial/ministry/agency policies and programs to enhance the Commission's delivery of the Provincial Plan.

## Appendix B

### PLAN REVIEW DISCUSSION PAPER CHRONOLOGY

Discussion Paper Topic	Version	NEC Meeting Date
<b>Guiding Principles</b>	1 <sup>st</sup> Draft 2 <sup>nd</sup> Draft 3 <sup>rd</sup> Draft (final)	April 2013 May 2013 June 2013
<b>1. Land Use Designation Mapping</b>	Mapping (Phase 1 – Bruce & Dufferin Counties) Mapping (Phase 2 – Niagara Region) Mapping (Phase 3 – Simcoe County) Mapping (Phase 4 – Region of Peel) Mapping (Phase 5 – Hamilton) Mapping (Phase 6 – Grey County) Final Recommendations (& Halton Region)	Oct. 2013 Jun. 2014 Oct. 2014 Jan. 2015 Mar. 2015 May 2015 Aug. 2015
<b>2. Designation Criteria</b>	Discussion Paper Addendum 1 Final Recommendations	Apr. 2013 Jun. 2013 Aug. 2015
<b>3. Additions to NEP</b>	Discussion Paper Addendum 1 Addendum 2 Addendum 3: Proposed Additions	Apr. 2013 May 2013 Mar. 2014 Jul. 2015
<b>4. Urban Uses and Urban Designations</b>	Discussion Paper (Phase 1) Discussion Paper (Phase 2) Discussion Paper (Phase 3) Evaluation of Proposed Amendments (Phase 4)	Jan. 2014 Jan. 2015 Aug. 2015 Oct. 2015
<b>5. Water Resources</b>	Discussion Paper Addendum 1 – Source Protection Addendum 2 – Fisheries	Oct. 2013 Nov. 2014 Jul. 2015
<b>6. Aggregate Policies</b>	Discussion Paper (Phase 1) Addendum 1 Discussion Paper (Phase 2)	Sept. 2014 Nov. 2014 Jul. 2015
<b>7. Agriculture Policies</b>	Discussion Paper (Phase 1) Discussion Paper (Phase 2) Discussion Paper (Phase 3)	May 2014 Sept. 2014 Jan. 2015
<b>8. Scenic Resources</b>	Discussion Paper Addendum 1	May 2014 Sept. 2014
<b>9. Land Filling and Contour Changes</b>	Discussion Paper Addendum 1	Apr. 2013 Aug. 2013

<b>Discussion Paper Topic</b>	<b>Version</b>	<b>NEC Meeting Date</b>
<b>10. Second Dwelling Units</b>	Discussion Paper Addendum 1	Sept. 2014 Feb. 2015
<b>11. <del>Net Gain/ Environmental Compensation</del></b>		removed July 2015
<b>12. Existing Uses</b>	Discussion Paper	Aug. 2013
<b>13. Small Scale Uses</b>	Discussion Paper Addendum 1	May 2014 Apr. 2015
<b>14. Parks and Open Space System</b>	Discussion Paper (Phase 1) Addendum 1 Addendum 2 Discussion Paper (Phase 2) Discussion Paper (Phase 3) Updated Mapping	Oct. 2013 Oct. 2013 Dec. 2013 Jun. 2014 Mar. 2015 Sept. 2015
<b>15. Environmental Monitoring</b>	Discussion Paper	Nov. 2015
<b>16. Housekeeping</b>	Discussion Paper	Oct. 2015
<b>17. <del>Implementation, Administration, Relationships</del></b>		removed July 2015
<b>18. Cemeteries</b>	Discussion Paper	Feb. 2014
<b>19. Woodlands &amp; Significant Woodlands</b>	Discussion Paper (Phase 1) Discussion Paper (Phase 2)	Jul. 2014 Nov. 2014
<b>20. Species at Risk</b>	Discussion Paper	Jul. 2014 Apr. 2015
<b>21. Cultural Heritage Policies</b>	Discussion Paper Addenda 1 & 2 Addendum 3	Nov. 2014 Apr. 2015 Jan. 2016
<b>22. Climate Change</b>	Discussion Paper	Aug. 2015





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