

Report PDR-PCD-35-15

To: Chair Wright and Members of the Planning and Community Development Committee

From: Randy Scherzer, Director of Planning

Meeting Date: September 15, 2015

Subject: **Niagara Escarpment Commission Discussion Papers – proposed amendments to the Niagara Escarpment Plan**

Status: Recommendation adopted as amended per Resolution PCD118-15; Further amended by County Council October 6, 2015 per Resolution CC137-15;

Recommendation(s)

WHEREAS the Niagara Escarpment Commission has prepared discussion papers to consider possible amendments to the Niagara Escarpment Plan to be considered by the Minister for possible inclusion in the Co-ordinated Land Use Planning Review currently being conducted by the Ministry of Municipal Affairs and Housing;

AND WHEREAS a number of the proposed changes outlined in the Niagara Escarpment Discussion Papers could have an impact on land use planning and development within parts of Grey County, including the proposal to add significant portions of land in Grey County into the Niagara Escarpment Plan as well as utilizing the significant woodlands constraint mapping to update land use designations within the Niagara Escarpment Plan;

NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-35-15 be received;

AND THAT the Report be sent to the Niagara Escarpment Commission, the Ministry of Natural Resources and Forestry, and the Ministry of Municipal Affairs and Housing Co-ordinated Land Use Planning Review Team as the County of Grey's comments regarding the proposed amendments to the Niagara Escarpment Plan which identifies concerns and questions with respect to the proposed amendments;

AND THAT if the Ministry considers including the proposed Niagara Escarpment Plan amendments as part of the Co-ordinated Land Use Planning Review that

extensive consultation be required with municipalities and members of the public which would include individual notice to all landowners within the areas that are proposed to be added to the Niagara Escarpment Plan.

Background

The Province of Ontario is undertaking a co-ordinated review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. Initial comments were provided to the Ministry of Municipal Affairs and Housing Coordinate Land Use Planning Review Team as identified in Report - [PDR-PCD-21-15 Provincial Co-ordinated Policy Review](#). In addition to the preliminary comments identified in the above staff report, Council also approved the following motion:

AND THAT the Province be requested to review the relevance of the Niagara Escarpment Commission considering the existence of professional planning in county, regional and municipal governments.

The Niagara Escarpment Commission (NEC) is responsible for administering the Niagara Escarpment Plan (NEP) and the NEC will be providing recommendations to the Minister of Natural Resources and Forestry with recommendations on amending the NEP which may be included in the overall Co-ordinated Land Use Planning Review. NEC staff have been preparing a number of discussion papers that have been presented to the NEC which propose changes to the NEP. County staff had a chance to review some of the NEC Discussion Papers. Two of the discussion papers propose significant changes to the NEP in Grey County, specifically the Discussion Papers entitled Land Use Designation Criteria Mapping: County of Grey – May 21, 2015 and Additions to the Niagara Escarpment Plan Area – Addendum#3 dated July 15, 2015. Links to these discussion papers can be found in the Attachments Section below.

Land Use Designation Criteria Mapping Discussion Paper

The discussion paper regarding the Land Use Designation Criteria Mapping proposes to make some changes to the NEP policies and the Land Use Designations. Below is a list of the key changes being proposed in this discussion paper with County staff comments identified below each key amendment:

1. **Introduction of new Designation Criteria and Related Definitions** – the NEC is proposing to change the NEP Land Use designation criteria by adding other natural heritage features to the various land use designations. The revised NEP Land Use Designation criteria were endorsed by the NEC in June 2013. The discussion paper indicates that the NEC is proposing to change the Escarpment Natural Criteria by removing the term “most significant” and replacing with

Provincially Significant Areas of Natural and Scientific Interest (Life Science). The NEC also proposes to change the Escarpment Natural Area criteria by changing the current designation criteria from 'the most significant stream valleys and wetlands associated with the Escarpment' to Significant Valley lands, Significant Woodlands, Provincially Significant Wetlands and other wetlands 5 hectares in size or greater.

Staff comments: By changing the criteria as proposed above, all Provincially Significant ANSI's, Provincially Significant Wetlands, Significant Valleylands, Significant Woodlands, and other wetlands over 5 hectares in size or greater would be designated as Escarpment Natural Area in the NEP Plan. In Grey County this could represent a 53.6% increase in lands designated as Escarpment Natural Area in the NEP. The Escarpment Natural Area designation is one of the more restrictive designations in the NEP and therefore this change could have an impact on future development. With the exception of Provincially Significant Wetlands, development can still be considered in natural heritage features where it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions in accordance with the Provincial Policy Statement (PPS). In this regard, the County of Grey Official Plan treats these areas as a potential constraint or an overlay as opposed to a land use designation. It should also be noted that Significant Woodlands identified in the County Official Plan were created using a desktop exercise and therefore the County acknowledges in the County OP policies that there are inaccuracies or omissions in the mapping. Therefore the data is not accurate enough to be utilized for creating land use designations and nor were they intended to be considered as a land use designation.

By designating additional lands as Escarpment Natural Area, there is also the potential for loss of property tax revenue as these lands would become eligible for the Conservation Lands Tax Incentive Program.

County staff recommend that the NEP not identify Significant Valley lands, Significant Woodlands or wetlands greater than 5 hectares in the NEP as a Land Use Designation. It is recommended that policies be included in the NEP to indicate that any development proposed within Significant Valleylands, Significant Woodlands, or other wetlands must address the policies contained in municipal official plans. If the NEC were to include these natural heritage features in the NEP, it is recommended that they be identified as development constraints and not a designation in order to be consistent with the PPS.

2. Escarpment Protection Area criteria – the NEC is proposing to add the term ‘outliers’ to the Escarpment Protection Area criteria. Outliers are described as ‘prominent well recognized Escarpment geological features’. By adding this criterion, outliers would be designated as Escarpment Protection Areas which could have an impact on development in these areas. The discussion paper indicates that there are five outliers wholly or partially located in the NEP Area in Grey County, including: Camperdown, Pyette Hill, Meaford Tank Range, The Glen and Lorree. For those outliers outside or partially outside the current NEP Area, some of these are being proposed to be added to the NEP (see below comments on the Additions to NEP Area discussion paper).

The NEC is also proposing to designate ‘Regional Linkages and Corridors approved by the NEC and identified in a Natural Heritage System approved within a municipal Official Plan’, as Escarpment Protection Areas.

Staff comments: With respect to the outliers, there are a number of these areas that are partially within the NEP Area or outside the NEP Area that are being recommended to be added to the NEP in the Additions to NEP Area discussion paper. County staff recommend that these areas not be included in the NEP area for the reasons identified in the comments below.

With respect to the proposal to designate key linkages and corridors identified in a Natural Heritage System as Escarpment Protection Areas, County staff are of the opinion that this proposed amendment is premature until the Natural Heritage Systems (NHS) Study has been completed. County staff recommend that this proposed amendment be deferred until such time as the NHS Study has been completed. The NHS Study will identify the location of key linkages and corridors and the recommended policies that would protect and enhance these linkages and corridors.

3. Escarpment Recreation Area – Section 1.8 of the NEP currently notes that Escarpment Recreation Areas are “established, identified or approved recreational areas (e.g. ski areas, lakeshore cottage areas, and resort development areas) and the Four Seasons Craigleith Camperdown Recreation Area in the Town of The Blue Mountains. The NEC is recommending the reference to the ‘Four Seasons Craigleith Camperdown Recreation Area in the Town of The Blue Mountains’ be removed from Section 1.8. Staff have reviewed the proposed Land Use Designation mapping and it appears that the Escarpment Recreation Areas that are currently in the NEP are identified in the proposed mapping, however there are proposed changes to the maps including identifying the Escarpment Toe and Brow, as well as changes to the designations based on

the proposed revisions to the Escarpment Natural Area and Escarpment Protection Area criteria described above.

Staff comments: County staff have no concerns with removing the reference to the Four Seasons Craigeith Camperdown Recreation Area in Section 1.8 as long as the Escarpment Recreation Area for these areas remains the same as currently identified in the NEP. A number of these Escarpment Recreation Areas have been debated as part of various Board hearings over the past two decades which either resulted in agreed upon minutes of settlement or Board decisions. The minutes of settlement and Board decisions decided upon such things as the location of the Escarpment Toe and Brow, land use designations for specific properties, etc. For example, the Castle Glen development located within an Escarpment Recreation Area designation was a multi week Board hearing that eventually resulted in minutes of settlement between the developer, the Town, the County and the NEC. Part of the settlement included the Castle Glen Resort Community Secondary Plan which identified specific land use designations for the subject property. County staff recommend that any updates to the mapping for the Escarpment Recreation Areas reflect agreed upon minutes of settlement or Board decisions as part of the mapping updates.

4. Forest Management Policies – NEC is proposing to make some policy changes to the Forest Management Policies in the NEP by removing the reference to 'stream valleys' in two of the forest management policies.

Staff comments: County staff has no concerns with the proposed revisions to the Forest Management Policies. In addition to the proposed changes, County staff recommends that a policy be included in the Forest Management Policies that would permit municipalities to conduct sustainable forest management in municipal owned properties that are located within the Niagara Escarpment Parks and Open Space System (NEPOSS). Alternatively, the County requests that the NEC remove the Pretty River Forest tract owned by the County of Grey from the Pretty River Valley Provincial Park as this property is owned by the County and is technically not part of the Provincial Park. The County requests that lands owned by the County be identified as a Resource Management Area and not Natural Environment so that the County can properly manage this property using sustainable, certified forest management practices.

Additions to the Niagara Escarpment Plan Area Discussion Paper

NEC staff have identified criteria for considering whether additional lands should be included as part of the NEP Area which in turn would be designated within the NEP. According to the discussion paper, the NEC endorsed the following criteria for the evaluation of potential additions to the NEP Area:

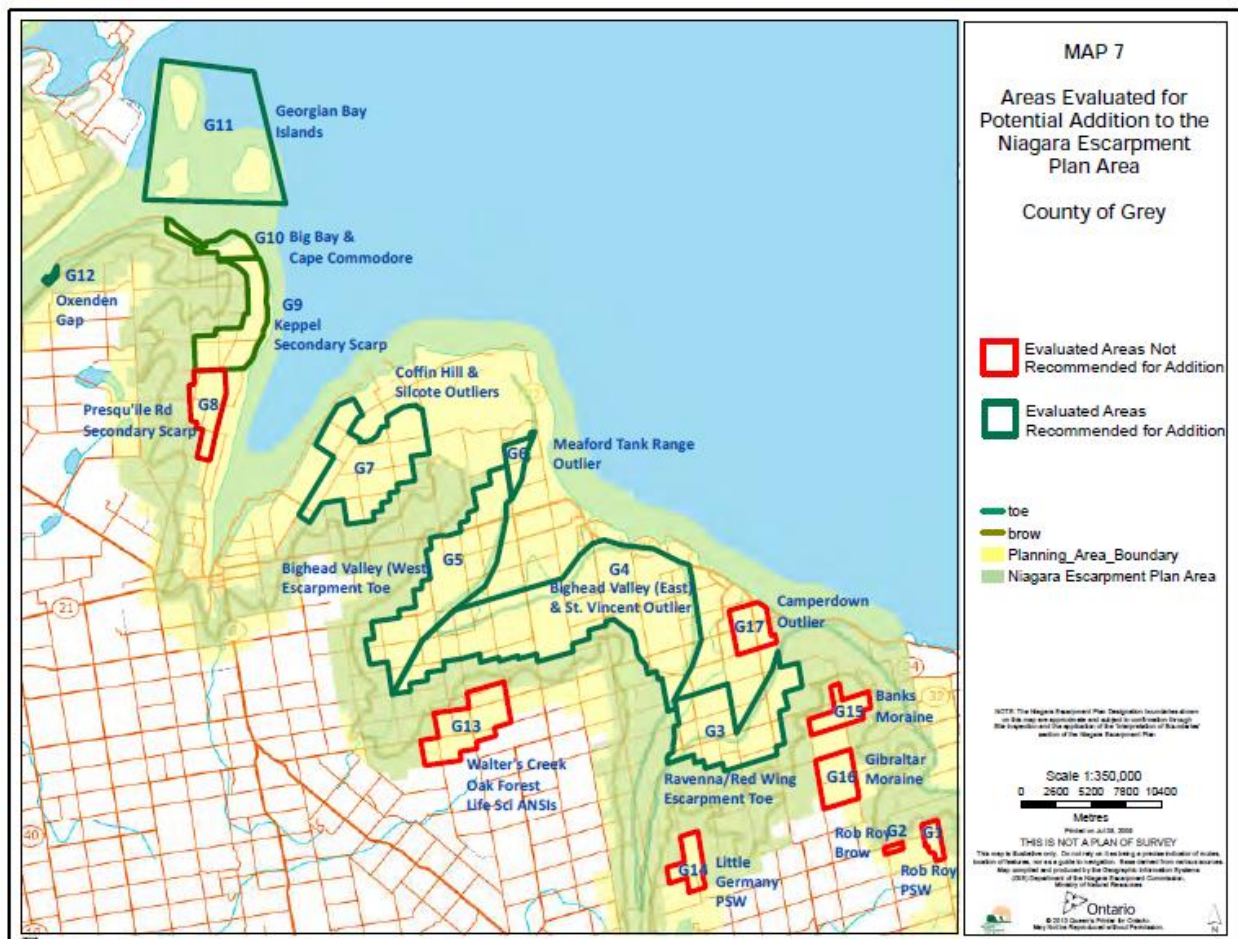
1. Lands must be included in the NEP Area and abut the existing NEP Area;
2. The proposed NEP Area addition must conform to three or more of the following attributes:
 - a. The proposed addition contains Escarpment brow, toe, slope, secondary scarp or outlier;
 - b. The proposed addition contains a significant Escarpment-related landform, as defined in the NEP;
 - c. The proposed addition constitutes part of a Provincial Park, nature preserve, Conservation Area or similar public holding that is only partially within the NEP Area;
 - d. The proposed addition includes portions of Escarpment-related natural heritage features that are partially outside of the NEP Boundary, and are essential to maintaining the integrity of the entire natural heritage feature. These lands would include Provincial and Regional Life Science ANSI's, Significant Woodlands, Provincially or Locally Significant Wetlands, headwaters, waterfalls and environmentally sensitive areas (ESA);
 - e. The lands have been assigned a high scenic value (i.e. those ranked as attractive, very attractive or outstanding) in the Niagara Escarpment Landscape Evaluation Studies;
 - f. The lands contain an Escarpment-related cultural heritage feature as defined in the NEP.

Using the above criteria, NEC staff evaluated areas to be potentially added to the NEP Area. Within Grey County the following areas were evaluated for potential addition to the NEP Area (see Map 1 below):

- Rob Roy PSW - G1
- Rob Roy Escarpment Brow – G2
- Ravenna, Redwing, Mill Creek Escarpment Toe – G3
- Bighead Valley and St. Vincent Outlier – G4
- Bighead Valley Escarpment Toe and Slope – G5
- Meaford Tank Range Outlier – G6
- Coffin Hill and Silcote Outliers – G7
- Presqu'île Road Secondary Scarp – G8

- Keppel Secondary Scarp – G9
- Big Bay and Cape Commodore – G10
- Georgian Bay Islands – G11
- Oxenden Gap – G12
- Walter’s Creek/Oak Forest Life Science ANSI – G13
- Little Germany PSW – G14
- Banks Moraine – G15
- Gibraltar Moraine – G16

Map 1 – Areas Evaluated for Potential Addition to the Niagara Escarpment Plan Area – County of Grey



Based on the areas evaluated in Grey County, NEC staff recommend that the following areas be included in the NEP Area (see Map 1 above):

- Ravenna, Redwing, Mill Creek Escarpment Toe – G3
- Bighead Valley and St. Vincent Outlier – G4
- Bighead Valley Escarpment Toe and Slope – G5

- Meaford Tank Range Outlier – G6
- Coffin Hill and Silcote Outliers – G7
- Keppel Secondary Scarp – G9
- Big Bay and Cape Commodore – G10
- Georgian Bay Islands (includes White Cloud Island, Griffith Island and Hay Island*) – G11 **note – Hay Island is part of Bruce County*
- Oxenden Gap – G12

The total area recommended for addition to the NEP within Grey County is 32,559 hectares which represents close to 74% of the total area that is proposed to be added to the NEP. Of the 32,559 hectares proposed to be added, approximately 2/3rds of the proposed areas to be added are within the Municipality of Meaford. There are also significant portions of the Township of Georgian Bluffs and a portion of the Town of The Blue Mountains proposed to be added to the NEP Area. The discussion paper notes that many of these Escarpment-related landforms were omitted from the NEP Area in 1985 when the original NEP was approved. The discussion paper notes that if the proposed additions are endorsed by the Commission and the Minister of Natural Resources and Forestry, they could be included as proposed amendments that will be consulted on during the second phase of consultation through the 2015 Co-ordinated Land Use Planning Review.

Staff comments: Should the proposed areas be added to the NEP Area, municipalities would lose decision making control for development proposed within these areas as the authority would likely rest with the NEC. This could have an impact on the development potential for these lands depending upon the NEP land use designations for these lands. Given the proposed changes to the NEP Land Use Designation criteria described above, a good portion of these lands would be proposed to be designated as Escarpment Natural Area and Escarpment Protection Area which have fairly restrictive policies for any new development or lot creation. Should the majority of these lands be designated as Escarpment Natural Area, there is also the potential for loss of property tax revenue as these lands would become eligible for the Conservation Lands Tax Incentive Program.

Should the Ministry approve the proposed additions to the NEP, the County requests that the Niagara Escarpment Commission, Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry commit to a more extensive consultation and education program including individual notices to all those landowners affected by the proposed additions to the NEP. Further consultation would also be required with municipalities to determine the governance of lands should they be added to the Niagara Escarpment Plan.

County staff recommend that this be done prior to considering approval of these areas as this could have an impact on the NEC, the County and local municipalities. If it is decided that the governance discussions can wait, it is recommended that the Ministry include transition provisions so that governance matters can be discussed and finalized prior to the policies coming into effect.

County staff are also of the opinion that these areas already have planning policies that would ensure that these lands would be developed in a sustainable and appropriate manner. These policies are contained in the County Official Plan, local municipal official plans and zoning by-laws, all of which must be consistent with the Provincial Policy Statement.

Municipal Comments

County staff circulated the NEC discussion papers to the local municipalities for their review and comments. To date the County has received the following comments from the municipalities located within the NEP Area:

Township of Georgian Bluffs (August 12, 2015)

“The proposal would affect 4,279 hectares of land in the Township of Georgian Bluffs. Maps of the proposed areas are attached to this report and include:

- 1. G9-Keppel Secondary Scarp would include 2097 hectares and the proposed new NEP boundary would be Grey Road 1. The shoreline cottage area is not included, however, tertiary settlement area of Kemble is.*
- 2. G10-Big Bay & Cape Commodore 740 hectares of land excluding the village of Big Bay and the cottage development along the shoreline.*
- 3. G11- Griffith Island (784 hectares) and White Cloud Island (513 hectares). The new NEP boundary would include both islands.*
- 4. G12-Oxenden Gap includes approximately 55 hectares of land to close the existing gap along the shoreline.*

The proposal does not provide a comprehensive justification for the addition of lands to the NEP or the anticipated effect that this will have on the Township. The Discussion Paper identifies how certain criteria have been met to justify the inclusion of the lands in the NEP based on a scenic ranking and a physical environment assessment.”

In addition to the Township staff report, Township staff also noted the following:

“The discussion papers provide no exploration of the economic, social or tourism impact of the removal of these lands from municipal authority. I spoke with Ken Whitbread at the NEC and he indicated that governance would be addressed at a later date. In my opinion, the addition of the lands is a significant change and a proposal to add the lands

to the NEP without addressing governance or the economic impact of change at this stage, is premature.

For example, Griffith Island has operated as a tourism destination and recreational area for hunters for decades. It creates secondary tourism opportunities for the airport and surrounding businesses and a limited number of spin off jobs. The 2015 Discussion Paper references that the biodiversity on the island is “experiencing a medium-to-high level of threat due to recreational development.” (pg. 91) it prompts us to question how will the lands be administered under the NEP and what does this mean for land use and the future of the property as a recreational area and a tourist destination.

A second example is the tertiary settlement area of Kemble. Comprised of approximately 66 acres of land, this small community is included in the G9 Keppel Secondary Scarp area. Neighboring lands under the NEP are designated Escarpment Rural, Escarpment Protection and Escarpment Natural areas. This settlement area is not serviced and all development occurs on individual well and individual septic systems; therefore it is unlikely that it will be designated for any urban development. Will the redesignation of the lands under the NEP remove those 66 acres from settlement area lands, thereby reducing the Township’s supply of lands designated for growth and development?

Council for the Township of Georgian Bluffs passed the following motion on August 12, 2015:

“That the Council of the Township of Georgian Bluffs strongly opposes any additional lands being added to the Niagara Escarpment Plan.”

County staff concurs with the comments and questions provided by the Township of Georgian Bluffs as identified above.

Financial / Staffing / Legal / Information Technology Considerations

Should the proposed changes to the NEP be approved by the Minister, there is the potential for loss of property tax revenue as lands proposed to be designated as Escarpment Natural Area would become eligible for the Conservation Lands Tax Incentive Program. Should the Ministry approve the proposed amendments to the NEP, additional staff time would also be required to update official plans and zoning by-law amendments to ensure that they are in conformity with the revised NEP. Additional staff time could also be required to comment on the additional development permits that would need to be reviewed to determine conformity with the County Official Plan and consistency with the Provincial Policy Statement.

Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. Policies that exist in the Provincial Policy Statement, the County Official Plan, municipal official plans and zoning by-law amendments ensure that growth is managed and that sound land use planning principles are applied. Therefore, County staff question the necessity of the proposed changes to the Niagara Escarpment Plan, including the proposed addition of new lands to the Niagara Escarpment Plan.

Attachments

Links to the NEC Discussion Papers, including maps and appendices:

1. [Land Use Designation Criteria Mapping NEC Discussion Paper – County of Grey](#)
 - [Land Use Designation Criteria Discussion Paper Maps](#)
2. [Additions to the NEP Area NEC Discussion Paper](#)
 - [Appendix 1](#)
 - [Appendix 2](#)
 - [Appendix 3](#)

Respectfully submitted by,

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Director of Planning and Development