

March 30 & April 6, 2001

# In Focus

●—————→  
*A review of the Niagara Escarpment Plan*

## **New Plan Maps, Plan Errata & Plan Text (Housekeeping)**

### **Niagara Escarpment Commission Position Paper**

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## A note about the Position Papers . . .

The **Niagara Escarpment Commission Position Papers** consider comments received by the Niagara Escarpment Commission (NEC) in response to six Plan Review Discussion Papers issued in December 2000 and January 2001. Based on these comments, the NEC has in some cases modified recommendations contained in the Discussion Papers.

The **Niagara Escarpment Commission Position Papers** are in two parts. These two parts must be read together.

Part 1 and its appendices reflect Niagara Escarpment Commission decisions taken on March 30, 2001 after considering comments received up to March 28, 2001.

Part 2 and its appendices reflect the Niagara Escarpment Commission's position taken at a meeting on April 6, 2001, incorporating comments received after March 28, 2001.

Part 2 contains the final refinements to the Niagara Escarpment Commission's Position for the Niagara Escarpment Plan Review Hearing based on all of the comments received.

If you have any questions about the Position Papers, please contact:

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Niagara Escarpment Commission  
Position Paper  
New Plan Maps, Plan Errata & Plan Text  
(Housekeeping)

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# Part 1

March 30, 2001

## NIAGARA ESCARPMENT COMMISSION POSITION PAPER

### Analysis of Comments Received

### Niagara Escarpment Plan Review

### Topic 6

### New Plan Maps, Plan Errata and Plan Text (Housekeeping)

#### A. TOPIC: NEW PLAN MAPS, PLAN ERRATA AND PLAN TEXT (HOUSEKEEPING)

#### B. BACKGROUND:

In accordance with the Niagara Escarpment Planning and Development Act (NEPDA), the Minister of Natural Resources on June 15, 1999 caused a review of the Niagara Escarpment Plan (NEP). Under Section 17(2) of the NEPDA the Minister established Terms of Reference and included “new Plan maps, Plan errata, Plan text (housekeeping)” as one of the topics to be reviewed. The provisions of the NEPDA relating to amendments of the NEP apply with the necessary modifications to the Review.

Pursuant to Sections 7 and 10(1)a of the NEPDA, the NEC is required to furnish copies of the Review to affected ministries and municipalities and invite comments within 60 days.

Section 10(1)b requires public notification in local newspapers.

Affected ministries, municipalities, agencies and interest groups were circulated with copies of the Review on December 29, 2000 and January 31, 2001 and invited to comment by March 30, 2001. In addition, the Commission requested comments from other parties and individuals known to have an interest in the Review.

Notice appeared in local newspapers on February 14, 2000 also inviting public comment by March 30, 2001.

Copies of the Notice and Discussion Papers were also posted on the NEC’s web site for information and as downloadable files.

Comments could be mailed or filed via e-mail with the NEC.

Although not required by the NEPDA, the NEC met with stakeholders and interested parties to discuss and answer questions on the Discussion Papers.

The purpose of this report is to review the comments received on the Discussion Paper from municipalities, agencies, interest groups, the public and the Public Interest Advisory Committee, in order to establish a position on the issue for consideration by the Commission.

The Commission's Position will be circulated and subject to review at the Plan Review Hearing scheduled to commence July 16, 2001.

### **C. SUMMARY OF COMMENTS RECEIVED:**

#### Municipalities, Agencies, Interest and Advisory Groups, and the Public

A summary of the comments received from municipalities, agencies, interest and advisory groups and the public received to date follows.

#### **1. Municipal**

- **City of Owen Sound**

No comments on Housekeeping Paper.

- **County of Grey**

- i) The public should be advised that the new maps in certain instances do not mirror the current NEP maps.
- ii) The maps contain a number of typographical and place name errors.
- iii) Former municipal names should be referenced where appropriate.
- iv) The name Four Seasons Craigleith-Camperdown Recreation Area and Castle Glen Secondary Plan should be retained until such time as a new name is established under the new official Plan on the Town of The Blue Mountains.
- v) Should consider a definition for a driving range separate from a golf course.
- vi) Concur with remainder of items.

- **Town of The Blue Mountains**

Two minor issues have been identified:

- i) The traditional names of Craigleith, Camperdown, Castle Glen and Osler Bluff should be retained.
- ii) The definition for "Public Agency/Body" should include a "municipality"

- **Township of Georgian Bluffs**

A portion of the Township (Lot 3 EHMS) appears to have been redesignated to Protection Area from Rural Area.

- **Town of Caledon**

No concerns with mapping per se. Mapping should be reviewed for accuracy. Redesignation of former pit areas should reflect the appropriate land use criteria, subject to further review.

- **Region of Halton**

- i) Generally support the discussion paper.
- ii) The maps contain a number of typographical errors.
- iii) Milton Heights should be removed as a Minor Urban Centre from the NEP. The Hamlet was deleted as a MUC under Amendment #8 to the Region Plan.
- iv) The area of Hilltop Quarry is shown differently on the Regional Plan.

- **City of Burlington**

- i) Supports or has no concerns about the most issues or how they were addressed.
- ii) The boundary for Kilbride should reflect the village secondary plan as modified by Amendment #73 to the NEP.
- iii) The boundary of Lowville should reflect the entire village boundary proposed in the local official plan including the portion opposed by the NEC and subsequently deferred by the Region.

- **The (New) City of Hamilton**

- i) Add a sentence to the definition of golf course that states that a golf course includes a golf driving range rather than having two separate definitions.
- ii) Former municipal names should be still shown on the NEP Maps.
- iii) The maps have a number of typesetting, typographical and place name errors that should be corrected.

- **Region of Niagara**

Supports or has no major concerns. There are a number of typographical or mapping errors, which should be corrected (e.g., wrong street name, etc.).

- **Town of Lincoln**

No objection to the Discussion Paper recommendations.

## **2. Ministries**

- **MOE, MNR, MTCR, OMAFRA**

The proposed policies in the discussion paper are supported for the most part. Areas of comment or concern are:

- i) A definition of a “golf course country club” should be added to the NEP.
- ii) The rewording of the criteria governing farm ponds in the Escarpment Natural Area would seem to be a change in policy.
- iii) The use of the term “subject to” rather than “notwithstanding” would appear to be a change in policy.
- iv) Short Hills Provincial Parks should be made a Nodal Park.
- v) Roads should be differentiated by type (e.g., local, regional, provincial).
- vi) A number of park names need to be corrected.
- vii) Park boundaries should be checked for accuracy. In some cases road allowances and utility corridors through parks are shown incorrectly.
- viii) A new park should be added as the Nottawasaga Lookout Provincial Nature Reserve abutting the Nottawasaga Lookout Escarpment Access Park.

## **3. Agencies and Associations**

- **Hamilton Region Conservation Authority**

No objection subject to with the following comments:

- i) The Martin Pit should be referred to as the former Smith Pit (owned by the Authority).
- ii) The delineation of public lands and park names should be reviewed for accuracy since there are a number of errors on the Maps (1 to 10).

- **Coalition on the Niagara Escarpment (CONE)**

Supports the proposals with the following comments or exceptions:

- i) In addition to defining golf courses it is recommended that the size be limited to 36 holes after which time an amendment to the NEP would be required. This change should be made under Part 1.5, Permitted Uses, for the Escarpment Rural Area.
- ii) The visual landscape development criteria originally proposed under the Estate Winery Paper should be included as part of housekeeping.

- **Grey Association for better Planning**

In general agreement with the alterations.

- **Preservation of Agricultural Lands Society (PALS)**

Agree with the housekeeping proposals.

- **Hamilton Naturalists' Club**

No comments on Housekeeping Paper.

- **Bruce Trail Association (BTA)**

No comments on Housekeeping Paper.

- **Escarpment Biosphere Conservancy (EBC)**

No comments on Housekeeping Paper.

#### **4. Public**

- **Guenther and Isings**

Oppose redesignation of any lands to Mineral Resource Extraction Area. Fair share argument would suggest more Extraction Areas will be needed to replace those redesignated.

- **Tilson**

Support review.

- **Wilson**

Read with interest.

- **Dufferin Aggregates**

Part of Dufferin property in Milton appears to now be designated Escarpment Natural rather than Escarpment Rural. The mapping should be corrected.

## **5. Public Interest Advisory Committee (PIAC)**

Supports the recommendations contained within the Housekeeping Paper.

## **D. COMMENTS/ANALYSIS/CONCLUSION**

After taking into account the comments received, the Commission should adopt as its Position the following:

### **Recommendation 1 – New GIS Mapping**

The GIS formatting and related updating of the NEP Maps should ensure that:

- i) Former municipal names are used in conjunction with new names.
- ii) Roads be checked and differentiated by type.
- iii) Typographical, typesetting, map registration and place name errors be corrected.
- iv) Where applicable, park names be corrected or revised in accordance with the recommendations of the park management agencies.
- v) The Escarpment Protection Area designation on Lot 3 EHMS in the Township of Georgian Bluffs should be modified to Escarpment Rural Area.

It should be noted that the mapping is intended to generally mirror the NEP Maps approved in 1994. Changes where they occur are the result of registration problems and the use of 1:10,000 scale mapping and its conversion to Plan Maps of 1:50,000. Maps must still be interpreted on a case by case basis in the field using the Plan's designation criteria. The Draft Maps were available for public review.

### **Recommendation 2 – Minor Urban Centre Boundaries**

- i) The Minor Urban Centre symbol for Milton Heights be removed from the Halton NEP Map. Milton Heights was removed as a Hamlet under Amendment #8 to the Regional Plan. Therefore it no longer qualifies for designation as an MUC under the NEP.
- ii) The boundary of the Village of Kilbride should reflect the change, which occurred following approval of Amendment #73 to the NEP.

- iii) The boundary of Lowville should not be modified to include the portion of the Village opposed by the NEC. The matter has been deferred by the Region and remains unresolved. The issue is one that appears to be outside the Minister's Terms of Reference.

### **Recommendation 3 – Redesignation of Mineral Resource Extraction Areas**

The NEC notified all landowners affected by the redesignation of pits and quarries, who's lands were no longer licensed. No responses have been received to date.

The Hilltop Quarry in the Region of Halton is shown differently on the Niagara Escarpment Plan because the NEP does not require a Plan Amendment for quarries producing less than 20,000 tonnes annually. The designation remains Escarpment Rural Area. No mapping change is required.

The Martin Pit should be referred to in future as the former Smith Pit.

The redesignation of former pits and quarries will not necessarily result in more land becoming Mineral Resource Extraction Area.

### **Recommendation 4 – Public Lands in the NEPOS System**

The Public Lands should be updated and shown as accurately as possible. Park boundaries should reflect recent land acquisition and such lands be incorporated where possible. Road and utility corridors through parks should reflect the comments of public agencies regarding whether they should be shown or not.

### **Recommendation 5 – Waterdown Urban Boundary Errata**

No comments received on this issue.

### **Recommendation 6 – Housekeeping Revisions to Plan Text**

The majority of the housekeeping revisions were supported or not commented upon.

The issues receiving some attention were:

- i) Part 1.5 (Escarpment Rural Area) should be revised to limit the size of a golf course to 36 holes. This would result in any proposed golf course or golf course expansion beyond this limit requiring an amendment to the NEP. This request would appear to be beyond the Minister's Terms of Reference. NEC records have not shown this to be an issue at the present time. Golf course proposals processed by the NEC under the Plan to date have not exceeded 36 holes.
- ii) The County of Grey recommended that the name Four Seasons Craigeith-Camperdown Recreation Area and Castle Glen Secondary Plan be retained until such time as a new name is established under the new official plan for the Town

- of The Blue Mountains. The Town of The Blue Mountains also requested that the local names be retained. This is not an essential housekeeping change to the NEP and the County and Town recommendations can be accepted.
- iii) The replacement of the term “notwithstanding” to “subject to” in Part 1.9 corrects an error in the original drafting of the section. The intent of the Plan remains the same and no change to the original recommendation is required.
  - iv) The rewording of the policy governing farm ponds in Escarpment Natural Areas under Part 2.3 (Existing Uses) is not a change in policy. The manner in which the policy has been interpreted will not change. No modification to the original recommendation is required.
  - v) The definition for golf course and the manner in which driving ranges have been defined do not require change. The suggestions would not appear to be a substantive improvement over what is recommended in the Discussion Paper. The uses associated with the golf course club house should be considered under the Rural Tourism Discussion Paper.
  - vi) The proposed development criteria governing visual landscape should be reconsidered under the Estate Wineries Discussion Paper.
  - vii) The definition for “Public Body/Agency” should be modified to include a municipality for the purposes of clarification. The intent of the definition would remain the same. At the same time the reference in the definition to “Ontario Hydro” should be changed to “Ontario Power Generation Inc.” to reflect the corporation’s current name.

### **Other Issues**

These new issues were raised as part of housekeeping in the comments but cannot be dealt with as part of the Plan Review since they appear to lie outside the Minister’s Terms of Reference.

**Burlington** – the NEPDA should be changed to provide for broader notice provisions for Development Permits (e.g., notification before a decision and notice to owners beyond 120 metres).

**Niagara Region** – granny flats/garden suites should be part of the review or the NEC should initiate a separate amendment to address the issue. As well, the Development Control Area should be made co-terminus with the NEP.

**Lincoln** – Albright Manor should be removed from the Escarpment Protection Area of the NEP to allow for future expansion on village services.

**MNR** – Shorthills Provincial Park should be designated as a Nodal Park in NEPOSS.

**Hamilton Region Conservation Authority** – a number of reforested areas owned by the HRCA should be redesignated to Escarpment Natural Area under the NEP.

**CONE** – the area of Amendment #71 (The Escarpment Link) should be identified on the NEP Maps as an area that will be added to the NEP in the future.

**PALS** – the issue of surplus farm dwellings and agricultural only zoning should be dealt with. Additional guidance is required on the afteruse/rehabilitation of worked out pits and quarries. The Development Control Area should be made co-terminus with the NEP.

**E. RECOMMENDATION:**

That the policy changes attached as Appendix 1 be adopted as the Commission's Position on the Niagara Escarpment Plan Review Document.

## **APPENDIX 1 – THE AMENDMENT (NEP Housekeeping)** March 30, 2001

The Niagara Escarpment Plan be amended as follows:

1. Part 1.4, Permitted Use #12 for the Escarpment Protection Area be delete and replaced with the following revised wording:
  - In non-agricultural areas, small scale institutional uses.
2. Part 1.4, Permitted Use #19 for the Escarpment Protection Area be deleted and the section renumbered accordingly.
3. Par 1.4, Permitted Use #21 for the Escarpment Protection Area be deleted and the section renumbered accordingly.
4. Part 1.5, New Lots Policy #6 for the Escarpment Rural Area be modified to add the words “in the past” to immediately follow the word “severed” in the paragraph.
5. Part 1.5, Policy #3 under the heading “Development Policies for the Mineral Extraction” for the Escarpment Rural Area be deleted and replaced with the following:
  - *A Processing Guide* is available from the Niagara Escarpment Commission for assistance in preparing applications to amend the Niagara Escarpment Plan from Escarpment Rural Area to Mineral Resource Extraction Area, and for the consideration of new Provincial wayside pits or quarries. The *Processing Guide* was developed following the completion of the *Mineral Resource Planning Study: Niagara Escarpment Plan Area and Surrounding Areas* completed in November, 1995. The *Guide* is intended to be a useful tool in providing information on the Niagara Escarpment Plan Amendment and Development Permit processes but does not change the legal requirements for evaluating these applications under the *Niagara Escarpment Planning and Development Act* or the *Niagara Escarpment Plan*.
6. Part 1.5, Permitted Uses #5 for the Escarpment Rural Area be revised to read:
  - In non-agricultural 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.
7. Part 1.6, Criterion for Designation for Minor Urban Centres be modified to delete “Milton Heights” and add “Copetown” to the list of villages and hamlets recognized as Minor Urban Centres in the area of the Niagara Escarpment Plan.

8. Part 1.6, Criterion for Designation for Minor Urban Centres be modified to add the following new paragraph to the end of the section to read:
  - A Minor Urban Centre may be removed from the list and the Maps of the Niagara Escarpment Plan modified accordingly, without an amendment to the Niagara Escarpment Plan, where a Minor Urban Centre has been deleted as a designated rural settlement area by a municipality in an approved official plan and/or secondary plan.
9. Part 1.6, Preparation of Municipal Official Plans and/or Secondary Plans and Boundaries for Minor Urban Centres be deleted and revised to read:

### **Preparation of Municipal Official Plans and/or Secondary Plans**

The Objectives and Development and Growth Objectives of this designation are to be applied in the preparation and approval of official plans and/or secondary plans for Minor Urban Centres.

It is the intent that application of the Objectives and Development and Growth Objectives will result in clearly defined boundaries for all Minor Urban Centres. These boundaries will maintain and enhance existing rural settlements, villages and hamlets in their present form, or provide for growth areas that can be accommodated and developed in an environmentally sustainable manner.

### **Boundaries**

1. Boundaries for Minor Urban Centres which have been clearly defined by the municipality in an approved official plan and/or secondary plan which is not in conflict with the Niagara Escarpment Plan are shown on Maps 1 to 9.

Any change to expand these boundaries 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 boundaries on the Maps of the Niagara Escarpment Plan where boundaries have been redefined to reduce the area of a Minor Urban Centre by a municipality in an approved official plan and/or secondary plan.

2. Minor Urban Centres without defined boundaries are shown by a symbol on Maps 1 to 9. Boundaries 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. Any change to expand these approved boundaries will require an amendment to the Niagara Escarpment Plan.

10. Part 1.7, Criterion for Designation for Urban Areas be modified to delete the following municipalities from the list, “City of Hamilton, City of Stoney Creek, Town of Ancaster, Town of Flamborough and Town of Dundas” and replace the municipal list with, “City of Hamilton including the former City of Stoney Creek and former Towns of Ancaster, Flamborough and Dundas.”
11. Part 1.7, Criterion for Designation for Urban Areas be modified to replace the reference to the “Town of Warton” with the words “Former Town of Warton in the Town of the South Bruce Peninsula” and also replace the reference to the “Village of Lion’s Head” with the words “Former Village of Lion’s Head in the Municipality of the Northern Bruce Peninsula”.
12. Part 1.7, Development Objectives for Urban Areas be modified to delete Development Objective #10.
13. Part 1.9, After Uses, Permitted Uses and New Lots for the Mineral Resource Extraction Area modify the words “Except for progressive rehabilitation” in paragraph #1 to read, “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”.
14. Part 1.9, After Uses, Permitted Uses and New Lots for the Mineral Resource Extraction Area add the words “Except for the identified permitted uses which comply with the provisions of the Development Criteria for Mineral Resources in Part 2.11.5 of this Plan,” to the beginning of paragraph #2.
15. Part 1.9, After Uses, Permitted Uses and New Lots for the Mineral Resource Extraction Area delete the word “Notwithstanding” from the beginning of paragraph #8 and replace it with the words “Subject to”.
16. Part 2.3, Existing Uses modify paragraph #6 to read:
  - The expansion/enlargement of an existing pond is not permitted in the Escarpment Natural Area, unless it is a farm pond.
17. Part 2.4, Lot Creation add the following paragraph to the end of paragraph #12:

- Where the lands lying outside the boundary of a Minor Urban Centre, Urban Area or Escarpment Recreation Area constitute less than 50% of the original township lot or half township lot, additional severances will not be permitted.

18. Part 2.6, New Development Affecting Water Resources be modified by deleting the words “as offstream devices” in paragraph #19 and replacing them with the words “to be offstream”, and move paragraph #19 from the section Flood Plains to the end of the section on Ponds and renumbering the paragraphs accordingly.

19. Appendix 2, Definitions be modified by adding the words “maple syrup production” to follow the words “market gardening” in the definition of Agricultural Use.

20. Appendix 2, Definitions be modified by adding the following definition for golf course:

**Golf Course** – a public or private area laid out, operated or used for the purpose of playing or practicing the game of golf and includes a golf driving range. A golf course regardless of size or design shall not be considered an accessory or incidental use under the definitions of this Plan.

**Golf Driving Range** – see definition of golf course.

21. Appendix 2, Definitions be modified by revising the definition for “Public Agency/Body” to read:

**Public Agency/Body** – a municipality and any federal, provincial, county or municipal agency and includes any commission, board, authority or department, including Ontario Power Generation Inc. (formerly Ontario Hydro), established by such agency exercising any power or authority under a Statute of Canada or Ontario. The Bruce Trail Association shall be treated as if it were a public agency/body with respect to the role of the Association in securing and managing the Bruce Trail Corridor under Part 3 of the Niagara Escarpment Plan.



# Part 2

April 6, 2001

## NIAGARA ESCARPMENT COMMISSION POSITION PAPER

### Analysis of Additional Comments Received

#### Niagara Escarpment Plan Review

#### Topic 6

#### New Plan Maps, Plan Errata and Plan Text (Housekeeping)

#### A. TOPIC: NEW PLAN MAPS, PLAN ERRATA AND PLAN TEXT (HOUSEKEEPING)

#### B. BACKGROUND:

The purpose of this report is to review the additional comments received on the Discussion Paper from municipalities, ministries and agencies, interest groups and the public, in order to determine if there are any new issues that would require further consideration by the Commission as part of its position.

The Commission's Position will be circulated and subject to review at the Plan Review Hearing scheduled to commence July 16, 2001.

#### C. SUMMARY OF COMMENTS RECEIVED/ANALYSIS:

##### Municipalities, Agencies, Interest and Advisory Groups, and the Public

A summary of the additional comments received from municipalities, ministries and agencies, interest and advisory groups and the public received to date follows.

## **1. Municipal**

- **The (New) City of Hamilton**

The City of Hamilton provided the following additional comments to the comments considered earlier by the NEC:

- i) the Escarpment Protection and Rural Area designations should not be shown in the Minor Urban Centres of Greensville and Copetown. These designations have no status within the boundaries of an MUC where an approved local secondary plan is in place.
- ii) The lands, which were the subject of the Joint Board Hearing for the Waterdown expansion (Up-Country et al), should be shown as Urban. The Cabinet decision is expected shortly.

### **Recommended NEC Position:**

No change required.

The issue of the status of underlying designations in an MUC with an approved secondary plan boundary is one that should be addressed, but not as part of the Plan Review. The issue is not straightforward and it is a matter that is outside the Minister's Terms of Reference.

The decision of the Joint Board on the Waterdown Urban Boundary cannot legally be reflected under the Plan Review until the Cabinet has dealt with the Petitions before it.

## **2. Ministries**

- **MNR, Ontario Heritage Foundation (part MTCR)**

The Ministry and OHF have provided addition comments to supplement the comments received earlier on the Plan Review. Although related to Housekeeping these are discussed under Additional Comments Received Discussion Paper 5 (Parks and Land Trusts) since the comments deal with Parks.

### **Recommended NEC Position:**

See Additional Comments Received Discussion Paper 5.

### **3. Agencies and Associations**

- **Conservation Authorities (Joint Submission)**

No objection subject to comments from individual authorities.

Recommended NEC Position:

See comments from individual authorities.

- **Conservation Halton (Halton Region Conservation Authority)**

HRCA has the following comments:

- iii) Escarpment Natural Areas do not match air photos and the designation boundaries appear different than the 1994 NEP Maps. Boundaries should be checked for accuracy.
- iv) There are a number of typographical, registration and place name errors that should be reviewed and/or corrected.

Recommended NEC Position:

No change required.

The NEC has already agreed to review the Draft NEP Maps and check accuracy of designations, typographical, registration and place name errors.

It should be noted that the mapping is intended to generally mirror the NEP Maps approved in 1994. Changes where they occur are the result of registration problems and the use of 1:10,000 scale mapping and its conversion to Plan Maps of 1:50,000. Maps must still be interpreted on a case by case basis in the field using the designation criteria.

- **Niagara Peninsula Conservation Authority**

NPCA has provided a list of recommended map corrections.

Recommended NEC Position:

No change required.

The NEC has already agreed to review the Draft NEP Maps and check accuracy of designations, and correct typographical, registration and place name errors.

- **Credit Valley Conservation (Authority)**

CVC has provided a list of recommended map suggestions and corrections.

Recommended NEC Position:

No change required.

The NEC has already agreed to review the Draft NEP Maps and check accuracy of designations, and correct typographical, registration and place name errors.

The NEC, however, cannot redesignate lands to reflect wetlands and other similar environmental features since this lies outside the Minister's Terms of Reference.

- **Grey Sauble Conservation Authority**

GSCA has provided a list of recommended map suggestions and corrections.

Recommended NEC Position:

No change required.

The NEC has already agreed to review the Draft NEP Maps and check accuracy of designations, and correct typographical, registration and place name errors.

The NEC, however, cannot redesignate lands to reflect naturalization of Escarpment parkland since this lies outside the Minister's Terms of Reference.

- **Protect Our Water and Environmental Resources (POWER)**

No changes should be made to the Plan, which would result in additional development.

Recommended NEC Position:

No change required.

The intent of housekeeping is to clarify the Plan, correct errata and update the NEP Maps not to change the existing policies.

#### **4. Public**

- **Redish**

Section is useful.

Recommended NEC Position:

No change required.

- **Thompson**

Name changes to remove references to Craigleith-Camperdown and Castle Glen could create problems since the new Town of The Blue Mountains Official Plan has not been approved.

Recommended NEC Position:

No change required.

NEC has already agreed to not change the existing references.

- **Preston**

Supports the Paper. Golf courses should not be permitted in the area of the Plan.

Recommended NEC Position:

No change required.

Deleting golf courses from the NEP is outside the Minister's Terms of Reference and cannot be dealt with as housekeeping.

- **Glen Schnarr and Associates**

Have the following concerns on behalf of various clients:

- i) concerned about the extent of the Escarpment Natural Area in the Village of Belfountain on the former Enterac lands. Appears to be larger than shown on 1994 NEP Maps.
- ii) concerned about the extent of the Escarpment Natural Area on a portion of the Lowville Golf Course in Burlington. Appears to be larger than shown on 1994 NEP Maps.
- iii) concerned about the extent of the Escarpment Natural Area on a portion of the Goldhar property (formerly Valley Schuss lands) in the Hockley Valley. Could

- restrict development and future access off the Hockley Road in the Town of Mono. Natural Area appears to be larger than shown on 1994 NEP Maps.
- iv) concerned about the definition for golf courses. Lacks any consideration of size or design and the opportunity for practice courses on private lands.
  - v) object to definition if it doesn't "grandfather" existing courses that would not comply with the definition (e.g., existing private courses).

Recommended NEC Position:

Change required to definition of "existing use".

The NEC has already agreed to review the Draft NEP Maps and check accuracy of designations.

It should be noted that the mapping is intended to generally mirror the NEP Maps approved in 1994. Changes where they occur are the result of registration problems and the use of 1:10,000 scale mapping and its conversion to Plan Maps of 1:50,000. Maps must still be interpreted on a case by case basis in the field using the designation criteria in accordance with Part 1.1 of the existing Plan (i.e., Interpretation of Boundaries). In the cases cited in this instance the Natural Areas appear to be reflected properly.

Golf courses regardless of size, design and ownership are still golf courses. Golf courses are permitted in certain designations of the NEP and prohibited in others because of their potential inherent environmental impacts. A definition will ensure that that ownership (e.g., public or private) does not result in different treatment of the same use.

Existing golf courses and courses, which have been approved or have received Development Permits, will be "grandfathered" under the existing provisions of the NEP (i.e., Part 2.3 Existing Uses) provided a change is made to the definition of "existing use". Existing uses should also include uses approved after the NEP came into force on June 12, 1985. A specific reference for golf courses does not need to be added to the Plan if the definition is modified.

- **Mi-Co Urban Consulting**

Concerned that boundary of the Village of Mount Nemo in Burlington does not include client's lands.

Recommended NEC Position:

No change required.

The boundary of Mount Nemo was established in a secondary plan approved by the Ontario Municipal Board in 1996. A change to the boundary requires an amendment to

the NEP, Regional Plan and Burlington Official Plan. The boundary cannot be changed as part of the Plan Review. The request is also outside the Minister's Terms of Reference for the Review.

- **Williams**

Requests removal of 35 acre property from NEP at Beamsville (Town of Lincoln).

Recommended NEC Position:

No change required.

Removal of lands from NEP as part of the Plan Review is outside the Minister's Terms of Reference. A site specific amendment application would be required.

- **Castle Glen Corporation**

Has the following comments:

- i) opposed to removal of references to Craigleith-Camperdown and Castle Glen. Could impact on legal status of existing designation in local official plan.
- ii) Concerned about golf course definition if it prohibits uses normally accessory or incidental to a golf course.

Recommended NEC Position:

No change required.

NEC has already agreed to not change the existing references to Craigleith-Camperdown and Castle Glen.

Accessory and incidental uses associated with a permitted golf course will not be prohibited by the definition. The definition only excludes a golf course from being considered accessory or incidental to another use under the Plan.

## **D. COMMENTS/CONCLUSION**

After taking into account the additional comments received, the Commission should adopt the policies set out in the recommendation attached to this report. The additional comments have not resulted in changes to the original Position finalized on March 30, 2001.

It should be noted that Ontario Hydro should no longer be included under the definition of "Public Agency/Body". Legislative change has resulted in the former corporation becoming a number of separate private companies.

Due to the amount of work associated with the NEP mapping it will not be possible to have the updated and corrected versions available immediately. The mapping will be available for the public prior to the hearings on the Plan Review.

**E. RECOMMENDATION:**

That the policy changes attached as Appendix 1 be adopted as the Commission's Position on the Niagara Escarpment Plan Review Document.

That the revisions to the Niagara Escarpment Plan Maps which form part of the Commission's Position be made available as soon as practical prior to the Plan Review Hearing.

## **APPENDIX 1 – THE AMENDMENT (NEP Housekeeping)** April 6, 2001

The Niagara Escarpment Plan be amended as follows:

1. Part 1.4, Permitted Use #12 for the Escarpment Protection Area be delete and replaced with the following revised wording:
  - In non-agricultural areas, small scale institutional uses.
2. Part 1.4, Permitted Use #19 for the Escarpment Protection Area be deleted and the section renumbered accordingly.
3. Par 1.4, Permitted Use #21 for the Escarpment Protection Area be deleted and the section renumbered accordingly.
4. Part 1.5, New Lots Policy #6 for the Escarpment Rural Area be modified to add the words “in the past” to immediately follow the word “severed” in the paragraph.
5. Part 1.5, Policy #3 under the heading “Development Policies for the Mineral Extraction” for the Escarpment Rural Area be deleted and replaced with the following:
  - *A Processing Guide* is available from the Niagara Escarpment Commission for assistance in preparing applications to amend the Niagara Escarpment Plan from Escarpment Rural Area to Mineral Resource Extraction Area, and for the consideration of new Provincial wayside pits or quarries. The *Processing Guide* was developed following the completion of the *Mineral Resource Planning Study: Niagara Escarpment Plan Area and Surrounding Areas* completed in November, 1995. The *Guide* is intended to be a useful tool in providing information on the Niagara Escarpment Plan Amendment and Development Permit processes but does not change the legal requirements for evaluating these applications under the *Niagara Escarpment Planning and Development Act* or the *Niagara Escarpment Plan*.
6. Part 1.5, Permitted Uses #5 for the Escarpment Rural Area be revised to read:
  - In non-agricultural 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.
7. Part 1.6, Criterion for Designation for Minor Urban Centres be modified to delete “Milton Heights” and add “Copetown” to the list of villages and hamlets recognized as Minor Urban Centres in the area of the Niagara Escarpment Plan.

8. Part 1.6, Criterion for Designation for Minor Urban Centres be modified to add the following new paragraph to the end of the section to read:
  - A Minor Urban Centre may be removed from the list and the Maps of the Niagara Escarpment Plan modified accordingly, without an amendment to the Niagara Escarpment Plan, where a Minor Urban Centre has been deleted as a designated rural settlement area by a municipality in an approved official plan and/or secondary plan.
9. Part 1.6, Preparation of Municipal Official Plans and/or Secondary Plans and Boundaries for Minor Urban Centres be deleted and revised to read:

### **Preparation of Municipal Official Plans and/or Secondary Plans**

The Objectives and Development and Growth Objectives of this designation are to be applied in the preparation and approval of official plans and/or secondary plans for Minor Urban Centres.

It is the intent that application of the Objectives and Development and Growth Objectives will result in clearly defined boundaries for all Minor Urban Centres. These boundaries will maintain and enhance existing rural settlements, villages and hamlets in their present form, or provide for growth areas that can be accommodated and developed in an environmentally sustainable manner.

### **Boundaries**

1. Boundaries for Minor Urban Centres which have been clearly defined by the municipality in an approved official plan and/or secondary plan which is not in conflict with the Niagara Escarpment Plan are shown on Maps 1 to 9.

Any change to expand these boundaries 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 boundaries on the Maps of the Niagara Escarpment Plan where boundaries have been redefined to reduce the area of a Minor Urban Centre by a municipality in an approved official plan and/or secondary plan.

2. Minor Urban Centres without defined boundaries are shown by a symbol on Maps 1 to 9. Boundaries 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. Any change to expand these approved boundaries will require an amendment to the Niagara Escarpment Plan.

10. Part 1.7, Criterion for Designation for Urban Areas be modified to delete the following municipalities from the list, “City of Hamilton, City of Stoney Creek, Town of Ancaster, Town of Flamborough and Town of Dundas” and replace the municipal list with, “City of Hamilton including the former City of Stoney Creek and former Towns of Ancaster, Flamborough and Dundas.”
11. Part 1.7, Criterion for Designation for Urban Areas be modified to replace the reference to the “Town of Warton” with the words “Former Town of Warton in the Town of the South Bruce Peninsula” and also replace the reference to the “Village of Lion’s Head” with the words “Former Village of Lion’s Head in the Municipality of the Northern Bruce Peninsula”.
12. Part 1.7, Development Objectives for Urban Areas be modified to delete Development Objective #10.
13. Part 1.9, After Uses, Permitted Uses and New Lots for the Mineral Resource Extraction Area modify the words “Except for progressive rehabilitation” in paragraph #1 to read, “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”.
14. Part 1.9, After Uses, Permitted Uses and New Lots for the Mineral Resource Extraction Area add the words “Except for the identified permitted uses which comply with the provisions of the Development Criteria for Mineral Resources in Part 2.11.5 of this Plan,” to the beginning of paragraph #2.
15. Part 1.9, After Uses, Permitted Uses and New Lots for the Mineral Resource Extraction Area delete the word “Notwithstanding” from the beginning of paragraph #8 and replace it with the words “Subject to”.

16. Part 2.3, Existing Uses modify paragraph #4 to read:

- An expansion or enlargement shall be minor in proportion to the size and scale of the building or use legally:
  - i) existing on the day of approval of the Niagara Escarpment Plan on June 12, 1985, or
  - ii) approved in accordance with the provisions of the Niagara Escarpment Plan since June 12, 1985 prior to the date of any amendment to the Plan, or
  - iii) existing in an area added to the Niagara Escarpment Plan, at the date such an amendment is approved; and,

shall not result in an intensification of the existing use.

17. Part 2.3, Existing Uses modify paragraph #6 to read:

- The expansion/enlargement of an existing pond is not permitted in the Escarpment Natural Area, unless it is a farm pond.

18. Part 2.4, Lot Creation add the following paragraph to the end of paragraph #12:

- Where the lands lying outside the boundary of a Minor Urban Centre, Urban Area or Escarpment Recreation Area constitute less than 50% of the original township lot or half township lot, additional severances will not be permitted.

19. Part 2.6, New Development Affecting Water Resources be modified by deleting the words “as offstream devices” in paragraph #19 and replacing them with the words “to be offstream”, and move paragraph #19 from the section Flood Plains to the end of the section on Ponds and renumbering the paragraphs accordingly.

20. Appendix 2, Definitions be modified by adding the words “maple syrup production” to follow the words “market gardening” in the definition of Agricultural Use.

21. Appendix 2, Definitions be modified by adding the following definition for golf course:

**Golf Course** – a public or private area laid out, operated or used for the purpose of playing or practicing the game of golf and includes a golf driving range. A golf course regardless of size or design shall not be considered an accessory or incidental use under the definitions of this Plan.

**Golf Driving Range** – see definition of golf course.

22. Appendix 2, Definitions be modified by revising the definition for “Public Agency/Body” and “existing use” to read:

**Public Agency/Body** – a municipality and any federal, provincial, county or municipal agency and includes any commission, board, authority or department, established by such agency exercising any power or authority under a Statute of Canada or Ontario. The Bruce Trail Association shall be treated as if it were a public agency/body with respect to the role of the Association in securing and managing the Bruce Trail Corridor under Part 3 of the Niagara Escarpment Plan.

**Existing Use** – the use of any land, building or structure legally:

- i) existing on the day of approval of the Niagara Escarpment Plan on June 12, 1985, or
- ii) approved in accordance with the provisions of the Niagara Escarpment Plan since June 12, 1985 prior to the date of any amendment to the Plan, or
- iii) existing in an area added to the Niagara Escarpment Plan, at the date such an amendment is approved.