

March 30 & April 6, 2001

# In Focus

—→  
*A review of the Niagara Escarpment Plan*

## **Rural Tourism**

### **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.

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Niagara Escarpment Commission  
Position Paper  
Rural Tourism

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# Part 1

March 30, 2001

## NIAGARA ESCARPMENT COMMISSION POSITION PAPER

### Analysis of Comments Received

### Niagara Escarpment Plan Review

### Topic 2

### Rural Tourism

#### A. TOPIC: RURAL TOURISM

#### 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 "rural tourism" 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 Discussion Papers 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, 2001 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, ministries and agencies, interest groups, the public and the Public Interest Advisory Committee.

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

The following is structures on the basis of the two (2) recommendations contained in the Rural Tourism Discussion Paper. The format is as follows:

- Discussion Paper Recommendations
- Summary of Comments Received
- Analysis
- Recommendation

## **C. DISCUSSION PAPER RECOMMENDATIONS # 1 AND # 2**

- 1. That the NE Plan not be amended/revised to permit intensive commercial developments such as restaurants and inns catering to the rural tourism industry in the Escarpment Rural Area.**
- 2. That the NEC explore the potential for partnerships with other public and private sector organizations such as tourist operators, tourism associations, community organizations, Conservation Authorities, Bruce Trail Association, municipal and Provincial governments to develop, promote, and distribute publications on sustainable Escarpment attractions.**

**The emphasis should be on effectively organizing, developing, promoting and distributing information on sustainable Escarpment rural tourism uses.**

## **C.1 SUMMARY OF COMMENTS RECEIVED**

### **1. Municipal**

#### **Region of Niagara (Staff Report)**

1. The Regional Niagara supports Bed and Breakfast (B&B) accommodations up to six guest rooms in the Escarpment Protection and Rural designations.
2. The B&B must be located in an existing single family dwelling that has local heritage value or interest.
3. Other than the above B&B, more intensive commercial tourism uses should be directed to urban serviced areas due to anticipated environmental impacts and conflicts with the Regional Policy Plan which permits only smaller scale agri-tourism uses accessory to the primary agricultural use.

#### **Town of Lincoln**

1. The Town supports the recommendations.

#### **County of Grey**

1. Supports Recommendation #1.
2. Suggest that if Recommendation #2 is to be retained that the Commission be prepared to financially support public and private organization in the promotion and distribution of materials regarding the Escarpment.

#### **City of Owen Sound**

Supports the recommendation of the discussion paper pertaining to Rural Tourism as it reinforces the role of Urban Communities, including the City of Owen Sound as a strong settlement area.

#### **City of Burlington**

The City supports the recommendation of the Discussion Paper to not permit commercial development such as restaurants and inns in the Escarpment Rural Area.

## **Town of Caledon**

Conversion of existing dwellings to accommodate larger Bed and Breakfast accommodations (beyond 3 rooms) or small inns should require an amendment to the Niagara Escarpment Plan. Evaluation criteria should be included in the Plan to assess such proposals that include:

- Architectural controls
- Requirement for servicing
- Traffic and parking
- Landscape impact assessment

## **2. Ministries and Agencies**

1. The proposed policies should not be less restrictive than those of the Provincial Policy Statement.
2. Sustainable development should consider economic, environmental and cultural impacts. Such development must be compatible with the objectives of the Niagara Escarpment Planning and Development Act. Rural Tourism policies should consider the following:
  - Any tourism development on such lands should be kept at a reasonable level given the priority placed on protecting the agricultural and Escarpment lands (MTCR).
  - There should be an effort to facilitate tourism development, including winery-based tourism, within established communities and municipalities (MTCR).
  - The scale, location and choices of water supply and sewage treatment/disposal could have an impact on the natural environment (ground and surface water) along the Escarpment (MOE).
  - Intensive commercial developments (e.g., restaurants and inns) could lead to other supportive commercial developments like gas stations, parking facilities and gift shops, detracting from the open landscape character and continuous natural environment and could create other environmental concerns, i.e., land contamination (MOE).
  - The provision for rural tourism development needs to reflect the traditional character of the rural area, which is largely agricultural, including other uses that serve the rural community (MOE).

3. If Plan policy changes are proposed, the NEC should consider the regional and provincial strategies on tourism development and other provincial initiatives such as recent task force work concerning tourism and rural economic development and growth and their relevance to the NEP purpose and objectives.

### **3. Interest Groups**

#### **Bruce Trail Association**

Supports the NEC position that the Plan not provide for intensive recreational development such as restaurants or inns in the Escarpment Rural Area and that such uses should be directed to nearby villages and towns.

Supports Recommendation #2 and suggests that the Commission explore potential partnerships with various groups including the BTA to promote sustainable escarpment rural tourism.

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

1. Supports the recommendations of the Discussion Paper.
2. Intensive commercial developments should be kept out of Escarpment Rural Areas for the same reasons they are not allowed in areas of prime agricultural land under the Provincial Policy Statement due to the potential conflicts with agriculture and the need to direct such development to existing built-up areas.

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

1. Supports the Commission recommendation that the Niagara Escarpment Plan not be amended to permit intensive commercial developments such as restaurants, inns and banquet or conference facilities catering to the rural tourism industry in the Escarpment Rural Area.
2. That the Plan specifically prohibit intensive commercial developments such as restaurants, inns and conference/banquet facilities catering to the rural tourism industry in the Escarpment Rural Area by revising Escarpment Rural Area permitted uses to include the sentence "Restaurants, inns and banquet/conference facilities are not permitted."

3. CONE supports the position of the NEC that these developments belong in Escarpment towns and villages where the infrastructure to support them is already in place, including roads and other servicing. Also, they provide a positive economic stimulus to the community as a whole, and act as catalysts for further development of those urban centres.
4. Directing these developments to towns and villages also protects the rural character of the Escarpment countryside, thereby preserving the long-term viability of the land-based rural tourism industry.
5. CONE believes that restaurants, inns and banquet/conference facilities should not be considered incidental or accessory uses to any commercial use accessory to agriculture.
6. The policy provisions for Bed and Breakfast accommodations for more than 3 rooms should apply throughout the Plan Area by amending the definition of Bed and Breakfast Home in Appendix 2 of the Plan.
7. That the criteria for indoor and outdoor events at wineries apply to other agricultural operations and be required to be directly related to education or promotion of the agricultural industry and its products.

### **Grey Association for Better Planning**

General support.

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

1. That the Committee support the two recommendations contained in the Discussion Paper subject to the term "sustainable" being deleted in the last line of Recommendation #2.
2. That the provision for bed and breakfast facilities for more than three rooms within an existing single family dwelling identified to be of "local heritage value or interest" as proposed under the winery policy, be permitted in all three basic designations of the Plan.

## **C.2 ANALYSIS**

The recommendation of the Discussion Paper received overwhelming support for not permitting commercial rural tourism uses, such as, restaurants and inns throughout the Escarpment Rural Area of the Plan for the reasons addressed in the Discussion Paper.

The position that these intensive commercial uses should be directed to the urban and minor urban centers where they could be sustained through urban services was a common thread in the comments received.

A number of specific issues emerged, namely:

### **Issue #1: Restaurants, Inns and Banquet and Conference Facilities**

That the Plan specifically state that restaurants, inns and banquet and conference facilities are not permitted in the (Escarpment Rural Area) basic designations of the Plan. (CONE)

#### **Commission Response:**

- a) **That the Plan should specifically state that restaurants, banquet and conference facilities are not permitted in the Escarpment Rural Area. However a reference need not be made to inns as they are a very specific land use that clearly is not permitted by the Plan.**
- b) **An exception should be made for golf and country clubs in the Escarpment Rural Area. Small scale restaurants are normally considered incidental to golf and county clubs to serve the members and guests. It should be clarified in the Plan under Development Criteria for Recreation (Part 2.13) that small scale restaurants appropriately sized to serve only the members and guests may be permitted incidental to a golf course and that banquet and conference facilities are not permitted.**

### **Issue #2: Incidental Uses to Agriculture**

That the Plan clearly state that restaurants, conference and banquet facilities are not permitted as incidental to any commercial use accessory to agricultural (e.g., farm market). (CONE).

#### **Commission Response:**

- a) **The addition of a reference that restaurants, banquet and conference facilities are not permitted as incidental to a small-scale commercial use accessory to agriculture is appropriate under the Development Criteria (Part 2.10) in order to clarify the scope of the uses intended.**

### **Issue #3: Bed and Breakfast Facilities**

That the provision for bed and breakfast facilities in homes of “local heritage value or interest” as proposed under the winery policy apply to the three basis designations. (PIAC and CONE)

#### **Commission Response:**

- a) **In view of the lack of support for the provision for additional rooms in heritage homes from the wine industry the Commission has taken the position that this provision not go forward under the Estate Winery Position Paper. Therefore, there is no justification for provision for additional rooms in bed and breakfast establishments in heritage homes within the basic designations of the Plan.**

**The Discussion Paper illustrated that there was little demand for more than 3 rooms. (Bard Plan Amendment Application).**

### **Issue #4: Indoor and Outdoor Events**

That the criteria proposed for indoor and outdoor events apply to all commercial development accessory to agriculture. (CONE)

#### **Commission Response:**

- a) **This criteria should apply with appropriate modifications to all types of commercial development accessory to agriculture.**

**Appropriate modifications should be made to Part 2.10, Agriculture, Small Scale Commercial Uses Accessory to Agriculture.**

## **C.3 COMMISSION POSITION**

That the Plan be amended as follows:

1. **Except as otherwise permitted by the Niagara Escarpment Plan restaurants, banquet and conference facilities are not permitted in the Escarpment Protection and Escarpment Rural Areas of the Plan.**

- 2. That the Development Criteria for Recreation (Part 2.13) be clarified to state that there is an exception for golf and country clubs in the Escarpment Rural Area where small scale restaurants appropriately sized to serve only the members and guests may be permitted incidental to a golf course and that banquet and conference facilities are not permitted.**
- 3. That Development Criteria 2.10 Agriculture, Small Scale Commercial Uses Accessory to Agriculture specifically state that restaurants, banquet and conference facilities are not permitted as incidental to a small scale commercial use accessory to agriculture.**
- 4. That Part 2.10, Agriculture, Small Scale Commercial Uses Accessory to Agriculture of the Plan be expanded to include criteria for indoor and outdoor events.**



# Part 2

April 6, 2001

## NIAGARA ESCARPMENT COMMISSION POSITION PAPER

### Analysis of Additional Comments Received

#### Niagara Escarpment Plan Review

#### Topic 2

#### Rural Tourism

#### A. TOPIC: RURAL TOURISM

#### B. BACKGROUND

The following is a summary of the comments received between March 29 and 30, 2001.

#### C. DISCUSSION PAPER RECOMMENDATIONS # 1 AND # 2

1. That the NE Plan not be amended/revised to permit intensive commercial developments such as restaurants and inns catering to the rural tourism industry in the Escarpment Rural Area.
2. That the NEC explore the potential for partnerships with other public and private sector organizations such as tourist operators, tourism associations, community organizations, Conservation Authorities, Bruce Trail Association, municipal and Provincial governments to develop, promote, and distribute publications on sustainable Escarpment attractions.

The emphasis should be on effectively organizing, developing, promoting and distributing information on sustainable Escarpment rural tourism uses.

## **D. COMMENTS RECEIVED**

### **1. Municipalities**

#### **The Town of the Blue Mountains**

1. Agree with the conclusion of the paper.
2. A more comprehensive review is required to address wineries golf courses, campgrounds and trailer parks as well as other forms of accommodation and services with a view to measuring impacts.

#### **The City of Hamilton**

1. That a policy be added to the Niagara Escarpment Plan to provide criteria for the establishment of inns and restaurants in the Escarpment Protection and Rural designations.

### **2. Ministries and Agencies**

#### **Conservation Halton**

1. Supports both recommendations contained in the Discussion Paper.
2. Restaurants and inns should be directed to Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.

#### **Grey Sauble Conservation Authority**

1. The proposed Escarpment Centre Ontario (ECO) proposed at the Inglis Falls Conservation Area (if approved) may have certain associated spin-offs with respect to rural tourism which are best reviewed on an individual basis. The majority of such uses are best located in Minor Urban Centres, Urban Areas and Escarpment Recreation Areas.
2. There is a need to undertake a comprehensive review of trail uses and their long term impacts.

#### **Ontario Heritage Foundation**

1. Support rural tourism that allows Ontario visitors to enjoy the natural and cultural heritage landscapes provided it can be achieved with no impacts to the Escarpment.

### **3. Interest Groups**

#### **Caledon Ratepayers Association**

1. Restaurants, gift shops etc. should be located in nearby towns and villages.

#### **Ontario Professional Planners Institute**

1. Agree with the paper's conclusion that intensive commercial development does not belong in the less developed designations of the Plan.

### **4. Public**

#### **Norm and Jo Ann Opperman**

1. Support the position in the Discussion Paper.

#### **Barbara Dubrule**

1. Supports both recommendations of the Discussion Paper.

#### **Susan Preston**

1. Agree that there is no justification to allow tourism facilities outside Minor Urban, Urban Areas and Escarpment Recreation Areas.

#### **John Hughes**

1. The Discussion Paper should have been more positive about the role of agri-tourism in supporting the objectives of the Plan , in particular, public access to the Escarpment.
2. The public expects food at a farm market.
3. Farm markets do not need any further restrictions that would reduce their ability to maintain viability.

#### **Don Kerr**

1. Support the position that tourist facilities be located solely in nearby towns and villages.

**Brian Hoplins**

1. Support the recommendation that the Plan not be amended to permit intensive commercial development.

**Catherine Beattie**

1. There is no justification to permit restaurants and inns outside the designated Minor Urban, Urban and Escarpment Recreation Areas.

**Murray Lumley**

1. Supports the recommendation of the Discussion Paper.

**E. ANALYSIS**

The additional comments received support the Commission's Position taken on March 30, 2001.

Two suggestions to undertake a comprehensive review of trails, golf courses, campgrounds and trailer parks go beyond the terms of reference.

The recommendation of the City of Hamilton is not supported by the vast majority of the comments received or the justification set out in the Discussion Paper.

**F. POSITION**

1. That the Plan state that **except as otherwise permitted by the Plan**, restaurants, banquet and conference facilities are not permitted in the Escarpment Protection and Rural Area.
2. That the Development Criteria for Recreation (Part 2.13) be clarified to state that there is an exception for golf and country clubs in the Escarpment Rural Area where small scale restaurants, appropriately sized to serve only the members and guests, may be permitted incidental to a golf course. And, that banquet and conference facilities are not permitted.
3. That Development Criteria 2.10 Agriculture, Small Scale Commercial Uses Accessory to Agriculture specifically state that restaurants, banquet and conference facilities are not permitted as incidental to a small scale commercial use accessory to agriculture.
4. That Part 2.10, Agriculture, Small Scale Commercial Uses Accessory to Agriculture of the Plan be expanded to include criteria for indoor and outdoor events.

Appendix 1 attached represents the Commission's position.

## Topic 2

### Rural Tourism

#### APPENDIX 1 - THE PROPOSED AMENDMENT

**(Bold type indicates proposed amendment to Niagara Escarpment Plan text)**

1. That Part 2.10.3 e) of the Plan be amended as follows:

#### Small Scale Commercial Uses Accessory to Agriculture

- e) A use incidental to the small scale commercial use accessory to agriculture may be integrated within the accessory operation provided that it does not result in an intensification of the use. **For example, restaurants, banquet and conference facilities shall not be permitted as an incidental use.**
  - g) **Indoor and outdoor events incidental to a small scale commercial use accessory to agriculture may be permitted subject to Part 2.10.4.**
2. That Part 2.13 Recreation be amended to include the following:
    3. **Subject to the applicable criteria of the Plan, a golf course in the Escarpment Rural Area may be permitted a small scale restaurant of an appropriate scale to serve only members and guests. Banquet and conference facilities shall not be permitted.**

The policies thereafter re-numbered.

4. That the Permitted Uses section of Part 1.4 Escarpment Protection Area and Part 1.5 Escarpment Rural Area be amended as follows:

#### Part 1.4 Escarpment Protection Area

Permitted Uses

31. **Except as otherwise permitted by the Plan, under Parts 2.10.4 restaurants are not permitted.**

#### Part 1.5 Escarpment Rural Area

Permitted Uses

30. **Except as otherwise permitted by the Plan, under Parts 2.10.4 and 2.13, restaurants are not permitted.**