



Hamilton

City of Hamilton

Pleasantview Area Land Use Study

October, 2021

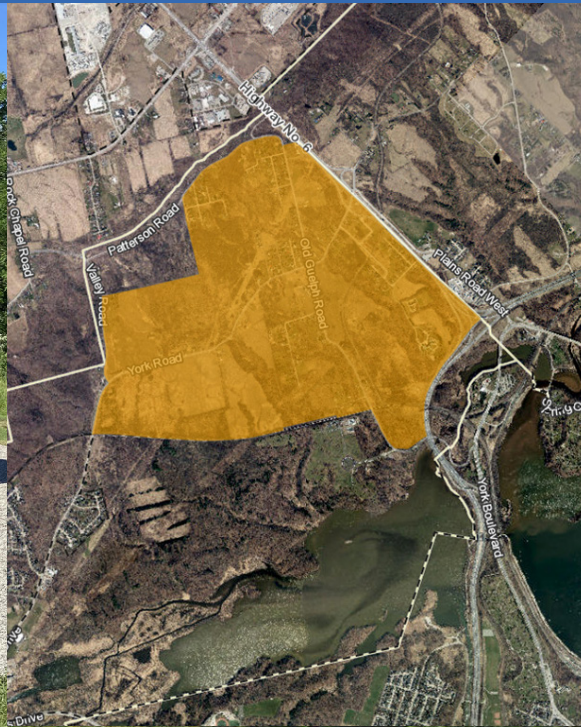


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1.0 Introduction

1.1 Purpose

1.1.1 Respond to the Interim Control By-Law

Hamilton City Council, at its meeting on September 10, 2020 passed By-law 20-186 (see Appendix A), an Interim Control By-law for Pleasantview in the former Town of Dundas. The Interim Control By-law was passed to give the City time to complete this Study and bring forward necessary amendments to the Rural Hamilton Official Plan and Hamilton Zoning By-law 05-200 that will clarify policy direction for Pleasantview, and to ensure conformity with the Niagara Escarpment Plan (NEP) policies and designations. It is the purpose of this Study to fulfill the requirements for a land use study as articulated in the Interim Control By-law (By-law 20-186) for the Pleasantview Lands (see **Map 1**) and to:

- > Prepare recommendations for necessary amendments to bring the Rural Hamilton Official Plan into conformity with the applicable Provincial Plans, including the Niagara Escarpment Plan (2017); and,
- > Prepare recommendations for zones and regulations to be included in City of Hamilton Zoning By-law 05-200 to implement the recommendations of the above Rural Hamilton Official Plan Amendments

1.1.2 Consider the Existing Policy Framework

The existing land use policy framework that is applicable to Pleasantview is complex - multi layered and multi-jurisdictional. Pleasantview is affected by an array of Provincial policies, including:

- > Provincial Policy Statement (2020);
- > Niagara Escarpment Plan (2017);
- > Greenbelt Plan (2017); and,
- > Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The framework also comprises local policies and regulations, as follows:

- > Rural Hamilton Official Plan – “Special Policy Area A – Pleasantview”;
- > Dundas Official Plan, including Official Plan Amendment 23 (OPA 23), adopted by Dundas Council (1993) - including an Ontario Municipal Board Order making modifications to OPA 23 (1995); and,
- > Dundas Zoning By-law No. 3581-86, as amended (2017).

1.2 Approach

The approach to the required Land Use Study has followed the following work program:

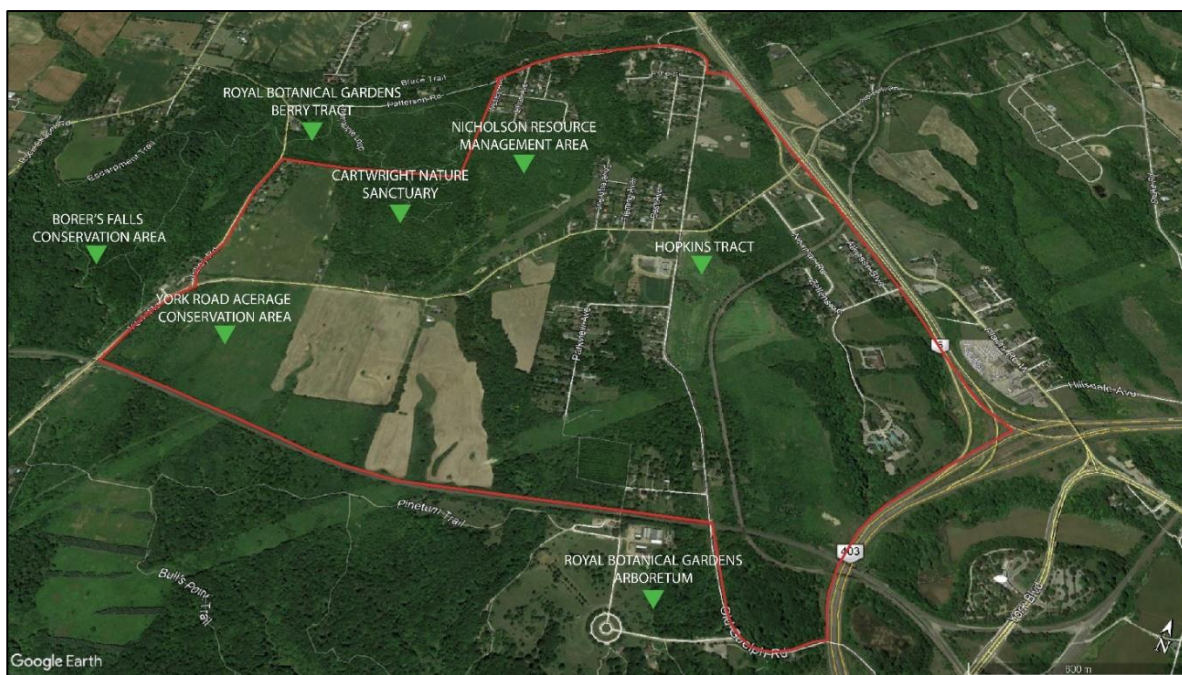
- > Review the history, past decisions and actions by the Town of Dundas, City of Hamilton, Province and OMB;
- > Review the current local and Provincial policy framework and zoning and prepare the preliminary policy analysis;
- > Review the existing zoning from the Town of Dundas Zoning By-law, including amendments and site-specific modifications and prepare the preliminary zoning analysis; and,
- > Prepare recommendations for bringing the local Official Plan and Zoning By-law framework into conformity with the applicable Provincial Plans, including the Niagara Escarpment Plan (2017).

1.3 Background

1.3.1 Context

Pleasantview is an area of the former Town of Dundas situated below the brow of the Niagara Escarpment, west of Highway 6 and generally north of the 403 and including some of the lands of the Royal Botanical Gardens, as identified on **Map 1**.

Map 1 - General Location and Context



The development of Pleasantview dates back to 1914. Today Pleasantview consists of approximately 415 hectares of land and includes a variety of natural areas as well as several businesses, places of worship, and about 250 private dwellings. Existing land uses are characterized by dispersed rural residential dwellings, farmland, natural areas and institutional uses. Approximately 750 people live in Pleasantview. Pleasantview has a number of unique physical attributes, including that it:

- > Is within the Niagara Escarpment Plan Area, an internationally significant ecosystem designated as a world biosphere reserve by the United Nations;
- > Includes the Royal Botanical Gardens Berry Tract South, that forms the headwaters of Cootes Paradise;
- > Includes Hickory Brook, a re-naturalized stream connecting Cootes Paradise to the Berry Tract;
- > Includes the Cartwright Nature Sanctuary, a nature preserve that is a key part of one of the primary ecological corridors linking the Niagara Escarpment and Cootes Paradise Marsh; and,
- > Includes deeply carved valleys and tablelands along the edge of the escarpment.

Institutional uses within Pleasantview include a missionary, monastery and former convent operating as a temporary student residence. Agricultural uses are located in the lands north of the Royal Botanical Gardens south of York Road.



Figure 1: Hopkins Tract Tributary (photo credit - Conservation Halton)

1.3.2 Surrounding Land Use

The Royal Botanical Gardens including Coote's Paradise and the arboretum comprise the lands south of Pleasantview extending to Burlington Bay. The Borer's Falls Conservation Area is located East of Pleasantview separated by York and Valley Road. To the north the Royal Botanical Gardens Berry Tract contains the headwaters of Hickory Brook which extends southward into Berry Tract South in Pleasantview. The Cartwright Nature Sanctuary and Nicholson Resource Management Area form a continuous natural area in Pleasantview bordering the Berry Tracts. Near the intersection of Highway 6 and York Road the Valley Community Centre Park provides outdoor amenities to local residents. The Valley Community Centre Park is planned to be updated by the City of Hamilton in the near future. The lands north of Pleasantview, near the intersection of Highway 6 and Dundas Street East, contain an industrial area.

1.3.3 Current Initiatives and Development Interests in the Pleasantview Area

The Royal Botanical Gardens maintains 900 hectares of nature sanctuaries enveloping the western end of Lake Ontario within the Niagara Escarpment World Heritage Biosphere Reserve (UNESCO) and Cootes to Escarpment Ecopark System. The natural areas surrounding Pleasantview are connected by a series of trails extending from the Berry Tract through the Borer's Creek Conservation Area to Cootes Paradise.

Initiated in 2007, the Cootes to Escarpment EcoPark System (the EcoPark) is a voluntary collaboration of a group of nine partner agencies (City of Hamilton, Halton Region, City of Burlington, Conservation Halton, Hamilton Conservation Authority, Bruce Trail Conservancy, Hamilton Naturalist Club, McMaster University and Royal Botanical Gardens). The partner agencies own, manage and protect nearly 2,000 hectares of open space and natural lands between Cootes Paradise Marsh, Hamilton Harbour and the Niagara Escarpment. These lands are recognized for their significant biodiversity and long cultural history. The partner agencies own and manage lands within Pleasantview. EcoPark management plans contains voluntary guidelines that partner agencies, and adjacent land owners, can voluntarily adopt in their land management efforts to protect and enhance biodiversity. Management plans do not supersede or direct local land use plans or zoning.

In 2015 Conservation Halton began naturalizing the Hopkins Tract in Pleasantview, which has since been incorporated into the Cootes to Escarpment EcoPark System. Widening the natural corridor link between Lake Ontario and the Niagara Escarpment, restoring creeks, wetlands and forests ensuring the health and diversity of native species. Conservation Halton is currently working on providing public access through a passive trail system.

The lands have also recently been placed under NEC Development Control. On September 11, 2019, City of Hamilton Council directed Staff to work with NEC Staff to petition the Ministry of Natural Resources and Forestry to put Pleasantview under Development Control (Ontario Regulation 826) as soon as possible. On July 23, 2021, the Ministry of Natural Resources and Forestry posted "Amendment to Ontario Regulation 826 to add the Pleasant View Survey lands within the Niagara Escarpment Plan area in the City of Hamilton to the area of development control" to the Environmental Registry of Ontario webpage (ERO number 019-3898). On September 10, 2021 Ontario Regulation

826 under the Niagara Escarpment Planning and Development Act was amended to now include within the Area of Development Control the Pleasantview lands.

There is also an ongoing Preliminary Design & Class Environmental Assessment Study for the Highway 403 and Highway 6 interchange by the MTO, which may impact the MTO infrastructure adjacent to and within Pleasantview to the east

2.0 Background Review

2.1 Historic Context

The following provides an overview of the chronology of key planning activities/decisions that have had an impact on the development of Pleasantview over time:

- > **1914** | The original Pleasantview Survey was laid out in 1914 and began to spur some residential development in this part of the Town of Dundas. However, key aspects of the layout were not feasible to construct due to the existing topography, natural features and lack of municipal services. The survey was laid out prior to the modern planning approvals system. As a result, many of the roads that were laid out were never built and some lots remain in private ownership and are landlocked (i.e. have no frontage on an open municipal road).
- > **1914-1952** | Five other surveys were laid out in the immediate area, many of which were only partially implemented due to the various factors previously identified (topography, natural features and lack of municipal services). However, the surveys laid out in those 38 years make up most of the existing neighbourhood that exists today.
- > **1970s** | The original 1914 Pleasantview Survey was deregistered in the 1970's, but what remains are various clusters of residential development, City-owned road

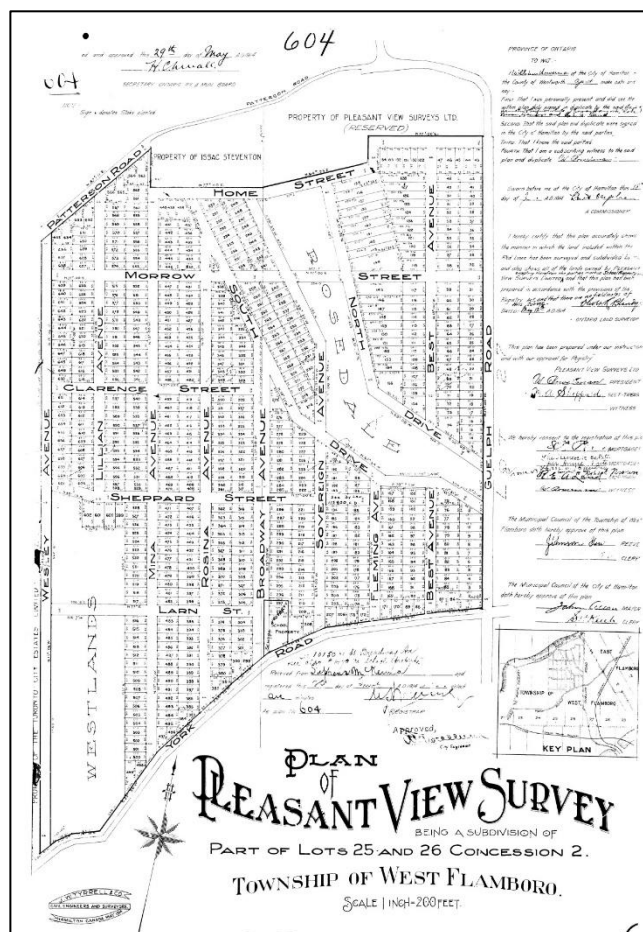


Figure 2: Original Pleasantview Survey (1914)

allowances, as well as various legal non-conforming uses.

- > **1973** | The Province of Ontario enacted a Minister's Zoning Order to freeze development within Pleasantview while they began to conduct background studies on what would become the Parkway Belt West Plan (PBWP) in 1978. Since that time, Pleasantview has been continuously subject to the PBWP. The Minister's Zoning Order was revoked.
- > **1986** | In response to the adopted PBWP, the Town of Dundas adopted an Amendment to the Town of Dundas Official Plan (OPA 13) to achieve conformity with the PBWP. OPA 13 created a Special Policy Area for Pleasantview, which permitted limited residential development on 0.4 ha (1 acre) lots.
- > **1988** | The Region of Hamilton-Wentworth extended piped water to the existing dwellings within Pleasantview to alleviate well contamination issues.
- > **1993** | The Town of Dundas adopted a new Official Plan Amendment for Pleasantview (OPA 23) and implementing Zoning By-law Amendments. At the same time, *Planning Act* applications were received for various forms of residential development. OPA 23, the Zoning By-law Amendments and the *Planning Act* applications were subsequently appealed to the Ontario Municipal Board (OMB) by several groups. The OPA and zoning as approved by Dundas Council:
 - Increased the minimum lot size from 0.4 ha to 0.8 ha for single detached dwellings;
 - Permitted "Cluster Form Development" for certain lands designated Rural; and,
 - Adjusted the open space designations as a result of more accurate information received as part of the Zoning By-law Amendments.
- > **1995** | As a result of the OMB appeal process associated with OPA 23, the Board issued an Order that significantly modified OPA 23 in the following ways:
 - No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares; and,
 - "Cluster Form Development" was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview.
- > **1998** | The Town of Dundas Zoning By-law (3581-86) was amended to implement the minimum 10 hectare lot area requirement for new single detached dwelling lots. Dundas Town Council passed the Zoning By-law Amendment in conformity with the 1995 OMB decision. Since the 1995 OMB decision, minimal development has occurred in Pleasantview.

- > **2006** | Following amalgamation of the Hamilton-Wentworth Region, which resulted in the City of Hamilton that exists today, the City adopted the Rural Hamilton Official Plan (RHOP) that contains a Special Policy Area to reflect the policy framework for Pleasantview in effect through the former Town of Dundas Official Plan.
- > **2013** | Through Niagara Escarpment Plan Amendment (NEPA) No. 179, the NEC included Pleasantview within the Niagara Escarpment Plan Area and designated the Lands as "Escarpment Natural Area", "Escarpment Protection Area" and "Escarpment Rural Area". In addition, NEPA 179 included a Special Policy Area (Policy 2.2.21) which predominantly reflects the planning framework from the 1995 OMB decision. No new dwellings were permitted on the remaining undeveloped lots with the exception of a single dwelling on a lot of at least 10 hectares in size, and, Site-Specific Policies were put into place to recognize existing uses and some existing permissions.
- > **2021** | The Ministry of Northern Development, Mines, Natural Resources and Forestry amended Ontario Regulation 826 under the Niagara Escarpment and Development Act to include the Pleasantview Area Lands into the area of NEC Development Control. Following the introduction of Development Control in the area, Hamilton City Council repealed the ICBL on September 29th, 2021 through By-law 21-169.
- > **Present** | Today, the lands continue to be under the jurisdiction of the NEP and the Former Town of Dundas Official Plan. As the lands were recently placed into NEC Development Control, Zoning By-law 3581-86 no longer has effect in the Study Area.



Figure 3: Oblique Aerial of Pleasantview (photo credit - Conservation Halton)

3.0 Relevant Provincial Policy

Provincial planning policy that is applicable to Pleasantview is complex and has been evolving for approximately 45 years. Provincial planning policies are also multi-jurisdictional, involving multiple Ministries with multiple mandates. Importantly, no Provincial policy is considered to be more important, or have any specific priority over any other Provincial policy. Rather, all Provincial policies are to be considered in their entirety and generally the more specific and/or most restrictive policy is to be applied, except for when specific guidance on applicable Provincial policy sections is provided within the relevant documents. Further, with respect to how Provincial policy is to be implemented by the City of Hamilton, it is a requirement that City's policies "conform" with Provincial policy, however, City policy may, in some instances, be more restrictive.

One notable difference in interpretation is the Provincial Policy Statement, where the City of Hamilton is required to be "consistent" with those policies. Generally, the test for consistency is interpreted to be conform with, unless there is a justifiable reason that conformity cannot be achieved.

3.1 The Provincial Policy Statement (2020)

The Provincial Policy Statements (PPS) was recently updated in 2020. The PPS applies to all decisions that affect a planning matter made on or after May 1, 2020, and it shall be read in its entirety and all relevant policies are to be applied to each situation.

It is a crucial element of the Provincial planning framework to understand the relationship of the PPS to all other Provincial plans (including the Niagara Escarpment Plan, the Greenbelt Plan, the Growth Plan and the Parkway Belt West Plan). All Provincial plans are to be read in conjunction with the PPS, and, importantly, those Provincial plans take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation states otherwise.

Further, where the policies of the identified Provincial plans address the same, similar, related, or overlapping matters as the policies of the PPS, applying the more specific policies of the Provincial plan satisfies the more general requirements of the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in Provincial plans, the policies in the PPS must be independently satisfied. Nevertheless, land use planning decisions made by municipalities, must be "consistent with" the PPS. Where Provincial plans are in effect, planning decisions must conform or not conflict with them.

In Part IV: Vision for Ontario's Land Use Planning System, the PPS outlines a key planning principle affecting the ongoing management of development within the Niagara Escarpment Planning Area, and, more specifically, on Pleasantview. It states that the wise use of the Province's resources over the long term, which includes natural heritage and water resources, is a key provincial interest and that they must be managed in a

sustainable way (see Appendix B).

It is also a key principle of the PPS to focus growth and development to identified settlement areas. Pleasantview is specifically not within a settlement area and is within the Rural Area of the City of Hamilton. Pleasantview is consequently subject to the policies of Section 1.1.4 of the PPS, which states:

"Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy."

The PPS goes on to state in Section 1.1.5 that for development on rural lands, the planning authority must apply the relevant policies of the PPS and that development that is compatible with the rural landscape and the planned or available services should be promoted.

Pleasantview, like all of the Niagara Escarpment Planning Area, is within Eco-Regions 6E and 7E, as identified within the PPS. This means that the policies of Section 2.1 Natural Heritage of the PPS apply. The key elements of Section 2.1 are as follows:

- > Section 2.1.1 indicates that "*natural features and areas shall be protected for the long term*";
- > Section 2.1.2 states that "*the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features*";
- > Sections 2.1.3 states that "*natural heritage systems shall be identified*";
- > Sections 2.1.4 through 2.1.8 identify that development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the following natural features or their ecological functions:
 - Significant wetlands;
 - Significant woodlands;
 - Significant valleylands;
 - Significant wildlife habitat;
 - Significant areas of natural and scientific interest;

- Fish habitat;
- Habitat of endangered species and threatened species; and,
- Adjacent lands to the natural heritage features and areas.

Importantly, the requirement to protect *natural features and areas* is not interpreted as a flexible objective, but, rather a clear and definitive requirement of the Provincial planning policy framework. In addition, the relevant policies of the NEP, the Greenbelt Plan, as well as the City of Hamilton's current applicable planning framework fundamentally achieve this policy directive throughout Pleasantview.

There are also a number of natural hazards identified within Pleasantview, accordingly the policies of Section 3.0 of the PPS apply. Section 3.1 of the PPS generally serves to direct development outside of hazardous lands and hazardous sites that may pose a risk to public health and safety. In Pleasantview, these hazardous lands and sites are regulated through the Regulated Areas of both the Hamilton Conservation Authority and Conservation Halton. A Development Permit from the applicable Conservation Authority is required prior to developing within the Regulated Area. As most of the lands fall within the Conservation Halton regulated watershed, it is important to consult Conservation Halton's Policies and Guidelines for the Administration of Ontario Regulation 162/06. Overall, Pleasantview is subject to a multitude of Provincial planning policy, which is, for the most part, substantially more detailed and specific than the PPS, and consequently, those detailed and specific policies will take precedence. However, and notwithstanding the issues of applicability and precedence, the PPS does provide substantial Provincial planning policy support to the other applicable Provincial plans that are relevant to Pleasantview.

Further, the updated PPS provides a host of updated definitions that are particularly relevant to the definition of the natural heritage system, which in turn generally supports the NEP, the Greenbelt Plan and the existing planning policy framework of the City of Hamilton.

3.2 The Parkway Belt West Plan (1978)

Although the lands were previously subject to the Parkway Belt West Plan, in accordance with Section 22.1 (1) of the Ontario Planning and Development Act, the Parkway Belt West Plan shall cease to apply to lands that are part of the Niagara Escarpment Planning Area. Accordingly, the Parkway Belt West Plan no longer applies to the Pleasantview Lands as they were added to the Niagara Escarpment Planning Area in 2013.



Figure 4: Oblique Aerial of Pleasantview (*photo credit - Conservation Halton*)

3.3 The Niagara Escarpment Plan (2017)

The Provincial government established the Niagara Escarpment Planning and Development Act, which, in turn, established a planning process to ensure that the identified Niagara Escarpment would be protected from inappropriate development for the long-term. From the Niagara Escarpment Planning and Development Act emerged the Niagara Escarpment Plan (NEP), which serves as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of this important landform feature and the resources it supports.

The NEP establishes very specific policies within the Niagara Escarpment Planning Area, including specific policies for Pleasantview. The NEP takes a landscape approach that recognizes the Escarpment as a continuous landform and provides land use designations to create a series of connected and protected areas. The purpose of the NEP is to:

- > Protect ecological areas;
- > Provide opportunities for outdoor recreation;
- > Maintain and enhance the open landscape character of the Escarpment; and,
- > Ensure all new development is compatible with the Plan.

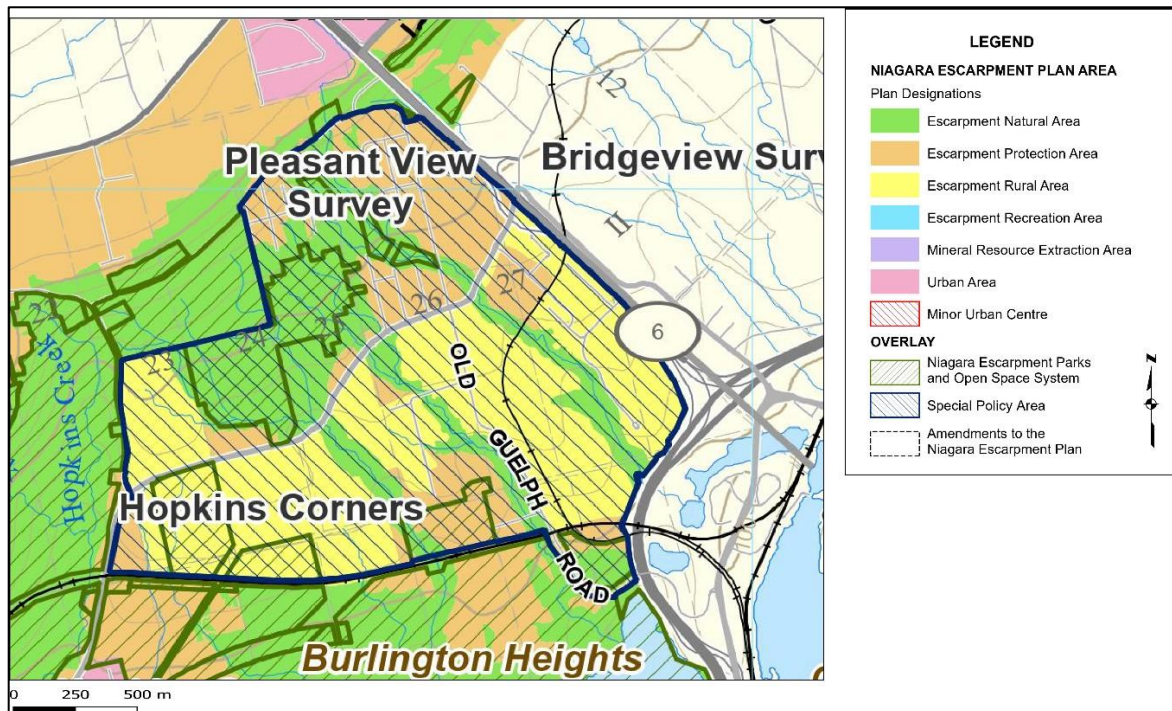
The NEP details what land uses are permitted within the Niagara Escarpment Planning Area. As identified on **Map 2**, lands within Pleasantview fall into three designations, “*Escarpment Natural Area*”, “*Escarpment Protection Area*” and “*Escarpment Rural Area*”,

each of which is described in detail below. It is important to note that Pleasantview is also identified as being within a Special Policy Area on **Map 2**. This Special Policy Area significantly modifies the permissions in each of the underlying land use designations, which will be discussed in detail later herein.

- > The "EscarPMENT Natural Area" designation includes lands that are in a relatively natural state and provide essential ecosystem supports. The "EscarPMENT Natural Area" designation is associated with escarpment slopes, abutting woodlands and underlying bedrock. Objectives of the "EscarPMENT Natural Area" designation include: recognition, protection and where possible enhancement of natural heritage and hydrological systems associated with the NEP Area and to protect the natural Escarpment's most important natural features.

The "EscarPMENT Natural Area" is the most restrictive and consequently has the least number of permitted uses of the three designations, which are subject to Part 2 Development Criteria. The "EscarPMENT Natural Area" designation does not permit lot creation for agriculture.

Map 2 - Niagara Escarpment Plan Excerpt from Map 2: City of Hamilton



- > The "EscarPMENT Protection Area" designation includes slopes and EscarpMENT related landforms, where existing land use developments have altered the natural environment. The "EscarPMENT Protection Area" designation expands to include areas in proximity to EscarpMENT slopes that are visually part of the general Niagara EscarpMENT landscape unit. Like the "EscarPMENT Natural Area" designation, this designation aims to maintain and enhance scenic resources and an open landscape

character, aiming to recognize and buffer, rather than specifically protect Escarpment features. The *"Escarpment Protection Area"* designation encourages forest management and agriculture.

The *"Escarpment Protection Area"* designation permits the uses within the *"Escarpment Natural Area"*, plus expanding the permitted uses to recycling depots, home industries, institutional uses, agricultural and agriculture related uses and uses set out in the Special Provisions for the Pleasantview Survey Lands, again subject to Part 2 Development Criteria. The *"Escarpment Protection Area"* designation permits lot creation for agriculture.

- > The *"Escarpment Rural Area"* designation includes minor Escarpment slopes and landforms, any lands in the vicinity of the Niagara Escarpment that are necessary to provide an open landscape character or are of ecological importance. Lands within the *"Escarpment Rural Area"* designation are to maintain scenic resources, encourage forest management and recreation. Lands within the *"Escarpment Rural Area"* designation are not specifically required to include conservation and educational activities, as identified in the other two designations.

Permitted uses within the *"Escarpment Rural Area"* designation include the uses within the *"Escarpment Protection Area"* designation, plus secondary dwelling units, licensed mineral aggregate operations and wayside quarries, subject to Part 2 Development Criteria. The *"Escarpment Rural Area"* designation permits lot creation for agriculture.

Section 2.2 of the NEP outlines general development criteria for all permitted uses, protecting the escarpment environment, number of dwellings per lot and design considerations. Most importantly, Section 2.2.21 of the Plan contains Special Provisions that outline site-specific development criteria and permissions related to the Special Policy Area in effect for Pleasantview. These Special Provisions have a significant impact on development within Pleasantview in that they effectively 'notwithstanding' any permitted uses in the applicable land use designations, instead inserting a specific list of permitted uses, as well as the definitions for 'lot', 'existing lot of record' and 'existing use'. The details of Section 2.2.21 of the NEP are included in the Appendix C. Generally, the Special Provisions restrict permitted uses to existing uses, as well as accessory uses and a single dwelling on a lot with a minimum size of 10 hectares. The Special Provisions also identify several site-specific exceptions.

As noted, the restrictive elements of the NEP, as they apply to Pleasantview, make reference to the *"Development Criteria"*. Section 2.1 states that the *"Development Criteria"* are to be applied to all development in conjunction with the other applicable policies of the NEP. The policies also indicate that the *"Development Criteria"* deal with development in a variety of situations and, therefore, all the *"Development Criteria"* will not apply to every development.

The objective of the *"Development Criteria"* *"is to permit reasonable enjoyment by the*

owners of all lots that can sustain development". These criteria include considerations such as protection of the Escarpment environment and avoiding natural hazards, prohibiting lot creation, promoting green building strategies, protection of heritage attributes, limits and criteria for home occupations and home industries, and limits and criteria for secondary dwelling units, including that only one is permitted per existing lot or record. The full excerpt from Section 2.2 General Development Criteria is located in Appendix C.

The key policy elements of the NEP that impact Pleasantview are the Special Provisions contained within Subsection 2.2.21, which states that only single dwellings that existed on or before August 14, 1998 shall be permitted. For any other use, only uses that existed on or before February 16, 1993 shall be permitted. This is both very clear, and very restrictive. This policy framework fundamentally shuts the door on any new development within Pleasantview, with the following exceptions:

- > A single dwelling may be permitted on a lot with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan. There are seven remaining properties that are at least 10 hectares in area. However, of these properties, only three are privately owned and it is believed that one of those already contains a single dwelling, and another is the Columbia Northcliffe Campus;
- > Accessory uses may be permitted. Further, the replacement of an existing single dwelling may also be permitted. Accessory uses and/or the replacement of an existing single dwelling shall be in accordance with the Development Criteria of the NEP; and,
- > There are a number of site-specific exceptions contained within the Special Provisions [s. 2.2.21] where additional uses are permitted in accordance with the provisions included therein. Please refer to the NEP excerpts contained within Appendix B for details of the site-specific permissions for Pleasantview.

With the Pleasantview Lands being recently included within the Area of Development Control, the Niagara Escarpment Plan Development Criteria (Section 2.0) shall be used in the consideration of Development Permit applications. NEC Development permits now regulate development in Pleasantview. It is also important to note that:

- > The Development Criteria will be used as minimum standards for assessing the conformity of the Rural Hamilton Official Plan and associated Zoning By-law provisions, in accordance with the NEP; and,
- > Where an Official Plan, Zoning By-law, or other planning approval is silent on one or more Development Criteria included in the NEP, the Development Criteria still apply.

The Special Provisions of Subsection 2.2.21 significantly alter the development permissions of each of the underlying land use designations and serve to further restrict development in Pleasantview, while protecting ecological value and preserving the open landscape character of the Escarpment. As previously noted, the City of Hamilton’s Official Plan(s) and Zoning By-laws are required to “conform with” this policy direction. Accordingly, the incorporation of the policy framework laid out in Section 2.2.21 of the NEP into municipal land use planning policy documents is integral to ensure conformity.



Figure 5: Hopkins Tract Ravine (photo credit - Conservation Halton)

3.4 The Greenbelt Plan (2017)

The Greenbelt Plan derives its authority from the *Greenbelt Act, 2005*, which authorizes the establishment of the Greenbelt Area, and further authorizes the establishment of the Greenbelt Plan for all or part of the Greenbelt Area. The Greenbelt Plan is applicable to the Greater Golden Horseshoe (GGH). The Greenbelt Plan identifies that the *"GGH is located in the heart of the Great Lakes region. It contains many of Canada’s most ecologically and hydrologically significant natural environments and scenic landscapes, including the Oak Ridges Moraine and the Niagara Escarpment. These natural areas clean the air, provide drinking water, provide diverse flora and fauna habitats, including pollinators, and they provide opportunities for recreational activities that benefit public health and overall quality of life."*

Section 1.1 Context of the Greenbelt Plan identifies that the Greenbelt is the cornerstone of the Growth Plan, *"which is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for current and future generations."* For the Pleasantview Lands, the Greenbelt Plan, together with the Niagara Escarpment Plan, the Growth Plan and the Provincial Policy Statement *"identify where urbanization should not occur in order to*

provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape". These plans also work in concert "with Ontario's Climate Change Strategy, 2015, the government's commitment to meet its long-term targets to reduce greenhouse gas emissions".

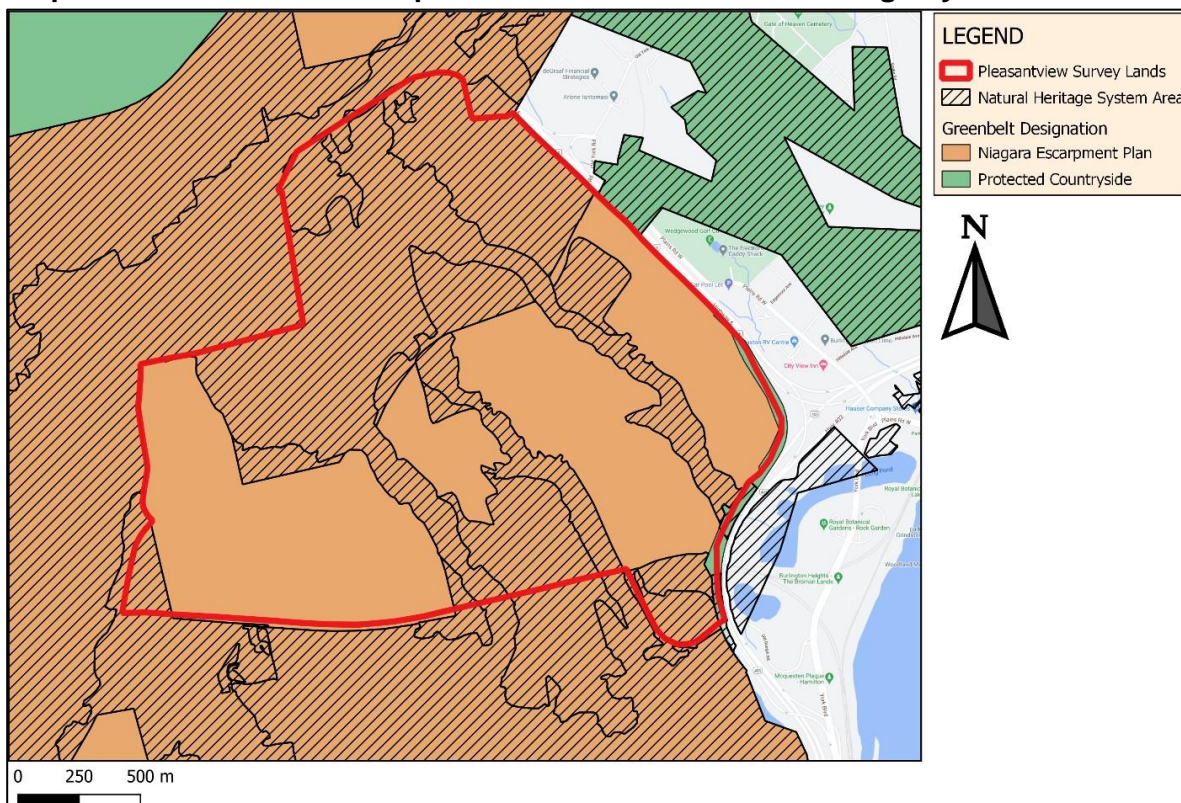
Section 1.2.1 Vision states that the Greenbelt is a broad band of permanently protected land which:

- > Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- > Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized;
- > Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and,
- > Builds resilience to and mitigates climate change.

Importantly, the Greenbelt Plan must be read in conjunction with other Provincial plans, related planning mechanisms, regulations and standards of Conservation Authorities, other agencies and the federal government, including, the Growth Plan, the Niagara Escarpment Plan, the Parkway Belt West Plan, and, for the Pleasantview Lands, the Rural Hamilton Official Plan, the former Town of Dundas Official Plan and Zoning By-law No. 3581-86. Within the Greenbelt Area, any *"application, matter or proceeding related to these plans, regulations or standards shall conform with the Greenbelt Plan. However, where the plans, regulations or standards are more restrictive than this Plan, the more restrictive provision shall prevail"*.

Pleasantview falls within the Greenbelt Area and is identified as within the NEP Area (see **Map 3**). Requirements under the NEP and Parkway Belt West Plan continue to apply. As per Sections 2.2 and 2.3 of the Greenbelt Plan, the Protected Countryside policies of the Greenbelt Plan do not apply, with the exception of Section 3.3 for lands within the Niagara Escarpment and with the exception of Section 3.2 and 3.3 for lands within the Parkway Belt West Plan Area.

Map 3 - Greenbelt Plan Excerpt from Schedule 4 Natural Heritage System



Section 3.2 Natural System of the Greenbelt Plan states that the Natural System policies are intended to protect areas of natural heritage, hydrologic and landform features, which provide essential ecosystem services and contribute to the ecological integrity of the Greenbelt (see Appendix D). Fundamentally, the Natural System of the Greenbelt builds upon, and is connected to other GGH- scale natural systems as identified through the Growth Plan, and, importantly for the Pleasantview Lands, the NEP. The Greenbelt Plan states that the overall Natural System is made up of a Natural Heritage System and a Water Resource System. Those systems often coincide, given ecological linkages between terrestrial and water-based functions.

The Natural Heritage System - Section 3.2 of the Greenbelt Plan identifies a policy framework for the Natural Heritage System, which includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions. These areas need to be managed as a connected and integrated Natural Heritage System, given the functional inter-relationships between them and the fact that this Natural Heritage System builds upon the natural systems contained within the NEP, and will connect with the Natural Heritage System that will be issued pursuant to the Growth Plan. Together, these systems will comprise and function as a connected Natural Heritage System. For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply [s. 3.2.2]:

- > The provisions of the NEP, as they specifically are applied to the Pleasantview Lands,

permits existing agricultural uses, including new buildings for existing agricultural, agriculture-related and on-farm diversified uses and normal farm practices, subject to the policies of the NEP and the Greenbelt Plan; and,

- > Any development or site alteration shall demonstrate that:
 - There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;
 - Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - The removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - Except for specifically defined uses in the Greenbelt Plan:
 - + The disturbed area, including any buildings and structures, of the total developable area will not exceed 25 per cent (40 per cent for golf courses); and,
 - + The impervious surface of the total developable area will not exceed 10 per cent; and,
 - At least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, recognizing that the policies of the Greenbelt Plan establish specific standards for certain land uses.

The Water Resource System - Section 3.2 of the Greenbelt Plan also identifies the policy framework for the Water Resource System, comprising both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. With respect to Pleasantview, the NEP includes very significant elements of the broader Water Resource System identified by the Greenbelt Plan. The areas to which the NEP applies contain primary recharge, headwater and discharge areas, together with major drinking water aquifers, within the Greenbelt. Of influence on Pleasantview, the Protected Countryside includes several areas of hydrological significance, including:

- > The upper reaches of watersheds draining to Lake Ontario to the west of the Niagara Escarpment;
- > Lands around the primary discharge zones along the toe of the Niagara Escarpment;

and,

- > The major river valleys that flow from the Niagara Escarpment to Lake Ontario.

With respect to Water Resource System planning, the Greenbelt Plan promotes "a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among key hydrologic features and key hydrologic areas." The Greenbelt Plan goes on to identify that "watersheds are the most meaningful scale for hydrological planning. Municipalities, partnering with conservation authorities as appropriate, shall ensure that watershed planning is undertaken to support a comprehensive, integrated and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed."

Key Natural Heritage Features/Key Hydrologic Features - More specific policies in the Greenbelt Plan affect any development or site alteration on lands within a key natural heritage feature or a key hydrologic feature. The policies of Section 3.2.5 are applicable to features within Pleasantview and generally prohibit development or site alteration in key hydrologic features and key natural heritage features within the Natural Heritage System. Furthermore, development adjacent to these features must address and identify minimum vegetation protection zones and identify when a natural heritage evaluation or hydrological evaluation is required. An excerpt of Section 3.2.5 is located in Appendix D.

Parkland, Open Space and Trails - Section 3.3 of the Greenbelt Plan is intended to support the maintenance and expansion of a publicly accessible system of parkland, open space and trails for current and future generations, in cooperation with all landowners. This Section further states that such a system serves as an important component of a complete community as well as provides environmental protection and improved air quality.

Further, the Greenbelt Plan recognizes that this "system of parklands, open spaces, water bodies and trails helps address the causes and impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and sensitive areas" as well as providing significant economic benefits and opportunities for a wide range of compatible uses, and should be the basis for future parkland, open space and trail development decisions.

For the most part, the policies that correspond to the Parkland, Open Space and Trails Section of the Greenbelt Plan are aspirational, and objective based. The associated policy framework focuses on "maintaining and expanding the supply of publicly accessible parkland, open space and trails is encouraged through strategic planning activities that identify, plan for and protect these resources for current and future generations..."

Section 3.3.2 provides a number of policies that focus on the activities of the Province, in partnership with municipalities, conservation authorities, non-government organizations

and other interested parties. Section 3.3.3 focuses on the creation of "strategies" and directs municipalities to ensure the provision of a full range of publicly accessory recreational facilities, parkland, open space area and trails (see Appendix D).

Overall, the Greenbelt Plan builds upon ecological protections that are articulated within the Niagara Escarpment Plan, directing where future growth will be accommodated within the Greater Golden Horseshoe. In conjunction with the Growth Plan and the Provincial Policy Statement, the Greenbelt Plan establishes a land use planning framework for the Greater Golden Horseshoe that supports a thriving economy and a clean healthy environment.

Municipal implementation of the Greenbelt Plan is required through the Greenbelt Act, 2005, ensuring that municipal decision making and local Official Plans and Zoning By-laws are approved in conformity with the Greenbelt Plan. In general, the Greenbelt Plan adds further protection to areas falling within the NEP. As per the above discussion, the key Greenbelt Plan policies with respect to the Pleasantview Lands can be summarized as follows:

- > Policies in Section 3.2 of the Greenbelt Plan protect natural heritage, hydrological features and landforms and collectively provide policy protection for essential ecosystem features and functions. New development or site alteration shall demonstrate there will be no negative impacts on key natural heritage features, key hydrological features or their ecological function.
- > Policies in Section 3.3 of the Greenbelt Plan recognize that a system of parkland and open space provides necessary opportunities for recreation, tourism, and the appreciation of natural heritage and forms an important component of *complete communities*. The policy framework in Section 3.3 is considered aspirational and does not identify specific policies that regulate development or site alteration. The primary objective is to maintain or expand the supply of publicly accessible parkland.
- > The Greenbelt Plan includes a host of new, or updated definitions that are useful for an updated planning policy framework, particularly in the articulation of a robust Natural System.

3.5 The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) was updated in 2019, with an amendment in 2020 (Amendment 1). It is important to recognize that the Growth Plan is to be read in conjunction with the PPS and other Provincial plans that apply to Pleasantview, such as the Greenbelt Plan, the NEP and the PBWP. Further, the policies of the Growth Plan that address the same, similar, related, or overlapping matters as the Greenbelt Plan or the NEP do not apply within those parts of those areas covered by those plans. The exception is where there is a conflict between the Greenbelt Plan or the NEP and the Growth Plan regarding the natural environment or human health, the direction that provides more protection to the natural environment or human health

prevails.

In Section 1.1, the Growth Plan recognizes that the Greater Golden Horseshoe contains Ontario's most significant ecological and hydrologic natural environments and scenic landscapes, including the Niagara Escarpment and Greenbelt Area, which provide key supports and ecological services (see Appendix E). In the Vision for the GGH, the Growth Plan also asserts that the Niagara Escarpment will continue to be enhanced and protected in perpetuity and that the GGH's natural areas will be accessible for residents to enjoy their beauty.

In Section 1.2.1 Guiding Principles, it is a key principle of the Growth Plan to *"protect and enhance natural heritage, hydrologic, and landform systems, features, and functions"*. Section 2.2 Policies for Where and How to Grow and specifically Section 2.2.1 Managing Growth indicates that *"the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems;"...*

Section 2.2 further identifies that *"growth will be limited in settlement areas that":*

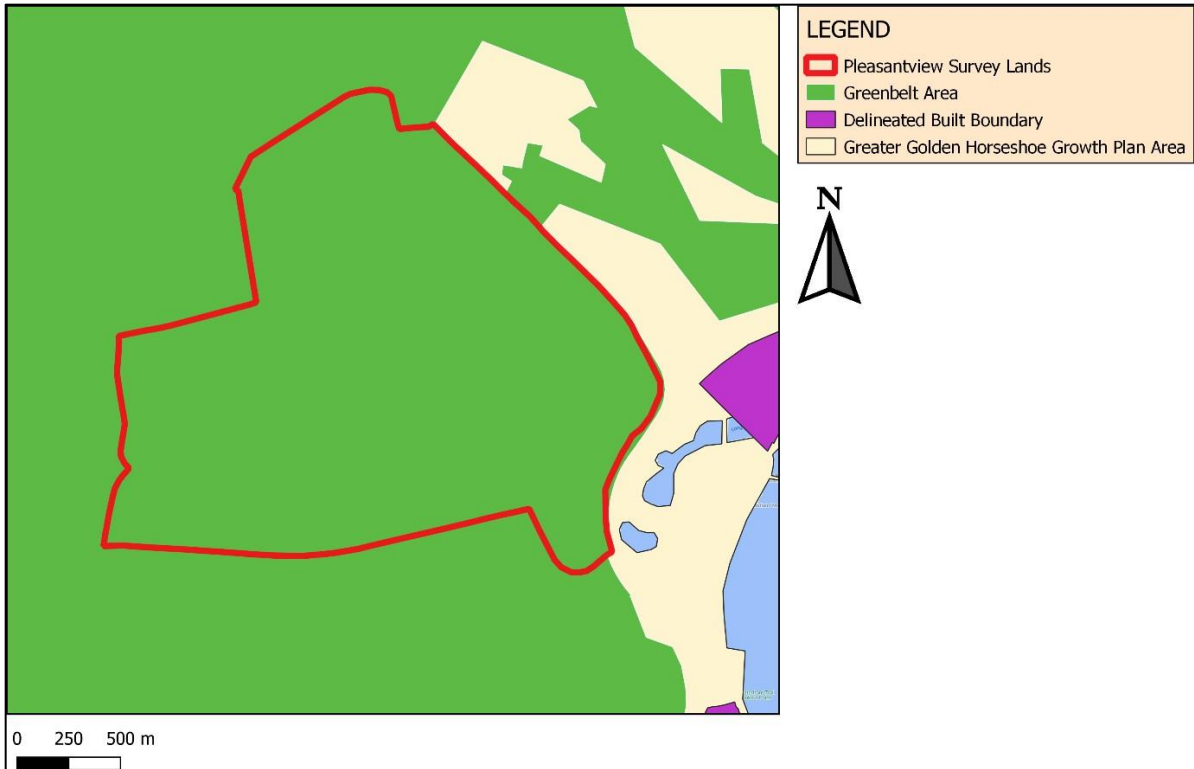
- "ii. are not serviced by existing or planned municipal water and wastewater systems; or*
- iii. are in the Greenbelt Area;"*

These policies are relevant to Pleasantview because they confirm that, as a rural area, they are not intended to accommodate any substantial growth. In addition, the Growth Plan includes foundational policy elements that are intended to ensure the protection and enhancement of the Niagara Escarpment in perpetuity.

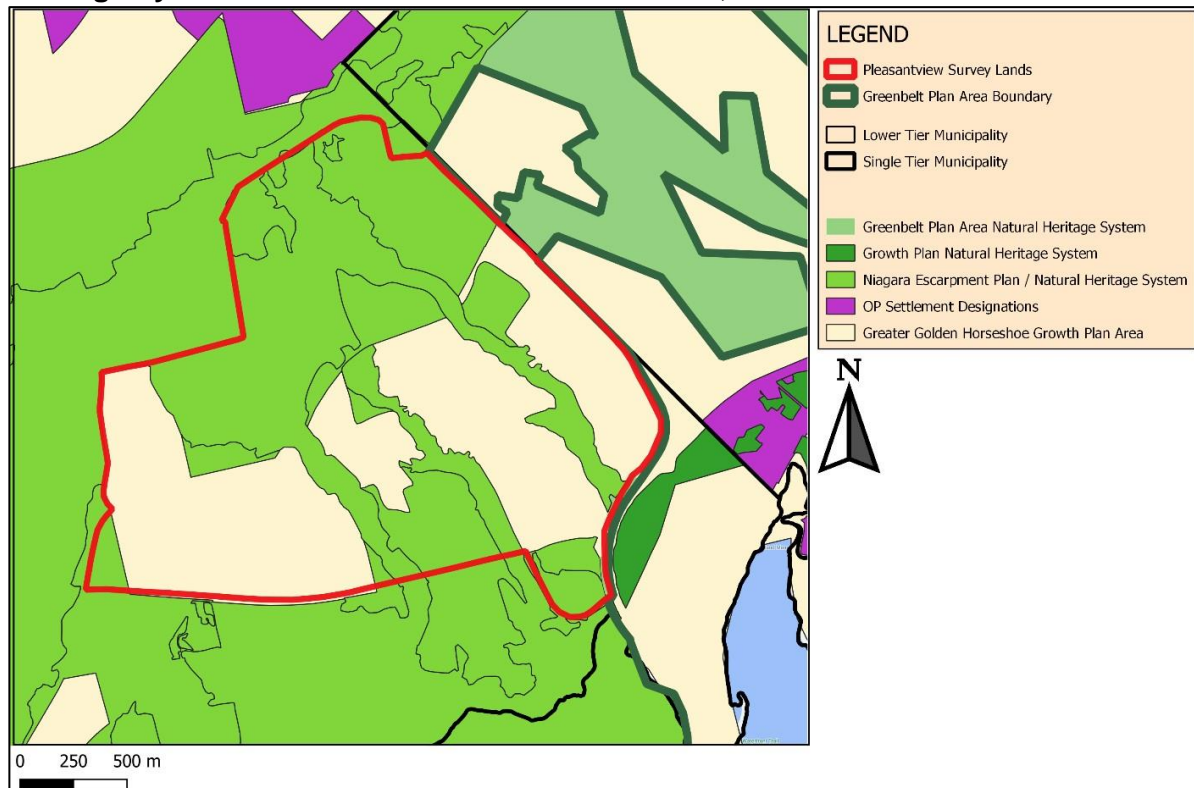
Pleasantview is designated as a "Greenbelt Area" in the Growth Plan, as shown on **Map 4**. As noted previously, any policies from the Greenbelt Plan, or NEP that address the same or similar matters take precedence over the Growth Plan within the Greenbelt Area unless specified otherwise.

Further in Section 4 Protecting What is Valuable of the Growth Plan, Section 4.1 Context identifies that the GGH contains a broad array of resources that are essential for long-term quality of life and that collectively provide essential ecosystem services and emphasizes that they must be wisely protected and managed (see Appendix E).

Map 4 - Growth Plan Excerpt from Schedule 4 Urban Growth Centres



Map 5 - Regional Natural Heritage System (Figure 19) from The Regional Natural Heritage System for the Greater Golden Horseshoe, 2018



It is important to note that Pleasantview is identified as part of the Growth Plan Natural Heritage System as shown on **Map 5** containing the Niagara Escarpment Plan / Natural Heritage System designation.

The Growth Plan does require that the City of Hamilton overlay the Growth Plan Natural Heritage System in its Official Plans, and to create policies to maintain, restore or enhance the ecological functions of the System. The policy framework for the Natural Heritage System found in the Growth Plan is similar to the policy framework provided for in the Greenbelt Plan. Section 4.2.2 Natural Heritage System states that new development or site alteration in the Natural Heritage System for the Growth Plan cannot have negative impacts on key natural heritage features or key hydrologic features or their functions, will maintain or enhance connectivity, will avoid removing other natural features and will limit the extent of the developed area (see Appendix E).

Overall, the Growth Plan directs growth and development to settlement areas and limits growth in defined rural areas, like Pleasantview. The Growth Plan also identifies strong policy support for the establishment and protection of a regional natural heritage system, that specifically includes the Niagara Escarpment Plan Area, the Greenbelt Plan Area, and consequently, the Pleasantview Lands. The Growth Plan defers to both the Greenbelt Plan and the NEP for more detailed and specific policies governing Pleasantview.



Figure 6: Hopkins Tract Restoration Work

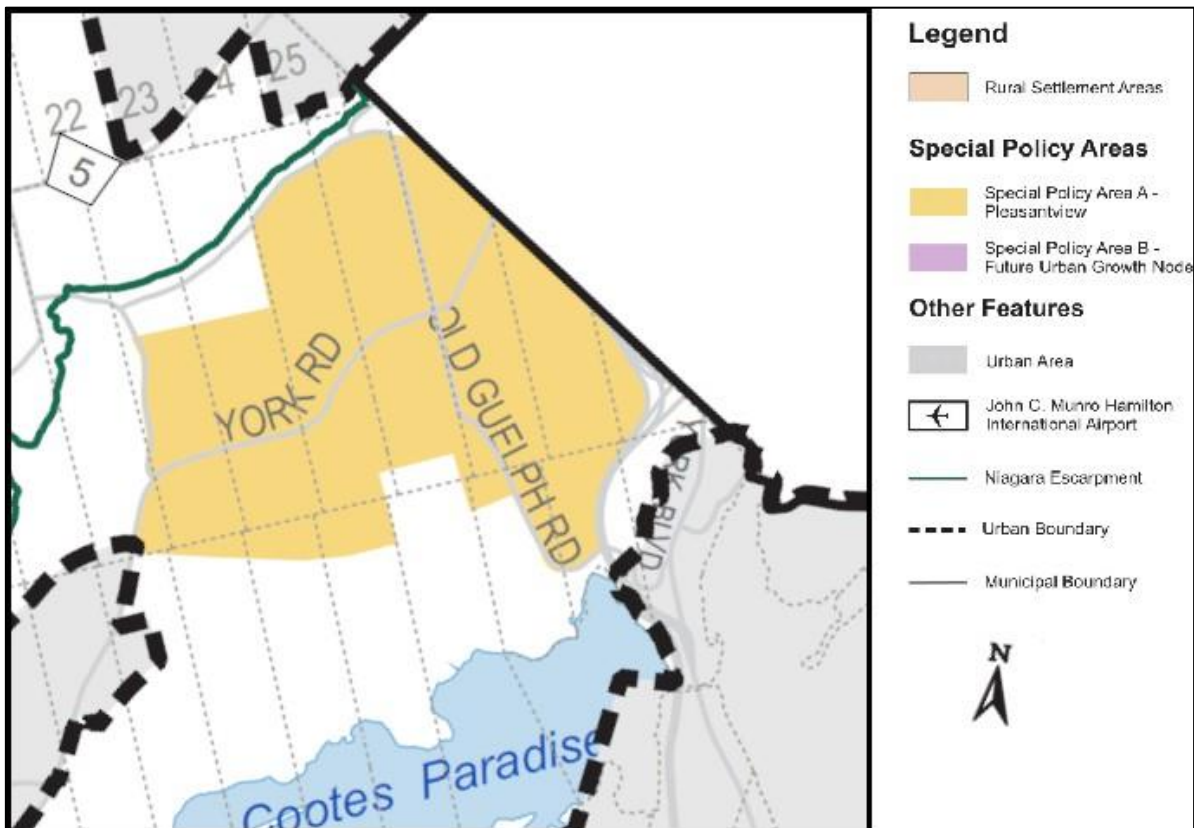
4.0 Relevant Local Policy

4.1 The Rural Hamilton Official Plan

The Rural Hamilton Official Plan contains reference to Pleasantview through the inclusion of "Special Policy Area A - Pleasantview" within Volume 3 of the RHOP, as identified on Map A of Volume 3 of the Plan (see **Map 6** below). The text of the Special Policy Area is included below for reference.

"A.1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable Provincial plans and policies."

Map 6: RHOP Excerpt from Volume 3 - Map A - Special Policy Areas



Overall, the Rural Hamilton Official Plan recognizes the planning policy history of the former Town of Dundas through both the Town of Dundas Official Plan and the former 1995 OMB Order. The policy also indicates that following GRIDS, the City will undertake future studies and prepare Secondary Plan policies, including community consultation, to ensure conformity with the applicable Provincial plans and policies.

Should the lands be formally brought into the City's Rural Hamilton Official Plan, the policies of that Plan would apply. Most notably, the City's robust Natural Heritage System and the associated policy framework contained within Section C.2.0 of the RHOP would apply.

4.2 Former Town of Dundas Official Plan Amendment 23

The former Town of Dundas Official Plan Amendment 23 (OPA 23) provides the current local planning policy framework for the Pleasantview Lands. OPA 23 was adopted by Dundas Council in 1993, and subsequently appealed to the OMB (now LPAT) by multiple parties. As initially approved by Council, the general intent of OPA 23 was to revise the former Town of Dundas Official Plan as follows:

- > To increase the minimum lot area for each single detached dwelling from 0.4 hectares to 0.8 hectares.
- > To add a new policy to provide for the opportunity within the Rural designated lands for "cluster form development", either through the provision of a communal sewage system or by full municipal services, where readily available; and,
- > To revise the land use designation boundaries of Schedule "B" - Land Use Concept, Schedule "B-1" - Special Policy Areas, and Schedule "C" - Environmentally Sensitive Areas, to reflect the more accurate information received as part of the various Zoning By-law amendments.

4.2.1 OMB Order (1995)

During the process of preparing and approving OPA 23, a number of *Planning Act* applications were received for various forms of residential development within the Pleasantview Lands. OPA 23, the associated Zoning By-law Amendments and the *Planning Act* applications were appealed to the Ontario Municipal Board (OMB) by several groups in 1993. The outcome of the OMB hearing significantly modified OPA 23 through an Order issued on June 28th, 1995 in the following ways:

- > No new single detached dwellings were permitted to be constructed after August 1993, save and except on lots with a minimum lot area of 10 hectares.
- > "Cluster form development" was prohibited - this resulted in the refusal of several subdivisions that were seeking planning approvals within Pleasantview; and,

- > The minimum lot size for new dwellings was increased from 0.8 hectares to 10 hectares.

As a result, the policy framework from OPA 23 and the associated OMB Order, included in Appendix F, is currently in effect for Pleasantview. These policies were initially adopted by By-law No. 3354-82 by the Dundas Town Council, and approved by the MMAH on September 15, 1982, as amended by OPA #23 and OMB Order in Case No. PL930179, dated June 28, 1995.

These policies were carried into the Zoning By-law and to some extent the Special Provisions of the NEP. The OMB Order prohibiting construction of new single detached dwellings after August 1993 partly carries over into the NEP Special Provision (2.2.21) for permitted uses and Town of Dundas Zoning By-law (No. 3581-86) as an exception (No. 4066-93). Since the OMB decision minimal development has occurred in Pleasantview.

4.3 Former Town of Dundas Zoning By-law 3581-86

In accordance with OPA 23, and the associated OMB Order, Zoning By-law 3581-86 was amended to implement the relevant regulatory elements that affect various land use zones on the Pleasantview Lands through the adoption of By-law 4066-93, which remains largely unchanged today. The Zoning By-law identifies eight (8) base zones in Pleasantview; with a number of site-specific zones. It is important to note that as the lands were placed into NEC Development Control, Zoning By-law 3581-86 has no effect.

The eight (8) base zones currently in-effect in Pleasantview, along with the associated site-specific zones are identified below for reference. A brief explanation as to the purpose and intent of each zone has also been included.

- > **Rural Area (RU) Zone** - The purpose of the Rural Area (RU) Zone is to retain lands so zoned in an open space setting for agricultural purposes including very limited farm-related development. In addition to the Rural Area (RU) Zone, there are a number of Exception Zones, including:
 - **Rural Area RU/S-58 Exception Zone** - permission, site-specifically, for an existing or approved single detached dwelling in specified circumstances on a lot area of 0.8 hectares;
 - **Rural Area RU/S-59 Exception Zone** - permits a single-detached dwelling and includes a number of site-specific development provisions and performance standards;
 - **Rural Area RU/S-67 Exception Zone** – modifies, site-specifically, the minimum front yard setback and maximum height, and prohibits a fence beyond the building setback line;
 - **Rural Area RU/S-87A Exception Zone** - modifies, site-specifically, the lot requirements for the establishment of a single detached dwelling to a minimum lot

area of 1.4 hectares and a minimum frontage of 91 metres;

- **Rural Area RU/S-99 Exception Zone** - permits, site-specifically, a garden suite for a period of 10 years; and,
 - **Rural Area RU/S-111 Exception Zone** - permits, site-specifically, the development of a single detached dwelling on a lot of at least 0.8 hectares, with municipal water supply, while also establishing a series of site-specific performance standards.
- > **Open Space Conservation (OS) Zone** - The purpose of the Open Space Conservation (OS) Zone is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. With the exception of special public works for conservation purposes and limited development which enhances the cultural, recreational and natural resources of the zone, these lands are intended to be maintained in their natural state.
- > **Park and Recreation (PR1) Zone** - The purpose of the Park and Recreation (PR1) Zone is to provide for active and passive recreational uses, including landscape enhancement and conservation.
- > **Public And Private Service (PPS) Zone** - The purpose of the Public And Private Service (PPS) Zone is to make provision for services to the community provided by the Corporation of the Town of Dundas, Government or Public Authorities, Private and Non-Government Agencies. In addition to the Public And Private Service (PPS) Zone, there are two Exception Zones, as follows:
- **Public And Private Service Zone PPS/S-56 Exception Zone** - site-specifically limits the permitted uses to those uses existing at the date of passing of the by-law and those uses deemed "similar" to those uses permitted, as determined by the Committee of Adjustment; and,
 - **H-Public And Private Service Zone H-PPS/S-56A** – permits, on a site-specific basis, an 138-occupant dormitory in the existing building as a temporary use until July 12, 2022 and an existing driveway to be used for access, with a Holding Symbol which limits the capacity to 96 occupants while it is applicable, with its removal based on ability to provide adequate services.
- > **Public Utilities (U) Zone** - The purpose of the Public Utilities (U) Zone is to provide for public utility installation and facilities including rights-of-way required by public utility agencies. In addition to the Public Utilities (U) Zone, there is an Exception Zone, as follows:
- **Public Utilities U/S-57 Exception Zone** - provides for a prohibition of waste treatment facilities on a specific-site.
- > **Light Industrial (I.L) Zone** - The purpose of the Light Industrial (I.L) Zone is to provide

for a wide range of wholly enclosed industrial and business uses which are compatible with each other and do not adversely affect surrounding non-industrial land uses. In addition to the Light Industrial (I.L.) Zone, there is an Exception Zone, as follows:

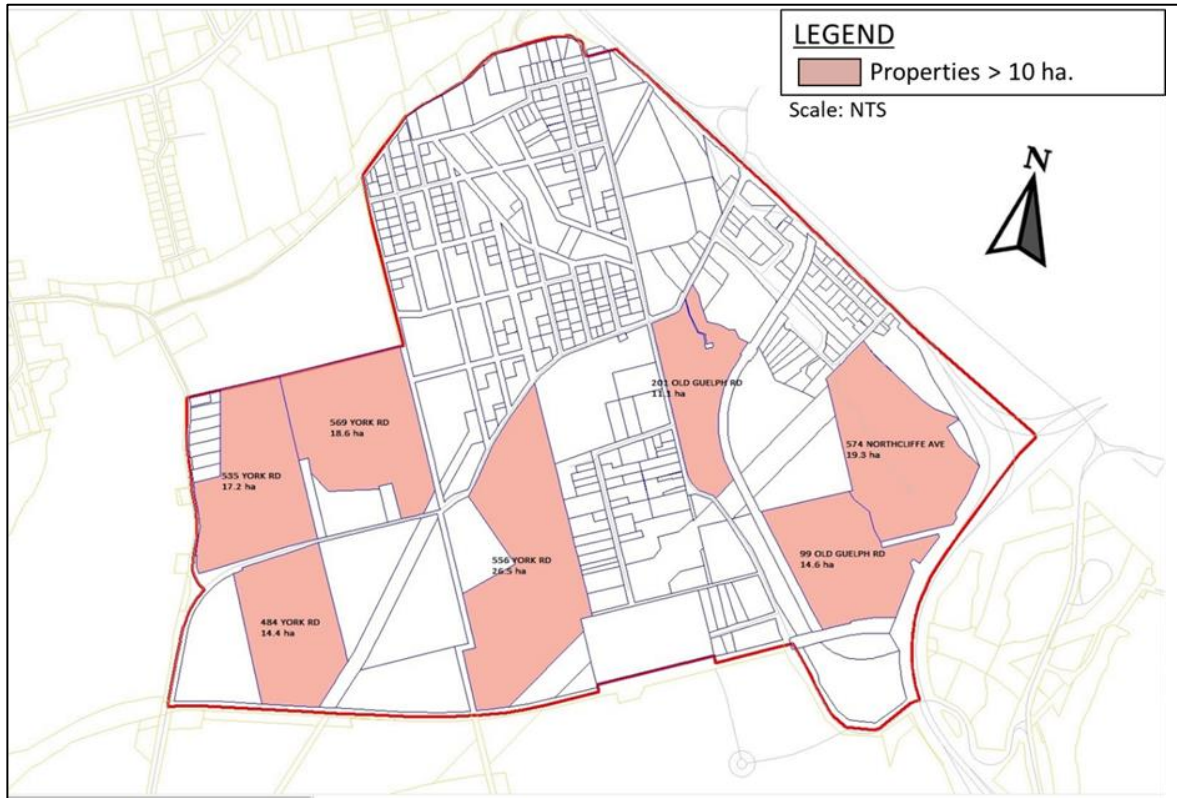
- **Light Industrial (Holding Zone) H-IL/S-101 Exception Zone** – provides a site specific provision for a limitation on permitted uses, and identifies zone regulations and performance standards for permitted uses. There is also a Holding Provisions in effect on these lands.
- > **Special Policy Area Two - Parkway Belt West Plan Zone (SP2) Zone** - identifies that for all lands within the corporate limits of the Town of Dundas designated “Special Complementary Use Area” on **Map 2**, Escarpment Link, Parkway Belt West Plan (1978) that all uses and accessory buildings, structures and uses legally existing on the date of passing of this By-law are permitted uses. Further, no development shall be permitted in an SP2 Zone unless it conforms with the provisions respecting the “Special Complementary Use Area” as contained in the Parkway Belt West Plan (1978).
- > **Highway Commercial (C.H) Zone** – The purpose of the Highway Commercial (C.H) Zone is to provide for certain commercial uses primarily serving the travelling public or which, by their nature, require locations on major streets with heavy traffic volumes, a high degree of exposure, and ease of access. An exception to this zone is located in the Pleasantview Lands:
 - **Highway Commercial C.H/S-54 Exception Zone** – permits only existing uses and uses determined by the Committee of Adjustment to be similar to existing uses.

In addition to the above, the Zoning By-law mapping identifies an “RR” Zone on certain parcels within the Pleasantview Lands. Based on research into the history of this zone, it appears that this zone, identified as the Rural Residential “RR” Zone, existed in the Dundas Zoning By-law previous to a 1998 Amendment. It is assumed that the “RR” Zone for this specific property was left in the zoning mapping by error, as opposed to being updated to the “RU” Zone, as it was elsewhere. It is anticipated that this error will be resolved through the Zoning By-law update that will result from this Land Use Study.

4.3.1 Development Potential

As a result of the current planning/policy framework in effect in Pleasantview it is recognized that ownership of large tracts (greater than 10 hectares) of land within Pleasantview is divided between private ownership and several government agencies. Conservation Halton owns the Hopkins Tract on the east side of Old Guelph Road and lands containing the Cartwright Nature Sanctuary. While Conservation Hamilton owns lands abutting Valley and York Road containing the York Road Conservation Area and Royal Botanical Gardens Berry Tract South. The large farm southeast of Cartwright Nature Sanctuary is privately owned. Lands containing the former convent are owned by Columbia Northcliffe Campus with adjacent lands under private ownership (see **Map 7**)

Map 7 – Properties Greater than 10 Hectares in the Study Area



it is important to note that all lots in Pleasantview, regardless of size, may be subject to additional constraints, such as the City’s Natural Heritage System and areas/features regulated by the applicable Conservation Authority or a Provincial Ministry.

5.0 Recommendations

Based on a review of the historic development context and the planning policy framework that has evolved in Pleasantview over the past 45 years, and as it continues to evolve, the following preliminary recommendations are considered appropriate for the City of Hamilton to consider:

Recommendation 1: "Special Policy Area A - Pleasantview" of the Rural Hamilton Official Plan recognizes the need for this Study of Pleasantview in order to resolve its planning policy and regulatory status in conformity with applicable Provincial policy. Further, it is the Niagara Escarpment Plan and specifically Section 2.2.21 that are both the most specific to Pleasantview, and the most restrictive of all of the applicable Provincial policies and, as such, provide the most appropriate planning framework to be included within the City of Hamilton's planning policy and regulatory regime. It is therefore recommended that the City implement an Official Plan Amendment to Special Policy Area A - Pleasantview of the Rural Hamilton Official Plan to be in explicit conformity with Section 2.2.21 of the Niagara Escarpment Plan.

Recommendation 2: Zoning By-law 3581-86 for the former Town of Dundas remains the zoning in place for the Pleasantview Study Area. The current zoning was established by the 1998/1999 OMB Decision to implement OPA 23. It is recommended that:

- > The Pleasantview Study Area be brought into the City of Hamilton Comprehensive Zoning By-law 05-200.
- > The new zoning carry forward the zoning established by the 1998/1999 OMB Decision, implement the Niagara Escarpment Special Provision of Section 2.2.21 of the NEP, and further implement the policy directives of the Rural Hamilton Official Plan.
- > The proposed Zoning will serve as a reference when City Staff provide comments on NEC Development Permit Applications.

Appendices



Authority: Item 3.3
CM: September 10, 2020
Ward: 13

Bill No. 186

CITY OF HAMILTON

By-Law No. 20-186

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/ York Road to the west (Pleasant View)}

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended provides as follows:

Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the *City of Hamilton Act*, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City will be undertaking a land use study in respect of land use policies and future underlying zoning by-law regulations to ensure the Rural Hamilton Official Plan and underlying Zoning By-laws are in conformity with Provincial policies including the Niagara Escarpment Plan and the future development control for lands within the Pleasant View area of the former Town of Dundas;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)

Page 2 of 4

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

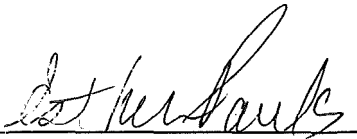
1. Staff are hereby directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the area described in Schedule "A", attached hereto.
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of such legally existing buildings or structures, to a maximum of 20% of the existing gross floor area.
 - b) a change to the interior or façade of legally existing buildings or structures;
 - c) the reconstruction or replacement of such legally existing buildings or structures which are totally or partially destroyed by fire, accident or natural disaster, provided the building or structure is reconstructed on its original site and the floor area and dimensions are not increased; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedule "A" attached hereto, a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance, site specific zoning, site plan, or consent, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Appeal Tribunal after the date of Ministerial approval of Niagara Escarpment Plan Amendment No. 179 (Pleasant View) (October 28, 2013) and up to the day before By-law No. 20-186 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-186 was passed by Council.
 - c) For the purposes of determining zoning conformity, the following shall apply:

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Coates Paradise to the south, Highway No. 6 to the east, and Valley Road/ York Road to the west (Pleasant View)

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- i. This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii. Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
 5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 10th day of September, 2020.

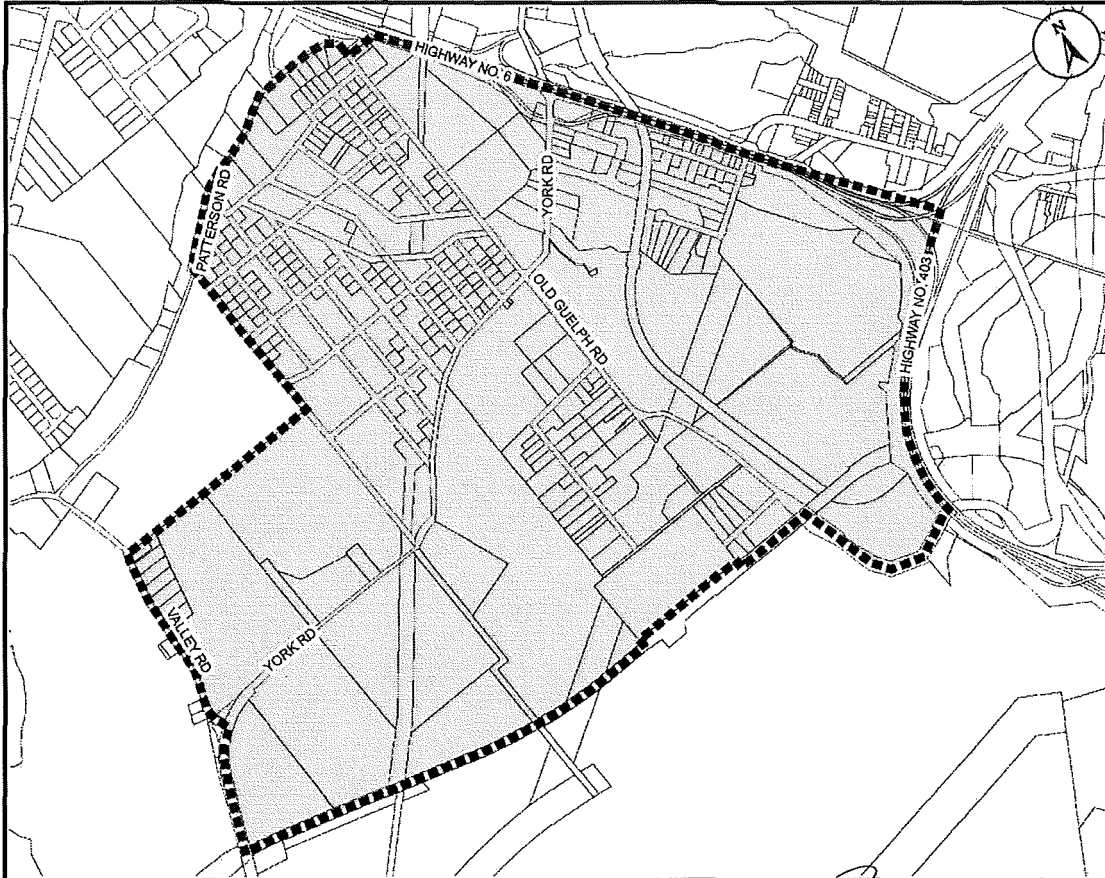


E. Pauls
Acting Mayor

'S,.s,.1

L. Kelsey
Acting City Clerk

To Establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 3581-86, in the former Town of Dundas, generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road / York Road to the west (Pleasant View)



<p>This is Schedule "A" to By-law No. 20-186 Passed the <u>10</u> day of <u>September</u>, 2020</p>	<p style="text-align: center;"><i>Esther Parks</i> ----- Mayor</p> <p style="text-align: center;"><i>Kesey</i> ----- Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 20-186</p> <p>to Amend By-law No. 3581-86</p>	<p>Subject Property</p> <p> Geographical Area (lands) subject to By-law No. 20-186</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: Interim Control By-law - Pleasant View</p>	<p>Hamilton</p>
<p>Date: September 10, 2020</p>	<p>Planner/Technician: CN/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Provincial Policy Statement, 2020

Under the *Planning Act*

Part IV: Vision for Ontario's Land Use Planning System

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.

Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

Part V: Policies

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and,
- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and,
- g) are *freight-supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
 - b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.
- 1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:
- a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
 - b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c) in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and

- i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:

- a) there would be no net increase in land within the *settlement areas*;
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - h) conserving biodiversity and considering the ecological benefits provided by nature; and
 - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

1.1.5 Rural Lands in Municipalities

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings);
 - c) residential development, including lot creation, that is locally appropriate;
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and
 - g) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

1.1.6 Territory Without Municipal Organization

- 1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).
- 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.6.3 The establishment of new permanent townsites shall not be permitted.
- 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:
 - a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
 - a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
 - b) economic development strategies;

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.

2.1.4 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
- b) *significant coastal wetlands*.

2.1.5 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and
- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

2.2 Water

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
 - c) evaluating and preparing for the *impacts of a changing climate* to water resource systems at the watershed level;
 - d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
 - e) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
 - f) implementing necessary restrictions on *development and site alteration* to:
 - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
 - g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - h) ensuring consideration of environmental lake capacity, where applicable; and
 - i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

- 2.2.2 *Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

2.3 Agriculture

- 2.3.1 *Prime agricultural areas shall be protected for long-term use for agriculture.*

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*.

2.3.3 Permitted Uses

- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses.*

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

- 2.3.3.3 New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites*.

3.1.2 *Development* and *site alteration* shall not be permitted within:

- a) the *dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems*:

- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept for flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.

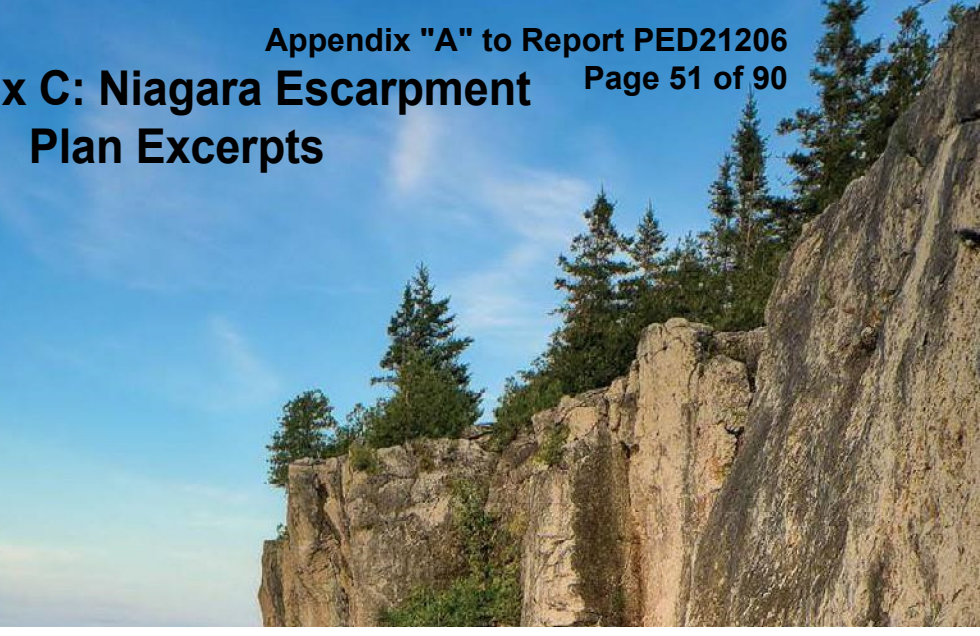
3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

Appendix C: Niagara Escarpment Plan Excerpts



Niagara Escarpment Plan (2017)



Introduction

The Niagara Escarpment Plan

The *Niagara Escarpment* includes a variety of topographic features and land uses extending 725 kilometres from Queenston on the Niagara River to the islands off Tobermory on the Bruce Peninsula.

The particular combination of geological and ecological features along the *Niagara Escarpment* results in a landscape unequalled in Canada. The natural areas found across the *Niagara Escarpment* act to clean the air, provide drinking water and support recreational activities that benefit public health and overall quality of life, as well as helping to address and mitigate the effects of climate change. In addition, the region's cultural heritage, including First Nations and Métis and European presence, is visible on the *Escarpment* landscape. These resources need to be protected over the long term to ensure that the connection to our shared past is maintained and that quality of life is not diminished as growth takes place.

First Nations and Métis people in Ontario have a unique relationship with the land and its resources and this relationship continues to be of central importance to First Nation and Métis communities in the area of the *Niagara Escarpment* today. Ontario, including the area covered by the Niagara Escarpment Plan Area, is largely covered by a number of Treaties which provide for treaty rights. In addition, *Aboriginal* communities may have *Aboriginal* rights within the Plan area.

Human impact on the *Escarpment environment* is reflected in a variety of ways. The *Escarpment* area is the site of a large mineral aggregate extraction industry. Demand for permanent and seasonal residences in many areas is intense. Farming ranges from the cultivation of tender fruit and other specialty crops in the Niagara Peninsula to the raising of beef cattle in Bruce County and provision of local food to Ontario's largest population centres nearby. The proximity of that large population also makes the Escarpment a popular tourist destination.

The Niagara Escarpment Planning and Development Act established a planning process to ensure that the area would be protected. From this emerged the *Niagara Escarpment Plan* (this Plan), which serves as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of this important landform feature and the resources it supports.

On February 8, 1990, the Bureau of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Man and Biosphere (MAB) program approved the designation of the *Niagara Escarpment* as a *Biosphere Reserve*. The designation was confirmed in 2002 and again in 2016 through the 10-year periodic review process which was led by the Niagara Escarpment Commission.

The *Greenbelt Act, 2005* authorized the preparation of the Greenbelt Plan, which was first approved in February 2005. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection of the agricultural land and the ecological features and functions occurring in the Greenbelt Plan Area, which includes the Niagara Escarpment Plan Area, as well as the Oak Ridges Moraine Conservation Plan Area, and the Protected Countryside of the Greenbelt Plan. The Greenbelt Plan provides that the policies of the Niagara Escarpment Plan are the policies of the Greenbelt Plan for the Niagara Escarpment Plan Area and the Protected Countryside policies do not apply with the exception of section 3.3 (Parkland, Open Space and Trails).

The Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan work within the framework set out by the Growth Plan for the Greater Golden Horseshoe for where and how future population and employment growth should be accommodated. Together, all four provincial plans build on the Provincial Policy Statement to establish a land use planning framework for the Greater Golden Horseshoe and the Greenbelt Plan Area that supports a thriving economy, a clean and healthy environment and social equity.



*Cape Rich Bay View Nature Reserve Credit:
Bruce Trail Conservancy*

Part 2 Development Criteria

2.1 Introduction

The development criteria are to be applied to all development within the area of the Niagara Escarpment Plan in conjunction with the other policies of this Plan. These criteria deal with development in a variety of situations; therefore, all the criteria will not apply to every development.

Where the development permit system as established pursuant to the *Niagara Escarpment Planning and Development Act* and its regulations as amended are in effect, the development criteria shall be used in the consideration of development permit applications. For greater certainty, general criteria are to be applied to all proposed development, in addition to any specific development criteria that may apply to a particular class of development.

Monitoring designed to assess the impact of a development may be required as a condition of a development permit.

The development criteria will also be used as minimum standards for assessing the conformity of local *official plans*, *secondary plans* and, where applicable, zoning by-laws and for administering site-plan control approvals. If an *official plan*, *secondary plan*, zoning by-law, or other planning approval is silent on one or more development criteria included in this Plan, the development criteria of this Plan still apply.

2.2 General Development Criteria

The objective is to permit reasonable enjoyment by the owners of all lots that can sustain development.

1. The *Escarpment environment* shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.
2. The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including *flooding hazards*, *erosion hazards*, or *other water-related hazards* and hazard events associated with unstable soil or unstable bedrock.
3. Development is permitted only on an *existing lot of record*.
4. A *property* listed as a *nature preserve* in Appendix 4 of this Plan, acquired by an approved *conservation organization*, shall not be used as a building *lot* or for any other purpose inconsistent with the maintenance and protection of the natural features and values for which the *nature preserve* was established.
5. Where a *lot* is located in more than one designation, development shall be located on that portion of the *lot* located in the least restrictive designation, except where the impact of development on the *Escarpment environment* would be reduced by locating the development on a portion of the *lot* located in a more restrictive designation.

6. Any development permitted should be designed and located in such a manner as to promote design and orientation that:
 - a) maximizes energy efficiency and *conservation* and considers the mitigating effects of vegetation;
 - b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
 - c) reduces greenhouse gas emissions so that the development is contributing to the goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.
7. Only one *single dwelling* is permitted on each *existing lot of record* in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless a second *single dwelling* is, in the opinion of the *implementing authority*, the only viable way to *conserve* the *heritage attributes* of an existing *single dwelling*; and
 - a) the existing *single dwelling* is a *heritage attribute* and is subject to a *heritage conservation easement agreement*; this existing *single dwelling* is the only *single dwelling* located on the *lot*;
 - b) the second *single dwelling* is located on the same *existing lot of record* as the existing *single dwelling* to be preserved;
 - c) the second *single dwelling* is not located within the Escarpment Natural Area unless the *implementing authority* has determined that there is no other less restrictive designation within which the new dwelling can be sited; and
 - d) municipal *official plan* policies and standards are met (e.g., lot size).
8. Development permitted should be designed and located in such a manner as to provide for or protect access to the *Niagara Escarpment*, including the *Bruce Trail corridor*.



Ball's Falls Conservation Area
Credit: *Stephen Dominick and Niagara Peninsula Conservation Authority*

Institutional uses

9. The gross floor area of buildings and related structures used for *institutional uses* shall not exceed 500 square metres, unless a larger size can be demonstrated to be *compatible* with the site and the surrounding landscape.

Home Occupations and Home Industries

10. *Home occupations* and *home industries* in Urban Areas, Minor Urban Centres and Escarpment Recreation Areas are subject to the policies for such uses as set out in the municipal *official plan* and/or zoning by-law. In the case of all other land use designations, the following provisions apply to *home occupations* and *home industries*:
- a) in the Escarpment Natural Area designation, *home occupations* shall be located in the *single dwelling* or in an addition to the dwelling;
 - b) in the Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area designations, *home occupations* and *home industries* shall be located in the *single dwelling* or in an addition to the dwelling, unless the need to locate it within an *accessory facility* can be justified;
 - c) *home occupations* or *home industries* should normally be limited to one per *lot*;
 - d) where the *home occupation* or *home industry* is located within the *single dwelling* or in an addition to the dwelling, not more than 25 per cent of the total floor area, including any addition to the dwelling, shall be devoted to the use, to a maximum of 100 square metres;
 - e) where the *home occupation* or *home industry* is located in an *accessory facility*, not more than 100 square metres of the building shall be devoted to the use;
 - f) in no instance shall there be more than 125 square metres devoted to the use, where the *home occupation* or *home industry* is located within the *single dwelling* or in an addition to the dwelling and an *accessory facility*;
 - g) where there is more than one *home occupation* or *home industry* on a *lot*, the total floor area of all *home occupations* and *home industries* cannot exceed the maximum sizes set out in sub-sections d), e) and f) above;
 - h) where the *home occupation* or *home industry* is located in an *accessory facility*, the *accessory facility* must share a common driveway and where possible must share residential services (e.g., septic system for domestic waste only, well, parking) with the *single dwelling*;
 - i) *home occupations* and *home industries* shall:
 - i. be secondary to the primary residential or *agricultural use* on the *lot*;
 - ii. be operated by residents of the *household* on the *lot*; and,
 - iii. be located in a manner that considers potential land use compatibility issues, such as noise, odour and dust, with adjacent more sensitive uses (e.g., residential, daycare).
 - j) municipal *official plan* policies and standards (e.g., lot size, parking, floor area, retail space) must be met.

Secondary Dwelling Units

11. The following provisions apply to secondary *dwelling units*:
- a) a single secondary *dwelling unit* may be permitted on an *existing lot of record*;
 - b) notwithstanding the above, a secondary *dwelling unit* shall not be permitted on an *existing lot of record* where there is more than one *single dwelling*, including any dwelling approved under Part 2.2.7 of this Plan;
 - c) the secondary *dwelling unit* shall be contained entirely within a *single dwelling* or in an addition to a *single dwelling* and shall not be permitted in a detached *accessory facility*;
 - d) the floor area of a secondary *dwelling unit* shall be subordinate in size to the *single dwelling*;
 - e) secondary *dwelling units* shall not be permitted in a *group home* or a *single dwelling* containing a *bed and breakfast*; and,
 - f) a *home occupation* or *home industry* shall not be permitted within a secondary *dwelling unit*.

Signs and Billboards

12. The following additional provisions apply to *signs* where permitted as an *accessory use* and *billboards* where permitted as a principal use:
- a) a *sign* may be permitted where the *sign* and its information is *accessory* to the existing principal use located on the same *lot* (e.g., *home occupation* or *home industry*, *agriculture-related use*, etc.);
 - b) *signs* and *billboards* shall not alter the natural features or *cultural heritage landscape* of the *property* and shall be *compatible* with the local topography, surrounding *scenic resources* and rural or residential community;
 - c) *signs* and *billboards* shall have minimal *negative impact* on the *Escarpment environment* through *compatible* design, materials, colour, siting and landscaping;
 - d) *billboards* are not permitted on prominent *Escarpment slopes* or in places where such *billboards* would obstruct views associated with prominent *Escarpment slopes*;
 - d) illumination of *signs* and *billboards* is discouraged and, where permitted, shall be subdued (e.g., shielded, downward directional, not internally lit);
 - e) *signs* shall be limited to one per *lot* and shall not exceed 0.9 square metres, unless it can be demonstrated that a larger *sign* or an additional *sign* would have minimal *negative impact* on the *Escarpment environment*;
 - f) roof *signs*, *signs* attached to towers or other similar structures, animated or automated *signs*, and *signs* affixed to trucks and trailers adjacent to roads are not permitted; and,
 - g) municipal *official plan* policies and standards respecting *signs* and *billboards* must be met, including any municipal *sign by-laws*.

- i) with the exception of subsection h), the above restrictions do not apply to the following *signs* or *billboards*:
 - i. election signs;
 - ii. temporary real estate signs advertising the sale of the property on which they are located;
 - iii. temporary construction site signs;
 - iv. no trespassing or warning signs; and,
 - v. signs approved, sponsored or required by a *public body*.

Special Provisions (See Amendment 117)

- 13. The existing *institutional use* located in the Escarpment Rural Area designation on part of the West Half of Lot 6, Concession 7 East of Hurontario Street in the Town of Mono, County of Dufferin, may be expanded in accordance with Permitted Use # 25 in Part 1.5 of this Plan provided all the following minimum provisions are met:
 - a) the new building shall be located in proximity to the existing cluster of institutional buildings such that the new facility would form part of the cluster;
 - b) the new building shall not exceed 3,200 square metres in total floor area, not including open courtyards;
 - c) the new building will be screened and landscaped in accordance with a professional landscape plan which shall include screen and buffer plantings along the perimeter of the *property* adjacent to Airport Road and along the Fifth Sideroad, and around the new building and its associated parking lots;
 - d) the preparation of a professional grading and rehabilitation plan showing final contours around the site of the new building and any other areas disturbed or bermed during construction;
 - e) the facility shall meet the water quality and quantity standards as determined by the Ministry of Environment, Conservation and Parks under the *Ontario Water Resources Act*;
 - f) the quality and quantity of water shall continue to be monitored on a regular basis in accordance with the requirements of the Ministry of Environment, Conservation and Parks under the *Ontario Water Resources Act*;
 - g) the facility shall not interfere with wells or groundwater on adjacent properties;
 - h) water conservation devices shall be installed throughout the facility; and,
 - i) a Permit to Take Water shall be obtained from the Ministry of Environment, Conservation and Parks should the Ministry determine that such a Permit is necessary.

Special Provisions for the Queenston Quarry Lands (see Amendment UA 05)

20. The Queenston Quarry lands on Part of Lots 44, 45, 46, 47, 48 and 49 and Part of the Road allowance between Lots 44 and 49, and Part of the Road allowance between Lots 45 and 48, and Part of the Road allowance between Lots 47 and 48, Geographic Township of Niagara, in the Town of Niagara-on-the-Lake in the Region of Niagara, as identified on Map 1 to this Plan, are subject to the following additional provisions:
- a) The lands will continue to be governed by the Mineral Resource Extraction Area policies of this Plan until such time as the Ministry of Natural Resources and Forestry is satisfied that rehabilitation is complete and the quarry license surrendered in accordance with the *Aggregate Resources Act* and the Ministry of Environment, Conservation and Parks confirms in writing that any required site remediation and decommissioning has been satisfactorily completed. Prior to surrender of the licence, site rehabilitation may be permitted to occur at the same time as, and consistent with the development of new uses, which may be permitted provided they are in accordance with all other relevant policies of this Plan.
 - b) The exact delineation of the Escarpment Natural Area designation on the lands is as shown on Map 1 to this Plan.
 - c) Notwithstanding the permitted uses of the Escarpment Protection Area, the portion of the lands designated Escarpment Protection Area may be used in association with a golf course for uses *accessory* to the design and operation of a golf course
 - d) Following the surrender of the quarry licence as referred to in a) above, all or part of the lands may be permitted to connect to municipal servicing subject to compliance with all other relevant policies of this Plan and the approval of such servicing by the Region of Niagara.
 - e) The uses which may be permitted are those provided for on the lands in the Region Niagara Official Plan Amendment No. 1-2009 and the Town of Niagara-on-the-Lake Official Plan Amendment No. 45, as they may be amended from time to time.

Special Provisions for the Pleasant View Survey Lands (see Amendment 179)

21. The Pleasant View Survey Lands consisting of Part of Lots 23, 24, 25, 26, 27 and 28, Concession 1 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2, City of Hamilton (former Town of Dundas), as identified on Schedule A of Amendment 179 to this Plan, are subject to the following additional special provisions:
- a) notwithstanding the permitted uses, and the definitions for *lot*, *existing lot of record* and *existing use* in this Plan, the following apply:
 - i. only uses, except for *single dwellings*, that existed on or before February 16, 1993 shall be permitted; and,
 - ii. only *single dwellings* that existed on or before August 14, 1998 shall be permitted.

- b) notwithstanding the provisions set out in a) i) and ii) above, uses *accessory* to an *existing use* or to an existing *single dwelling* (e.g., garage, *accessory* building, swimming pool) may be permitted in accordance with the Development Criteria of this Plan. The replacement of an existing *single dwelling* may also be permitted in accordance with the Development Criteria of this Plan.
- c) notwithstanding the provision set out in a) ii) above, a *single dwelling* may be permitted on a *lot* with a minimum size of 10 hectares in accordance with the Development Criteria of this Plan.
- d) notwithstanding the provisions set out in a) i) and ii) above, the following uses may be permitted for the *property* located at 1810 Highway 6 (325 Old Guelph Road) in accordance with the Development Criteria of this Plan:

The manufacturing of candles, a mini-storage facility and light industrial manufacturing, together with related administration and business offices, research and development, scientific laboratory, warehousing and repair and ancillary sales, subject to the following:

- i. for the purposes of these uses, light industrial uses are to be small scale, wholly enclosed operations, including the production and storage of goods;
 - ii. operations shall have infrequent truck movement of products and/or heavy truck traffic; low movements of truck traffic; limited amounts of outdoor storage; limited fugitive emissions, and use small amounts of water in the manufacture and processing of goods;
 - iii. access onto Old Guelph Road by way of tractor-trailer/semi-trucks will not be permitted, and no truck access is allowed, excepting nothing will prevent access of vehicles which typically serve a residential neighbourhood on an infrequent basis such as moving vans; and
 - iv. no authorization, permit or approval shall be issued until such time as the owner/operator receives site plan approval from the City of Hamilton to set out the location of and signage for the access and driveway onto Old Guelph Road.
- e) the existing institutional building on lands located at No. 154 Northcliffe Avenue (Sisters of the Precious Blood) may be used for the following institutionally related uses provided the uses are contained within the existing building only:
 - i. a Place of Worship; and
 - ii. a Convent.
 - f) the existing institutional building on lands located at No. 574 Northcliffe Avenue (Sisters of St. Joseph) may be used for the following institutionally related uses provided the uses are contained within the existing building only:
 - i. a Place of Worship; ii. a Convent; iii. a residential care facility for a maximum of 35 residents; and iv. a dormitory with a maximum of 36 students and *accessory uses* for an educational establishment provided it is located in conjunction with the convent of the Sisters of St. Joseph.

- g) nothing in the Special Provisions for the Pleasant View Survey Lands, as set out in this Section, is intended to prevent the following uses of land:
 - i. *forest, wildlife and fisheries management*; archaeological activities; public park and open space uses; trails (including the Bruce Trail); *nature preserves* and non-intensive recreational activities, and essential transportation and *utility* facilities, provided such uses meet the Objectives of the applicable designation and Development Criteria of this Plan.

Special Provisions for 2637 Bluffs Way, City of Burlington (see Amendment 199)

22. Notwithstanding the policies of 2.8.1 as set out in the Niagara Escarpment Plan dated November 10, 2014, a driveway, a driveway apron, an underground septic tile field, and underground services associated with a *single dwelling* may be permitted within the identified habitat of an *endangered species* for the *existing lot of record* with the municipal address of 2637 Bluffs Way, City of Burlington and with the legal description of Part Lots 14 and 15, Concession 2 N.D.S. (Geographic Township of Nelson) and Part Block 28, Registered Plan 20M-883, City of Burlington, more particularly described as Parts 3 and 4, Plan 20R-18349, provided that a Development Permit is obtained and that a permit is issued pursuant to subsection 17 (2) (c) of the *Endangered Species Act*.

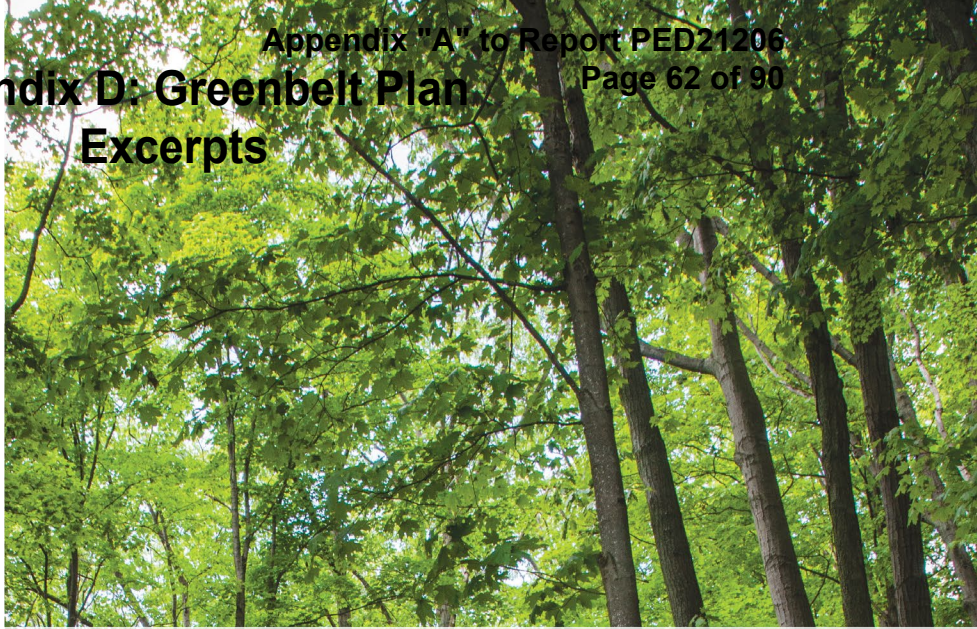
Special Provisions for Part Lot 10, Concessions 1 through 6, Nelson, City of Burlington and Part Lot 10, Concession 7, Nelson, Town of Milton in Halton Region (see Amendment 205)

23. Notwithstanding sub-section 10 of Part 2.6 as set out in the Niagara Escarpment Plan dated February 10, 2016 and subject to obtaining a Development Permit, a subterranean natural gas pipeline may be permitted to traverse the Kilbride Swamp Provincially Significant Wetland, as well as other wetlands as shown on Schedule A to the Niagara Escarpment Plan Amendment PH 205 15, located at Part Lots 10, Concessions 1 through 6, Nelson, City of Burlington and Part Lot 10, Concession 7, Nelson, Town of Milton in Halton Region.

Special Provisions for Part Lot 9, Concession 5 in Township of Clearview, County of Simcoe (see Amendment 206)

24. Notwithstanding the policy of 2.3.4 as set out in the Niagara Escarpment Plan dated March 10, 2016, the existing commercial- industrial use located on Part Lot 9, Concession 5 in Township of Clearview, County of Simcoe may be expanded in accordance with the following provisions:
- a) the combined original building, new shop, and storage space, and attached garage shall not exceed 734 square metres (7901 square feet) in total floor area;
 - b) the existing private sewage system shall have the capacity to properly treat effluent generated on site, in accordance with applicable environmental and health regulations;
 - c) no further expansions of floor area will be permitted;
 - d) no accessory buildings will be permitted;

Appendix D: Greenbelt Plan Excerpts



Greenbelt Plan (2017)



in the Greenbelt and is an important economic factor in the quality of life for communities in and beyond the Greenbelt.

To strengthen the connections between the *Agricultural Systems* of the Greenbelt and the rest of the *GGH*, municipalities, farming organizations and other agencies and levels of government are encouraged to collaborate with each other to support the *Agricultural System*. As well, consideration should be given to activities and changes in land use, both within and in proximity to the Greenbelt, and how they relate to the broader agricultural system and economy of southern Ontario. Municipalities should plan appropriately to ensure both functional and economic connections are maintained and strengthened in conjunction with natural heritage systems, water resources, growth management and *infrastructure* to maximize synergies and support a viable agri-food sector.

3.2 Natural System

3.2.1 Description

The Protected Countryside contains a Natural System that provides a continuous and permanent land base necessary to support human and ecological health in the Greenbelt and beyond. The Natural System policies protect areas of natural heritage, hydrologic and/or *landform features*, which are often functionally inter-related and which collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change. The Natural System policies contribute to conserving Ontario's biodiversity and maintaining the *ecological integrity* of the Greenbelt.

The Natural System within the Protected Countryside functions at three scales:

1. The system is connected to and/or supports broader natural systems in southern Ontario such as the Great Lakes Coast, the Carolinian Zone, the Kawartha Highlands and the Algonquin to Adirondacks Corridor;
2. The system builds upon and is connected to other *GGH*-scale natural systems as identified through the Growth Plan, the NEP and the ORMCP (see Appendix 1); and
3. The system is supported by a multitude of natural and hydrologic features and functions found within the *GGH* but outside of the NEP and the ORMCP. In particular, the numerous watersheds, subwatersheds and groundwater resources, including the network of tributaries that support the major river systems identified in this Plan, are critical to the long-term health and sustainability of water resources, biodiversity and overall *ecological integrity*. Official plans and related resource management

efforts by conservation authorities and others shall continue to assess and plan for these natural and hydrologic features and functions in a comprehensive and integrated manner through the identification and protection of natural systems, building upon and supporting the natural systems identified within the Greenbelt.

The Natural System is made up of a Natural Heritage System and a Water Resource System that often coincide given ecological linkages between terrestrial and water-based functions.

The **Natural Heritage System** includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or *significant* natural features and functions. These areas need to be managed as a connected and integrated natural heritage system, given the functional inter-relationships between them and the fact that this system builds upon the natural systems contained in the NEP and the ORMCP (see Schedule 4) and will connect with the Natural Heritage System that will be issued pursuant to the Growth Plan. Together, these systems will comprise and function as a connected natural heritage system.

The **Water Resource System** is made up of both ground and surface water features and areas and their associated functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The ORMCP and NEP include very significant elements of and are fundamental to the Water Resource System. The areas to which these plans apply contain primary recharge, headwater and discharge areas, together with major drinking water aquifers, within the Greenbelt.

The Protected Countryside includes several areas of hydrological significance, including:

- The upper reaches of watersheds draining to Lake Ontario to the west of the Niagara Escarpment;
- Lands around the primary discharge zones along the toe of the Niagara Escarpment and base of the Oak Ridges Moraine;
- The major river valleys that flow from the Oak Ridges Moraine and the Niagara Escarpment to Lake Ontario;
- The portions of the Lake Simcoe watershed and the former Lake Algonquin Shoreline within York and Durham Regions; and
- The former Lake Iroquois shoreline in Durham and Niagara Regions.

These areas of hydrological significance incorporated into the Greenbelt function together with other hydrological features and areas both within the Greenbelt

and within the remainder of watersheds that extend outside of the Greenbelt to form water resource systems.

3.2.2 Natural Heritage System Policies

For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

1. The full range of existing and new *agricultural, agriculture-related* and *on-farm diversified uses* and *normal farm practices* are permitted subject to the policies of section 3.2.2.2.
2. New buildings or structures for *agriculture, agriculture-related* and *on-farm diversified uses* are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.
3. New *development* or *site alteration* in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:
 - a) There will be no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
 - b) *Connectivity* along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - c) The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - d) Except for uses described in and governed by the policies of sections 4.1.2 and 4.3.2,
 - i. The disturbed area, including any buildings and structures, of the *total developable area* will not exceed 25 per cent (40 per cent for golf courses); and
 - ii. The impervious surface of the *total developable area* will not exceed 10 per cent; and
 - e) At least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, recognizing that section 4.3.2 establishes specific standards for the uses described there.

4. The Natural Heritage System, including the policies of section 3.2.5, does not apply within the existing boundaries of *settlement areas*, but does apply when considering expansions to *settlement areas* as permitted by the policies of this Plan. Municipalities should consider the Natural Heritage Systems connections within *settlement areas* when implementing municipal policies, plans and strategies.
5. When official plans are brought into conformity with this Plan, the boundaries of the Natural Heritage System may be refined, with greater precision, in a manner that is consistent with this Plan and the system shown on Schedule 4.
6. Towns/Villages are not permitted to expand into the Natural Heritage System.

3.2.3 Water Resource System Policies

The following Water Resource System policies apply throughout the Protected Countryside:

1. All planning authorities shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among *key hydrologic features* and *key hydrologic areas*.
2. Watersheds are the most meaningful scale for hydrological planning. Municipalities, partnering with conservation authorities as appropriate, shall ensure that *watershed planning* is undertaken to support a comprehensive, integrated and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed.
3. Water Resource Systems shall be identified, informed by *watershed planning* and other available information, and the appropriate designations and policies shall be applied in official plans to provide for the long-term protection of *key hydrologic features*, *key hydrologic areas* and their functions.
4. Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* shall be informed by applicable *watershed planning* in accordance with the Growth Plan.
5. Cross-jurisdictional and cross-watershed impacts need to be considered in the development of watershed plans. The development of watershed plans and watershed management approaches in the Protected

Countryside shall be integrated with *watershed planning* and management in the NEP, the ORMCP and the Growth Plan.

6. Municipalities shall consider the Great Lakes Strategy, the targets and goals of the *Great Lakes Protection Act, 2015* and any applicable Great Lakes agreements as part of *watershed planning* and coastal or waterfront planning initiatives.

3.2.4 Key Hydrologic Areas

Key hydrologic areas are areas which contribute to the *hydrologic functions* of the Water Resource System. These areas maintain ground and surface water quality and quantity by collecting, storing and filtering rainwater and overland flow, recharge aquifers and feed downstream tributaries, *lakes, wetlands* and discharge areas. These areas are also sensitive to contamination and feed *key hydrologic features* and drinking water sources.

Key hydrologic areas include:

- *Significant groundwater recharge areas;*
- *Highly vulnerable aquifers; and*
- *Significant surface water contribution areas.*

For lands within a *key hydrologic area* in the Protected Countryside, the following policies apply:

1. *Major development* may be permitted where it has been demonstrated that the *hydrologic functions*, including groundwater and surface water quality and quantity, of these areas shall be protected and, where possible, improved or restored through:
 - a) The identification of planning, design and construction practices and techniques;
 - b) Meeting other criteria and direction set out in the applicable *watershed planning or subwatershed plan*; and
 - c) Meeting any applicable provincial standards, guidelines and procedures.
2. Section 3.2.4.1 does not apply to *major development* that is a new or expanding building or structure for *agricultural uses, agriculture-related uses or on-farm diversified uses* where the total impervious surface does not exceed 10 per cent of the lot.

3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

Key natural heritage features include:

- *Habitat of endangered species and threatened species;*
- *Fish habitat;*
- *Wetlands;*
- *Life science areas of natural and scientific interest (ANSIs);*
- *Significant valleylands;*
- *Significant woodlands;*
- *Significant wildlife habitat (including habitat of special concern species);*
- *Sand barrens, savannahs and tallgrass prairies; and*
- *Alvars.*

Key hydrologic features include:

- *Permanent and intermittent streams;*
- *Lakes (and their littoral zones);*
- *Seepage areas and springs; and*
- *Wetlands.*

For lands within a *key natural heritage feature* or a *key hydrologic feature* in the Protected Countryside, the following policies shall apply:

1. *Development or site alteration* is not permitted in *key hydrologic features* and *key natural heritage features* within the Natural Heritage System, including any associated *vegetation protection zone*, with the exception of:
 - a) *Forest, fish and wildlife management;*
 - b) *Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or*
 - c) *Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section 4.*

2. Beyond the Natural Heritage System within the Protected Countryside, *key hydrologic features* are defined by and subject to the policies of section 3.2.5.
3. Beyond the Natural Heritage System within the Protected Countryside, *key natural heritage features* are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.
4. In the case of *wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands*, the minimum *vegetation protection zone* shall be a minimum of 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.
5. A proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the Natural Heritage System or a *key hydrologic feature* anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a *vegetation protection zone* which:
 - a) Is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and
 - b) Is established to achieve and be maintained as *natural self-sustaining vegetation*.
6. A proposal for new *development* or *site alteration* within the Natural Heritage System is not subject to section 3.2.5.5 where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*.
7. Notwithstanding section 3.2.5.5, new buildings and structures for *agricultural, agriculture-related* or *on-farm diversified uses* are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*. In addition, these uses are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes. However, *agricultural, agriculture-related* and *on-farm diversified uses* shall pursue best management practices to protect and/or restore *key natural heritage features* and *key hydrologic features* and functions.

8. Notwithstanding sections 3.2.5.4 and 3.2.5.5, within the Niagara Peninsula Tender Fruit and Grape Area, new buildings or structures for *agricultural, agriculture-related and on-farm diversified uses* are permitted within 30 metres of *permanent and intermittent streams*, where:
- a) The *permanent or intermittent stream* also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;
 - b) A minimum 15 metre *vegetation protection zone* is established between the building or structure and the *permanent or intermittent stream*; however, this *vegetation protection zone* is not required to be maintained as *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes;
 - c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production;
 - d) A new individual on-site sewage system will not be located within 30 metres of the stream; and
 - e) *Agricultural, agriculture-related and on-farm diversified uses* shall pursue best management practices to protect or restore *key hydrologic features* and functions.

3.2.6 External Connections

The Natural Heritage System is connected to local, regional and provincial scale natural heritage, water resource and agricultural systems beyond the boundaries of the Greenbelt, including the Natural Heritage System that will be issued pursuant to the Growth Plan. The Greenbelt's Natural Heritage System also connects to those areas designated as Urban River Valley in this Plan.

The external connections are generally depicted by a dotted green line on Schedules 1, 3 and 4 and Appendices 1 and 2 but are not within the regulated boundary of the Greenbelt Plan. Many of the external connections shown on Schedules 1, 2 and 4 at the time of the Plan's approval in 2005 have been added to the Greenbelt Plan as Urban River Valley areas and are subject to the policies of section 6 of this Plan.

1. To support the connections between the Greenbelt's Natural System and the local, regional and broader scale natural heritage systems of southern Ontario, such as the Lake Ontario shoreline, including its remaining coastal *wetlands*, the Great Lakes Coast, Lake Simcoe, the Kawartha

Highlands, the Carolinian Zone and the Algonquin to Adirondack Corridor, the federal government, municipalities, conservation authorities, other agencies and stakeholders should:

- a) Consider how activities and land use change both within and abutting the Greenbelt relate to the areas of external connections and Urban River Valley areas identified in this Plan;
 - b) Promote and undertake appropriate planning and design to ensure that external connections and Urban River Valley areas are maintained and/or enhanced; and
 - c) Undertake *watershed planning*, which integrates supporting ecological systems with those systems contained in this Plan.
2. The river valleys that run through existing or approved urban areas and connect the Greenbelt to inland *lakes* and the Great Lakes, including areas designated as Urban River Valley, are a key component of the long-term health of the Natural System. In recognition of the function of the urban river valleys, municipalities and conservation authorities should:
- a) Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;
 - b) In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:
 - i. Establish or increase the extent or width of *vegetation protection zones* in *natural self-sustaining vegetation*, especially in the most ecologically sensitive areas (i.e. near the stream and below the stable top of bank);
 - ii. Increase or improve *fish habitat* in streams and in the adjacent riparian lands;
 - iii. Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both *wildlife habitat* and movement corridors; and
 - iv. Seek to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts associated with the quality and quantity of urban runoff into the valley systems; and
 - c) Integrate *watershed planning* and management approaches for lands both within and beyond the Greenbelt, taking into consideration the

goals and objectives of protecting, improving and restoring the Great Lakes.

3. In addition to the urban river valleys, portions of the former Lake Iroquois shoreline, particularly within Durham Region, traverse existing or approved urban areas. Municipalities should consider planning, design and construction practices that maintain or, where possible, enhance the size, diversity, *connectivity* and functions of *key natural heritage features*, *key hydrologic features* and *key hydrologic areas* of those portions of the Lake Iroquois shoreline within their approved urban boundaries.

3.2.7 The Rouge River Watershed and Rouge National Urban Park

The Rouge River watershed is of particular significance within the Protected Countryside because of the extensive public investment in establishing Rouge National Urban Park, the efforts of all levels of government in preparing past and current plans in the Rouge watershed and the Park, and the environmental restoration and sustainability efforts within both the watershed and the Park.

The Rouge watershed and the Little Rouge River serve as a vital ecological corridor linking the environmental systems of Lake Ontario to the Oak Ridges Moraine in this area of the Greater Toronto Area.

This Plan identifies a 600 metre wide corridor for the Little Rouge River as the main ecological corridor between Lake Ontario and the southerly boundary of the ORMCP. It also includes several other Rouge River tributaries.

Land use planning and resource management within those portions of the Rouge River watershed within the Protected Countryside shall comply with the provisions of both this Plan and the Rouge North Management Plan. In the case of a conflict between this Plan and the Rouge North Management Plan, the more restrictive policies apply. For those lands within the watershed north of Steeles Avenue outside of the Protected Countryside, the Rouge North Management Plan and the Rouge North Implementation Manual, together with any municipal or conservation authority plans or initiatives which build on and/or support the Rouge North Management Plan, should be considered as the guiding land use planning and resource management documents.

Rouge National Urban Park has been established for the purposes of protecting and presenting for current and future generations the agricultural, natural and cultural heritage of the Park and its diverse landscapes. The Park will play a role in linking Lake Ontario with the Oak Ridges Moraine. Upon lands being transferred to the Park they will become federally administered, the *Rouge National Urban Park Act* and Management Plan will be the guiding documents

and the Greenbelt Plan or other provincial plans/policies will not apply. Until such transfers, provincial plans and policies continue to apply, and will continue to apply to lands not proposed for transfer, such as roads, hydro corridors and other public and private lands.

Ontario will work collaboratively with Parks Canada, municipalities and other relevant agencies and organizations to ensure ecological integrity is the first management priority for the Rouge National Urban Park while also supporting ongoing agricultural activities and sustainable farming practices. Planning of surrounding lands outside of the Rouge National Urban Park should be undertaken in a manner that considers the interface with and supports the vision and the ecological and other functions of the Park. This includes connections to surrounding natural heritage, agricultural and open space and trail systems, together with transportation *infrastructure*, visitor facilities and cultural heritage. In particular, *infrastructure* traversing the Park should be planned, designed and constructed to limit and mitigate impacts, support recreational uses and promote environmental restoration opportunities.

3.3 Parkland, Open Space and Trails

3.3.1 Description

A system of parklands, open spaces, water bodies and trails across the Greenbelt is necessary to provide opportunities for recreation, tourism and appreciation of cultural heritage and natural heritage. They serve as an important component of *complete communities* and provide important benefits to support environmental protection, improved air quality and climate change mitigation. This system currently supports a variety of passive and active uses as well as health, economic and other quality of life benefits within the Greenbelt.

A system of parklands, open spaces, water bodies and trails helps address the causes and impacts of climate change by capturing and storing carbon, recharging aquifers and protecting biodiversity and sensitive areas.

It should be recognized that parkland, open space and trails exist within surroundings of predominantly privately held lands. While private landowners may, and do, adopt a collaborative approach with groups such as hiking and snowmobile associations to allow public access across portions of their property, this is only with the consent of the landowner.

Maintaining and expanding the supply of publicly accessible parkland, open space and trails is encouraged through strategic planning activities that identify, plan for and protect these resources for current and future generations. The planning and activity associated with parkland, open space and trail uses should maximize the opportunity to co-operate with all landowners. This includes

measures to prevent trespassing on farm properties to avoid risks to farm biosecurity and crop damage.

Throughout the Greenbelt, there is existing public parkland and open space, such as the Rouge National Urban Park, as well as existing major trails such as the Bruce Trail, the Trans Canada Trail, the Niagara Greenway and the Lake Ontario Waterfront Trail. This system of parks and trails provides significant economic benefits and opportunities for a multitude of uses and activities compatible with the Greenbelt's vision and goals. This system should serve as a base for future decisions on parkland and open space use and trail development.

3.3.2 Parkland, Open Space and Trail Policies

The Province should, in partnership with municipalities, conservation authorities, non-government organizations and other interested parties:

1. Encourage the development of a system of publicly accessible parkland, open space and trails where people can pursue the types of recreational activities envisaged by this Plan, and to support the *connectivity* of the Natural Heritage System and the achievement of *complete communities* in *settlement areas* across the Greenbelt.
2. Encourage the development of a trail plan and a co-ordinated approach to trail planning and development in the Greenbelt to enhance key existing trail networks and to strategically direct more intensive activities away from sensitive landscapes.
3. Promote good stewardship practices for public and private lands within the Greenbelt, including clear demarcation of where public access is permitted.

3.3.3 Municipal Parkland, Open Space and Trail Strategies

For all lands falling within the Protected Countryside, municipalities should:

1. Provide for a full range of publicly accessible, built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based activities.
2. Develop and incorporate strategies (such as community-specific levels of provision) into official plans to guide the adequate provision of municipal recreation facilities, parklands, open space areas and trails.
3. Include the following considerations in municipal parks plans and open space strategies:

- a) Providing for open space areas for current and future populations and promoting stewardship of open space areas;
 - b) Providing facilities, parklands, open space areas and trails that particularly support an active, healthy community lifestyle;
 - c) Identifying key areas or sites for the future development of major facilities that avoid sensitive landscapes;
 - d) Identifying and targeting under-serviced areas for improved levels of protection;
 - e) Protecting the recreation and tourism values of waterfront areas as a high priority; and
 - f) Supporting urban agriculture and other local food initiatives.
4. Include the following considerations in municipal trail strategies:
- a) Preserving the continuous integrity of corridors (e.g. abandoned railway rights-of-way and utility corridors);
 - b) Planning trails on a cross-boundary basis to enhance interconnectivity where practical;
 - c) Incorporating the existing system of parklands and trails where practical;
 - d) Restricting trail uses that are inappropriate to the reasonable capacity of the site (notwithstanding the ability to continue existing trails/uses);
 - e) Providing for multi-use trail systems which establish a safe system for both motorized and non-motorized uses;
 - f) Protecting farmland and supporting and ensuring compatibility with agriculture; and
 - g) Ensuring the protection of the *key natural heritage features* and *key hydrologic features* and functions of the landscape.

Federal parks, provincial parks and conservation authority lands are also important components in the development of parkland, open space and trail strategies. Ongoing management of these lands for publicly accessible recreation, in keeping with environmental management plans and strategies for such areas and the policies of this Plan, is important in providing access to this system. Where geographic-specific park or public land management plans exist, municipalities, agencies and other levels of government must consider such plans when making decisions on land use or *infrastructure* proposals.

Appendix E: Growth Plan for the Greater Golden Horseshoe Excerpts

A Place to Grow

Growth Plan for the
Greater Golden Horseshoe

Office Consolidation 2020

[Ontario.ca/growthplanning](https://ontario.ca/growthplanning)

4 Protecting What is Valuable

4.1 Context

The *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable *cultural heritage resources*, and valuable renewable and non-renewable resources. These lands, features and resources are essential for the long-term quality of life, economic prosperity, environmental health, and *ecological integrity* of the region. They collectively provide essential ecosystem services, including water storage and filtration, cleaner air and habitats, and support pollinators, carbon storage, adaptation and resilience to climate change.

These valuable assets must be wisely protected and managed as part of planning for future growth. This is of particular importance in the fast-growing *GGH*, which supports some of the most diverse vegetation and wildlife in Canada, including the Niagara Escarpment (a UNESCO World Biosphere Reserve) and the Oak Ridges Moraine – two of Ontario's most significant landforms – as well as the Rouge National Urban Park. There are existing legislation and policies in place to identify and protect these features, areas, and sites, including the Ontario Heritage Act, statements of provincial policy such as the PPS, and provincial plans such as the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans.

Through their historic relationship with the lands and resources in this region, Indigenous communities have gained traditional knowledge that is of value to the planning decisions being made today. A balanced approach to the wise use and management of all resources, including those related to water, natural heritage, agriculture, cultural heritage, and mineral aggregates, will be implemented in the *GGH*.

This Plan recognizes and supports the role of municipal policy in providing leadership and innovation in developing a culture of conservation and addressing climate change. As the *GGH* grows, so will the overall demand for water, energy, air, and land. The ongoing availability of these natural resources is essential for the sustainability of all communities.

This Plan requires the identification of *water resource systems* and the protection of *key hydrologic features* and *key hydrologic areas*, similar to the level of protection provided in the Greenbelt. This provides a consistent framework for water protection across the *GGH*, and builds on existing plans and policies, including the Lake Simcoe Protection Plan and source protection plans developed under the Clean Water Act, 2006. Recognizing that *watersheds* are the most important scale for protecting the *quality and quantity of water*,

municipalities are required to undertake *watershed planning* to inform the protection of *water resource systems* and decisions related to planning for growth.

This Plan also provides for the identification and protection of a *Natural Heritage System for the Growth Plan* outside of the *Greenbelt Area* and *settlement areas*, and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

The *GGH* is home to some of Canada's most important and productive farmland, which is a finite, non-renewable resource. The region's fertile soil, favourable climate, and access to water make it significant on both a national and international scale. This Plan provides for the identification and protection of the *Agricultural System* in the *GGH*. The *Agricultural System* includes a continuous and productive land base, comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*, as well as a complementary *agri-food network* that together enable the agri-food sector to thrive. Many farms within the *Agricultural System* also contain important natural heritage and hydrologic features, and farmers play a vital role in their stewardship. Protecting the *Agricultural System* will support the viability of the agricultural sector as the region grows.

The *GGH* also contains important *cultural heritage resources* that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through *development* and *site alteration*. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.

Building compact communities and the *infrastructure* needed to support growth requires significant *mineral aggregate resources*. The Aggregate Resources Act establishes the overall process for the management of *mineral aggregate operations*, and this Plan works within this framework to provide guidance on where and how aggregate resource extraction can occur, while balancing other planning priorities. The *GGH* contains significant deposits of *mineral aggregate resources*, which require long-term management, including aggregate reuse and recycling. Ensuring *mineral aggregate resources* are available in proximity to demand can support the timely provision of *infrastructure* and reduce transportation-related greenhouse gas emissions.

The *water resource systems*, *Natural Heritage System for the Growth Plan*, and *Agricultural System* for the *GGH* also play an important role in addressing climate change and building resilience. Greenhouse gas emissions can be offset by natural areas that act as carbon sinks. Municipalities play a crucial role in managing and reducing Ontario's greenhouse gas emissions and supporting

adaptation to the changing climate. The Province will work with municipalities to develop approaches to inventory, reduce, and offset greenhouse gas emissions in support of provincial targets as we move towards environmentally sustainable communities.

4.2 Policies for Protecting What is Valuable

4.2.1 Water Resource Systems

1. Upper- and single-tier municipalities, partnering with lower-tier municipalities and conservation authorities as appropriate, will ensure that *watershed planning* is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the *quality and quantity of water* within a *watershed*.
2. *Water resource systems* will be identified to provide for the long-term protection of *key hydrologic features, key hydrologic areas*, and their functions.
3. *Watershed planning* or equivalent will inform:
 - a) the identification of *water resource systems*;
 - b) the protection, enhancement, or restoration of the *quality and quantity of water*;
 - c) decisions on allocation of growth; and
 - d) planning for water, wastewater, and stormwater *infrastructure*.
4. Planning for large-scale *development* in *designated greenfield areas*, including secondary plans, will be informed by a *subwatershed plan* or equivalent.
5. Municipalities will consider the Great Lakes Strategy, the targets and goals of the Great Lakes Protection Act, 2015, and any applicable Great Lakes agreements as part of *watershed planning* and coastal or waterfront planning initiatives.

4.2.2 Natural Heritage System

1. A *Natural Heritage System for the Growth Plan* has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The *Natural Heritage System for the Growth Plan* excludes lands within *settlement area* boundaries that were approved and in effect as of July 1, 2017.

2. Municipalities will incorporate the *Natural Heritage System for the Growth Plan* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.
3. Within the *Natural Heritage System for the Growth Plan*:
 - a) new *development* or *site alteration* will demonstrate that:
 - i. there are no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
 - ii. connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - iii. the removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*;
 - v. with respect to golf courses, the disturbed area will not exceed 40 per cent of the *total developable area*; and
 - vi. at least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, except where specified in accordance with the policies in subsection 4.2.8; and
 - b) the full range of existing and new *agricultural uses*, *agriculture-related uses*, *on-farm diversified uses*, and *normal farm practices* are permitted. However, new buildings or structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.
4. Provincial mapping of the *Natural Heritage System for the Growth Plan* does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer

to the *Natural Heritage System for the Growth Plan* will apply outside *settlement areas* to the *natural heritage systems* identified in official plans that were approved and in effect as of July 1, 2017.

5. Upper- and single-tier municipalities may refine provincial mapping of the *Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*.
6. Beyond the *Natural Heritage System for the Growth Plan*, including within *settlement areas*, the municipality:
 - a) will continue to protect any other *natural heritage features and areas* in a manner that is consistent with the PPS; and
 - b) may continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS.
7. If a *settlement area* is expanded to include the *Natural Heritage System for the Growth Plan* in accordance with the policies in subsection 2.2.8, the portion that is within the revised *settlement area* boundary will:
 - a) be designated in official plans;
 - b) no longer be subject to policy 4.2.2.3; and
 - c) continue to be protected in a manner that ensures that the connectivity between, and diversity and functions of, the *natural heritage features and areas* will be maintained, restored, or enhanced.

4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

1. Outside of *settlement areas*, *development* or *site alteration* is not permitted in *key natural heritage features* that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features*, except for:
 - a) forest, fish, and wildlife management;
 - b) conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
 - c) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
 - d) *mineral aggregate operations* and wayside pits and quarries;

- e) expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the *key hydrologic feature* or *key natural heritage feature* or *vegetative protection zone* unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
 - f) expansions or alterations to existing buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:
 - i. there is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
 - ii. the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible; and
 - g) small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*.
2. Outside of *settlement areas*, proposals for large-scale *development* proceeding by way of plan of subdivision, vacant land plan of condominium or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:
- a) the identification of planning, design, and construction practices and techniques;
 - b) meeting other criteria and direction set out in the applicable *watershed planning or subwatershed plans*; and
 - c) meeting any applicable provincial standards, guidelines, and procedures.

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

1. Outside *settlement areas*, a proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the

Natural Heritage System for the Growth Plan or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:

- a) is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change;
 - b) is established to achieve and be maintained as *natural self-sustaining vegetation*; and
 - c) for *key hydrologic features, fish habitat, and significant woodlands*, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.
2. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after *development* to protect the *hydrologic functions* and *ecological functions* of the feature.
 3. *Development* or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1 or shoreline *development* as permitted in accordance with policy 4.2.4.5.
 4. Notwithstanding policies 4.2.4.1, 4.2.4.2 and 4.2.4.3:
 - a) a natural heritage or hydrologic evaluation will not be required for a proposal for *development* or *site alteration* on a site where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*;
 - b) new buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* will not be required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*; and
 - c) uses permitted in accordance with policy 4.2.4.4 b):
 - i. are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is, and will continue to be, used for agricultural purposes; and
 - ii. will pursue best management practices to protect and restore *key natural heritage features, key hydrologic features*, and their functions.
 5. Outside of *settlement areas*, in developed shoreline areas of inland lakes that are designated or zoned for concentrations of *development* as of July 1, 2017, *infill development, redevelopment* and *resort development* is permitted, subject to municipal and agency planning and regulatory requirements, if the *development* will:

- a) be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;
- b) restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and
- c) in the case of *redevelopment* and resort *development*:
 - i. establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
 - ii. increase the extent of *fish habitat* in the littoral zone;
 - iii. be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
 - iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
 - v. enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
 - vi. use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
 - vii. use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
 - viii. meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
 - ix. be serviced by *sewage works* which reduce nutrient inputs to groundwater and the lake from baseline levels; and
 - x. demonstrate available capacity in the receiving water body based on inputs from existing and approved development.

4.2.5 Public Open Space

1. Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly-accessible parkland, open space, and trails, including in shoreline areas, within the *GGH* that:
 - a) clearly demarcates where public access is and is not permitted;
 - b) is based on a co-ordinated approach to trail planning and development; and

Appendix F: OPA 23 and OMB Order Excerpts

Town of Dundas Official Plan Policies concerning lands known as the Pleasant View Neighbourhood

Excerpt from Town of Dundas Official Plan (Adopted by By-law No. 3354-82 by the Dundas Town Council, and approved by the Ministry of Municipal Affairs and Housing on September 15, 1982, as amended by OPA #23 and OMB Decision in Case No. PL930179 et al, dated June 28, 1995.)

1.3.1.14A
(O.P.A. #13)
(O.P.A. #23)

For those lands designated "RURAL" on Schedule "B" and identified on Schedule "B-1" as SPECIAL POLICY AREA 14, the following provisions will apply:

(O.P.A. #13,
Amended by
Board Order)

- i) Notwithstanding Policy 4.3.7(ii), the lands will be subject to Site Plan Control;
- ii) If a piped water supply is approved by the Ministry of Environment for extension into the area, a Neighbourhood Plan will be prepared which will identify the pipeline easement and road pattern;
- iii) Development of one single detached dwelling on a lot of not less than 10 ha will be permitted in accordance with the following provisions:
 - a) Development will only be permitted as if and when the area is serviced with a piped water supply;
 - b) All developments by plan of subdivision or conveyance will be subject to the following requirements:
 - a report from a qualified soils engineer to determine suitability to support a septic system detailing the percolation rate and grain size distribution; the amount of over burden to a minimum depth of 2.1 m; depth of water table (if less than 3 m); and, plan of finished grades;
 - sewage disposal shall be by a private system acceptable to and approved by the Medical Officer of Health on a lot by lot basis;
 - zero increase in run-off from developed areas;

(O.P.A. #13,
Amended by
O.P.A. #23)

- storm water brought to the invert of the stream system with the appropriate erosion control protection at outlets;
 - minimize run-off down valley slopes;
 - no development will be permitted adjacent to lands designated Conservation – Hazard Lands where any portion of a building, structure or tile field will be closer than 60 m from the edge of a stream or natural water course or pond, or 15 m from valley “fill” lines or “top-of-bank” lines, as determined by the Conservation Authority having jurisdiction, whichever results in the greatest distance. If slopes are determined to be unstable, appropriate setbacks will be established at the time of development. Alternatively, an appropriate distance may be established by the appropriate Conservation Authority, and the Department of Public Health Services;
 - submission of a grading and drainage plan showing proposed site grading, land slopes and overland flow direction, in accordance with the requirements of the Conservation Authority having jurisdiction; and,
 - provide for an appropriate storm water management scheme and maintenance of systems within the ravine network;
- c) Special consideration will be given to development proposed adjacent to rail lines in accordance with Sub-section 2.3.4 - Rail Service and provided such measures as may be identified by the railway concerned are satisfied and may include:
- additional setbacks from rail lines;
 - adequate buffers and screening; and,
 - special building techniques to protect against high noise and vibrations;
- d) Any development proposed in the vicinity of the Niagara Escarpment, Borer’s Falls Conservation

Area and the Royal Botanical Gardens will have regard for the following in order to protect and preserve the unique views and vistas in the area:

- nature and intensity of developments;
- site design;
- landscaping and buffering;
- access;
- setbacks;
- building height; and,
- potential traffic generation relative to the protection and enhancement of these unique features; and,

- e) In considering development proposals, Council will encourage the siting of building, the provision of landscaped screening and use of the natural materials to complement and blend with the natural landscape.

1.3.1.15
(O.P.A. #13)

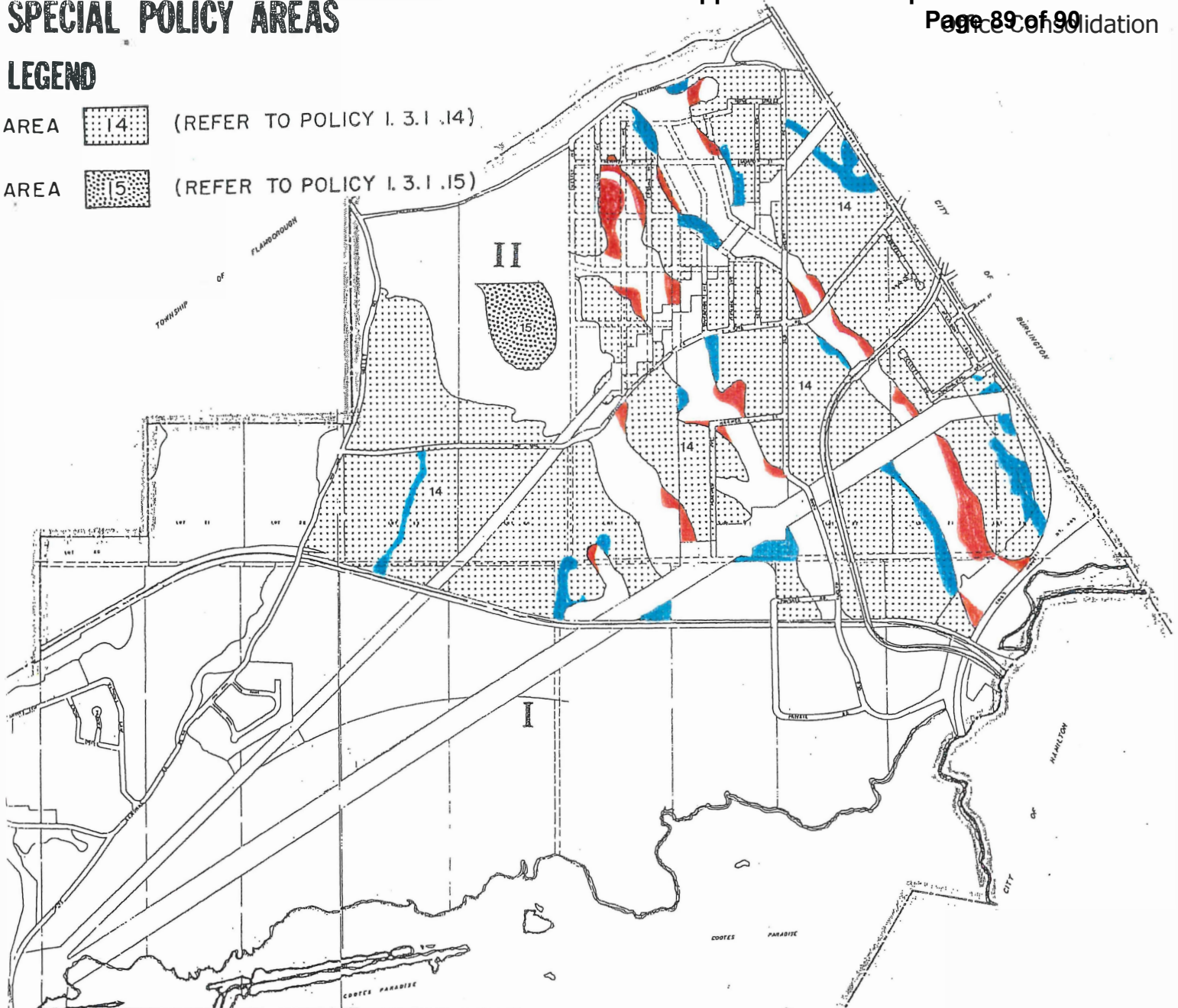
Notwithstanding Sub-section 1.2.9 and its related policies, the area identified on Schedule "B-1" as SPECIAL POLICY AREA 15 and designated as Conservation-Hazard Lands on Schedule "B", is ecologically significant and will be preserved for conservation uses.

SPECIAL POLICY AREAS

LEGEND



AREA  (REFER TO POLICY I.3.1.14)

AREA  (REFER TO POLICY I.3.1.15)



schedule B-1
to O.P.A. #23
to the
official plan
for the
Town of Dundas

legend

-  Add to Special Policy Area 14
-  Delete from Special Policy Area 14


date	drawn by	reference file no.
October 1992	R.L.	D - 28 - G

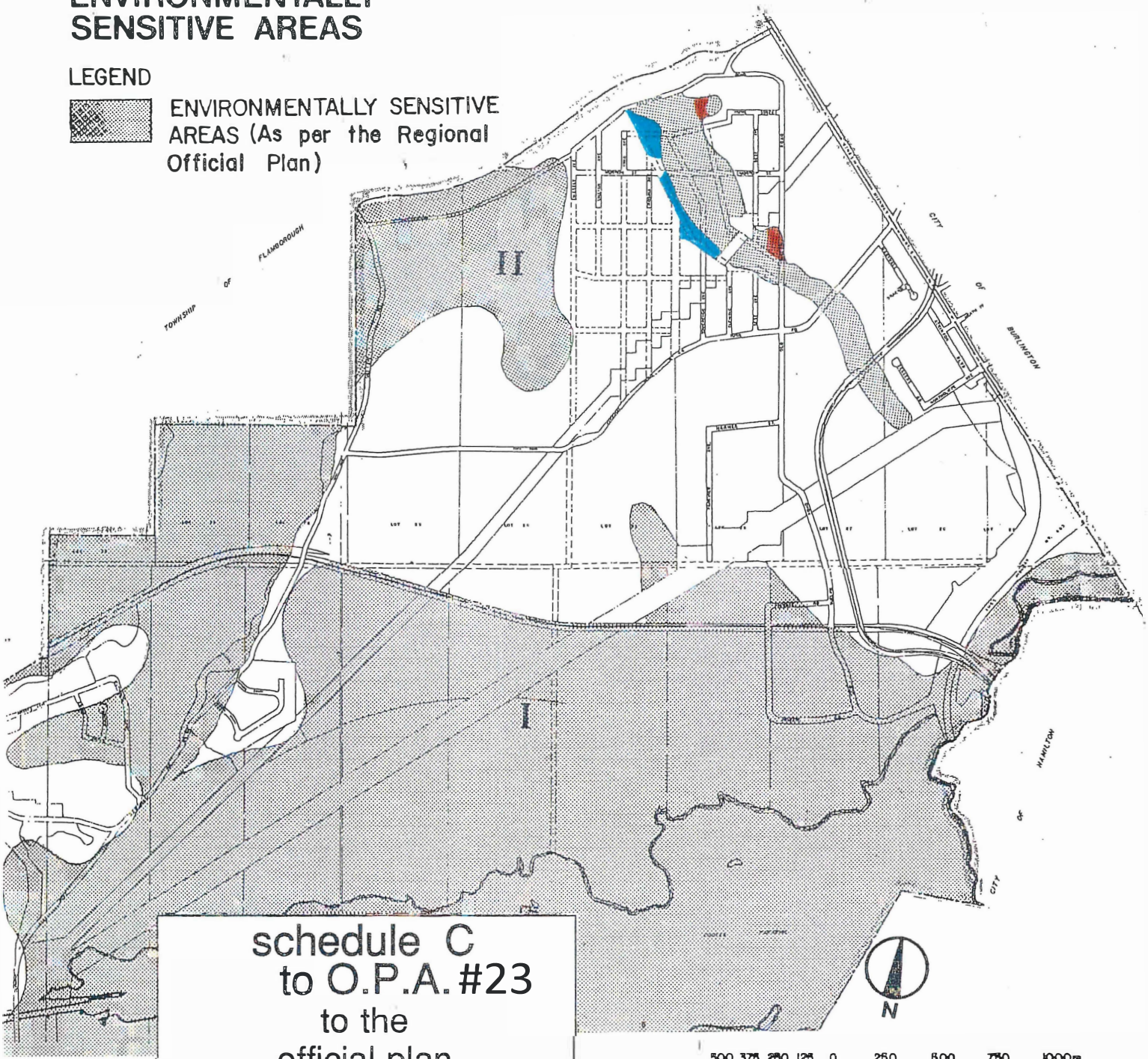
**SCHEDULE B-1
TO THE OFFICIAL PLAN
FOR THE
TOWN OF
DUNDAS**

EXCERPT

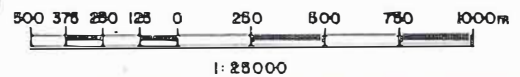
ENVIRONMENTALLY SENSITIVE AREAS

LEGEND

 ENVIRONMENTALLY SENSITIVE AREAS (As per the Regional Official Plan)



schedule C
 to O.P.A. #23
 to the
 official plan
 for the
 Town of Dundas



legend

-  Delete from Enviromentally Sensitive Area Designation
-  Add to Enviromentally Sensitive Area Designation

date	drawn by	reference file no.
October 1992	R.L.	D - 28 - G

**Schedule C
 TO THE OFFICIAL PLAN
 FOR THE TOWN OF
 DUNDAS**

EXCERPT