

**STAFF REPORT:**

**Planning & Building Services**



**REPORT TO:** Council  
**MEETING DATE:** November 22, 2010  
**REPORT NO.:** PL.10.107  
**SUBJECT:** NEP Amendment 183 10  
Significant Woodlands  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.10.107, NEP Amendment 183 10 Significant Woodlands for information purposes; and**

**THAT Council direct staff to forward these comments, along with proposed modifications to the County of Grey; and**

**THAT Council direct staff to forward these comments, along with proposed modifications, to the Niagara Escarpment Commission for consideration.**

**B. Background**

On February 19, 2009, the Niagara Escarpment Commission (NEC) approved the Draft Policy Report regarding Significant Woodlands in the Niagara Escarpment Plan Area without a public consultation process. Local municipalities voiced concern to the NEC regarding the policy. At the July 16, 2009 NEC meeting, the Commission resolved that the policy matter of Significant Woodlands be addressed through the preparation of an NEP Plan Amendment.

On May 4, 2009, Town staff presented a report to the Planning and Building Committee outlying the draft policy. At the May 11, 2009 meeting, Town Council resolved the following:

THAT Council does receive Planning Staff Report #PL.09.45, "Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area" for information purposed and that these comments be forwarded to the Niagara Escarpment Commission for consideration; and

THAT the Niagara Escarpment Commission be advised of the Town's support of the County's objection to the process used to approve the Significant Woodlands Policy.

Two issues with the original draft policy were identified by staff which were: 1) there was no public consultation process undertaken by the NEC as to the formulation of the policy prior to the February 2009, approval by the Commission; and 2) the policy

outlined specific criteria to be used to define a significant woodland. With regards to the second point, the County of Grey undertook considerable work identifying significant woodlands during the Official Plan five-year review process, in consultation with the Ministry of Natural Resources. The draft policy did not recognize this work and instead set out technical criteria to define significant woodlands.

Through the proposed Amendment, the NEC has addressed both issues. A public consultation process is currently underway which has addressed the first issue presented above. The Commission will be receiving comments pertaining to this proposed amendment until December 6, 2010. The County of Grey, through the provincial one-window planning process, normally consolidates all municipal comments, for those municipalities within the Escarpment Plan area, into a consolidated County report. As such the County of Grey has asked that comments be submitted to the County by the middle of November.

Secondly, the technical criteria to define significant woodlands have been removed. The proposed Amendment also outlines revisions and additions to the Niagara Escarpment Plan (NEP) objectives, policies and definitions pertaining to wooded areas.

Staff have reviewed the proposed Amendment and are supportive of the policies put forth as they recognize the municipal planning process and are consistent with the Provincial Policy Statement (PPS), 2005. Staff have, however, identified areas within the proposed Amendment that may be modified as follows:

<b>Modification Number</b>	<b>Policy Number</b>	<b>Modification</b>
1	Part 2.7.4	Modify by deleting the words “and/or approved by the Niagara Escarpment Commission” and be replaced with “by the Planning authorities” in the first sentence.
2	Part 2.7.4	Modify by deleting the word “implementing” and be replaced with “Planning” in the first sentence.
3	Part 2.7.4	Modify by deleting the words from “is undertaken...functions” and be replaced with “has demonstrated that there will be no negative impacts on the natural features or their ecological functions” at the end of the first sentence.
4	Part 2.7.4.6	Modify by deleting the word “implementing” and be replaced with “Planning” in the first sentence.
5	Part 2.7.4.6	Modify by deleting the word “it’s” and be replaced with “their” in the second sentence.
6	Part 2.7.4.6 a)	Modify by deleting the word “it’s” and be replaced with “their” in the sentence.
Appendix Definitions	2 Adjacent Lands	Modify by deleting the third sentence in its entirety.
Appendix Definitions	2 Environmental Impact Study (EIS)	Modify by deleting the words “other applicable implementing” and be replaced with “the Planning” in the first sentence.
Appendix Definitions	2 Significant	Modify by deleting the words “Niagara Escarpment Plan Area” and be replaced with “Planning area” in the first sentence.

Staff have also identified that within Section Part 2.7.4.6, the distance referenced in terms of triggering an Environmental Impact Study (EIS) is 120 metres pertaining to development or site alteration near an identified Significant Woodland. Amendment No. 80 to the County of Grey Official Plan uses 50 metres. During the County's Official Plan five-year process, the 50 metre standard was used as per the *Natural Heritage Reference Manual for Policy 2.3 of the Provincial Policy Statement* (MNR 1999). The Ministry of Natural Resources (MNR) released the *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005* (MNR 2010), after the County had prepared Amendment No. 80 and before the drafting of proposed NEP 183 10. The NEC is using the current figure of 120 metres in keeping with the current Natural Heritage Reference Manual.

Staff would also like to propose that this Amendment, if approved by the NEC with the proposed modifications, not conflict and have regard to, Ontario Municipal Board (OMB) decisions pertaining to *Planning Act* applications that have been so ordered by the OMB within the Niagara Escarpment Plan area.

### **C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

### **D. Environmental Impacts**

The proposed Niagara Escarpment Plan Amendment does not appear to generate any significant environmental impacts that can be regulated by the Town.

### **E. Budget Impact**

Nil.

### **F. Attachments**

1. Proposed Niagara Escarpment Plan Amendment PC 183 10 – Wooded Areas and Significant Woodlands.
2. PL.09.45 Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area.

Submitted by:

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Ontario's Niagara Escarpment  
A World Biosphere Reserve

September 15, 2010

## INITIAL STAFF REPORT

**Re: PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PC 183 10 –  
WOODED AREAS and SIGNIFICANT WOODLANDS**

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**DATE:** September 15, 2010

**SOURCE:** Niagara Escarpment Commission (NEC)

**AREA:** The entire Niagara Escarpment Plan Area (NEPA)

### PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) policies respecting Wooded Areas and to include an objective, policies and definitions for the identification and protection of Significant Woodlands within the Niagara Escarpment Plan Area.

### SUMMARY RECOMMENDATION:

*Instruct staff to prepare the proposed Amendment PC 183 10, which proposes to amend the NEP to include an objective, policies and definitions respecting the identification and protection of Significant Woodlands, for circulation and notification in accordance with the provisions of Sections 7 and 10 of the Niagara Escarpment Planning and Development Act (NEPDA) and the recommendations of this Report.*

### PURPOSE OF THIS REPORT

This purpose of this Report is to determine whether the Amendment should be initiated and circulated under Section 7 and Section 10 of the *Niagara Escarpment Planning and Development Act (NEPDA)*. The Report also discusses the merits of a set of Technical Criteria supporting the identification of Significant Woodlands in the NEPA, and whether or not specific technical criteria should be developed for the NEPA. The proposed Amendment document is attached to this report.

### BACKGROUND

#### A. Planning:

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#### Niagara Escarpment Plan (NEP)

The NEP, as a result of its age, currently has no explicit policy direction with respect to Significant Woodlands as defined in the Provincial Policy Statement (PPS, 2005). NEP Plan Reviews have not dealt with this issue because the matter was never made part of the Review Terms of Reference.

The NEP does recognize the fundamental importance of protecting wooded areas through the Purpose and Objectives of the NEPDA and the NEP, namely, *“to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.”* Application of the related land use policies and Development Criteria in Part 2 of the NEP, particularly Parts 2.7, 2.8, 2.9 and 2.14, work to achieve protection of Escarpment woodlands.

It is recognized that the Escarpment Natural Area Designations within the Niagara Escarpment Plan Area (NEPA) do currently include what are considered the most significant areas of the Escarpment, including what would be considered the most significant Escarpment woodlands. The Natural Area Designations include forested lands which abut the Escarpment, including forested lands 300 metres from the brow of the Escarpment slope, as well as the most significant Areas of Natural and Scientific Interest (ANSIs) and stream valleys. Any woodland identified as Significant that also meet these NEP Designation Criteria will already receive the greatest level of protection by way of being within Escarpment Natural Area, the most restrictive NEP land use designation. An Amendment to the NEP to recognize Significant Woodlands would not detract from this existing recognition of Escarpment woodlands, but not specifically Significant Woodlands.

However, since the NEP was first approved in 1985, the definitions and terminology related to natural heritage features, including woodlands have been advanced to better reflect current understanding of the principles and approaches that are necessary for the long-term conservation of natural heritage systems and their individual components in southern Ontario. The understanding of the value of natural heritage features and the ecological functions they provide within the landscape has evolved and definitions have been developed and supported by the Province in order to identify and protect these features for the long-term. The concept of “significance” is recognized as central to the identification of all natural heritage features and areas, as stated in the Ministry of Natural Resources’ (MNR) 1999 Natural Heritage Reference Manual (NHRM) and reinforced in the 2005 Second Edition of the Manual, released in April 2010. As a result, woodlands defined according to this new science are present throughout the NEPA, including woodlands within land use designations other than Escarpment Natural Area.

An increasing number of NEP Applications for proposed development and site alteration are involving potential impacts to wooded areas, some of which have been identified, using the methodology and standards recommended by the Province, as having features or ecological functions that classify them as “Significant”. Policies on Significant Woodlands within the NEP Area are essential in order to provide more specific protection to these features and to be consistent with the PPS (2005) and other provincial plans and legislation which recognize significant features (Greenbelt Plan and Oak Ridges Moraine Conservation Plan).

## Provincial Policy Statement (2005)

Part 2.1 of the PPS (2005) provides for the protection of Natural Heritage Features, including Significant Woodlands.

The PPS (2005) defines the term **woodlands** to mean:

*“treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas”.*

**Significance**, with regards to woodlands is defined as:

*“an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history” (Provincial Policy Statement, 2005).*

Section 2.1.4 of the PPS (2005) states that:

*“development and site alteration shall not be permitted in significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features and their ecological functions.”*

Additionally, policy 2.1.6 states that:

*“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 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.”*

The PPS (2005) states that adjacent lands may be recommended by the Province, or based on municipal approaches which achieve the same objectives.

Adjacent lands are defined for the purposes of policy 2.1 as:

*“those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.”*

All agencies, including the NEC, must be consistent with the policies of the PPS; however, the PPS states that Provincial Plans take precedence over policies in the PPS to the extent of conflict. This statement is mirrored in Part 2.1 of the NEP.

## **Greenbelt Plan (2005)**

The Greenbelt Plan (GP) applies the PPS (2005) definition of significant with respect to woodlands, noting within the definition that *“the Province (Ministry of Natural Resources) identifies criteria relating to the forgoing.”*

Section 3.2.4 of the GP identifies significant woodlands as a key natural heritage feature:

*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 general policies of section 4 of the GP.

Woodlands within those portions of the Protected Countryside that are outside of the Natural Heritage System are not subject to the above policies of Section 3.2.4, but are subject to the PPS policies for key natural heritage features.

The GP also requires that development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System anywhere within the Protected Countryside, be subject to a natural heritage evaluation which identifies a vegetation protection zone which for the purpose of protecting Significant Woodlands from the potential impacts of the proposed activities.

A minimum 30 metre wide vegetation protection zone, as measured from the outside boundary of certain key natural heritage features is required (Significant Woodlands are included). The buffer zone is established to achieve and be maintained as natural self-sustaining vegetation.

Expansions of existing mineral aggregate operations may be permitted within the key natural heritage features (including Significant Woodlands), and their associated vegetation protection zones if the related decision is consistent with the PPS.

## **Oak Ridges Moraine Conservation Plan (2002)**

The Oak Ridges Moraine Conservation Plan (ORMCP) provides the following definition of significant: *“... means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time.”*

Section 22 of the ORMCP identifies Significant Woodlands as one of eight key natural heritage features that must be protected from development or site alteration. Development is generally prohibited within these features.

Specifically, Section 22 (2) requires that:

*“All development and site alteration with respect to land within a key natural heritage feature” (i.e. significant woodlands) “or related minimum protection zone is prohibited.”*

There are exceptions to the above, which include forest management, conservation flood and erosion control, transportation and infrastructure (with demonstrated need) and low intensity recreation.

Additionally, Section 35 (4) provides that:

*“an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,*

- a) the key natural heritage feature is occupied by young plantations or early successional habitat; and*
- b) the applicant demonstrates that,*
  - i) the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,*
  - ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and*
  - iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value. “*

Development adjacent to Significant Woodlands is permitted only if it can be demonstrated that the development will not adversely impact the feature or functions. The ORMCP also provides for a minimum 30 metre “vegetation protection zone” around Significant Woodlands, and requires a natural heritage evaluation study for developments proposed within a “minimum area of influence”, which has been established as within 120 metres of any portion of a Significant Woodland.

## **Municipal Official Plans**

Escarpment Municipalities are at various stages of bringing natural heritage policies of their respective Official Plans (OPs) into conformity with the PPS (2005), including the identification of Significant Woodlands and the incorporation of Schedules, mapping and policies for their protection.

The development of a set of technical criteria to apply in the evaluation of the woodland is commonly undertaken through municipal studies that serve as the basis for mapping and future policy development. Significant Woodlands are being identified by Escarpment municipalities primarily using the technical criteria and standards recommended within the NHRM (1999). The NHRM (1999 & 2005) supports the use of municipal approaches that achieve or exceed the same objectives.

Staff has undertaken a review of the Escarpment municipalities that have identified Significant Woodlands and/or incorporated policies into their respective OPs a detailed summary is found in Appendix A to this Report. Some municipalities have undertaken

rigorous studies and stakeholder consultation that has informed the final policies (i.e. Region of Peel).

## **B. RELATED REPORTS**

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The following NEC Staff Reports are related to the Amendment

**January 15, 2009 Policy Report** - At the NEC meeting of January 15, 2009, a Policy Report on Significant Woodlands within the NEP Area was presented. The staff recommendation was that the Commission, as the planning authority for the NEP, recognize Significant Woodlands as an important natural heritage feature and support the identification and protection of Significant Woodlands, on a site specific basis. It was proposed that this be achieved through the adoption of an NEP Policy building on the current Plan policies generally protecting wooded areas.

The Report also included proposed Technical Criteria to be applied in the identification of Significant Woodlands within NEP Area, in absence of a municipal approach or in place of an approach that is not consistent with the NEC adopted criteria. The January Policy Report proposed that the Criteria, once adopted, would be applied in the absence of a municipal approach or in place of an existing municipal approach that was determined to be less rigorous than the minimum standard within the NEP Policy.

**February 19, 2009 Staff Report** - At the NEC meeting of February 19, 2009, the Commission's consolidated resolution on the Significant Woodlands Policy Report was presented for final approval. The approved policy was circulated to Escarpment municipalities, agencies, ministries and stakeholders with an interest in the matter to inform them of the policy and invite comments for future consideration. The policy was also posted on the NEC website.

The NEC received a number of comments on the draft Policy, specifically regarding the approach taken (NEP Policy Interpretation versus Plan Amendment). In response to those initial comments received, staff undertook a more formal Stakeholder circulation and commenting period seeking input specifically on the technical merits of the proposed Policy and criteria. The primary concern expressed within the majority of comments received were with respect to Significant Woodlands policies being introduced through an NEP Policy rather than through a Plan Amendment. Stakeholders indicated that the preference for the introduction of Significant Woodlands policies within the NEP Area was through the formal NEP Amendment process, which would allow for a public review and hearing process. In addition, a number of partner municipalities indicated concerns regarding the selected criteria and thresholds, specifically, as to how the municipal adopted criteria within their respective OPs would apply and fit into the overlapping approaches.

**April 15, 2009 Staff Report** - At the NEC Policy meeting of April 15, 2009, staff presented a status report on Harmonization of the NEP and the Greenbelt Plan, NEC policies and NEP Amendments that relate to harmonization. This status report was requested at the NEC meeting of March 19, 2009, in the discussion of the NEC's draft policy on Significant Woodlands. At that April meeting, staff recommended that the NEC proceed with several NEP Amendments that incorporate the issues identified in an earlier Draft Harmonization Regulation sent to the Province in 2005, that have not been dealt with to date.

The goal of Harmonization is to build upon the existing policies of the NEP in a manner that complements the Greenbelt vision, ensuring the NEP is not deficient or outdated in key environmental areas. In addition, harmonization will ensure that the NEP is consistent with the 2005 PPS.

Significant Woodlands were included in the list of issues relating to Natural Heritage presented in the April Staff Policy Report, which have potential to be dealt with through Harmonization Amendments. Staff recommended that a Significant Woodlands Amendment be prepared for discussion at a future NEC Policy meeting.

**July 16, 2009 Information Report** - At the July 16, 2009 NEC meeting, the Commission resolved that the policy matter of Significant Woodlands be addressed through the preparation of an NEP Plan Amendment.

**April 14, 2010 Initial Staff Report for Discussion** – At the NEC Policy meeting on April 14, 2010, staff presented a draft Amendment, PC 183 10, for discussion purposes only. The NEC resolved that the Amendment return to a future NEC meeting in final format, with further consideration of the development of Technical Criteria for use in the identification of Significant Woodlands in the NEPA.

## **C. ANALYSIS AND DISCUSSION**

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The Development Criteria within Part 2 of the NEP contains an objective and policies related to protecting all wooded areas within the NEP. The objective of Part 2.7 of the NEP “New Development in Wooded Areas” is to “*ensure that new development should preserve as much as possible of wooded areas.*” As the current NEP reads, all wooded areas receive varying degrees of protection, depending upon which NEP Designation the woodland is situated within. Those woodlands situated in Escarpment Natural Area will by way of the objectives and permitted uses of that designation, receive higher protection than those for example in the Escarpment Rural Area designation. An NEP Amendment with provisions for the identification and protection of all Significant Woodlands is required in order to ensure that the significant features and their functions are protected and maintained within all Escarpment land use designations and will assist the Commission in differentiating between the significance of wooded areas on the landscape and the level of protection required.

The NHRM was developed by the MNR to provide guidance for implementing the Natural Heritage policies in Section 2.1 of the PPS (2005) and represents the Province’s direction on the approaches for protecting natural heritage features. The NHRM (1999) has been revised and updated by the MNR through consultation with a number of ministries, conservation authorities and stakeholder groups, resulting in the 2005 Second Edition NHRM which was released in April 2010. The purpose of the update was to provide for greater consistency with the PPS (2005), and to provide updated technical and scientific information in support of identifying and protecting significant natural features in the Province. The updated 2005 Manual generally places greater emphasis on planning for Natural Heritage Systems and stresses a coordinated, integrated approach to planning.

The 2005 NHRM includes revised content based on updated science and research (i.e. increased adjacent land widths), as well as new relevant legislative changes (most

notably the *Endangered Species Act, 2007*). The Manual emphasizes the negative effects of landscape fragmentation and how this planning concern can be addressed.

The Manual contains recommended technical criteria and standards to be applied in the evaluation and designation of woodland as significant. The Manual recommends that woodlands that meet a suggested minimum standard for any one criterion should be considered significant.

#### Recommended Significant Woodland Evaluation Criteria

1. Woodland Size
2. Ecological Functions:
  - a) Woodland Interior
  - b) Proximity to other woodlands or other habitats
  - c) Linkages
  - d) Water protection
  - e) Woodland diversity
3. Uncommon Characteristics
4. Economic and Social Functional values

*TABLE 7-2, Natural Heritage Reference Manual (2005)*

The provincial direction is that the responsibility to identify and/or approve the designation of significant woodlands lies with the planning authority or, in the case of an appeal, the Ontario Municipal Board (or similar tribunal e.g. Environmental Review Tribunal). In line with this direction, this Amendment proposes that the NEC, as the planning authority for the NEPA, identify Significant Woodlands and/or approve the work of others, using criteria and techniques recommended in the NHRM (2005), or municipal approaches that achieve or exceed the same objective as the provincial criteria.

An objective of NEPDA & NEP is *“to support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the Planning Act”*. Municipal Official Plans (OPs) often defer to the NEP for those lands within the NEPA. The need for specific policy direction on this matter is of particular importance if the NEC is required to support the municipality on a matter involving the status of a woodland as significant. Additionally, as the planning authority for the NEP, the NEC should have the ability to uphold and provide protection to Significant Woodlands in the NEP Area, supported by its own policies.

An Amendment to the NEP to provide for definitions and policies to recognize and protect Significant Woodlands would assist in the interpretation of Part 2.7 of the NEP by providing clarity on how wooded areas are assessed in order to determine how to apply the existing criteria to “preserve as much as possible” and to minimize disturbance. Additionally, Part 2.1 of the NEP requires that NEC decisions in administering the Plan be consistent with the PPS.

Staff stress that an Amendment to include definition and policies for Significant Woodlands will not detract or weaken current policies for wooded areas in the NEPA. All wooded areas and their functions and attributes will continue to be recognized as ecologically valuable, and subject to the applicable policies in Part 2 of the Plan,

specifically the objective of Part 2.7 “to ensure that new development should preserve as much as possible of wooded areas”. All woodlands regardless of their designation will continue to be subject to all applicable NEP Development Criteria.

Both the GP and ORMCP recognize Significant Woodlands as natural heritage features and include policy provisions for the long-term protection of these features and their functions from negative impacts as a result of development and site alteration. The GP and ORMCP have also supported the identification of Significant Woodlands in their respective Natural Heritage Systems, through the development of supporting technical papers that outline criteria and methodology to be applied in evaluating woodlands for significance. As described herein, the ORMCP is limited in the evaluation criteria to be applied to woodlands in the ORMCP Area, including thresholds for canopy cover, area, and number of trees and size of woodland; however the CORMCP allows municipalities to apply additional criteria.

For both the GP and the ORMCP, the background technical papers containing details pertaining to identification and delineation of Significant Woodlands (and definitions), were released well after the Plans were approved, and in the case of the GP, the technical papers were posted on the Environmental Bill of Rights Registry (EBR) for public comment in October of 2008, but are still under review.

Technical criteria for the identification of Significant Woodlands were drafted as part of the earlier NEP Policy development undertaken in 2009. In preparing the proposed technical criteria for use in the NEPA, staff reviewed and assessed the criteria and standards recommended by the MNR within the NHRM (1999), the draft second edition NHRM (which was still under review at the time), the draft Greenbelt Plan Technical Criteria (2008), the ORMCP Technical Criteria, and a forest cover analysis undertaken for the NEPA by NEC staff using the Southern Ontario Land Resource Information System (SOLRIS) data.

Proposed criteria for use in the NEPA included size, interior forest, rare species and communities, linkages, age/size and natural composition. These are all standard criteria described within the NHRM and utilized in various degrees by Escarpment municipalities in their OP policies for Significant Woodlands. Based on the above background documents and resources, staff attempted to also develop thresholds and standards for the evaluation criteria. However, much difficulty arises in attempting to apply one threshold for the entire NEPA due to the recognized variation in woodland characteristics and development pressures across the landscape. For the purposes of applying the draft criteria, the Plan Area was divided into three geographic areas; North, Central and South.

The Province (within the NHRM, 2005) recommends that a comprehensive study be undertaken to identify Significant Woodlands for the various planning areas. The NEC does not plan to undertake a Plan wide study of potentially significant woodlands at this time. These studies, for the most part, are in progress or have been undertaken, by Escarpment municipalities. The municipalities have the ability and resources to identify and establish a set of criteria as part of a focused planning process. For certain municipalities, the MNR and various other conservation professionals have been consulted or involved in the process. Because the municipal approach must achieve or exceed those outlined by the province, the same objectives are achieved in the NEC using the municipally developed criteria and/or by using the NHRM criteria. Staff has

reviewed the various municipal approaches, and find, that for the most part, any minimum criteria that could be developed for the NEPA are captured by the various municipal approaches.

Staff recommend that at this time, separate criteria not be established as part of this Amendment, but rather the NEC, as the planning authority for the NEPA, continue to support the municipalities in the development and application of their approaches and in addition, as required, in those cases where the municipal approach is not in place or is not considered rigorous enough, NEC staff will undertake case specific assessments that apply the established provincial technical recommendations and guidance provided within the NHRM. This approach will allow for flexibility to ensure the appropriate criteria, as set out by the Province are considered in the assessment of proposed developments and site alteration, without creating confusion and overlapping processes. Transparency in the NEC process identifying and supporting the identification of Significant Woodlands will exist, as the NHRM (2005) clearly defines all of the criteria and standards which may be applicable and utilized by NEC in the process.

Furthermore, the GP Technical Criteria have not received final approval for use, even though the draft was posted to the ER for public review and comment in 2008. Overwhelming response from Stakeholders and municipal partners on the draft 2009 NEC criteria included the position that it would not be appropriate to go forward with separate NEP criteria given the draft nature of the GP papers. Staff is of the opinion that the final approval of specific Escarpment criteria would likely be protracted and hold up the Amendment process.

In addition, neither the GP nor the ORMCP have or propose for their technical criteria to be incorporated into their respective Plans. Staff does not recommend locking into technical criteria which may be subject to change over time. The NEC, as the planning authority currently has the ability to apply the province's recommended criteria and to uphold a Significant Woodland designation. The introduction of Significant Woodland policies into the NEP will reinforce this process and bring the NEP into conformity with the PPS and mirror other provincial Plans in the Greenbelt.

## **ADJACENT LANDS AND VEGETATION PROTECTION ZONES**

The PPS (2005) Part 2.1.6 requires that lands adjacent to identified significant natural heritage features (including Significant Woodlands) must be considered and the compatibility of a proposed development or site alteration addressed. The ecological function of the adjacent lands to significant natural heritage features must also be evaluated and it must be demonstrated that there will be no negative impacts to the natural features or their ecological functions. The PPS states that the extent of the adjacent lands may be recommended by the Province, or based on municipal approaches which achieve the same objectives.

The Province recommends within the 2005 NHTM that adjacent lands are those lands within 120 metres of a Significant Woodland. This distance is recommended since development and land uses within 120 metres of woodlands have a reasonable probability of affecting the ecological functions of the woodlands.

Both the GP and the ORMCP identify 120 metres as the adjacent lands surrounding key natural features as the area within which an evaluation must be undertaken to determine potential negative impacts and to identify a sufficient vegetation protection zone (vpz).

A vegetation protection zone (vpz) is defined in the GP as:

*“a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature within which only that land uses permitted within the feature itself are permitted. The width of the vegetation protection zone is to be determined when new development or site alteration occurs within 120 metres of a key natural heritage feature or key hydrologic feature, and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function.”*

In the case of Significant Woodlands, the vpz is required to be a minimum of 30 metres wide measured from the outside boundary of the woodland. The ORMCP also specifies the minimum vpz for Significant Woodlands to be all land within 30 metres of the base of outermost tree trunks within the woodland (subject to clause 23(1)(d) if a natural heritage evaluation is required).

Lands within this zone are generally subject to the same development and site alteration prohibitions as the feature itself. Staff recommends that vpzs be required around the boundary of identified Significant Woodlands within the NEPA, and that these zones be determined on a site specific basis, identified through the appropriate EIS or equivalent natural heritage technical study and by using the NEP Development Criteria. This approach will ensure that the protection zone is specific to the features and functions for which the area has been identified.

## **D. INITIATING THE AMENDMENT**

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Pursuant to Sections 7 and 10 (1) of the NEPDA, the NEC is required to furnish affected ministries and each municipality within, or partially within the NEPA with a copy of the proposed Amendment and invite comments within 60 days.

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

### **Amendment Considerations**

#### **The NEPDA**

In reviewing the Amendment there are several key issues that must be addressed. All amendments must be considered against the purpose and objectives of the NEPDA, and the objectives and provisions of the NEP and be consistent with other Provincial policies.

*Does the proposed Amendment satisfy and reflect the purpose and objectives of the NEPDA?*

- a) The purpose of the Act is, “to provide for the maintenance of the Niagara Escarpment, and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment”.
- b) The objectives of the Act are:
- To protect unique ecologic and historic areas;
  - To maintain and enhance the quality and character of natural streams and water supplies;
  - To provide adequate opportunities for outdoor recreation;
  - To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
  - To ensure that all new development is compatible with the purpose of the Act;
  - To provide for adequate public access to the Niagara Escarpment;
  - To support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the *Planning Act*.

The proposed Amendment would continue to meet the purpose and objectives of the NEPDA and the NEP. Some would argue that the current NEP is deficient since there is not planning standard dealing with Significant Woodlands. The current NEP includes policies pertaining to the protection wooded areas, which are applicable to all lands within the NEPA and are supportive of the purpose and objectives of the NEPDA and the NEP. The proposed Amendment to the NEP, to more clearly establish the NEC’s role in the identification of and policies for the protection of Significant Woodlands will maintain the original intent of the NEP objectives and policies with respect to the protection of natural heritage features and unique ecologic areas, and more specifically Part 2.7 Development within Wooded Areas. The Amendment will be in line with current Provincial direction and other Provincial land use Plans (GB and ORMCP), which currently acknowledge and protect significant natural features including Significant Woodlands, and provide for criteria used in their identification.

*Does the Amendment satisfy and reflect the Niagara Escarpment Plan?*

The purpose and objectives of the NEP are those of the NEPDA. As discussed throughout this Report, the proposed Amendment is consistent with the objectives of the Plan.

#### *NEP Development Criteria*

The Development Criteria apply to the entire NEP and all NEP Designations. The Development Criteria are aimed at maintaining the natural environment while still allowing development which is compatible with the natural environment. Amendments to the appropriate Sections of Parts 1 and 2 of the NEP are proposed in order to be consistent with the Provincial direction in identifying and protecting Significant Woodlands. The original overall intent of the policies within the amended Sections will not be altered through the proposed Amendment. The Amendment will provide greater

clarity on the NEC's role as the planning authority to identify and protect Significant Woodlands in the NEP Area.

### **Other NEP Criteria**

Part 2.1 of the NEP states that the NEC in exercising its authority shall be consistent with policy statements under the *Planning Act* and specific provisions of other Provincial policies. In considering Amendments to the NEP, the NEC should be satisfied that the PPS and GP policies should be reflected in the NEP to the extent that the policies do not conflict with the policy framework of the NEP, which is focused on long-term Escarpment protection.

The NEP Amendment proposes to harmonize to the PPS (2005) standard such that development and site alteration proposed within or adjacent to an identified Significant Woodland is required to meet the test of no negative impacts to the features or functions for which it has been identified. Development or site alteration that are not compatible with features or the functions for which a woodland is determined to be significant, could be screened in this manner and the result would be no development permitted. The policies further require that any buffers or setbacks from the identified Significant Woodland should be determined on a site specific basis, through the EIS. The intent of protecting the continuous natural character of the Escarpment will be supported in this manner. Development and site alteration which demonstrate no negative impacts through an EIS will still be required to meet the Development Criteria of Part 2.7 respecting all wooded areas.

The goal of harmonization is to build upon the existing policies of the NEP in a manner that complements the Greenbelt vision, ensuring the NEP is not deficient or outdated. The proposed Amendment respecting Significant Woodlands achieves this goal. The proposed Amendment is consistent with the direction provided in the PPS and the GP, to the extent that the proposed Amendment recognizes Significant Woodlands and provides policies for the long-term protection of these features and their ecological functions within the landscape.

The proposed Amendment will require the introduction of definitions related to Significant Woodlands and their Adjacent Lands. Adoption of the definitions contained within the PPS (2005) for these standard definitions is appropriate within the NEP. The proposed Amendment would not result in any changes to the current NEP mapping or land use designations.

### **E. Justification for the Amendment**

Subsection 6.1 (2.1) of the NEPDA requires that justification be given as part of each Amendment. However, even if the proposed Amendment is justified at this stage, this is not an endorsement of the eventual approval of the Amendment in whole or in part.

The justification for supporting the initial consideration and processing of this Amendment to provide for definitions, objectives and policies for the maintenance and protection of Significant Woodlands is as follows:

1. The Amendment does not conflict with the purpose and objectives of the NEPDA and the NEP and provides greater clarity to the objectives and policies of Part 2.7

of the NEP by recognizing the various degrees of significance of wooded areas on the landscape and the level of protection that should be afforded to these Escarpment woodlands.

In doing so, the Amendment supports the overall objective of the NEP to provide for the maintenance of the Escarpment as a continuous natural environment, and to ensure only compatible development takes place. The Amendment also supports the objective to protect unique ecologic areas, which are considered to include large unfragmented wooded areas and Significant Woodlands. The Amendment involves long overdue harmonization and modernizing the NEP provisions in this policy area with that of the PPS (2005) and the GP.

2. The Amendment will ensure that the NEP is supporting a consistent and coordinated approach to the protection of woodlands through the various Provincial Plans and legislation and will support the municipal planning agencies in their requirement to identify and protect Significant Woodlands, achieving the NEP objective to support municipalities within the NEPA in their exercise of the planning functions conferred upon them by the Planning Act.
3. The Amendment would support the Development Criteria of the NEP, specifically with respect to protection of wooded areas, wildlife habitat, and Area's of Natural and Scientific Interest (ANSI's).
4. The Amendment supports and is consistent with the GP and Greenbelt Vision, of which the NEP is a core part.
5. The Amendment policies reflect the provincial direction to protect unique and special natural heritage areas and to apply the "systems approach", for their protection and the protection of lands in the vicinity of identified "significant" areas.

In drafting the Amendment the key issues to be addressed relate to the proposed revisions and additions to NEP objectives, policies and Definitions pertaining to wooded areas.

- To establish the appropriate changes in language and introduce new definitions within the NEP respecting woodlands in order to reflect the current provincial direction and create consistency with other provincial land use Plans, and to provide greater clarity as to the level of protection required for Escarpment woodlands.
- To set out a new Objective and policies within Part 2 of the NEP in order to govern the protection of identified Significant Woodlands.
- To ensure that the NEP and municipal OPs within the NEPA which recognize Significant Woodlands are mutually reinforcing, providing an overall consistency and coordinated approach to the protection of Escarpment woodlands, where they are designated as Significant.

## **Conclusion**

Subject to the above considerations respecting the amendments to NEP objectives, policies and definitions, there is adequate justification to warrant the circulation and

consideration of the attached Amendment. The Amendment which introduces an objective, policies and definitions respecting the identification and protection of Significant Woodlands and a policy within wooded areas, results in an updated and modernized NEP policy framework for natural heritage features. The changes reflect the Provincial direction on the identification and protection of significant natural features and the Natural Heritage Systems approach which should be clearly found in a Provincial Plan like the NEP.

**Recommendation**

The Niagara Escarpment Commission instruct staff, in accordance with this Report, to prepare the proposed Amendment PC 183 10 for circulation and notification pursuant to Subsection 6.1 (2) of the NEPDA.

**Prepared by:**

**Approved by:**



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**Lisa Grbinicek**  
**Senior Strategic Advisor**

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**Ken Whitbread**  
**Manager**

**PROPOSED AMENDMENT PC 183 10  
TO THE NIAGARA ESCARPMENT PLAN**

**SIGNIFICANT WOODLANDS**

**(September 15, 2010)**

**as modified by Commission Resolution September 15, 2010**

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**Part A – The Preamble**

**Part B – The Amendment**

## **PART A – The Preamble**

### **PURPOSE:**

To undertake a general Amendment to the Niagara Escarpment Plan (NEP) to introduce an objective, policies and definitions respecting the identification and protection of Significant Woodlands within the Niagara Escarpment Plan Area.

### **AREA:**

The entire Niagara Escarpment Plan Area (NEPA)

**INITIATOR:** Niagara Escarpment Commission (NEC)

### **BASIS:**

Under Section 6.1(2) of the *Niagara Escarpment Planning and Development Act* (NEPDA), the NEC may initiate an amendment to the NEP, provided that the NEC is satisfied that the amendment is justified.

The Provincial Policy Statement (PPS) (2005), Greenbelt Plan (GP) and the Oak Ridges Moraine Conservation Plan (ORMCP), all recognize Significant Woodlands as natural heritage features and include policy provisions for the long-term protection of these features and their ecological functions from negative impacts through development and site alteration.

The Amendment will strengthen and provide clarity to the current policies respecting protection of Escarpment wooded areas while aligning with the GP. The goal of harmonization is to build upon the existing policies of the NEP in a manner that complements the Greenbelt vision, ensuring the NEP is not deficient or outdated. In addition, harmonization will ensure that the NEP is consistent with the PPS (2005).

Policies and definitions related to Significant Woodlands being introduced in the NEP through the proposed Amendment are consistent with the purpose and objectives of the NEPDA and the NEP respecting the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment. The Amendment also supports the objective to protect unique ecologic areas, which includes significant natural areas, such as Significant Woodlands, as recognized by the Province in the natural heritage policies of the PPS (2005).

The proposed Amendment also respects other Provincial legislation such as the GP and the ORMCP. The Amendment will ensure a consistent and coordinated approach to the protection of Significant Woodlands through the various Provincial Plans and legislation.

## **PART B- The Amendment**

**Part 1.5 Escarpment Rural Area, Development Policies for Mineral Extraction, sub-section 1 a) is amended by adding the following text:**

ix) Significant Woodlands

**Part 2.7 New Development Within Wooded Areas is amended by deleting the existing title and re-naming to the following:**

2.7 New Development or Site Alteration Within Wooded Areas and Significant Woodlands

**Part 2.7 New Development Within Wooded Areas is amended by adding the following text to the Objective:**

The objective is to ensure that new development and site alteration preserve as much as possible of wooded areas and protect and maintain Significant Woodlands.

**Part 2.7 New Development Within Wooded Areas is amended by adding the following sub-section heading above 2.7.1:**

*Wooded Areas*

Part 2.7 New Development in Wooded Areas is amended by adding the following policy:

4. Fragmentation of wooded areas shall be avoided.

**Part 2.7 New Development Within Wooded Areas is amended by adding the following new sub-section 2.7.4 through 2.7.7 which shall read:**

*Significant Woodlands*

4. Development or site alteration shall not be permitted within a Significant Woodland as identified and/or approved by the Niagara Escarpment Commission using the most up to date technical criteria recommended by the Ministry of Natural Resources, in consultation with the municipality, and/or other applicable implementing authorities including the Ministry of Natural Resources and Conservation Authority, unless an Environmental Impact Study is undertaken to assess and recommend whether a development or site alteration should be approved, and under what conditions. Development within a Significant Woodland must not result in negative impacts on the feature or its ecological functions.

Notwithstanding the above, the following exemptions to 2.7.4 apply:

- a) Forest, fish and wildlife management, as described by, and subject to all other appropriate policies and provisions of this Plan.
- b) Conservation and flood or erosion control projects which have been demonstrated to be necessary in the public interest and after all alternatives have been considered.
- c) Expansions to existing agricultural buildings and structures, subject to all other appropriate policies and provisions of this Plan.
- d) A single dwelling and related accessory uses, on an existing lot of record where there is no other reasonable alternative to locate the single dwelling and or accessory use outside the Significant Woodland, subject to an Environmental

Impact Study and all other policies and provisions of this Plan. The Environmental Impact Study must recommend the best possible design and siting of the dwelling and/or accessory use to minimize negative impacts to the extent possible.

- e) The Bruce Trail, as described by, and subject to the appropriate Development Criteria in Part 2.16.
  - f) Transportation and utilities, as described by, and subject to all other appropriate policies and provisions of this Plan.
  - g) Mineral resource extraction within the extraction area as shown on the site plans of an existing licence issued pursuant to the *Aggregate Resources Act*.
- 5) Notwithstanding the completion of an Environmental Impact Study which demonstrates no negative impacts of the proposed development or site alteration on the significant woodland features or ecological functions, all objectives and policies of this Plan respecting wooded areas apply including, but not limited to Parts 2.7, 2.8 and 2.14.
- 6) Development or site alteration proposed within 120 metres of an identified Significant Woodland requires an Environmental Impact Study to be undertaken to the satisfaction of the Niagara Escarpment Commission in consultation with the applicable implementing authorities. The Environmental Impact Study must demonstrate that there will be no negative impacts of the development or site alteration on the Significant Woodland or on its ecological functions, and to identify an appropriate Vegetation Protection Zone which:
- a) Shall be of sufficient width to protect the Significant Woodland from negative impacts on the feature or on its ecological functions during and after the development or site alteration.
  - b) Notwithstanding the exceptions set-out in sub-section 2.7.4, shall be maintained in a natural state.

**Part 2.14 Areas of Natural and Scientific Interest (ANSIs) is amended by adding the following text to Section 1:**

1. Development shall be directed to locate outside of Provincially Significant and Regionally Significant Life Science ANSIs. Minor encroachments will be considered subject to the Development Criteria in Part 2.7 and in relation to:

**The following Definitions are added to Appendix 2:**

**Adjacent Lands:** those lands contiguous to a specific natural area where it is likely that development or site alteration would have a negative impact on the feature or area. For the purposes of Policy 2.7.4, adjacent lands are those lands within a minimum of 120 metres of a Significant Woodland. Site specific evaluations may demonstrate the need for greater Adjacent Lands widths to be evaluated.

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

**Environmental Impact Study (EIS):** a technical study undertaken according to Terms of Reference approved by and carried out to the satisfaction of the Niagara Escarpment Commission, in consultation with other applicable implementing authorities in order to identify natural features and functions within or adjacent to a proposed development or site alteration. An EIS must assess and provide recommendations as to whether the proposed development should be permitted, including assessment of the application in meeting the NEP Development Criteria, potential positive and negative environmental impacts, opportunities for enhancement and impact avoidance, and mitigation measures.

**Significant:** means in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the Niagara Escarpment Plan Area; or economically important due to site quality, species composition, or past management history.

**Vegetation Protective Zone:** A natural vegetated buffer area surrounding identified significant natural features within which only those land uses permitted within the feature itself are permitted.

APPENDIX A: Significant Woodland Policies within Municipal Official Plans

Niagara Region

Significant Woodlands Policy	Amendment 187 (approved April 16, 2008) <ul style="list-style-type: none"> <li>• Policy 7.B.1.3 Within the Greenbelt Natural Heritage System, Environmental Protection Areas include significant woodlands;</li> <li>• Policy 7.B.1.4 Environmental Conservation Areas include significant woodlands;</li> <li>• Policy 7.C.2.6 Within the area covered by the Niagara Escarpment Plan the requirements of that Plan, as amended from time to time, shall Prevail.</li> </ul>
Sources	Amendment 187
Background Studies	n/a
Map/Schedule identifying Significant Woodlands	Core Natural Heritage System mapping
Buffer zones identified	30 m vegetation protection zone required
Criteria:	
Size	n/a
Interior	n/a
Rare species/Community	n/a
Linkage	n/a
Proximity	n/a
Age or Tree Size	n/a
Natural Composition	n/a
Adjacent Lands	n/a
Other	n/a
Thresholds for Criteria	n/a

# Town of Grimsby

<b>Significant Woodlands Policy</b>	Yes
<b>Background Studies</b>	n/a
<b>Map/Schedule identifying Significant Woodlands</b>	n/a
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	n/a
<b>Any data sources identified to determine the above.</b>	Grimsby Official Plan
<b>Criteria:</b>	
<b>Size</b>	Be equal to or greater than:  2 ha, if located within or overlapping the Urban Settlement Area Boundary;  4 ha, if located outside of Urban Settlement Area and north of the Niagara Escarpment;  10 ha, if located outside of the Urban Settlement Area and south of the Escarpment;
<b>Interior</b>	Contain interior woodland habitat at least 100 metres in from the woodland boundaries.
<b>Rare Species/Community</b>	Contain threatened or endangered species or species of concern.
<b>Linkages</b>	Overlap or contain one or more of the other significant natural heritage features which comprise an Environmental Protection Area.
<b>Proximity</b>	n/a
<b>Age or tree size</b>	Contain older growth forest and be 2 ha or greater in area.
<b>Natural Composition</b>	n/a
<b>Adjacent Lands</b>	Adjacent to or be crossed by a watercourse or water body and be 2 or more ha in area.
<b>Other</b>	n/a
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	Woodland must meet one or more of the above criteria to be considered significant.

City of St. Catharines

<b>Significant Woodlands Policy</b>	Yes
<b>Background Studies</b>	n/a
<b>Map/Schedule identifying Significant Woodlands</b>	n/a
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	Development or site alteration shall not be permitted within a significant woodland or within the required buffer zone, which shall generally be a minimum of 10 metres measured from the drip line of the woodland. The final width of the required buffer zone shall be established through an approved EIS or Subwatershed Study.
<b>Any data sources identified to determine the above.</b>	City of St. Catharines Official Plan
<b>Criteria:</b>	
<b>Size</b>	A minimum of 2 ha in size, and may be crossed by a watercourse.
<b>Interior</b>	Contains interior woodland habitat at least 100 metres in from the woodland boundaries.
<b>Rare Species/Community</b>	Contains threatened or endangered species.
<b>Linkages</b>	n/a
<b>Proximity</b>	n/a
<b>Age or tree size</b>	n/a
<b>Natural Composition</b>	n/a
<b>Adjacent Lands</b>	n/a
<b>Other</b>	Unless otherwise directed by the NPCA, development proposed on lands within 50 metres of significant woodland shall require approval of an EIS to demonstrate that there will be no negative impact on the woodland or its ecological function.
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	To be identified as significant, a woodland must meet one or more of the above criteria.

# City of Hamilton

<b>Significant Woodlands Policy</b>	Yes												
<b>Background Studies</b>	n/a												
<b>Map/Schedule identifying Significant Woodlands</b>	Schedule B-2												
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	n/a												
<b>Any data sources identified to determine the above.</b>	Urban Hamilton Official Plan												
<b>Criteria:</b>	Glossary page 17 of 22												
<b>Size</b>	All woodlands that meet the minimum size criteria (below) are significant. <table border="1" data-bbox="771 716 1323 940"> <thead> <tr> <th>Forest Cover (by planning unit)</th> <th>Minimum patch size for significance</th> </tr> </thead> <tbody> <tr> <td>&lt; 5 %</td> <td>1 ha.</td> </tr> <tr> <td>5-10 %</td> <td>2 ha.</td> </tr> <tr> <td>11-15 %</td> <td>4 ha.</td> </tr> <tr> <td>16-20 %</td> <td>10 ha.</td> </tr> <tr> <td>21-30 %</td> <td>15 ha.</td> </tr> </tbody> </table>	Forest Cover (by planning unit)	Minimum patch size for significance	< 5 %	1 ha.	5-10 %	2 ha.	11-15 %	4 ha.	16-20 %	10 ha.	21-30 %	15 ha.
Forest Cover (by planning unit)	Minimum patch size for significance												
< 5 %	1 ha.												
5-10 %	2 ha.												
11-15 %	4 ha.												
16-20 %	10 ha.												
21-30 %	15 ha.												
<b>Interior</b>	Any woodland with interior forest habitat (defined as 100 metres from edge) is considered significant.												
<b>Rare Species/Community</b>	Any woodland containing threatened, endangered, special concern, provincially or locally rare plant or wildlife species is significant.												
<b>Linkages</b>	Proximity/Connectivity: Woodlands that are located within 50 metres of a significant natural area (defined as wetlands 0.5 hectares or greater in size, ESAs, PSWs, and LifeScience ANSIs) are significant.												
<b>Proximity</b>	Proximity to Water: Woodlands are considered significant if any portion is within 30 metres of any hydrological feature, including all streams, headwater areas, wetlands, and lakes.												
<b>Age or tree size</b>	Woodlands with trees of 100 years or more in age are significant. Age will be determined initially using FRI mapping and can be verified during the EIS.												
<b>Natural Composition</b>	n/a												
<b>Adjacent Lands</b>	50 metres, measured from the drip line												
<b>Other</b>													
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	In the City of Hamilton, significant woodlands must meet two or more of the above criteria.												

## Regional Municipality of Halton

<b>Significant Woodlands Policy</b>	Yes, identified under Greenlands B
<b>Background Studies</b>	n/a
<b>Map/Schedule identifying Significant Woodlands</b>	Map 1
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	n/a
<b>Any data sources identified to determine the above.</b>	Regional Municipality of Halton Official Plan
<b>Criteria:</b>	Appendix B – Significant Woodlands Criteria and Policy  Regional Official Plan Amendment No. 25 Definition (Appendix C in ROP)
<b>Size</b>	Section 132(2) Woodlands 0.5 ha or larger to be an important natural heritage feature and candidates for assessment as significant woodlands  Below the Escarpment: 2 ha or larger located in the Urban Area, and 4 ha or larger if located outside the Urban Area.  Above the Escarpment: 10 ha or larger if located outside the Urban Area.
<b>Interior</b>	Woodland has an interior core area of 4 ha or larger, measured 100 metres from the edge.
<b>Rare Species/Community</b>	n/a
<b>Linkages</b>	n/a
<b>Proximity</b>	The woodland is wholly or partially within 50 metres of a major creek or certain headwater creek or within 150 metres of the Escarpment brow.
<b>Age or tree size</b>	Woodlands that contains forest patches over 99 years old
<b>Natural Composition</b>	n/a
<b>Adjacent Lands</b>	n/a
<b>Other</b>	
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	One or more of the above four criteria must be met to be considered significant.

## County of Dufferin

**Town of Mono Section 4: Environmental Framework:** As a result of this unique location and related environmental attributes, the Town shall promote “environment first” principles when considering development within the municipality. Such considerations will include the preservation of significant natural features, such as significant wetlands, ground and surface water features, hydrological functions, endangered/threatened species habitat, valleylands, wildlife habitat, and significant woodlands.

## Township of Mulmur

<b>Significant Woodlands Policy</b>	Yes
<b>Background Studies</b>	
<b>Map/Schedule identifying Significant Woodlands</b>	S. 5.20.1 Significant Woodlands
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	
<b>Any data sources identified to determine the above.</b>	2009 Draft Official Plan
<b>Criteria:</b>	
<b>Size</b>	woodlands or less than 10 ha. in size are not generally considered to have the potential to be significant woodlands. It is not intended that 10 ha. be considered a threshold to be used to define “significance”. Larger woodlands of 15, 25, 40 or more hectares in size may be used as breakpoints in some studies, depending on the nature, location and extent of the proposed development and the known features of the woodland. This too shall be determined on a case-by case basis, at the pre-consultation stage.
<b>Interior</b>	
<b>Rare Species/Community</b>	
<b>Linkages</b>	
<b>Proximity</b>	
<b>Age or tree size</b>	
<b>Natural Composition</b>	
<b>Adjacent Lands</b>	50 m
<b>Other</b>	
<b>Thresholds for Criteria</b>	

# Regional Municipality of Peel

<b>Significant Woodlands Policy</b>	Yes, identified under key natural heritage and key hydrologic features
<b>Background Studies</b>	Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study
<b>Map/Schedule identifying Significant Woodlands</b>	n/a
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	Buffer zones are recommended
<b>Any data sources identified to determine the above.</b>	Regional Municipality of Peel Official Plan
<b>Criteria:</b>	Based on Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study (Section 5.0)
<b>Size</b>	Based on Urban-Rural System Distinction  Urban System – woodlands equal to and greater than 4 ha. Rural System- woodlands equal to and greater than 16 ha.  Based on Physiography/Historical Land Use  On or above the Escarpment woodlands equal to and greater than 16 ha. Rural and Urban system below the Escarpment, woodlands equal to and greater than 4 ha.
<b>Interior</b>	Any area of woodland greater than 100 metres from the woodland edge is considered to be interior woodland. A minimum of 4 ha of interior woodland should be present to consider significant. However, this criterion does not work with the size criteria. Therefore, is not recommended at this time.
<b>Rare Species/Community</b>	Due to the difficulty with implementation, representation of communities is not recommended for identifying significant woodlands.
<b>Linkages</b>	Any woodland that is equal or greater to 5 ha be identified as supporting a linkage function, as determined by a natural heritage study approved by the Region or Town, be considered significant.
<b>Proximity</b>	Any woodland that is equal or greater to 5 ha within 100 metres of another significant feature should be further evaluated to determine if significant.
<b>Age or tree size</b>	Woodlands that are 5 ha or greater in size and older than 90 years should be considered significant.
<b>Natural Composition</b>	Any woodlands that support any of the following species or communities should be considered significant: <ol style="list-style-type: none"> <li>1. Any G1, G2, G3, S1, S2, or S3 (plant or animal species or community)</li> <li>2. Any species that are Threatened, Endangered, or of Special Concern</li> <li>3. Any of the following forest communities:</li> </ol>

	FOCI-2, FOM2-1, FOM 2-2, FOM6-1, FOD1-1, FOD1-2, FOD 1-4, FOD 2-2, FOD 2-3, FOD 6-2
<b>Adjacent Lands</b>	n/a
<b>Other: Water Source</b>	Any woodlands that are equal to or greater than 5 ha and within 30 metres of a watercourse, surface water feature or wetland be considered significant

## County of Simcoe

### Township of Clearview

<b>Significant Woodlands Policy</b>	Yes, Significant Woodlands are noted in Official Plan as being included in Greenlands Designation
<b>Background Studies</b>	n/a
<b>Map/Schedule identifying Significant Woodlands</b>	n/a
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	n/a
<b>Any data sources identified to determine the above.</b>	Official Plan
<b>Criteria:</b>	n/a
<b>Size</b>	
<b>Interior</b>	
<b>Rare Species/Community</b>	
<b>Linkages</b>	
<b>Proximity</b>	
<b>Age or tree size</b>	
<b>Natural Composition</b>	
<b>Adjacent Lands</b>	
<b>Other</b>	
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	

## County of Grey

<b>Significant Woodlands Policy</b>	Yes – OP Amendment 80 Note: adopted March 3, 2009 awaiting approval from MMAH
<b>Background Studies</b>	
<b>Map/Schedule identifying Significant Woodlands</b>	Appendix B to OP: Constraint Mapping - Maps 1, 2 and 3
<b>Sources</b>	OP Amendment 80
<b>Criteria:</b>	
<b>Size</b>	40 ha outside of settlement areas or 4 ha in Settlements Areas (i.e. Primary/Secondary/Tertiary Settlement Area, Inland Lakes & Shoreline and Recreational Resort Area)
<b>Interior</b>	8 ha or more interior habitat (100 m from edge)
<b>Rare species/Community</b>	n/a (covered as part of significant habitat policies)
<b>Linkage</b>	Any woodland that intersects with another natural heritage feature (i.e. Significant Wetland, ANSI) or any woodland that is within 30 m of another woodland.
<b>Proximity</b>	n/a (see above)
<b>Age or Tree Size</b>	Age of trees and basal area analyzed as part of EIS and held determine significant of woodland (i.e. features and function of a significant woodland)
<b>Natural Composition</b>	n/a
<b>Adjacent Lands</b>	50 m (note: established prior release of 2005 NHRM)
<b>Other</b>	n/a
<b>Thresholds for Criteria</b>	Any woodland meeting the size criterion. For those woodlands less than the size criterion 0.0, must meet two of the other three criteria identified.

# Municipality of Grey Highlands

<b>Significant Woodlands Policy</b>	Yes																						
<b>Background Studies</b>	n/a																						
<b>Map/Schedule identifying Significant Woodlands</b>	n/a																						
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	n/a																						
<b>Any data sources identified to determine the above.</b>	Municipality of Grey Highlands Official Plan																						
<b>Criteria:</b>																							
<b>Size</b>	40 plus ha of forest, where it is likely that development or site alterations will cause negative affects on the features or function of that area																						
<b>Interior</b>	n/a																						
<b>Rare Species/Community</b>	n/a																						
<b>Linkages</b>	n/a																						
<b>Proximity</b>	n/a																						
<b>Age or tree size</b>	n/a																						
<b>Natural Composition</b>	n/a																						
<b>Adjacent Lands</b>	<table border="1"> <thead> <tr> <th>Lands</th> <th>Distance (metres)</th> </tr> </thead> <tbody> <tr> <td>Significant portions of habitat of threatened or endangered species</td> <td>50</td> </tr> <tr> <td>Significant Wetlands</td> <td>120</td> </tr> <tr> <td>Fish Habitat</td> <td>30</td> </tr> <tr> <td>Significant Woodlands</td> <td>50</td> </tr> <tr> <td>Significant Valleylands</td> <td>50</td> </tr> <tr> <td>Significant Wildlife Habitat, including Deer wintering areas</td> <td>50</td> </tr> <tr> <td>ANSI</td> <td>50</td> </tr> <tr> <td>Cold water stream</td> <td>30</td> </tr> <tr> <td>Warm water stream</td> <td>15</td> </tr> <tr> <td>Existing and abandoned landfill sites</td> <td>500</td> </tr> </tbody> </table>	Lands	Distance (metres)	Significant portions of habitat of threatened or endangered species	50	Significant Wetlands	120	Fish Habitat	30	Significant Woodlands	50	Significant Valleylands	50	Significant Wildlife Habitat, including Deer wintering areas	50	ANSI	50	Cold water stream	30	Warm water stream	15	Existing and abandoned landfill sites	500
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<b>Other</b>	n/a																						
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	n/a																						

## Bruce County

<b>Significant Woodlands Policy</b>	Yes
<b>Background Studies</b>	n/a
<b>Map/Schedule identifying Significant Woodlands</b>	No
<b>Any buffer zones identified? (Lands adjacent to SWs)</b>	n/a
<b>Any data sources identified to determine the above.</b>	County of Bruce Official Plan
<b>Criteria:</b>	
<b>Size</b>	For Townships with less than 30% forest cover, wood lots of 40 ha or greater are considered significant.
<b>Interior</b>	n/a
<b>Rare Species/Community</b>	n/a
<b>Linkages</b>	n/a
<b>Proximity</b>	n/a
<b>Age or tree size</b>	n/a
<b>Natural Composition</b>	n/a
<b>Adjacent Lands</b>	n/a
<b>Other</b>	n/a
<b>Thresholds for Criteria</b> (How many of the criteria require to be met to be considered significant woodland?)	n/a

**STAFF REPORT:**

**Planning & Building Services**



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** May 4, 2009  
**REPORT NO.:** PL.09.45  
**SUBJECT:** Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does receive Planning Staff Report #PL.09.45, “Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area” for information purposes and that these comments be forwarded to the Niagara Escarpment Commission for consideration.**

**AND THAT the Niagara Escarpment Commission be advised of the Town’s support of the County’s objection to the process used to approve the Significant Woodlands Policy.**

**B. Background**

On January 15, 2009, the NEC approved a policy on the identification and protection of significant woodlands within the Niagara Escarpment Plan Area. The policy was received by the County Planning Department on March 4, 2009, which was the first notification. The Town was not advised of this policy until late March 2009. At its March 19, 2009, meeting the NEC decided that this policy would be considered draft until further technical comments are received from area municipalities. Comments are to be submitted to the NEC no later than May 29, 2009.

At present, the Niagara Escarpment Plan (NEP) has no clear policy direction with respect to significant woodlands within the Niagara Escarpment Plan Area (NEPA). This draft policy has been developed to identify minimum criteria standards for the determination of significant woodlands in the absence of a municipal approach or in place of a municipal approach that is not consistent with the NEC adopted criteria. According to the NEC, the criteria and related policies will allow the NEC to be a decision-maker on significant woodlands, rather than a consulting agency on municipal positions when significant woodlands are being considered in relation to development proposals.

NEC staff reviewed and analysed the criteria and standards recommend by the Ministry of Natural Resources (MNR) within the Natural Heritage Reference Manual (NHRM) (the draft 2nd edition of the NHRM is still under review), criteria developed under the Greenbelt Plan and Oak Ridges Moraine Conservation Plan, as well as municipal

approaches where studies have been undertaken. Estimates of the percent wooded cover and average wooded patch size were calculated using the Southern Ontario Land Resource Information System (SOLRIS).

The County of Grey has identified significant woodlands within its adopted Official Plan Five-year review. The County has reviewed the proposed draft policy and drafted a staff report which was presented to the March 12, 2009, Planning and Community Development Committee and subsequently accepted on April 7, 2009, by County Council. The County has recommended the following be forwarded to the Niagara Escarpment Commission for their consideration:

1. That the Planning and Community Development Committee accepts Planning Report PDRPCD-07-09 as presented;
2. That the Niagara Escarpment Commission be advised of the County's objection to the process used to approve the Significant Woodlands Policy; and
3. That at a minimum the County be considered in the 'North Area' and that the County maps be utilized for identifying Significant Woodlands in the County of Grey.

Town staff have reviewed the County's report and concur with it, including all three recommendations presented. As part of the Town's Official Plan Update, Staff will be incorporating appropriate significant woodlands policies into the Town's Official Plan.

### **C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

### **D. Environmental Impacts**

This policy change does not appear to generate any significant environmental impacts that can be regulated by the Town.

### **E. Budget Impact**

No budget impacts have been identified at this time.

### **F. Attachments**

1. County of Grey Planning and Community Development Report PDR-PCD-07-09, *Niagara Escarpment Commission Significant Woodlands Policy*, March 12, 2009.
2. Niagara Escarpment Commission – *Policy Report Re: Significant Woodlands in the Niagara Escarpment Plan Area*, January 15, 2009.
3. Niagara Escarpment Commission – *Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area*, February 19, 2009.

Submitted by:

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