

STAFF REPORT:

Planning & Building Services Committee



REPORT TO: Planning & Building Committee
MEETING DATE: April 6, 2009
REPORT NO.: PL.09.24
SUBJECT: Niagara Escarpment Plan
Amendment PC 175 08
PREPARED BY: Cindy Welsh, MCIP, RPP
Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PL.09.24 respecting “Niagara Escarpment Plan Amendment PC 175 08” for information purposes; and

THAT Council authorize the forwarding of this Report to the Niagara Escarpment Commission which outlines the Town’s objections and recommendations concerning Niagara Escarpment Plan Amendment PC 175 08.

B. Background

On November 10, 2008 the Niagara Escarpment Commission (NEC) circulated Niagara Escarpment Plan (NEP) Amendment PC 175 08 (Escarpment Recreation Area Designation and Related Policies) to various agencies, parties and municipalities for comments. The original circulation identified a deadline for comments of January 31, 2009, however this has been subsequently revised to April 30, 2009. The purpose of this Report is to provide Council with information related to the proposed Amendment, identify areas of conflict that the proposed Amendment has with respect to Town Policy as reflected in our Official Plan (OP) and to provide Council with Staff’s comments and recommendations to be forwarded to the NEC.

Proposed Amendment

The NEC advise that the purpose of the Proposed Amendment to the Niagara Escarpment Plan (NEP) is to:

- reflect changes to a number of local Official Plans affecting the Escarpment Recreation Area designation;
- recognize decisions made by the NEC and the Ontario Municipal Board (OMB) respecting certain lands in the Escarpment Recreation Area;
- clarify NEP Policies that apply to the Escarpment slope in the Escarpment Recreation Area to aid in plan interpretation and avoid future litigation;
- redesignate lands that are in public ownership in the Niagara Parks and Open Space System (NEPOSS); and
- update the land uses for lands covered by the Escarpment Recreation Area and its associated policies, objectives and development criteria.

It is noted that The Blue Mountains has the most land affected by the Escarpment Recreation Area within the NEP.

The proposed amendment is problematic for Staff in as much as significant work has been invested in the Town's Official Plan, both from Town, County, NEC, Grey Sauble Conservation Authority Staff and the Development Industry. Some of the changes proposed are contrary to the Town's Official Plan, agreements that have been reached amongst various parties, including NEC Staff, via the various hearings before the Ontario Municipal Board (OMB) and related Minutes of Settlement.

Comments:

1. Redesignation of Land from Escarpment Recreation

Map 6 of the Niagara Escarpment Plan for the County of Grey is proposed to be amended. Schedules A and B to NEP Amendment 175 08 identify lands which are being proposed to be redesignated from Escarpment Recreation to Escarpment Natural, Escarpment Protection and Escarpment Rural. This is being done on the assessment of new municipal official plans covering such Areas.

Staff have reviewed these proposed changes and offer the following comments.

Town of The Blue Mountains Official Plan - Rural Designation

Staff's review of the proposed redesignation of lands from Escarpment Recreation to Escarpment Natural, Escarpment Protection and Escarpment Rural has identified a conflict with lands designated Rural within the Town's Official Plan.

The conflict is that lands within the Town's OP which are Rural and that are designated Escarpment Recreation and proposed to be redesignated as either Escarpment Natural, Escarpment Protection or Escarpment Rural by this Amendment, will not adhere to Section 4.2.5 Rural Residential Consents of the Town's Official Plan.

Section 4.2.5 states the following:

- (1) Rural residential consents may be permitted on a very limited basis within the Rural designation for non-farm residential or hobby farm purposes residential uses are considered a non-supportive and potentially conflicting activity of agricultural production and may detract from the visual and cultural qualities of the open rural landscape, as further described under Section 3.2.3. It is the intent of the Plan to generally direct the creation of new lots toward appropriately designated areas and to maintain the overall rural lot mosaic in a manner which promotes the rural open landscape character of the Town, as further identified under Section 3.15.(2).

- (2) New lots for rural residential purposes may be permitted in the Rural designation, under strict control. In order that the quality of the visual landscape in the rural area is maintained, it is intended that development for single detached residential purposes be very low in density. A limited number of rural residential lots may be considered under the consent process, subject to the following policies:
- (a) The location of rural residential dwellings should not detract from the visual quality of the rural landscape. New rural residential lots should possess scenic or recreational features and/or vegetated building area which will substantially screen the use from the public. Sites shall contain physical elements such as variation in land contour, hedgerows or forest cover which better absorb the development into the landscape.
 - (b) Where rural residential lots are permitted on flat, open marginal farm lands, applicants should implement appropriate screening/landscaping plans to minimize the potential long term cumulative impact of such development on the rural landscape. To this end, encouragement shall be given to landowners to participate in various tree planting programs administered by the Ministry of Natural Resources and Conservation Authorities. Council may require a landscaping plan to be implemented as a condition of consent approval.
 - (c) New rural residential lots shall generally not be created in a manner which fragments productive farmland. The farm unit should be maintained in a size flexible for the changing agricultural activities and be consistent with parcels in the area.
 - (d) To ensure the maintenance of the open landscape character of the rural area, density of development shall be low and new lots should generally be a minimum of 10 hectares in size with a minimum lot frontage of 150 metres. Smaller lots may be considered where a 10 hectare lot size would unnecessarily encompass productive farm lands or where the physical conditions of the lands such as slope, streams, hedgerows, forest cover, or other environmental constraints make for a more practical division of land, however no lot shall be less than .8 hectares in area with 100 metres in frontage.
- (3) In no case shall more than three lots per original half township lot (40 hectares), including any previous severance or remnant lot, be created by consent within the Rural designation. The creations or acquisition of a lot by a public authority (e.g. road widening, hydro facility) will not be considered as a previous severance. All new rural residential lots should meet the requirements of the Minimum Distance Separation formula, as described in Section 8.13, and be rezoned to recognize the use.
- (4) Within the area of the Niagara Escarpment Plan, consents shall be further subject to the provisions of Section 14.

Staff conducted a review to determine the number of potential rural residential lots that could be created through the consent process if the NEP Amendment is not approved. There are a total of six (6) lots that could be created. If this NEP Amendment is approved by the Niagara Escarpment Commission, the ability to create these six (6) lots is removed as within the Niagara Escarpment Plan, rural residential consents are not permitted within the Escarpment Natural, Escarpment Protection and Escarpment Rural designations. The proposed amendment is removing the right of rural residential consents within areas covered by the Niagara Escarpment Plan which are Rural in the Town's OP and which are to be redesignated by this amendment.

As the proposed NEP Amendment is contrary to the Town's Official Plan, Staff recommend that the Town object to the redesignation of lands from Escarpment Recreation to Escarpment Natural, Escarpment Protection and Escarpment Rural designations within the Niagara Escarpment Plan.

Staff would recommend that the Town remove the objection to the redesignation of lands on the condition that an exception be permitted within the Niagara Escarpment Plan allowing for Rural Residential Consents to be permitted within those lands redesignated from Escarpment Recreation to Escarpment Natural, Escarpment Protection and Escarpment Rural designations which are designated as Rural within the Town's Official Plan and which adhere to the Rural Residential Consent policies of Section 4.2.5 of the Town's Official Plan.

Staff also found there is no wording within the body of the amendment to clarify the proposed designations changes.

Staff have reviewed Section 4 of the Niagara Escarpment Commission's May 16, 2007, reported entitled *Escarpment Recreation Area Options Discussion Paper*, which the NEC has advised is the basis of NEP Amendment No. 175 08. Within Section 4, subsection *Non Recreational Designations in the Town of The Blue Mountains Official Plan*, paragraph two states "the removal of the Escarpment Recreation Area and replacement with the appropriate NEP basic designations on the rural lands in the Town of The Blue Mountains Official Plan would remove conflicts with the Objectives and Criteria for Designation and would support the municipal official plan". It would appear that based upon the forgoing report that NEC staff did not realize there would be a conflict with Section 4.2.5 of the Town's Official Plan before moving forward with this Amendment.

2. Designated Land Uses

A further analysis of permitted land use designations within the Town's Official Plan and the NEP designations was conducted by Staff. This analysis found no potential conflicts between the land use designations with the Town's Official Plan and the proposed new designated areas within NEP Amendment 175 08.

3. Toe and Brow

This Amendment has identified the Escarpment Toe and Brow of the Escarpment on Schedules A and B. These lines do not follow the approved Escarpment Designation found on Schedule A – Land Use Plan, Map 4 – Craigleith and Swiss Meadows, found in the Town’s Official Plan. Further, these lines do not follow the approved Escarpment Designation found in Schedule A of the Official Plan Amendment for the Castle Glen Resort Community.

The material circulated does not include how the Toe and Brow lines were arrived at. Staff are asking for justification as to how the toe and brow lines were arrived at. Further on Schedule A, the toe of slope ends within Lot 26, Concession 7. Staff have advised NEC staff of this and have inquired if the toe extends beyond this point.

As the proposed identification of toe and brow are contrary to the Town’s Official Plan, Staff recommend that the Town object to the identification of toe and brow lines as they relate to Map 4 – Craigleith and Swiss Meadows and Schedule A of the Official Plan Amendment for the Castle Glen Resort Community.

Further Staff recommend that the Town request a justification report be provided as to how the toe and brow lines were arrived at that have been identified by the NEC.

4. Escarpment Slope

Within the wording of the amendment the term “prominent Escarpment slope” has been effectively replaced by the term “Escarpment slope.” It is Staff’s opinion that this in itself is a significant change given the history associated with how the phrase “prominent Escarpment slope” was arrived at and how the related policies were implemented.

Staff recommend that the Town request an explanation of why the term “Prominent Escarpment Slope” is proposed to be removed from the Niagara Escarpment Plan and replaced with the term “Escarpment Slope”. Further, Staff recommend that the implications of this change be provided to those affected in simple, clear and concise language.

5. Castle Glen

With regards to Schedule B, Proposed Designations, the mapping of the Escarpment Natural designation in NEP Amendment 175 08 is inconsistent with Schedule A of the Official Plan for the Castle Glen Resort Community. Additional lands have been identified to be redesignated as Escarpment Natural than what was approved by way of the Minutes of Settlement and related OMB Order.

Staff recommend that the Town object to mapping on Schedule B, Proposed Designation of this Amendment and recommend that the mapping be replaced to

reflect what was approved by way of the Official Plan Amendment for the Castle Glen Resort Community (dated October 23, 2006).

Staff recommend that the Town request that the proposed Amendment contain wording such that revisions/amendments to the Official Plan Amendment for the Castle Glen Resort Community not be subject to amendments to the Niagara Escarpment Plan so as to reflect the intent of the Ontario Municipal Board Decision/Order.

6. Policies

Part 1.8, Escarpment Recreation Area

Within Part 1.8, Escarpment Recreation Area, the following is being proposed:

Delete and replace within Objectives, Objective 4, *“To recognize the importance of the four seasons recreational resort area in the Town of the Blue Mountains to the tourism sector of Ontario’s economy.”*

Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, Objectives, Objective 4, as the recreational resort area of the Town will be recognized with the Niagara Escarpment Plan.

Delete the statement under Criterion for Designation and replace with *“Established, identified or approved recreational areas (e.g., ski centres, lakeshore cottage areas and four season resort development).”*

Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, Criterion for Designation, as it expands the location without specifically naming an area within municipalities.

Delete the statement under Permitted Uses and replace with *“Subject to Part 2, the Development Criteria, the Development Objectives and New Lots policies of this Section, and the requirements of official plans and/or secondary plans, and where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, the following uses may be permitted:”*

Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, Permitted Uses as it expands upon the sections of the Niagara Escarpment Plan that must be taken into consideration when evaluating permitted uses. These sections include Development Criteria, Development Objectives and New Lots policies.

Delete Permitted Uses #5 and replace with *“In the Town of the Blue Mountains, uses as provided for in the Town of the Blue Mountains Official Plan (as approved by the*

Warden of the County of Grey on December 10, 2004) and Castle Glen Official Plan (dated October 23, 2006).”

Staff recommend that the Town advise that the Town is in agreement with the principle of the change under Part 1.8, Escarpment Recreation Area, Permitted Use #5, however there are date corrections that need to be made in accordance with the following:

In the Town of The Blue Mountains, uses as provided for in the Town of The Blue Mountains Official Plan (approved by the County of Grey on November 16, 2004) and the Official Plan for the Castle Glen Resort Community dated October 23, 2006, and approved by the Ontario Municipal Board on December 4, 2006.”

Delete under New Lots the first sentence in the paragraph and replace with “Subject to Part 2, the Development Criteria, the Development Objectives of this Section, and the requirements of official plans, secondary plans and /or by-laws that are not in conflict with the Niagara Escarpment Plan new lots may be created for permitted uses.”

Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, New Lots as it emphasizes that Development Objectives need to be addressed in considering new lots.

Delete under Development Objectives, Development Objective #1 and replace with:

“Development on Escarpment slopes shall be limited to:

- a) recreational facilities such as ski runs, ski lifts or slides which require the slope for the proper functioning of the operation;
- b) passive recreational uses including walking or hiking trails (e.g., the Bruce Trail), and
- c) incidental facilities and uses which are buried and/or are minor and localized in nature (e.g., pipes, minor utilities, laneways) and do not result in significant visual impacts, the loss of ground vegetation, tree removal or permanent contour changes, but not including major utilities, new roads or large scale servicing projects like storm water ponds and sewer or water lines.

Additionally, in the Town of the Blue Mountains and the Municipality of Grey Highlands no other development shall be permitted on the Escarpment slope above the contour identifying the toe of the Escarpment slope as shown on Maps 5 and 6 of the Niagara Escarpment Plan, except for those uses approved as part of the Town of the Blue Mountains Official Plan (as approved by the Warden of the County of Grey on December 10, 2004), the Castle Glen Official Plan (dated October 23, 2006) or the Municipality of Grey Highlands Official Plan (as approved by the Ontario Municipal Board Order September 29, 2003).”

Staff recommend that the Town advise that the Town is in agreement with the first paragraph of this section under Part 1.8, Escarpment Recreation Area, Development Objectives #1.

With regards to the second paragraph, Staff have the following concerns. The proposed wording is not in keeping with the Town's Official Plan.

Section 4.6.4 (2) of the Town's Official Plan states that:

"For the purpose of this Plan, the prominent Escarpment slope shall mean the Escarpment designation and includes the area between the brow and the toe of the Escarpment and where the rise occurs in the form of a series of steps, the Escarpment slope includes the terraces between the steps. Development, other than uses permitted by Section 4.6.5 (1) shall be prohibited from prominent Escarpment slopes in order to maintain the natural continuity of the Escarpment slope, reduce potential negative impacts on the quality of the natural amenities and natural heritage feature sand functions and maintain the open landscape character."

The area designated as Escarpment within the Town's Official Plan is not being recognized within this amendment. Schedule A, Proposed Designations, of this amendment now identifies the Escarpment Toe and Brow. This is the first time that the Escarpment Toe and Brow have been identified Schedules. Both are inconsistent with the Escarpment designation in the Town's Official Plan as identified on Schedule A – Land Use Plan, Map 4 – Craigeith and Swiss Meadows. The lines do not run along the boundary of the Escarpment designation.

With regards to Schedule B, Proposed Designations, the Escarpment Toe and Brow are identified. The intent of NEP Amendment 175 08 is not to permit development on the Escarpment slope above the toe except in areas which have approved plans. If development is to occur, a future amendment to the NEP would be required. With regards to the Official Plan for the Castle Glen Resort Community this would not be in keeping with the Minutes of Settlement that were approved through the Ontario Municipal Board hearings. The Minutes of Settlement speak to the ability to make amendments which do not alter the fundamental intent of the policies in the Castle Glen Official Plan.

Staff recommend that the Town advise that the following wording found at Part 1.8, Escarpment Recreation Area section, Development Objective #1, be deleted:

"Additionally, in the Town of The Blue Mountains and the Municipality of Grey Highlands no other development shall be permitted on the Escarpment slope above the contour identifying the toe of the Escarpment slope as shown on Maps 5 and 6 of the Niagara Escarpment Plan, except for those uses approved as part of the Town of the Blue Mountains Official Plan (as approved by the Warden of the County of Grey on December 10, 2004), the Castle Glen Official Plan (dated October 23, 2006) or the

Municipality of Grey Highlands Official Plan (as approved by the Ontario Municipal Board Order September 29, 2003)."

Staff note that dates within the proposed deleted section are incorrect and should read as follows:

"...the Town of The Blue Mountains Official Plan (as approved by the County of Grey on November 16, 2004) and the Castle Glen Official Plan (dated October 23, 2006, and approved by the Ontario Municipal Board on December 4, 2006).

Part 1.8, Escarpment Recreation Area is proposed to be amended by deleting under Official Plans, Secondary Plans and/or Bylaws the existing paragraph and replacing it with:

"Official Plans, secondary plans and/or by-laws for the designated Escarpment Recreation Areas may be amended without requiring an amendment to the Niagara Escarpment Plan provided these amendments are not in conflict with the Objectives of the designation, the Development Criteria in Part 2 and the Development Objectives of this Section.

Notwithstanding, a Niagara Escarpment Plan Amendment will be required for any development that is inconsistent with the policies set out in Development Objective #1. Such an Amendment to the Niagara Escarpment Plan must be approved prior to the approval of any amendment to or replacement of a municipal official plan, secondary plan and/or by-law which would permit development on the Escarpment slope."

Staff recommend that the Town advise that the Town is in agreement with the proposed changes under Part 1.8, Escarpment Recreation Area, Official Plans, secondary plans and/or by-laws.

Summary of Comments, Objections and Recommendations:

The following is a summary of staff's comments, objections and recommendations pertaining to Niagara Escarpment Plan Amendment No. 175 08:

- 1. As the proposed NEP Amendment is contrary to the Town's Official Plan, Staff recommend that the Town object to the redesignation of lands from Escarpment Recreation to Escarpment Natural, Escarpment Protection and Escarpment Rural designations within the Niagara Escarpment Plan.***

Staff would recommend that the Town remove the objection to the redesignation of lands on the condition that an exception be permitted within the Niagara Escarpment Plan allowing for Rural Residential Consents to be permitted within those lands redesignated from Escarpment Recreation to Escarpment Natural, Escarpment Protection and Escarpment Rural designations which are designated as Rural within the Town's Official Plan

and which adhere to the Rural Residential Consent policies of Section 4.2.5 of the Town's Official Plan.

- 2. As the proposed identification of toe and brow are contrary to the Town's Official Plan, Staff recommend that the Town object to the identification of toe and brow lines as they relate to Map 4 – Craigeith and Swiss Meadows and Schedule A of the Official Plan Amendment for the Castle Glen Resort Community.**
- 3. Staff recommend that the Town request a justification report be provided as to how the toe and brow lines were arrived at that have been identified by the NEC.**
- 4. Staff recommend that the Town request an explanation of why the term "Prominent Escarpment Slope" is proposed to be removed from the Niagara Escarpment Plan and replaced with the term "Escarpment Slope" be provided as well as a recital, in laymen's terms, on how this will affect and/or impact property owners.**
- 5. Staff recommend that the Town object to mapping on Schedule B, Proposed Designation of this Amendment and recommend that the inconsistent mapping be replaced to reflect what was approved by way of Official Plan Amendment for the Castle Glen Resort Community (dated October 23, 2006).**
- 6. Staff recommend that the Town request that the proposed Amendment contain wording such that revisions/amendments to the Official Plan Amendment for the Castle Glen Resort Community not be subject to amendments to the Niagara Escarpment Plan so as to reflect the intent of the Ontario Municipal Board Decision/Order.**
- 7. Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, Objectives, Objective 4, as the recreational resort area of the Town will be recognized with the Niagara Escarpment Plan.**
- 8. Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, Criterion for Designation, as it expands the location without specifically naming an area within municipalities.**
- 9. Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, Permitted Uses as it expands upon the sections of the Niagara Escarpment Plan that must be taken into consideration when evaluating permitted uses. These sections include Development Criteria, Development Objectives and New Lots policies.**

10. Staff recommend that the Town advise that the Town is in agreement with the principle of the change under Part 1.8, Escarpment Recreation Area, Permitted Use #5, however there are date corrections that need to be made in accordance with the following:

“In the Town of The Blue Mountains, uses as provided for in the Town of The Blue Mountains Official Plan (approved by the County of Grey on November 16, 2004) and the Official Plan for the Castle Glen Resort Community dated October 23, 2006, and approved by the Ontario Municipal Board on December 4, 2006.”

11. Staff recommend that the Town advise that the Town is in agreement with the proposed change under Part 1.8, Escarpment Recreation Area, New Lots as it emphasizes that Development Objectives need to be addressed in considering new lots.

12. Staff recommend that the Town advise that the Town is in agreement with the first paragraph of this section under Part 1.8, Escarpment Recreation Area, Development Objectives #1.

13. Staff recommend that the Town advise that the following wording found at Part 1.8, Escarpment Recreation Area section, Development Objective #1, be deleted:

“Additionally, in the Town of The Blue Mountains and the Municipality of Grey Highlands no other development shall be permitted on the Escarpment slope above the contour identifying the toe of the Escarpment slope as shown on Maps 5 and 6 of the Niagara Escarpment Plan, except for those uses approved as part of the Town of the Blue Mountains Official Plan (as approved by the Warden of the County of Grey on December 10, 2004), the Castle Glen Official Plan (dated October 23, 2006) or the Municipality of Grey Highlands Official Plan (as approved by the Ontario Municipal Board Order September 29, 2003).”

14. Staff recommend that the Town advise that the Town is in agreement with the proposed changes under Part 1.8, Escarpment Recreation Area, Official Plans, secondary plans and/or by-laws.

C. The Blue Mountains' Strategic Plan

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

D. Environmental Impacts

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

E. Budget Impact

If the Niagara Escarpment Commission approves Amendment NEP Amendment 175 08 without considering the Town's recommendations/comments, the Town may be in a position that it will have to formally object to the Amendment. A public hearing will be scheduled which will require staff time to attend and may involve Town legal representation.

F. Attachments

1. Proposed Amendment – NEP 175 08.
2. Schedule A – Proposed Designations, Town of The Blue Mountains Escarpment Recreation Area.
3. Schedule B – Proposed Designations, Town of The Blue Mountains (Castle Glen – Osler Bluff) Escarpment Recreation Area.

Submitted by:

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September 18, 2008

**RE: Proposed Amendment to the Niagara Escarpment Plan PC 175 08
(Escarpment Recreation Area Designation and Related Policies)**

Recommendation:

That the Niagara Escarpment Commission initiate and circulate the attached Proposed Amendment.

Ken Whitbread
Manager

C/KW/ Amendment 175 Proposed Amendment Sept 08

**PROPOSED AMENDMENT PC 175 08
TO THE NIAGARA ESCARPMENT PLAN**

Escarpment Recreation Area Designation and Related Policies

(Prepared September 18, 2008)

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Part A – The Preamble

Part B – The Amendment

Schedule A , Schedule B and Schedule C – Niagara Escarpment Plan Maps

PART A – The Preamble

PURPOSE:

To undertake a general amendment to the Niagara Escarpment Plan (NEP) to change the designations and policies respecting those lands affected by the Escarpment Recreation Area in the NEP. A number of housekeeping matters related to the new mapping and policies will also be addressed, as part of the Amendment. The purpose of the Amendment is to:

- Reflect changes to a number of local Official Plans affecting the Escarpment Recreation Area designation;
- Recognize decisions made by the Niagara Escarpment Commission (NEC) and the Ontario Municipal Board respecting certain lands in the Escarpment Recreation Area;
- Clarify the NEP policies that apply to the Escarpment slope in the Escarpment Recreation Area to aid in Plan interpretation and avoid future litigation;
- Redesignate lands that are in public ownership in the Niagara Escarpment Parks and Open Space System (NEPOSS);
- Update or redesignate the land uses for lands covered by the Escarpment Recreation Area and its associated Policies, Objectives and Development Criteria.

AREA:

The Escarpment Recreation Area land use designations in the NEP and related general Plan policies, objectives and criteria.

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 the NEC is satisfied that the amendment does not involve the request for an urban designation or an urban use, and the amendment is justified.

This Amendment reflects the NEC's position that the policies and mapping of the NEP with respect to the Escarpment Recreation Area is dated and unclear and needs to be comprehensively reviewed, especially in those municipalities where new official plans have been adopted. The new policies and mapping are intended to protect the natural environment associated with the Escarpment where the Escarpment slope is a dominant feature of the landscape.

Some of the modifications will result in changes to the Escarpment Recreation Area to replace this designation with the Escarpment Natural Area, Escarpment Protection Area or the Escarpment Rural Area in accordance with the NEP's Criteria for establishing such designations.

The changes proposed under this Amendment are consistent with the purpose and objectives of the NEPDA and the policy aims of the NEP respecting the maintenance and protection of the Niagara Escarpment and lands in its vicinity.

Part B – The Amendment

Map 5 and Map 6 of the Niagara Escarpment Plan for the County of Simcoe and for the County of Grey are amended:

As shown on Schedule A and B to this Amendment (includes the Escarpment Recreation Areas for the Osler Bluff area in Clearview Township and the Town of the Blue Mountains and the Castle Glen lands and Blue Mountains/Craigleith-Camperdown area in the Town of the Blue Mountains).

Map 6 of the Niagara Escarpment Plan for the County of Grey is amended:

As shown on Schedule C to this Amendment (includes the Escarpment Recreation Areas for the Beaver Valley in the Municipality of Grey Highlands).

Part 1.8, the Escarpment Recreation Area is amended as follows:

Objectives

Objective 4 is deleted and replaced with the following revised Objective 4 –

To recognize the importance of the four seasons recreational resort area in the Town of the Blue Mountains to the tourism sector of Ontario's economy.

Criterion for Designation

The Criterion for Designation is deleted and replaced with the following revised Criterion for Designation -

Established, identified or approved recreational areas (e.g., ski centres, lakeshore cottage areas and four season resort development).

Permitted Uses

The introduction statement of the **Permitted Uses** is deleted and replaced with the following revised introduction statement –

Subject to Part 2, the Development Criteria, the Development Objectives and New Lots policies of this Section, and the requirements of official plans and/or secondary plans, and where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, the following uses may be permitted:

Permitted use # 5 is deleted and replaced with the following revised Permitted Use # 5 -

In the Town of the Blue Mountains, uses as provided for in the Town of the Blue Mountains Official Plan (as approved by the Warden of the County of Grey on December 10, 2004) and Castle Glen Official Plan (dated October 23, 2006).

New Lots

Under **New Lots**, the first sentence in the paragraph is deleted and replaced with the following revised first sentence –

Subject to Part 2, the Development Criteria, the Development Objectives of this Section, and the requirements of official plans, secondary plans and /or by-laws that are not in conflict with the Niagara Escarpment Plan new lots may be created for permitted uses.

Development Objectives

Development Objective # 1 is deleted and replaced with the following Revised Development Objective #1 -

Development on Escarpment slopes shall be limited to:

- a) recreational facilities such as ski runs, ski lifts or slides which require the slope for the proper functioning of the operation;*
- b) passive recreational uses including walking or hiking trails (e.g., the Bruce Trail), and*
- c) incidental facilities and uses which are buried and/or are minor and localized in nature (e.g., pipes, minor utilities, laneways) and do not result in significant visual impacts, the loss of ground vegetation, tree removal or permanent contour changes, but not including major utilities, new roads or large scale servicing projects like storm water ponds and sewer or water lines.*

Additionally, in the Town of the Blue Mountains and the Municipality of Grey Highlands no other development shall be permitted on the Escarpment slope above the contour identifying the toe of the Escarpment slope as shown on Maps 5 and 6 of the Niagara Escarpment Plan, except for those uses approved as part of the Town of the Blue Mountains Official Plan (as approved by the Warden of the County of Grey on December 10, 2004), the Castle Glen Official Plan (dated October 23, 2006) or the Municipality of Grey Highlands Official Plan (as approved by the Ontario Municipal Board Order September 29, 2003).

Official Plans, Secondary Plans and/or Bylaws

Under **Official Plans, Secondary Plans and/or Bylaws**, the existing paragraph is deleted and replaced with the following revised paragraphs –

Official Plans, secondary plans and /or by-laws for the designated Escarpment Recreation Areas may be amended without requiring an amendment to the Niagara Escarpment Plan provided these amendments are not in conflict with the Objectives of the designation, the Development Criteria in Part 2 and the Development Objectives of this Section.

Notwithstanding, a Niagara Escarpment Plan Amendment will be required for any development that is inconsistent with the policies set out in Development Objective #1. Such an Amendment to the Niagara Escarpment Plan must be approved prior to the approval of any amendment to or replacement of a municipal official plan, secondary plan and/or by-law which would permit development on the Escarpment slope.

Schedule A

Proposed Designations

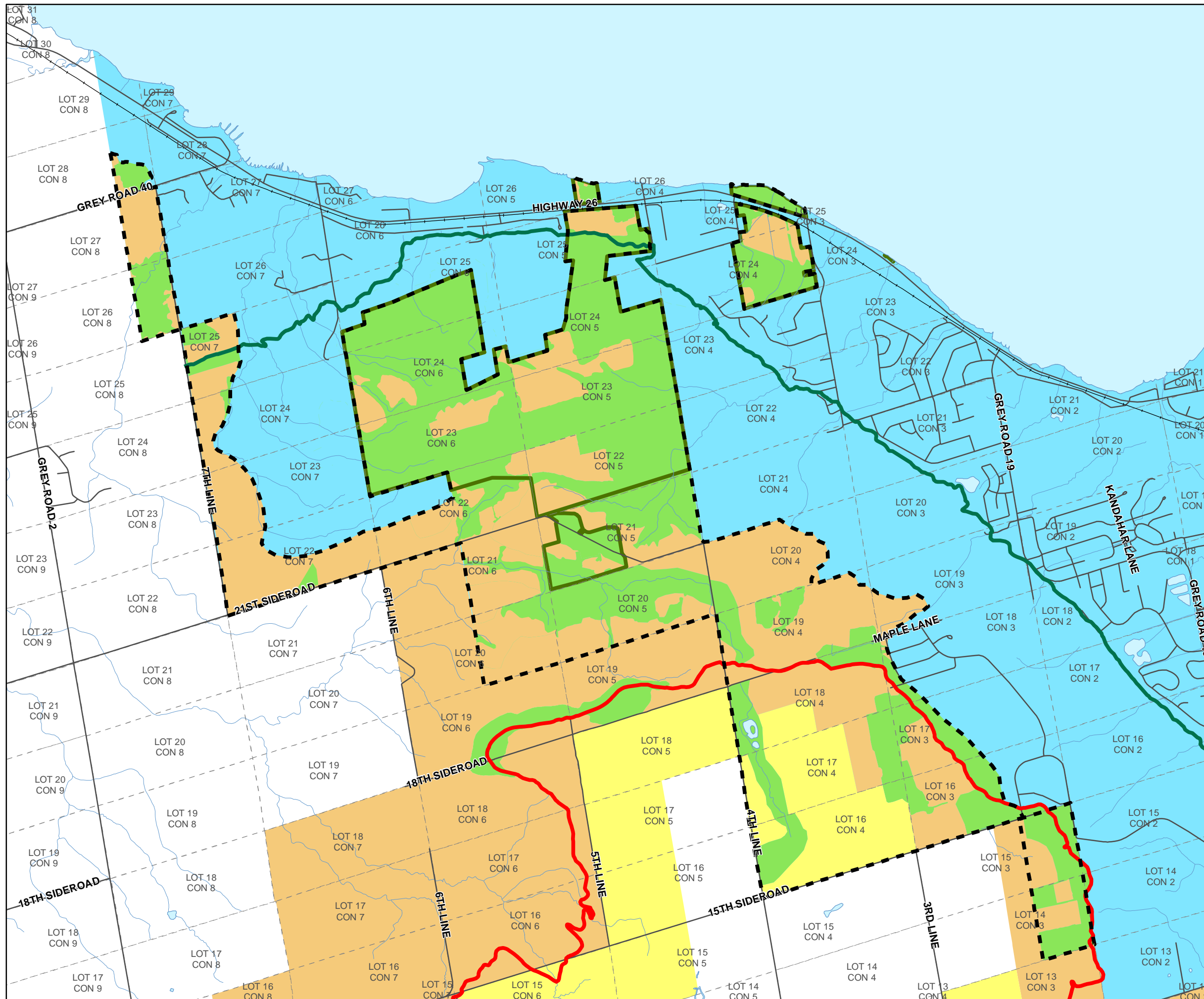
Town of the Blue Mountains

Escarpment Recreation Area

-  Proposed Amendment Area
-  Escarpment Brow
-  Escarpment Toe
- Plan Designations**
-  Escarpment Natural Area
-  Escarpment Protection Area
-  Escarpment Rural Area
-  Escarpment Recreation Area
-  Public Land (in Parks and Open Space System)

NOTE: The Niagara Escarpment Plan designation boundaries shown on this map are approximate and subject to confirmation through site inspection and the application of the "Interpretation of Boundaries" section of the Niagara Escarpment Plan. The Niagara Escarpment Plan maps are approved at 1:50,000 scale, and that is the scale at which this data should be interpreted.

NOTE: The Escarpment Brow and Toe have been defined on the basis of 1:10,000 scale mapping with a contour interval of 5 m (15 ft.). The precise location of the Escarpment Brow and Toe will be determined on a site specific basis through more detailed contour mapping and a site visit using the most up to date technology and information available.



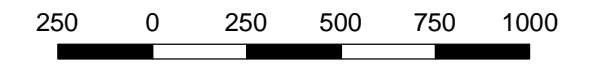
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 Map compiled and produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources

Schedule B
Proposed Designations
 Town of the Blue Mountains
 (Castle Glen - Osler Bluff)
 Escarpment Recreation Area

-  Proposed Amendment Area
-  Escarpment Toe
-  Escarpment Brow
- Plan Designations**
-  Escarpment Natural Area
-  Escarpment Protection Area
-  Escarpment Rural Area
-  Escarpment Recreation Area
-  Public Land (in Parks and Open Space System)

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Metres

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