

STAFF REPORT:

Planning



REPORT TO: Mayor and Members of Council
MEETING DATE: March 2, 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 does receive Planning Staff Report #PL.09.24, “Niagara Escarpment Plan Amendment PC 175 08” for information purposes and that these comments be forwarded to the Niagara Escarpment Commission for consideration.

B. Background

The Niagara Escarpment Commission is proposing to amend the Niagara Escarpment Plan (NEP) to change the designations and policies respecting lands affected by the Escarpment Recreation Area in the NEP. There are a number of housekeeping matters related to this including new policies and mapping. 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 Ontario Municipal Board 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.
- Update and redesignate the land uses for lands covered by the Escarpment Recreation Area and its associated policies, objectives and development criteria.

The Blue Mountains has the most land affected by the Escarpment Recreation Area within the NEP.

With regards to the new policies being proposed, staff offer the following comments.

Policies

Part 1.8, Escarpment Recreation Area is proposed to be amended by deleting under Objectives, Objective 4 and replacing with *“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 are in agreement with this proposed change as the recreational resort area of the Town will be recognized with the NEP.

Part 1.8, Escarpment Recreation Area is proposed to be amended by deleting the statement under Criterion for Designation and replacing with “*Established, identified or approved recreational areas (e.g., ski centres, lakeshore cottage areas and four season resort development).*” Staff are in agreement with this proposed change as it expands the location without specifically naming an area within municipalities.

Part 1.8, Escarpment Recreation Area is proposed to be amended by deleting the statement under Permitted Uses and replacing 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 are in agreement with this proposed change as it expands upon the sections of the NEP that must be taken into consideration when evaluating permitted uses. These sections include Development Criteria, Development Objectives and New Lots policies.

Part 1.8, Escarpment Recreation Area is proposed to be amended by deleting Permitted Uses #5 and replacing it 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 are in agreement with the principle of this change however there are date corrections that need to be made, therefore the following is being proposed:

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 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 New Lots the first sentence in the paragraph and replacing it 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 are in agreement with this proposed change as it is emphasizing that Development Objectives need to be addressed in considering new lots.

Part 1.8, Escarpment Recreation Area is proposed to be amended by deleting under Development Objectives, Development Objective #1 and replacing it 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 are in agreement with the first paragraph of this section. With regards to the second paragraph, staff offer the following comments. Staff have concerns with the wording of this second paragraph. First, the proposed wording is not in keeping with the Town's approved 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 on a Schedule. Both are inconsistent with the Escarpment designation within the Town's Official Plan. The lines do not run along the boundary of the Escarpment designation.

Staff are suggesting that all lands designated within the Town's Official Plan, except for Escarpment designated land, which are located between the Escarpment Toe and Brow as indicated on Schedule A of NEP Amendment 175 08, be identified through a mapping exercise. It is also suggested that the lands located outside of the Town's Escarpment designation but between the Escarpment Toe and Brow of Amendment 175 08, on Schedule A, be recognized as per the Town's Official Plan.

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 Castle Glen Official Plan, 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.

With regards to the Town of The Blue Mountains, dates within paragraph two should be amended 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 are in agreement with this section.

Within the wording of the amendment the term “prominent Escarpment slope” is not used, only the term “Escarpment slope.” Staff have had discussions with Ken Whitbread, Manager, Niagara Escarpment Commission, in which he stated the Commission is removing the term “prominent” from the NEP. This, however, is not indicated within this amendment as an item.

Mapping

Both Schedules A and B identify lands which are being proposed to be redesignated from Escarpment Recreation to either Escarpment Natural, Escarpment Protection or Escarpment Rural. This is being done on the assessment of new municipal official plans covering such Areas. Staff reviewed this and are in agreement as there are 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. There is no wording, however, within the body of the amendment to clarify the designations changes and staff recommended wording be added.

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.

With regards to Schedule A, Proposed Designation, staff are suggesting that all lands designated within the Town's Official Plan, except for Escarpment designated land, which are located between the Escarpment Toe and Brow be identified through a mapping exercise. It is also suggested that the lands located outside of the Town's Escarpment designation but between the Escarpment Toe and Brow of Amendment 175 08, on Schedule A, be recognized as per the Town's Official Plan.

With regards to Schedule B, Proposed Designations, it would appear that the mapping of the Escarpment Natural designation in NEP Amendment 175 08 is inconsistent with Schedule A of the approved Official Plan for the Castle Glen Resort Community. Additional lands have been identified to be redesignated as Escarpment Natural than what was approved. Staff are suggesting the inconsistent mapping be replaced to reflect what was approved.

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

An amendment will be required to the Town's Official Plan if the Niagara Escarpment Commission approves Amendment NEP Amendment 175 08. Staff time will be required to review and prepare the amendment.

F. Attachments

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

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Schedule A

Proposed Designations

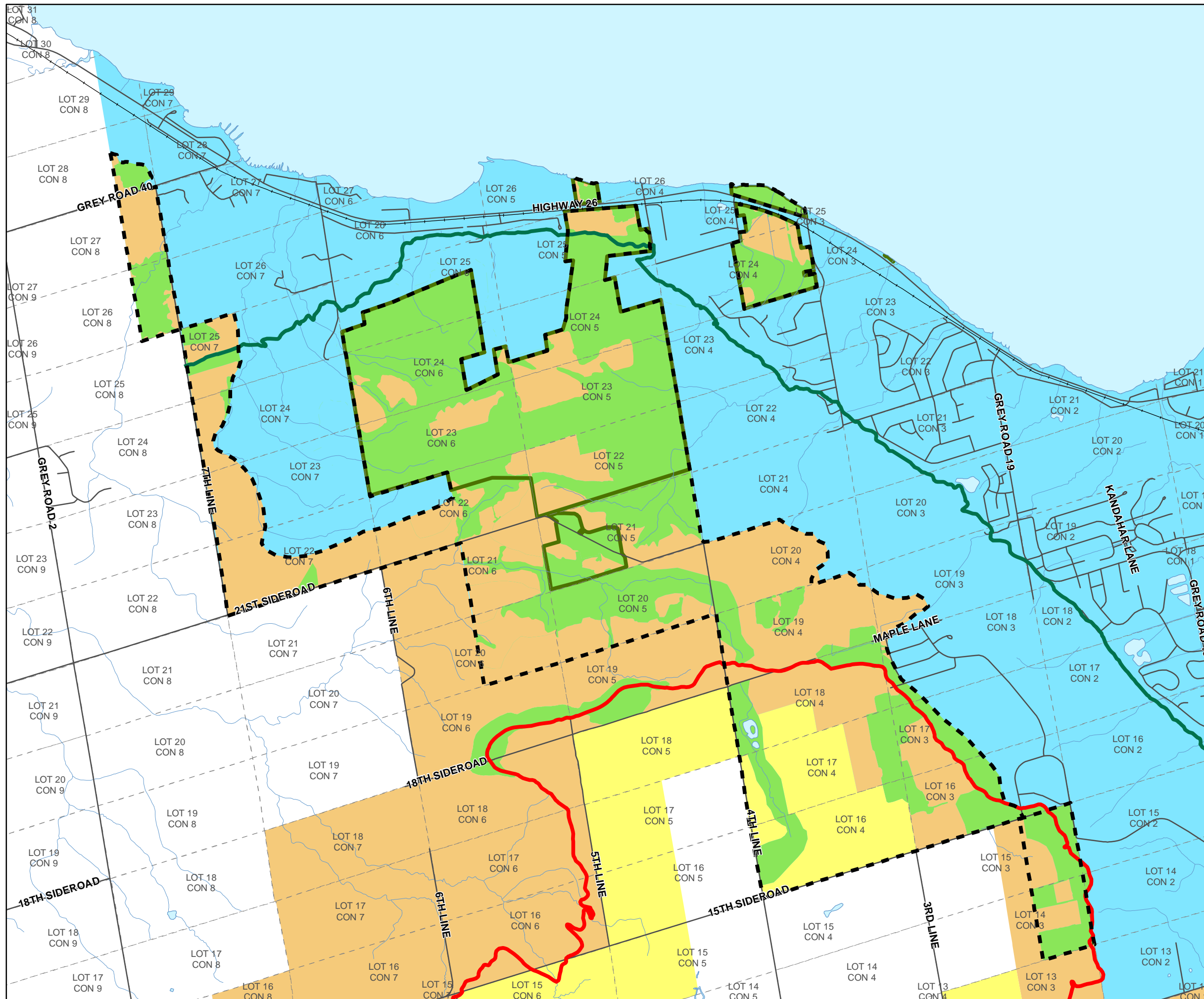
Town of the Blue Mountains

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.



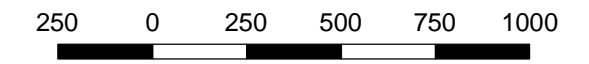
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 This map is illustrative only. Do not rely on it as being a precise indicator of routes, location of features, nor as a guide to navigation. Base derived from the Ontario Digital Topographic Database, Scale 1:10,000
 Map compiled and produced by the 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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