

SECTION SEVEN ENVIRONMENTAL POLICIES

AMENDMENT 187 TO THE OFFICIAL PLAN FOR THE NIAGARA PLANNING AREA AS APPROVED BY THE ONTARIO MUNICIPAL BOARD APRIL 16, 2008

That the Official Plan for the Niagara Planning Area is amended as follows:

- That the existing text and mapping in Section 7 Environmental Policies be deleted excepting Section 7.A Recreation and Open Space, Section 7.E Mineral Resources and Section 7.F Historic Sites and Buildings.
- That the attached text and mapping be added to Section 7 Environmental Policies, excepting the “Definitions” which are to be added to the “Definitions” Section of the Plan.
- That Section 7.E Mineral Resources be amended to be Section 7.D, that Section 7.A Recreation and Open Space be amended to be Section 7.E and that Section 7.E Historic Sites and Buildings be amended to be Section 7.F, and that the Objectives and Policies in those Sections be renumbered accordingly.
- That Policy references elsewhere in this Plan applying to Section 7.H Niagara Escarpment Plan be deleted.
- That Policy 12.6 be amended as follows:
 - By adding the following phrase after “a major intensification of land use”:

“in accordance with Policy 7.B.1.26, the expansion will not have a negative impact on the Core Natural Heritage System;”
 - By deleting the phrase “in Section 7.H” after “the Niagara Escarpment Plan Policies”.

7. Environmental Policies

A healthy natural environment is important to us all. It is our natural life-support system, providing the water we drink, the air we breathe and the land we grow our food on. A healthy natural environment is central to our quality of life and economic well-being. It is part of Niagara's appeal to both residents and tourists.

Environmental conservation is a cooperative effort involving landowners and residents, community organizations and all levels of government as outlined in Figure 7-1. In particular, at the municipal level it requires a partnership between the Region and the local municipalities. Implementation will occur through Regional and local initiatives, Planning and Development review, and private and public land stewardship. The policies in this Section of the Plan provide the framework for this cooperative effort. They set out the overall context within which an important part of the detailed implementation will occur at the local municipal level.

The Planning Act, the Provincial Policy Statement and the Greenbelt Plan, in conjunction with other Provincial policy, legislation and regulations, set out the Provincial framework for environmental planning and conservation. This Section of the Plan addresses this Provincial framework in developing a planning approach tailored to specific conditions in Niagara. Thus the environmental conservation provisions of the Greenbelt Plan are integrated into the policies set out below.

Policy Framework

The policy framework is based on maintaining a Healthy Landscape throughout Niagara, while giving particular attention to natural features of special significance within the broader landscape. This Core Natural Heritage System is an essential component of a Healthy Landscape. Implementation measures also are included.

The Healthy Landscape policies apply an ecosystem approach based upon the following principles:

- Ecosystem Health and Sustainability – to ensure healthy, resilient and self –sustaining ecosystems over the long term while also meeting human needs.
- An Ounce of Prevention – to emphasize better up-front planning to avoid problems.
- Environmental Protection Plus Enhancement – to protect the existing environment while supporting environmental restoration.
- Stewardship plus Regulation – to combine support for the stewardship activities of landowners, community groups and public agencies with regulations to maintain ecosystem health.
- Thinking Globally, But Acting Locally – to address the cumulative effects of individual actions.

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FIGURE 7-1

A Healthy Landscape A Shared Responsibility

Ensuring a healthy landscape as our community develops involves individual residents, businesses, community groups and all levels of government. Each has specific roles to play.

- Landowners, Businesses, Local Residents and Community Groups
 - Exercise environmental stewardship (e.g., conserving water and energy; reducing and recycling waste; tree planting and naturalization; good forestry management and protection of natural areas; creation of stream buffers; sediment and erosion control).
- Local Municipalities
 - Develop and adopt Local Official Plans and Secondary Plans containing more detailed environmental policies in conformity with Provincial and Regional policies and Plans.
 - Review and approve Zoning By-law Amendments and development applications (subdivision plans, site plans, severances and variances) with input from the Region and the Conservation Authority.
- The Niagara Peninsula Conservation Authority
 - Undertakes land management and stewardship programs
 - Establishes regulations and policies to manage hazards and water resources.
 - Comments to the Region and local municipalities on planning and development applications based on Authority policies and regulations plus delegated Federal and Provincial responsibilities, such as natural hazards and fish habitat protection.
 - Assists the Region in carrying out certain Provincial review responsibilities such as stormwater management.
- The Region
 - Through the Policy Plan establishes the framework for planning and development review in Niagara consistent with Provincial policies and Plans.
 - Implements Provincial policies through its delegated responsibilities for planning and development review.
 - Reviews and approves Regional and local Official Plan Amendments.
 - Reviews and comments on planning and development applications.
- Federal and Provincial governments
 - Give direction through legislation, regulations, policies and guidelines.
 - Establish Plans to guide development (e.g., the Greenbelt Plan and the Niagara Escarpment Plan).
 - Administer specific approvals such as Permits to Take Water.
 - Provide technical assistance to municipalities.

All levels of government work together, with input from the private sector and individual landowners, to develop and implement broad, community-based conservation strategies.

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A Guide to the Policies

The Environmental Policies employ a broad Healthy Landscape approach to environmental conservation and restoration:

- Section 7.A explains the Healthy Landscape approach. It sets out Objectives and Policies that apply throughout the Region. This Section contains broad healthy landscape policies as well as policies dealing specifically with water resources, air quality and climate change, natural communities, land resources, shorelines, and natural hazards.
- Section 7.B generally identifies a Core Natural Heritage System consisting of natural areas of special significance. The Healthy Landscape policies apply to these areas and they also are subject to Natural Heritage System Policies concerned with their conservation and protection.
- Section 7.C sets out measures to implement the preceding policies.

The Natural System identified in the Provincial Greenbelt Plan is an important component of the broader Healthy Landscape in Niagara. The Greenbelt Natural System is made up of areas of natural heritage, hydrologic and landform features which are often functionally inter-related. It is addressed as part of the Core Natural Heritage System in Section 7.B as well as through the broader Healthy Landscape and Implementation Policies. Policies applying specifically to the Greenbelt Area do not apply within the Niagara Escarpment Plan Area.

7.A A HEALTHY LANDSCAPE

The Healthy Landscape concept is concerned with ecosystem health and environmental sustainability throughout Niagara. It recognizes that environmental conditions in any particular location affect, and are affected by, environmental conditions in the surrounding landscape. Stormwater management on a site will affect, and be affected by, conditions in the surrounding area, whether the site is a residential subdivision or a farm, a golf course or a wetland. The Healthy Landscape approach recognizes that broader landscape level patterns and processes, such as the amount of forest cover in a watershed, are important to ecosystem health. It recognizes that when the health of any one component, such as air quality, is impaired it will affect the healthy functioning of the ecosystem as a whole.

The Healthy Landscape policies first set out an integrated, ecosystem-based approach to development and conservation that addresses the interrelationships among air, land, water and plant and animal life and human activities. The planning component of this approach is outlined in more detail in Section 7.C.2. The Healthy Landscape policies then address specific environmental concerns in more detail: water resources; air quality and climate change; the living landscape; land resources; shorelines; and natural hazards. The Healthy Landscape policies apply throughout the Region.

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Objectives for a Healthy Landscape

- Objective 7.1 To maintain a healthy natural environment for present and future generations.
- Objective 7.2 To conserve Niagara's distinctive natural character.
- Objective 7.3 To apply an ecosystem-based approach to planning and decision-making.
- Objective 7.4 To foster and promote cooperation among public agencies, private landowners and community groups.
- Objective 7.5 To support and encourage environmental stewardship and restoration.

Policies for a Healthy Landscape

- Policy 7.A.1 In making decisions concerning planning, development and conservation the Region shall employ an ecosystem approach addressing:
- a) The interrelationships among air, land, water, plant and animal life, and human activities;
 - b) The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and
 - c) The long term and cumulative impacts on the ecosystem.
- Policy 7.A.2 Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts can not be avoided then mitigation measures shall be required.
- Policy 7.A.3 New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.
- Policy 7.A.4 Where more than one Policy in Section 7 applies to a planning application all of the applicable Policies are to be addressed, with the more restrictive Policy applying where there are conflicts.
- Policy 7.A.5 The Region, in partnership with other appropriate stakeholders, shall develop an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.

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7.A.1 Natural Vegetation and Wildlife

The Core Natural Heritage System identified in Section 7.B of this Plan contains the most significant natural areas in Niagara and the linkages among them. Natural vegetation and wildlife outside this System also contribute to ecosystem health and integrity, and to the quality of life in Niagara. Regional Council supports and encourages conservation and restoration of natural vegetation and wildlife throughout Niagara's urban, rural and agricultural areas.

Objectives

Objective 7.A.1.1 To conserve the natural beauty and distinctive character of Niagara's landscape.

Objective 7.A.1.2 To maintain, enhance and restore natural vegetation and wildlife.

Objective 7.A.1.3 To make green space and exposure to nature part of the day-to-day living environment.

Policies

Policy 7.A.1.1 The Region shall support efforts to achieve the following targets through the development and implementation of watershed and environmental planning studies and through voluntary landowner stewardship and restoration:

- a) 30% of the land area in the Region in forest cover or wetland, with at least 10% of each subwatershed in wetland; and
- b) A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in Niagara. Agricultural uses may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.

Policy 7.A.1.2 The Region shall support the efforts of landowners to maintain and improve ecosystem health by:

- a) Promoting good forestry practices and development of Woodland Management Plans;
- b) Encouraging and supporting natural heritage conservation and restoration, including the planting of native vegetation; and
- c) Maintaining and implementing a Regional Forest Conservation By-law regulating harvesting, destruction or injuring of trees in woodlands. If a local municipality has entered into an agreement pursuant to the Municipal Act to

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adopt a by-law establishing more rigorous standards respecting cutting and destruction of trees the Region may, upon request, delegate its authority to that municipality.

- Policy 7.A.1.3 Local municipalities shall be encouraged to:
- a) Adopt by-laws protecting trees and woodlands not covered by the Regional Forest Conservation By-law or delegate their authority to the Region;
 - b) Require preparation and implementation of Tree Saving Plans for new development, if needed; and
 - c) Integrate natural features and natural vegetation, including the planting of native species, into development.

7.A.2 Water Resources

Objectives

Objective 7.A.2.1 To protect, improve or restore the quantity and quality of ground and surface water resources.

Objective 7.A.2.2 To maintain or restore natural stream form and flow characteristics in the region's watercourses.

Policies

- Policy 7.A.2.1 Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on:
- a) The quantity and quality of surface and ground water;
 - b) The functions of ground water recharge and discharge areas, aquifers and headwaters;
 - c) The natural hydrologic characteristics of watercourses such as base flow;
 - d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components;
 - e) Natural drainage systems, stream forms and shorelines; and
 - f) Flooding or erosion.
- Policy 7.A.2.2 Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to municipal water supplies so that the safety and

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quality of municipal drinking water will be protected or improved.

Policy 7.A.2.3 As watershed and ground water studies identify surface and ground water features, hydrologic functions and natural heritage features and areas necessary for the ecological and hydrologic integrity of Niagara's watersheds, the Region shall consider appropriate amendments to this Plan.

Policy 7.A.2.4 Efficient and sustainable use of water resources shall be promoted, including practices to conserve water and protect or enhance water quality.

Policy 7.A.2.5 Combined sewer overflows and sewage treatment plant bypasses have significant environmental impacts. The elimination of sewer overflows and bypasses shall be a Regional priority.

Policy 7.A.2.6 A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on:

- a) The scale and nature of the proposal; and
- b) Site-specific environmental conditions.

A stormwater management plan shall be required with an application for development or site alteration in the Unique Agricultural Areas.

Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, with the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area.

A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral aggregate operation or an expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

Policy 7.A.2.7 A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services as well as meeting the requirements of Policy 7.A.2.6. Stormwater management facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat, key hydrologic features, or in required vegetation protection zones in the Unique Agricultural Areas unless permitted under Section 7.B of this Plan.

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- Policy 7.A.2.8 Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the Region that the water taking will not have negative impacts on natural ecosystems or the quality and quantity of water to meet existing and planned uses.
- Policy 7.A.2.9 Development and site alteration shall not have significant adverse impacts on ground water quality or quantity. In areas where development and site alteration could significantly affect ground water quality or quantity the Region shall require further review of potential impacts.
- Policy 7.A.2.10 The Region shall oppose the transfer of water outside the Great Lakes Basin.
- Policy 7.A.2.11 The Region recognizes the importance of municipal drains for drainage of agricultural lands and, in some areas, for conveying irrigation water. The Region supports design, construction and maintenance of Requisition and Petition Drains authorized under the Drainage Act in accordance with Best Management Practices to avoid significant detrimental effects on farmland, water resources, natural areas and fish and wildlife habitat and encourages local municipalities to include policies in their official plans to achieve this.

7.A.3 Air Quality and Climate Change

Air pollution is a significant health concern and affects agriculture, natural vegetation and wildlife. Climate change poses significant economic, environmental and health risks. Many of the activities responsible for greenhouse gas emissions also cause other forms of air pollution. Policies elsewhere in this Plan make a significant contribution to reducing emissions by:

- Promoting energy efficiency and alternatives to fossil fuel based energy in Regional facilities and operations;
- Emphasizing compact, mixed use development to reduce the need for travel;
- Supporting transit, walking and cycling;
- Encouraging waste reduction and diversion, use of landfill gas and water conservation; and
- Promoting green space, tree planting and natural heritage conservation.

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Objectives

Objective 7.A.3.1 To reduce air pollutant and greenhouse gas emissions.

Objective 7.A.3.2 To promote measures that remove and store atmospheric carbon that otherwise would contribute to climate change.

Objective 7.A.3.3 To adapt to the effects of climate change.

Policies

Policy 7.A.3.1 The Region shall develop and implement a plan to reduce greenhouse gas emissions from Regional operations by at least 20% below 1994 levels and emissions from the community as a whole by at least 6% below 1994 levels by 2014.

Policy 7.A.3.2 The Region shall encourage and support energy conservation, district heating and combined heat and power, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations.

Policy 7.A.3.3 The Region shall encourage the Federal and Provincial governments and local municipalities to pursue reductions in air pollutant and greenhouse gas emissions and to develop and implement strategies to adapt to the impacts of climate change.

Policy 7.A.3.4 Recognizing that some climate change may be unavoidable, the Region shall develop and implement plans to adapt to potential impacts.

7.A.4 Landforms, Geology and Soils

Objectives

Objective 7.A.4.1 To protect significant landforms and geological features and conserve Niagara's soils.

Objective 7.A.4.2 To prevent site alterations that will have negative environmental impacts or pose hazards to life or property.

Policies

Policy 7.A.4.1 Development and site alteration may be permitted within an Earth Science Area of Natural and Scientific Interest (ANSI) shown on the Core Natural Heritage Map if it has been demonstrated that there will be no significant negative impacts on the earth science features for which the area was identified or on ecological functions related to the ANSI.

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- Policy 7.A.4.2 Where an amendment to Regional or local planning documents or a major development is proposed within an Earth Science ANSI adequate information shall be submitted with the application respecting:
- a) Site topography, significant geological features and stratigraphic exposures; and
 - b) Planning and design measures recommended to avoid negative impacts on the feature and its ecological functions or, if not possible, to mitigate them.
- Policy 7.A.4.3 Linear public utilities and infrastructure may be permitted within an Earth Science ANSI if there is no reasonable alternative location and they are designed to avoid or minimize negative impacts.
- Policy 7.A.4.4 Where development is planned site alteration should not occur without prior planning approval. Regional Council supports Site Alteration By-laws and their adoption by local municipalities to regulate:
- a) Placing or dumping of fill;
 - b) Alterations to the grade of land prior to approval; and
 - c) Removal of topsoil.

7.A.5 Shorelines

Objectives

- Objective 7.A.5.1 To maintain and, where possible, improve public access to open space along Niagara's shorelines.
- Objective 7.A.5.2 To maintain Niagara's shorelines in as natural a condition as possible and promote environmental protection, restoration and enhancement.

Policies

- Policy 7.A.5.1 Public access to Niagara's shorelines as shown on the Natural Heritage Map shall be maintained or enhanced. Road closings that would reduce public access shall not be permitted unless a suitable new access is provided nearby.
- Policy 7.A.5.2 The Region shall support public acquisition of property along Niagara's shorelines for environmental and recreational purposes.
- Policy 7.A.5.3 Landowners shall be encouraged to maintain Niagara's shorelines in a natural state by:

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- a) Maintaining or establishing a naturally vegetated buffer strip along the shoreline; and
- b) Using non-structural shoreline protection such as bio-engineering with native vegetation.

Policy 7.A.5.4 Where major development is proposed along Niagara's shorelines:

- a) Public access to the shoreline shall be provided;
- b) Efforts shall be made to maintain a view of the shoreline from beyond the development;
- c) Where feasible the shoreline should be maintained in, or restored to, a naturally vegetated state; and
- d) Suitable shoreline lands should be dedicated, where possible, to an appropriate public agency where such lands would provide public benefits or are identified as part of a planned public trail system. Normally these lands shall be located above the stable top of bank.

Policy 7.A.5.5 Development and site alteration shall not be permitted in the dune areas along the Lake Erie shoreline unless they are in compliance with other policies in this Plan and it has been demonstrated that they will not have a significant negative impact on the natural features and ecological functions of the dunes or on adjacent properties. An Environmental Impact Study in accordance with Policies 7.B.22 to 7.B.25 shall be required with planning applications in dune areas.

7.A.6 Natural Hazards

Natural hazards pose risks to life and property. Development and site alteration shall be directed away from hazardous lands and hazardous sites where there is an unacceptable risk to public health or safety or to property. Hazardous lands are lands that could be unsafe due to naturally occurring processes such as flooding, erosion, slope failure and beach movement. Hazardous sites are those that could be unsafe due to naturally occurring physical conditions such as unstable soil or bedrock.

Objectives

Objective 7.A.6.1 To minimize the risk of personal injury, loss of life or property damage, public costs and social and economic disruption from natural hazards.

Objective 7.A.6.2 To ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts.

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Policies for Natural Hazards

- Policy 7.A.6.1 Hazardous lands and sites shall be as identified and mapped by the Niagara Peninsula Conservation Authority. Where an application for development or site alteration is made and such mapping is not available the location and extent of hazardous lands or sites shall be as determined by the Conservation Authority after considering an appropriate study prepared and signed by a qualified engineer and submitted with the application.
- Policy 7.A.6.2 Local Official Plans and Zoning By-laws shall include maps showing the location and extent of hazardous lands and sites as determined by the Conservation Authority.
- Policy 7.A.6.3 Along the shorelines of Lake Erie and Lake Ontario:
- a) Development and site alteration shall not be permitted within the dynamic beach hazard limit; and
 - b) Development and site alteration may be permitted within the erosion hazard limit and the flooding hazard limit subject to the approval of the Conservation Authority conditional on part (a).
- Policy 7.A.6.4 Development and site alteration may be permitted within floodplains if it has been demonstrated to the satisfaction of the Conservation Authority that it is in accordance with the Conservation Authority's "Fill, Construction and Alteration to Waterways Regulation" (as amended) or its successor, and subject to the Conservation Authority's approval.
- Policy 7.A.6.5 Along valleylands where the valley bank height is equal to or greater than 3 metres the following provisions apply:
- a) A minimum setback of 7.5 metres from the stable top of the valley slope, as identified by the Conservation Authority, shall be required for all new structures, including swimming pools and subsurface sewage disposal systems, and for site alterations.
 - b) Where the Conservation Authority finds evidence of slope instability or where the angle of the valley slope exceeds 3:1 (Horizontal Distance: Vertical Distance) a geotechnical report prepared by a qualified engineer shall be submitted with an application for new development or site alteration. A setback greater than 7.5 metres may be required where the Conservation Authority has determined, after considering the geotechnical report, that an increased setback is needed to address site specific conditions.

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- c) Within Urban Boundaries the Region supports the maximum use of land for development while avoiding hazardous conditions. A reduced setback may be considered where an existing lot provides insufficient depth to accommodate the required setback provided that a geotechnical report submitted by the applicant and approved by the Conservation Authority finds that the reduced setback, with mitigative measures, will maintain long term bank stability with no adverse environmental impacts, will not create new hazards or increase existing ones, and that no development or site alteration will be permitted below the top of the valley bank.
- d) Where possible existing vegetation should be maintained within the setbacks required under this policy. Vegetation below the top of the valley slope shall not be disturbed.
- e) New lots created through plan of subdivision, plan of condominium or consent shall not extend below the top of the valley slope as determined by the Conservation Authority. Lands below the top of the valley slope in plans of subdivision and plans of condominium shall be maintained as one block. The Region shall encourage dedication of these lands for conservation purposes either to the appropriate local municipality or to another public agency where there is a willing recipient.

Policy 7.A.6.6 On hazardous sites development and site alteration will not be permitted unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated to the satisfaction of the Conservation Authority that the requirements of Policy 7.A.6.8 will be met.

Policy 7.A.6.7 On hazardous lands and hazardous sites the following uses shall not be permitted:

- a) institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;
- b) essential emergency services such as that provided by fire, police and ambulance stations and electrical substations; and
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Policy 7.A.6.8 Where under this Plan development and site alteration may be permitted on portions of hazardous lands or sites the Conservation Authority must be satisfied that the effects and risk to public safety are minor and can be managed or mitigated so that:

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- a) Development and site alteration will be in accordance with provincial floodproofing standards, protection works standards and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New on-site or off-site hazards will not be created or existing ones aggravated; and
- d) No adverse environmental impacts will result.

7.B THE CORE NATURAL HERITAGE SYSTEM

The Core Natural Heritage System contains environmental features and functions of special importance to the character of the Niagara community and to its ecological health and integrity. The Core Natural Areas within the System are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or endangered species.

Within a settled community such as Niagara, natural areas can become isolated islands of green in a landscape dominated by human activity. Natural areas are healthier and function better if they are connected by naturally vegetated corridors. Corridors support the movement of wildlife and dispersal of plant material, playing a vital role in maintaining ecosystem health and integrity.

Landowner stewardship plays a key role in Natural Heritage conservation. Land use regulations also are needed, however, to protect Natural Heritage while at the same time providing for growth and development.

The Provincial Greenbelt Plan includes provisions to protect, maintain and enhance the Natural Heritage and Water Resource Systems within the Greenbelt Area shown on the Core Natural Heritage Map. In this Section of the Policy Plan the Greenbelt Natural Heritage and Water Resources Systems are treated as components of the broader Regional Core Natural Heritage System. The Provincial Greenbelt Natural Heritage System is shown on the Core Natural Heritage Map included in this Plan. The key natural heritage features within the Greenbelt Natural Heritage System are identified as Environmental Protection Areas or Fish Habitat on the Map. Key hydrologic features have not been shown on the Core Natural Heritage Map but would include those features identified as Fish Habitat.

Objectives

- Objective 7.B.1 To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core

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Natural Heritage System and its contributions to a Healthy Landscape.

Objective 7.B.2 To recognize the linkages among natural heritage features and ground and surface water resources.

Policies

Policy 7.B.1.1 The Core Natural Heritage System consists of:

- a) Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
- b) Potential Natural Heritage Corridors connecting the Core Natural Areas;
- c) the Greenbelt Natural Heritage and Water Resources Systems; and
- d) Fish Habitat.

The System generally is shown on the Core Natural Heritage Map, which provides an overall indication of provincially and regionally significant natural features and provides the framework for natural heritage planning and development review in Niagara. The Regional Planning and Development Department should be contacted for more detailed information. Natural heritage features may be further defined through future studies. Additional Natural Heritage features of local significance may be identified by local municipalities in their planning documents.

Policy 7.B.1.2 Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Section 7.A as well as the Core Natural Heritage System Policies.

Policy 7.B.1.3 Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.

Mapping of the significant habitat of threatened and endangered species is not included in the Core Natural Heritage Map although much of this habitat may be found within the Environmental Protection and Environmental

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Conservation areas shown on the Map. Significant habitat of threatened and endangered species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies for Environmental Protection Areas.

- Policy 7.B.1.4 Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.
- Policy 7.B.1.5 To be identified as significant a woodland must meet one or more of the following criteria:
- a) Contain threatened or endangered species or species of concern;
 - b) In size, be equal to or greater than:
 - 2 hectares, if located within or overlapping Urban Area Boundaries;
 - 4 hectares, if located outside Urban Areas and north of the Niagara Escarpment;
 - 10 hectares, if located outside Urban Areas and south of the Escarpment;
 - c) Contain interior woodland habitat at least 100 metres in from the woodland boundaries;
 - d) Contain older growth forest and be 2 hectares or greater in area;
 - e) Overlap or contain one or more of the other significant natural heritage features listed in Policies 7.B.1.3 or 7.B.1.4; or
 - f) Abut or be crossed by a watercourse or water body and be 2 or more hectares in area.
- Policy 7.B.1.6 Key hydrologic features include permanent and intermittent streams, lakes and their littoral zones, seepage areas, springs and wetlands. When key hydrologic features are identified through watershed or other studies the Region will consider an amendment to this Plan to show those features on a Map. In the interim, within the Greenbelt Area, if potentially permitted development is proposed in an area within the Unique Agricultural Areas where key hydrologic features have not been identified, the applicant may be required to identify the hydrologic features on the site of the proposed development as well as within 120 meters of the site boundary.

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Policy 7.B.1.7 The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on the Core Natural Heritage Map. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and may be mapped in more detail in local official plans and zoning by-laws. Significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, require an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.

In considering both refinements and significant modifications to the mapping or classification of features shown on the Core Natural Heritage Map the Region shall consult with:

- a) the Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
- b) the Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat.

Within the Greenbelt Area mapping of Core Natural Heritage System components may only be refined at the time that a local official plan initially is brought into conformity with the Provincial Greenbelt Plan.

Policy 7.B.1.8 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the Region, the local municipality and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components the appropriate Core Natural Heritage System policies shall apply.

Policy 7.B.1.9 If a feature meeting the criteria for identification as a Core Natural Heritage System component is identified through an evaluation under Policy 7.B.1.8 or through other studies, it shall be considered for inclusion in the Core Natural Heritage System through an amendment to this Plan. Where such a

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feature is identified on lands involved in an ongoing planning application the appropriate Core Natural Heritage System policies shall apply.

Policy 7.B.1.10 Notwithstanding Policies 7.B.1.15 and 7.B.1.20 and the Policies in Section 7.A.2, within Environmental Protection Areas, within Fish Habitat in the Greenbelt Natural Heritage System, within key hydrologic features within the Unique Agricultural Areas, and within any associated vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following:

- a) forest, fish and wildlife management;
- b) conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and
- c) small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System.

Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in accordance with Policies 7.B.2.1 to 7.B.2.5.

Policy 7.B.1.11 Development and site alteration may be permitted without an amendment to this Plan:

- a) In Environmental Conservation Areas; and
- b) On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System

if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.

Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the

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Environmental Conservation Area or adjacent land then the restrictions on development and site alteration set out in this Policy do not apply.

Table 7-1: Core Natural Heritage System Components: Adjacent Lands	
Core Natural Heritage System Component	Adjacent Lands Where an EIS Shall Be Required for Development Applications
Environmental Protection Area <ul style="list-style-type: none"> • Provincially Significant Life Science Area of Natural and Scientific Interest • Provincially Significant Wetland • Habitat of Threatened and Endangered Species 	All lands within 50 metres. All lands within 120 metres. All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.
Where a component of the Core Natural Heritage System lies within the Provincial Greenbelt Plan Natural Heritage System adjacent lands mean all lands within 120 metres of the natural heritage component.	

Policy 7.B.1.12 Where development or site alteration is proposed in or near a Potential Natural Heritage Corridor the Corridor shall be considered in the development review process. Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed. The Potential Natural Heritage Corridors are illustrated conceptually on the Core Natural Heritage Map. The Region shall undertake a study to further define Corridors within the Core Natural Heritage System.

Policy 7.B.1.13 Within the Environmental Protection Area located south of Brown Road between Kalar Road and Garner Road in the City of Niagara Falls, notwithstanding other Policies in this Section of the Plan, trail development may be permitted within the provincially significant wetland and limited golf course development within the upland forest area provided that it is demonstrated through an Environmental Impact Study (EIS) prepared in accordance with Policies 7.B.2.1 to 7.B.2.5 that

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there will be no significant negative impact on significant natural heritage features or their ecological functions.

- Policy 7.B.1.14 Notwithstanding other policies in this Plan essential public uses of a linear nature including utilities, communication facilities and transportation routes such as the Niagara – GTA Corridor (the Mid-Peninsula Transportation Corridor) may be permitted within the Core Natural Heritage System or adjacent lands where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.
- Policy 7.B.1.15 Within Fish Habitat as identified on the Core Natural Heritage Map, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.

First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Agricultural cultivation does not require planning approval and is not subject to these requirements.

- Policy 7.B.1.16 The Region recognizes that the primary function of the Municipal Drains shown on the Core Natural Heritage Map is to provide drainage for agricultural lands. These drains also may be used to convey irrigation water for agricultural use. The Region supports ongoing drain maintenance in accordance with the Federal Department of Fisheries and Oceans' Class Authorization System for Agricultural Municipal Drains. Where development, site alteration or building is proposed adjacent to a Municipal Drain a buffer zone a minimum 15 metres in width measured from the stable top of bank shall be required to provide access for drain maintenance, protect the integrity of the drains and protect environmental health. A narrower buffer may be permitted where it has been demonstrated to the satisfaction of the local municipality and the Niagara Peninsula Conservation Authority

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that there will not be a significant negative impact on the maintenance and functioning of the drain.

- Policy 7.B.1.17 The Region shall encourage the Provincial and Federal governments to develop and implement programs to address crop damage from wildlife.
- Policy 7.B.1.18 Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The Region shall encourage the local municipalities, the Conservation Authority and other appropriate public and private conservation organizations to assume ownership of these lands.
- Policy 7.B.1.19 Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 7-1 the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the Regional Forest Conservation By-law and the local tree conservation by-law as appropriate and its implementation monitored by a member of the Ontario Professional Forestry Association.
- Policy 7.B.1.20 Development and site alteration may be permitted within the Greenbelt Natural Heritage System if it is not prohibited by other Policies in this Plan and it has been demonstrated through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5 that:
- a) Connectivity along the system and between Environmental Protection Areas, Fish Habitat and key hydrologic features is maintained, or where possible, enhanced;
 - b) The removal of natural features not identified as Environmental Protection Areas, Fish Habitat or key hydrologic features will be avoided;
 - c) The disturbed area of any site does not exceed 25 percent, and the impervious surface 10 percent, of the total developable area, except for recreational uses and mineral resource uses. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site;

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- d) At least 30 percent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, recognizing that standards for mineral aggregate operations, wayside pits and quarries are established through the Non-Renewable Resources Policies in the Greenbelt Plan; and
- e) Buildings or structures are planned to optimize the compatibility of the proposal with the natural surroundings.

Existing and new agricultural, agricultural-related and secondary uses are permitted within the Greenbelt Natural Heritage System and are not subject to the conditions set out in this Policy but are subject to the other Policies in this Plan.

Policy 7.B.1.21 Within the Greenbelt Area establishment of a self-sustaining, vegetation protection zone shall be required where new development or site alteration is approved within 120 metres of:

- a) An Environmental Protection Area or Fish Habitat within the Greenbelt Natural Heritage System; or
- b) A key hydrologic feature anywhere within the Unique Agricultural Areas.

The vegetation protection zone shall be of sufficient width to protect the natural heritage or hydrologic feature from adverse environmental impacts of the development or site alteration as determined through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5 and shall be established and maintained as natural self-sustaining vegetation.

Policy 7.B.1.22 The vegetation protection zone required under Policy 7.B.1.21 shall be a minimum 30 metres wide in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands.

Policy 7.B.1.23 Notwithstanding Policies 7.B.1.21 and 7.B.1.22 new buildings and structures for agricultural uses adjacent to Environmental Protection Areas or Fish Habitat within the Greenbelt Natural Heritage System or key hydrologic features within the Unique Agricultural Areas shall provide a 30 metre wide vegetation protection zone but will not be required to establish natural, self-sustaining vegetation if the land is, and will continue to be, used for agricultural purposes.

Policy 7.B.1.24 New or expanding infrastructure within the Unique Agricultural Areas shall avoid Core Natural Areas, Fish Habitat and key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative. Where new or expanding infrastructure crosses the Greenbelt

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Natural Heritage System or intrudes into or results in the loss of a Core Natural Area, Fish Habitat or key hydrologic feature, including related landform features, planning, design and construction practices shall minimize negative impacts and disturbance on the feature or its related functions, and where reasonable, maintain or improve connectivity among Core Natural Areas, Fish Habitat and key hydrologic features and their vegetation protection zones.

- Policy 7.B.1.25 Within the Unique Agricultural Areas in the Greenbelt Area infrastructure serving the agricultural sector, such as an agricultural irrigation system, may need certain elements to be located within a Core Natural Area, Fish Habitat or a key hydrologic feature or within the vegetation protection zone of such a feature. In such instances, these elements of the infrastructure may be established within the feature itself or its associated vegetation protection zone but all reasonable efforts shall be made to keep such infrastructure out of Core Natural Areas or Fish Habitat or key hydrologic features or the vegetation protection zones.
- Policy 7.B.1.26 Subject to other policies in this Plan an expansion to an existing use located within an Environmental Conservation Area or Fish Habitat or adjacent lands to a Core Natural Heritage System Component as identified in Table 7-1 may be permitted if it will have no significant negative impact on the natural feature or its ecological functions. If the expansion involves a substantial intensification in land use or increase in the land area devoted to the use the proponent shall prepare an Environmental Impact Statement in accordance with Policies 7.B.2.1 to 7.B.2.5.
- Policy 7.B.1.27 Agricultural uses existing as of the date of adoption of this Policy may continue within the Core Natural Heritage System and adjacent lands as identified in Table 7-1. New farm buildings or structures and expansions to existing farm buildings or structures are permitted within Environmental Conservation Areas except for wetlands in the Unique Agricultural Areas, within Fish Habitat other than in the Greenbelt Natural Heritage System and within lands adjacent to a Core Natural Heritage System Component as identified in Table 7-1, subject to the other Policies in this Plan and the following provisions:
- a) if the proposal is small in scale, and it has been demonstrated that there is no reasonable alternative, that the proposal is directed away from the feature to the maximum extent possible and negative impacts on the natural feature and ecological functions have been minimized; or

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- b) if the proposal is large in scale, involving a major intensification in land use or a major increase in land area, it is subject to Policies 7.B.1.10 to 7.B.1.12, 7.B.1.15 to 7.B.1.16 and 7.B.1.26.

Policy 7.B.1.28 In the Greenbelt Natural Heritage System, subject to the other Policies in this Plan, expansions to existing farm buildings and structures may be permitted within Fish Habitat and within Environmental Protection Areas other than Provincially Significant Wetlands and Life Science Areas of Natural and Scientific Interest and significant habitat of threatened and endangered species provided that:

- a) if the proposal is small in scale, there is no reasonable alternative, the expansion has been directed away from the feature as much as possible and negative impacts on the natural feature and ecological functions have been minimized; or
- b) if the proposal is large in scale, involving a major intensification in land use or a major increase in land area, it is subject to Policies 7.B.1.10 to 7.B.1.12, 7.B.1.15 to 7.B.1.16 and 7.B.1.26.

Policy 7.B.1.29 If a proposed single residential lot is to be located entirely within lands adjacent to a Core Natural Heritage System Component as identified in Table 7-1 the requirement for an Environmental Impact Study may be waived if the Regional Commissioner of Planning and Development is satisfied that standard mitigation measures can avoid negative impacts on the natural features and ecological functions of the Core Natural Heritage System Component and adjacent lands.

Policy 7.B.1.30 A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part within an Environmental Conservation Area, Fish Habitat or adjacent lands thereto as set out in Table 7.1 if they are located, designed and constructed to minimize negative impacts on the natural features and ecological functions of the Component and adjacent lands.

Policy 7.B.1.31 Where a new mineral aggregate operation or an expansion to an existing operation is proposed outside the Greenbelt Natural Heritage System within an Environmental Conservation Area, a Potential Natural Heritage Corridor or Fish Habitat or within adjacent lands as set out in Table 7-1 the Environmental Impact Study will include consideration of:

- a) Whether the following will be maintained or enhanced before, during and after mineral aggregate extraction,

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- i) connectivity among Core Natural Areas and hydrologic features; and
 - ii) significant hydrologic features and functions; and
- b) How significant natural heritage features and ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in that particular setting or ecodistrict.

Policy 7.B.1.32 Notwithstanding other policies of this Plan, within the Greenbelt Natural Heritage System:

- a) No new mineral aggregate operations and no wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted within:
 - i) Significant wetlands;
 - ii) Significant habitat of endangered species and threatened species; and
 - iii) Significant woodlands unless the woodland is occupied by young plantation or early successional habitat as defined by the Ministry of Natural Resources. In this case, the application must demonstrate that the specific provisions of Policies 7.B.1.33 (b), (c) and 7.B.1.34 (c) have been addressed and will be met by the operation.

For the purposes of this Policy significant woodland means 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. The Provincial Ministry of Natural Resources will identify criteria to determine whether a woodland is significant.

Where a woodland is located on a site proposed for a new mineral aggregate operation, or on adjacent lands, the applicant shall have an evaluation of the woodland's significance prepared by a qualified biologist based on the above definition. The evaluation shall be prepared to the satisfaction of the Region, the local municipality and the Ministry of Natural Resources.

- b) An application for a new mineral aggregate operation or new wayside pit or quarry may only be permitted in other

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Environmental Protection Areas, Fish Habitat and key hydrologic features and any vegetation protection zones associated with such features where the application demonstrates:

- i) How ground and surface water features and their associated functions will be protected or enhanced; and
 - ii) That the specific provisions in Policies 7.B.1.33 (b), (c) and 7.B.1.34 (c) have been addressed, and that they will be met by the operation; and
- c) Any application for a new mineral aggregate operation, or expansion of an existing mineral aggregate operation shall demonstrate through an Environmental Impact Study prepared in accordance with Section 7.B.2, or through an equivalent study prepared to meet the requirements of the Aggregate Resources Act:
- i) How connectivity among Core Natural Heritage System features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates;
 - ii) How the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site or on adjacent lands; and
 - iii) How ground and surface water features will be protected or enhanced; and
- d) Expansion of an existing mineral aggregate operation may be permitted in the Greenbelt Natural Heritage System, including Core Natural Heritage System features and key hydrologic features, and in any associated vegetation protection zone, only if the expansion is consistent with the Provincial Policy Statement.

Policy 7.B.1.33 When operators are undertaking rehabilitation of mineral aggregate operation sites within the Unique Agricultural Areas in the Greenbelt Area the following provisions apply:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;
- b) If there are Core Natural Heritage System features or key hydrologic features on the site, or if such features existed on the site at the time of application:
 - i) The health, diversity and size of these features will be maintained or restored and, to the extent possible,

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improved to promote a net gain of ecological health;
and

ii) Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area rehabilitated, as early as possible in the life of the operation.

c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of 7.B.1.33 (b).

Policy 7.B.1.34 Final rehabilitation of mineral aggregate operations in the Greenbelt Natural Heritage System shall meet these additional provisions:

a) Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35% of each license, is to be rehabilitated to forest cover, which shall be representative of the pre-existing natural ecosystem in that particular setting or ecodistrict;

b) Where there is underwater extraction, no less than 35% of the non-aquatic lands of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict; and

c) Rehabilitation will be implemented so that the connectivity of the Core Natural Heritage System and the key hydrologic features on the site and on adjacent lands will be maintained or restored, and to the extent possible, improved.

Policy 7.B.1.35 In supporting ecological restoration by the Niagara Peninsula Conservation Authority and other groups, priority shall be given to those projects that will maintain or enhance the features of the Core Natural Heritage System and water resources.

Policy 7.B.1.36 This Section of the Plan also shall apply when development or site alteration is proposed on lands in Niagara adjacent to a significant natural area in an adjoining municipality that is designated in that municipality's Official Plan or by the Ministry of Natural Resources.

7.B.2 Environmental Impact Studies

Policy 7.B.2.1 An Environmental Impact Study (EIS) required under this Plan shall be submitted with the development application and shall

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be prepared and signed by a qualified biologist or environmental planner in accordance with the Environmental Impact Study Guidelines (EIS Guidelines) adopted by Regional Council. Environmental Impact Studies respecting development in or adjacent to Environmental Conservation Areas within the Urban Area Boundaries shall be prepared to the satisfaction of the local municipality in consultation with the Region and the Niagara Peninsula Conservation Authority. Environmental Impact Studies respecting development in or adjacent to the remaining components of the Core Natural Heritage System shall be prepared to the satisfaction of the Region, in consultation with the appropriate local municipality and, where appropriate, the Conservation Authority.

Policy 7.B.2.2 An Environmental Impact Study shall include the following as outlined in the EIS Guidelines:

- a) A description of the existing environment including: an assessment of its setting in the broader landscape and the identification, analysis and evaluation of significant natural features and ecological functions, of significant surface and ground water features and hydrologic functions, and of the linkages among them; and;
- b) A description of the proposed development;
- c) A description of measures to avoid or, if avoidance is not possible, to minimize or mitigate negative impacts on the Core Natural Heritage System, including impacts on significant natural features and ecological functions, and on significant surface and ground water features and hydrologic functions;
- d) An assessment, with respect to standards set out in the EIS Guidelines, of the significance of the cumulative net environmental impacts expected over the long term after these measures have been implemented; and
- e) Recommendations on the advisability of proceeding with the development as proposed or modified.

Where the EIS deals with development or site alteration on adjacent lands as specified in Table 7-1 it shall include an evaluation of the ecological functions of the adjacent lands and of expected impacts on those functions.

The Terms of Reference for an EIS shall be submitted for review to the Region, the appropriate local municipality and, where appropriate, the Conservation Authority prior to preparation of the study.

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- Policy 7.B.2.3 The required scope and/or content of an EIS may be reduced, in consultation with appropriate planning authorities, where:
- a) The environmental impacts of a development application are thought to be limited; or
 - b) Other environmental studies fulfilling some or all requirements of an EIS have been accepted by the Region and the appropriate local municipality.
- Policy 7.B.2.4 The Commissioner of Planning and Development may:
- a) Circulate an EIS to the Ecological and Environmental Advisory Committee for review and comment; and
 - b) Require an independent peer review of an EIS in accordance with the Guidelines for Peer Review approved by Regional Council, with costs to be borne by the applicant.
- Policy 7.B.2.5 An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.

7.C IMPLEMENTATION MEASURES

- Policy 7.C.1 Plans of subdivision that had received draft approval as of the date of adoption of this Policy are not subject to the Policies in Sections 7.A and 7.B. If draft approval lapses or is withdrawn the Policies will apply to subsequent planning applications involving the subject lands. Where significant modifications to a draft plan are proposed such that the plan is recirculated for comment the revised plan should be designed to reduce significant negative impacts on the Core Natural Heritage System and adjacent lands.

7.C.1 Regional Operations

Regional Niagara will lead by example and demonstrate environmental responsibility in the following ways.

- Policy 7.C.1.1 In all its operations the Region shall strive to maintain a healthy natural environment and protect, enhance or restore Niagara's natural heritage.
- Policy 7.C.1.2 The Region shall minimize the consumption of energy and resources in its own operations and reuse and recycle energy and resources wherever possible.
- Policy 7.C.1.3 The Region shall practice good stewardship by:

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- a) Managing Regionally owned lands within or adjacent to the Core Natural Heritage System to maintain, restore or enhance the System's natural features and ecological functions;
- b) Maintaining a program of tree planting and naturalization on Regional properties and roads. Where trees must be removed at least two trees shall be planted for every tree removed, normally using native species from seed sources climatically similar to Niagara.

Policy 7.C.1.4 The Region shall endeavour to reduce the use of pesticides for cosmetic purposes by:

- a) Phasing out pesticide use on Regionally-owned properties by January 1, 2007;
- b) Promoting alternatives to the use of pesticides; and
- c) Supporting and facilitating adoption of local municipal by-laws reducing or eliminating the use of pesticides for cosmetic purposes.

Policy 7.C.1.5 The Region shall reduce the quantity of salt used on Regional roads to protect agriculture, water resources and natural vegetation and wildlife.

Policy 7.C.1.6 The Region shall give priority to energy based on sources other than fossil fuels to meet its own energy needs and collect methane gas generated by Regional landfills for heating and/or generation of electricity.

Policy 7.C.1.7 The Region, recognizing that excessive, unnecessary or misdirected outdoor lighting can have adverse impacts on the environment, the economy and human health as well as on the quality of the night sky, will investigate outdoor lighting and develop a strategy to address it.

Policy 7.C.1.8 The Region shall aim to divert 65% of waste from landfill by 2012 through waste reduction, recycling and composting.

7.C.2 Integrated Environmental Planning and Development Review

The ecosystem approach set out in Policy 7.A.1 provides the framework for environmental planning and development review. The environmental planning process involves:

1. Watershed Studies to guide development and conservation at a broad landscape level;
2. Environmental Planning Studies providing more detailed guidance for smaller areas such as communities or neighbourhoods; and

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3. The preparation of site-specific studies for individual development applications.

These studies are linked to specific stages in the planning and development review process.

Watershed and Environmental Planning Studies will recommend policies for incorporation in Regional and local planning documents for use in development review at the site-specific level. Site specific studies for individual development applications, where needed, will be expected to address these policies. For small scale development proposals, such as individual severances, site-specific studies may not be needed where these policies can be met through appropriate design and construction measures.

Policy 7.C.2.1 The Region, in partnership with the Niagara Peninsula Conservation Authority and appropriate local municipalities, shall ensure that Watershed Studies are prepared for major watersheds in consultation with landowners, community groups and other public agencies and shall include:

- a) Inventory, analysis and assessment of ecological features and functions affecting the watershed;
- b) Identification of key issues and objectives;
- c) A water budget and water conservation plan;
- d) Recommendations on actions needed to maintain and enhance ecosystem health and integrity, including policies to be incorporated into municipal planning documents ;
and
- e) Identification of subwatershed boundaries and establishment of guidelines and terms of reference for additional studies if needed.

Policy 7.C.2.2 Where major changes in land use or municipal plans are proposed for an area, such as an urban boundary expansion or a secondary plan, an Environmental Planning Study (EPS) shall be prepared. It shall address the guidelines and terms of reference established through relevant watershed plans and shall include:

- a) An environmental inventory and assessment;
- b) A recommended environmental management strategy to maintain, enhance and restore ecological health and integrity within the study area;
- c) A recommended development plan identifying where development may take place, environmental features and

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functions to be maintained or restored, and appropriate policies;

- d) Recommendations for amendments to Regional and local planning documents; and
- e) A monitoring plan to assess environmental health during and after development.

An Environmental Planning Study shall not be required for an individual site-specific development proposal.

Policy 7.C.2.3 Environmental Planning Studies also may be prepared with the assistance of the Ministry of Natural Resources or its designate to support Federal and Provincial management and recovery plans for threatened and endangered species.

Policy 7.C.2.4 Watershed and Environmental Planning Studies shall be implemented through amendments to Regional and local official plans, as appropriate, and through secondary plans and zoning by-laws providing guidance and direction for:

- a) The review of applications for development or site alteration;
- b) Servicing and infrastructure proposals; and
- c) The Region's support for environmental stewardship, restoration and other measures.

Policy 7.C.2.5 When a significant development such as a golf course, a residential subdivision or a large commercial, industrial or institutional development is proposed that requires a number of different environmental studies a report shall be submitted with the application providing an integrated review of the environmental issues and the interrelationships among them. Such a report shall not be required where an equivalent review has been prepared for the proposal under Federal or Provincial legislation such as the Environmental Assessment Act or the Aggregates Resources Act review.

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.

Policy 7.C.2.7 Notwithstanding Policy 7.C.2.6, where Regional or local municipal planning policies conform with the policies of the Niagara Escarpment Plan but are more restrictive, those Regional or local policies shall take precedence.

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- Policy 7.C.2.8 In order to provide more effective means to ensure that measures to protect the natural environment identified through the planning process are properly implemented the Region:
- a) Shall encourage local municipalities to ensure that development within the Core Natural Heritage System and adjacent lands is subject to either subdivision or site plan approval; and
 - b) May require an applicant to enter into a development agreement or conservation easement, or provide financial security, to ensure implementation of mitigation measures.
- Policy 7.C.2.9 The Region shall maintain an Ecological and Environmental Advisory Committee (EEAC) consisting of members of Regional Council plus members of the public with technical expertise, experience and academic qualifications related to environmental conservation. EEAC shall provide timely technical advice to Regional Council on environmental matters as well as respond to requests from local municipalities.
- Policy 7.C.2.10 Local municipalities shall be encouraged to employ such measures as parkland dedications, density bonuses, transfer of development rights, land acquisition and exchange, holding provisions and conservation easements to facilitate environmental conservation in the development process, including the protection of Core Natural Areas.

7.C.3 Supporting Stewardship

- Policy 7.C.3.1 The Region, in partnership with other organizations, shall encourage landowners to use environmentally-sensitive measures to protect and enhance natural heritage and water resources.
- Policy 7.C.3.2 The Region shall encourage farmers to prepare and implement Environmental Farm Plans and shall support Provincial and Federal funding for the Environmental Farm Plan program and similar programs.
- Policy 7.C.3.3 The Region shall encourage the Federal and Provincial governments to support environmental stewardship through programs such as:
- a) The Conservation Land Tax Incentive Program;
 - b) The Managed Forest Tax Incentive Program; and
 - c) Tax relief for ecological gifts under the Federal Income Tax Act.

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Policy 7.C.3.4 The Region shall:

- a) promote natural landscaping and use of native plants from seed sources climatically similar to Niagara and encourage others to do likewise, and
- b) discourage planting of invasive non-native species.

Policy 7.C.3.5 The Region shall:

- a) recognize that the Provincial government has delegated responsibility for hazard land management to the Niagara Peninsula Conservation Authority; and
- b) encourage the Authority as an important partner to focus on land and water management, ownership of conservation lands, environmental stewardship and restoration and landowner education supporting the municipal planning program for development and conservation.

Definitions

In this Plan,

- 1) “access standard” means a method or procedure to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding, erosion and/or other water related hazards.
- 2) "agricultural use" means the growing of crops, including nursery, greenhouse and horticultural crops; raising of livestock and other animals for food, or fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;
- 3) “base flow” means the natural, sustained low flow in a stream or river;
- 4) “buffer” means a naturally vegetated protective zone adjacent to a natural area serving to cushion and protect the natural area from the impacts of human activities on adjacent lands;
- 5) “carbon sink” means any system that absorbs carbon, thereby removing it from the atmosphere and offsetting CO2 emissions. Forests, agricultural soils and oceans can act as carbon sinks.
- 6) “Conservation Authority” means the Niagara Peninsula Conservation Authority.
- 7) “development” means the creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include works subject to the Drainage Act.
- 8) “earth science areas of natural and scientific interest” means areas identified by the Ministry of Natural Resources as containing some of the most significant representative examples of the bedrock, fossil and landform features in Ontario, and includes examples of ongoing geological processes.
- 9) “ecological functions” means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrologic functions and biological, physical, chemical and socio-economic interactions;
- 10) "ecological integrity", which includes hydrologic integrity, means the condition of ecosystems in which: (1) the structure,

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composition and function of the ecosystems are unimpaired by stresses from human activity; (2) natural ecological processes are intact and self-sustaining, and (3) the ecosystems evolve naturally;

- 11) “ecological restoration” means the return of a species, population or ecosystem to its state prior to disturbance;
- 12) “ecosystem” means a dynamic complex of plants, animals and micro-organisms and their non-living environment interacting as a functional unit. The term ecosystem can describe small scale units, such as drops of water, as well as large scale units, such as the biosphere;
- 13) “endangered species” means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources official species at risk list or that is designated as Endangered by the Committee on the Status of Wildlife in Canada (COSEWIC), as updated and amended from time to time;
- 14) “first order stream” means a stream with no tributaries. First order streams are the uppermost streams within a watershed;
- 15) “fish habitat” means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes and is as identified by the Provincial Ministry of Natural Resources;
- 16) “flood plain” (for river and stream systems) means the area, usually low lands adjoining a watercourse, which has been or may be inundated in the event of a flood;
- 17) “floodproofing standard” means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System, and flooding hazards along river and stream systems.
- 18) “good forestry practices” means:
 - the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and wildlife habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;
 - the cutting and removal of hazardous, severely damaged, diseased and insect infested trees which must be removed in

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order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;

- in the case of hazardous, damaged, diseased or insect infested trees, the maintenance of a woodland after the cutting and removal is completed unless it is determined through a report prepared by a Registered Professional Forester that trees must be removed and a woodland as defined would not be maintained but in no case shall clearcutting be allowed; and
- the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”.

- 19) “ground water” means any water that exists beneath the land surface, but more commonly water existing in fully saturated soils and geologic formations.
- 20) “ground water features” means water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.
- 21) “ground water recharge” means the replenishment of subsurface water, (a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands, and (b) resulting from human intervention, such as the use of stormwater management systems.
- 22) “ground water recharge area” means an area from which there is significant addition of water to the ground water system resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetland or from human intervention, such as the use of stormwater management systems;
- 23) “habitat of endangered and threatened species” means land that,
- a) is an area where individuals of an endangered species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
- b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time;

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- 24) “hazardous lands” means lands that could be unsafe for development due to naturally occurring processes and includes:
- a) Along rivers, streams and small lakes, the land, including that covered by water, to the furthest landward extent of the flooding or erosion hazard limits.
 - b) Along the shorelines of Lake Erie, Lake Ontario and the Niagara River, the land, including that covered by water, to the furthest landward limit of the flooding hazard, the erosion hazard or the dynamic beach hazard limits.
- 25) “hazardous sites” means sites that could be unsafe for development due to naturally occurring conditions such as unstable soils or unstable bedrock.
- 26) “infrastructure” means physical structures that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities;
- 27) “life science areas of natural and scientific interest” means areas of land and water identified by the Ministry of Natural Resources as containing significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments.
- 28) “natural heritage corridors” mean natural and open space linkages between Core Natural Areas. They include naturally vegetated stream corridors, valleylands, shorelines, woodlands; wetlands; and other natural vegetation communities.
- 29) “natural landscaping” means the practice of designing, cultivating and maintaining plant communities which are native to the area with minimal resort to artificial methods of plant care such as chemical fertilizers, watering other than natural precipitation, and mowing.
- 30) “natural self-sustaining vegetation” means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.
- 31) “older growth forest” means a relatively undisturbed forest stand containing trees over 100 years old. It may exhibit some of the characteristics of old growth forest such as an uneven-aged canopy; a range of size classes; gap succession processes; undisturbed soils; the presence of substantial standing and fallen deadwood, with the fallen deadwood present in a range of decay classes; or pit and mound topography

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- 32) “pesticide” means any organism, substance or thing that is used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the federal Pest Control Products Act;
- 33) “protection works standard” means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damages caused by flooding, erosion, and other water related hazards, and to allow access for their maintenance and repair.
- 34) “riparian” means of or relating to or located on the banks of a river or stream. The riparian zone is an area of streamside vegetation including the stream bank and adjoining floodplain, which is distinguishable from upland areas in terms of vegetation, soils and topography.
- 35) “second order stream” means a stream formed by the combination of two or more first order streams;
- 36) “significant” means:
- a) in regard to wetlands and Areas of Natural and Scientific Interest, an area identified as significant by the Ministry of Natural Resources using evaluation procedures established by the Ministry, as amended from time to time;
 - b) in regard to the habitat of threatened and endangered species, the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance, survival and/or recovery of the naturally occurring or reintroduced populations of endangered or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species for all or any part(s) of its life cycle.
 - c) in regard to other natural heritage features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality, diversity, ecological health and integrity of the Core Natural Heritage System.
 - d) in regard to a change in the spatial extent of a Core Natural Heritage Component an increase or decrease of over 20% in the area within an Environmental Conservation Area or in the length or area of a surface water feature shown as Fish Habitat.
- 37) “significant negative impact” means,
- a) in regard to the Core Natural Heritage System, degradation that threatens the health and integrity of the natural features or

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ecological functions of the Core Natural Heritage System Component due to single, multiple or successive development or site alteration activities.

b) in regard to Earth Science Areas of Natural and Scientific Interest (ANSIs), degradation that, due to single, multiple or successive development or site alteration activities, threatens the integrity of the geological features, landforms or processes for which the ANSI was identified and their associated educational and interpretive functions.

- 38) “site alteration” means the removal of topsoil and activities such as filling, grading and excavation that would change the landform, grade of the land and natural vegetative characteristics of the land, but does not include the reconstruction, repair or maintenance of a drain approved under the Drainage Act;
- 39) “species of concern” means any species that is listed or categorized as a special concern species on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as a special concern species by the Committee on the Status of Wildlife in Canada (COSEWIC) or that is not included on those lists but has been given a ranking of S3 imperiled or higher by the Ontario Natural Heritage Information Centre, as updated from time to time;
- 40) “subwatershed” means an area that is drained by a tributary or some defined portion of a stream;
- 41) “surface water features” means water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
- 42) “third order stream” means a stream formed by the confluence of two or more second order streams;
- 43) “threatened species” means any species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources official Species at Risk list or that is designated as Threatened by the Committee on the Status of Wildlife in Canada (COSEWIC) as updated from time to time;
- 44) “valleyland” means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;
- 45) “vegetation protection zone” means a vegetated buffer area surrounding a natural heritage feature or hydrologic feature within which only those land uses permitted within the feature itself are permitted.

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- 46) “vulnerable surface and ground water features” means surface and ground water features that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or ground water;
- 47) “water budget” means an accounting of the inflow to, outflow from, and storage changes of water in a hydrologic unit;
- 48) “watershed” means an area that is drained by a river and its tributaries;
- 49) “wetlands” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition;
- 50) “wildlife habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.
- 51) “woodland” means a treed area that provides environmental and economic benefits to both the private landowner and the general public such as erosion prevention, hydrologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities and the sustainable harvest of woodland products. It does not include a cultivated fruit or nut orchard or a plantation used for the purpose of producing Christmas trees.