
REPORT TO: Planning and Development Committee

MEETING DATE: Wednesday, June 01, 2016

SUBJECT: ROPA 12: Project Initiation Report
Regional Official Plan Amendment (ROPA # 12)
Watercourse Policies and Mapping

RECOMMENDATIONS

1. That this report **BE RECEIVED** for information.
2. That a copy of this report **BE CIRCULATED** to the local area municipalities, the Niagara Peninsula Conservation Authority and the Ministry of Municipal Affairs and Housing.

KEY FACTS

- The purpose of this report is to notify Regional Council that an amendment is required to update policies and mapping related to watercourses in the Regional Official Plan.
- The current environmental mapping is out-of-date and comes in a variety of scales, which can have a significant impact on landowners.
- Through Niagara Region's Greenbelt Plan review and the recent Provincial Co-ordinated Land Use Planning Review, Niagara Region identified the need for updated mapping and policies to address the balance between agriculture and natural heritage within the Greenbelt Plan. These updates will address the hindrances to agricultural viability that have been created through restrictive watercourse setback policies in the Greenbelt Plan.
- The Provincial Advisory Panel has also identified the need for these policies and mapping updates.
- The Niagara Region and the Niagara Peninsula Conservation Authority have partnered on a project referred to as the Contemporary Mapping of Watercourses (CMW), which provides a database of spatially accurate watercourse locations and associated characteristics and information. This mapping has the ability to address these spatial and restrictive policy concerns.
- The Watercourse Mapping Project aligns with the Niagara Region Council Strategic Priority of Fostering Innovation, Investment and Entrepreneurship:
 - Expedited process for development – common platform of data
 - Influence Provincial Plans – ability to form policy from data selections

CONSIDERATIONS

Financial

The cost of the work associated with this Amendment is included within the Planning and Development Services Department's budget for 2016. Any additional financial requirements resulting from this Amendment would be brought forward for Council consideration as they are identified.

Corporate

Regional Planning staff will work with other Departments and the Niagara Peninsula Conservation Authority to ensure that all decisions made in relation to this amendment represent good planning.

Governmental Partners

Planning staff will consult and work collaboratively with local municipalities and the Niagara Peninsula Conservation Authority during the development of the proposed Amendment. Provincial staff will also be engaged.

Public and/or Service Users

A copy of the Draft Amendments, schedules and all relevant materials will be made available for public input prior to the Statutory Public Meeting.

ANALYSIS

Background for Regional Official Plan Amendment #12

Throughout Ontario, the classification and mapping of watercourses is developed using different inventories and varying scales. Often, mapping cannot appropriately address the needs of the land use planning process, which has led to implementation problems related to development and management activities.

In order to address these issues, the Niagara Peninsula Conservation Authority (NPCA) and the Niagara Region have been working together to update a large scale surface water inventory for the Niagara watershed, known as the 'Contemporary Mapping of Watercourses' project. This inventory can be used as a framework from which to assess characteristics of surface water features. Indicators of the environmental significance of a water feature can now be derived from characteristics such as flow regime, whether or not the feature has been constructed for drainage or irrigation purposes and the presence of fish habitat.

In addition to the challenges imposed by inaccurate mapping, the Greenbelt Plan policies for watercourse setbacks have posed a challenge for Niagara. These policies are restrictive when applied as a blanket approach to all watercourses in Niagara. Despite distinct differences between form and function of various channels, namely those located in unique agricultural areas, all major watercourses are identified as Key Hydrologic Features (KHF). In the Greenbelt Plan under Section 3.2, KHFs are composed of permanent and intermittent streams, lakes (and their littoral zones), seepage areas and springs, and wetlands. Currently, Greenbelt Plan KHF policy applies to specialty crop areas where the majority of watercourses function as constructed drainage or irrigation ditches which in some cases have controlled flow. The Greenbelt Plan identifies a vegetation protection zone a minimum of 30 metres wide should be established from the outside boundary of a KHF. Greenbelt policies prohibit any development or site alteration in KHF's and any associated vegetation protection zones with few exceptions listed in section 3.2.4.1 of the plan.

A constructed agricultural ditch/drain designated as a KHF creates a restrictive policy framework for farmland adjacent to these features. Landowners with multiple drains on their property are subjected to a large portion of land designated for natural buffer zones thus restricting their ability to manage or expand their operations. Additionally, landowners with small parcels may be unable to site farm infrastructure appropriately due to setback policies. Within the Greenbelt Plan, Natural Heritage Features, including fish habitat, receive the same level of protection as KHF.

Recommendations that have been made by the Advisory Panel for the Provincial Co-ordinated Land Use Planning Review in their report, Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015 – 2041, also support the Region's observations identifying a need for policy direction and accurate mapping in order to reduce the impacts of developmental setbacks on agricultural viability while maintaining the integrity of ecological features and functions.

It is expected that new policies will be developed as part of the Provincial Co-ordinated Land Use Planning Review, which will support the work being proposed within this report.

According to policies 7.A.2.3. and 7.B.1.7 of the Regional Official Plan, an amendment to the Regional Official Plan will be required to update the current mapping and policies related to watercourses. This amendment will involve revisions to Schedule C: Core Natural Heritage and policies within Section 7: Natural Environment. The proposed amendments to the Regional Official Plan will help to refine the current mapping of hydrological features throughout Niagara.

Overview of Contemporary Mapping of Watercourses (CMW) Project

The CMW project has been provincially identified as having the potential to create solutions for hardships caused by these setback policies.

The data was compiled through an intensive analysis utilizing an updated 1 meter contour supporting Digital Terrain Model (DTM). Using aerial photography, digital elevation models, existing data sources and other tools, the data was comprehensively assessed. Hydrological characteristics were rooted into CMW inventory through strategic design considerations. Descriptive attributes, such as feature type, channel type, and flow regime have been identified and recorded for each watercourse in the dataset. Additionally, watercourse assessment and sensitivity indicating data was tagged into the CMW dataset, including OMAFRA constructed drain IDs, Ontario Hydro Network IDs and Ministry of Natural Resources Fish Habitat Types.

The CMW data is capable of identifying physical and environmentally sensitive features of watercourses which, when used as criteria to differentiate features, can create subsets and/or categories of watercourses in order to create alternate setback options to KHF related policies, and also add context and strength to existing watercourse policies.

The use of this data set at local and regional levels will create a common, comprehensive and operational information base to aid implementation of development and management activities related to surface water features in the Niagara Region.

To date, the CMW has been completed for all twelve local municipalities. Staff from Niagara Region and the NPCA met with the local municipalities to inform them of the project and to share data wherever possible. The municipalities have already begun to use the draft mapping to support their own projects, including work related to stormwater quality master plans and official plans.

Next Steps for Regional Official Plan Amendment #12

Staff have been working with the NPCA and the Town of Niagara-on-the-Lake to develop draft policies as part of the Town's Official Plan update; however, after further consideration, it was determined that the Region is the most appropriate organization to bring forward the initial amendment to the Province. To date, the Town has piloted an application of the mapping and proposed policies in their first draft of the Official Plan update. A consultant has been hired by the Town to carry out field work to verify the mapping for a small number of areas.

While pilot work is being undertaken for Niagara-on-the-Lake, there are a number of considerations that need to be factored in to the policies and mapping. These considerations may include:

- Whether Regional policies should be more general than those piloted in Niagara-on-the-Lake;
- The geographic area that policies will be most appropriately applied to;

- Whether or not we need two sets of policies for Greenbelt and non-Greenbelt areas;
- What mapping updates to the Regional Official Plan are most appropriate based on the updated data set; and
- The timing of the Regional official Plan Amendment in relation to Provincial updates to the Greenbelt Plan.

Once the policies have been drafted, staff will work to develop a consultation plan and to determine whether or not further field work will be required. A plan will be developed in collaboration with the NPCA and the local municipalities to determine the scope of this work. Public and stakeholder consultation, in accordance with Section 17 of the *Planning Act*, will be required to make amendments to the Regional Official Plan. Additional public consultation will need to be aligned with the policy approach.

The updated mapping and policy recommendations have been shared with the province as part of the Provincial Co-ordinated Land Use Planning Review, and comments from their review will aid in the formation of the amendment policies.

ALTERNATIVES REVIEWED

Failure to update the hydrologic mapping and policies of the Regional Official Plan will result in the continued use of out-of-date mapping of varying scale and policies that do not offer a solution to a provincially identified issue and the balance between agricultural opportunity and natural heritage will remain uneven.

ORIGIN OF REPORT

This report is being brought forward by staff.

OTHER PERTINENT REPORTS

PDS 11-2016 – Crombie Task Force Report, February 17, 2016

PDS 22-2015 – 2015 Coordinated Policy Review Comment Submission

ICP 78-2013 – Watercourse Mapping Project, July 24, 2013

ICP 47-2013 – Watercourse Mapping Project – Recognition, June 12, 2013

Original document is signed.

SUBMITTED BY:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Original document is signed.

APPROVED BY:

Maurice (Mo) Lewis
Acting Chief Administrative Officer

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