

4.5.4. NES Option 3C

Option 3C includes all of the components identified in Option 1/2/3A/3B plus the following:

Within settlement areas:

- Supporting features and areas (including enhancement areas)
- Small linkages
- Mandatory (non-prescribed) buffers to natural heritage features and other woodlands

Outside of settlement areas:

- Small linkages

4.6. Summary of the Differences between the NES Options

A summary of the differences between the features, areas, and systems in the NES options is as follows. The differences in policy are discussed in a subsequent section of this report.

- Addition of 'other woodlands' in NES Option 3A (outside of settlement areas) and 3B (within settlement areas)
- Addition of 'supporting features and areas' (including enhancement areas) in NES Option 3B (outside of settlement areas) and 3C (within settlement areas)
- Addition of large linkages outside of settlement areas in NES Option 3A
- Addition of medium linkages outside of settlement areas in NES Option 3B
- Addition of small linkages inside and outside of settlement areas in NES Option 3C
- Requirement for *mandatory (non-prescribed) buffers on 'natural features and areas' and 'other woodlands' outside of settlement areas in NES Option 3A. Buffers/setbacks to features that are regulated by the NPCA are a 'required standard' in all NES options. VPZs required by the *Growth Plan* and *Greenbelt Plan* NHS (outside of settlement areas) are also a 'required standard' in all NES options.
- Requirement for *minimum (prescribed) buffers on 'natural features and areas' and 'other woodlands' outside of settlement areas in NES Option 3B & 3C. Buffers/setbacks to features that are regulated by the NPCA are a 'required

- This would apply to the optional components that are introduced in settlement areas in Option 3C: supporting features and areas (including enhancement areas), linkages, and buffers to non-regulated features. Buffers/setbacks to regulated features would be protected in accordance with the regulations and land use policies of the NPCA.
- Protection of Features and Areas Determined by the Federal or Provincial Governments
 - Development and site alteration is not permitted except in accordance with provincial and federal requirements.
 - In accordance with S. 2.1.6 and 2.1.7 of the *PPS* this would include fish habitat and habitat of endangered species and threatened species.

For each of the 4 categories described above there would be certain limitations and exemptions similar to those outlined in Provincial Plans. See the attached technical memorandum for additional details.

6.1.2 Water Resource Features and Areas

The requirement to identify a WRS is relatively new in natural environment planning; as such, there is little direction in Provincial plans or other guidance documents to inform policy approaches to protect the WRS. Within settlement areas, the policy intent is informed by the direction of the *PPS* and *Growth Plan*, and a stated desire from many stakeholders to see alignment between Regional policies, and the regulations and land-use policies of the NPCA.

- For PSWs and other wetlands which are regulated by the NPCA there would be a prohibition to development and the need to provide a 30m buffer. This aligns with the *PPS* which requires a prohibition to development on PSWs and the NPCA which regulates both PSWs and other wetlands. It is also noted that NPCA policies allow for offsetting for ‘other wetlands’. Offsetting is not being considered in Regional policy in accordance with the stated desire of Regional Council and many stakeholders.
- For ‘wetlands’ which are required as part of the WRS, but are not considered regulated features by the NPCA additional study will be required (e.g. through an EIS, or hydrologic evaluation). *PPS* section 2.2.1. d) refers to the “ecological and hydrological integrity of the

watershed”. There are various types of protection and management that can be used to achieve this test.

- Similarly, for watercourse, Regional policy would align with the policies of the NPCA which generally prohibit development.
- There are a number of other key hydrologic features and key hydrologic areas that also require protection in accordance with Provincial policy. These include seepage areas and springs within settlement areas, significant groundwater recharge (and discharge) areas, highly vulnerable aquifers and significant surface water contribution areas (which include headwater drainage features), all of which are key hydrological areas. For each of the above components of the WRS, there will be a need for policies in the NOP that require the submission of appropriate studies that evaluate the impacts of the proposed development and which identify how the quality and quantity of water can be protected, enhanced or restored. To inform the completion of studies considered acceptable to the Region, WRS guidelines could be developed, similar to Environmental Impact Study (EIS) guidelines.

6.2 Outside of Settlement Areas (i.e. rural)

Outside of settlement areas the Province provides very prescriptive NES policies that must be implemented by municipalities. These new policies have been in place since the new *Growth Plan* and *Greenbelt Plan* were implemented in 2017, and are being formally integrated into the natural environment planning regime in the Region through the NES and NOP. To date, the Provincial requirement to implement the new Provincial policies along with the policies of the existing Regional Official Plan has caused significant confusion. One of the objectives of the NOP is to eliminate this confusion. The Provincial policies to be incorporated into the NES are summarized as follows. For a complete list of the Provincial policies refer to the text of the *Growth Plan* and *Greenbelt Plan*.

- For key natural heritage features and key hydrologic features within the *Growth Plan* and *Greenbelt Plan* NHS there is a prohibition to development and the need to provide a 30m vegetation protection zone (VPZ) (subject to certain criteria and a range of exemptions for agricultural uses).
- For key hydrologic features, the prohibition to development and need to provide a 30m VPZ extends beyond the mapped Provincial NHSs to all areas of the Region outside of settlement areas.

- Within the *Greenbelt Plan* there is a Niagara-specific policies that reduces the required VPZ to 15m for certain permanent and intermittent streams when the proposed adjacent land use will be for agricultural purpose (subject to certain tests being met).
- For lands within the required VPZs of the *Growth Plan* and *Greenbelt Plan* there are detailed policies of what is, and what is not permitted. These policies are proposed to be implemented as provided by the Province.
- The *Growth Plan* and *Greenbelt Plan* NHS both include policies for the 'system'. These policies apply to the lands between the natural features (whether they exist in a natural state or not) and can be thought of as 'linkages' (although that terminology is not used by the Provincial Plans). Within these areas, not occupied by a key feature, there is a broad range of exemptions for agricultural uses. For most other forms of development and site alteration there are restrictions to the amount of development permitted and the need to demonstrate no negative impacts (subject to certain exemptions and conditions as described by the Provincial Plans).
- For components of the NES outside of settlement areas that are not addressed specifically by the policies of the *Growth Plan* and *Greenbelt Plan* (i.e. natural heritage features and areas outside of the Provincial NHSs, supporting features and areas, other woodlands). The policy intent would align with what is proposed within settlement areas as described above.

7.0 Analysis and Implications

7.1. Summary of Additional Mapping and Data

As discussed throughout this report, 135 new maps and 81 new tables of data, representing all urban areas in the Region have been prepared to allow for a more fulsome analysis and comparison of the NES options. As these maps were being prepared at an interim phase of the project several assumptions needed to be made. Each map that was prepared included a number of notes, as follows:

- This map has been prepared for discussion. **It was prepared to compare natural environment options in urban areas and should not be used for any other purpose. This map is draft and not the final Natural Heritage System (NHS) or Water Resource System (WRS) map.**
- Not all features of the NHS and WRS have been mapped. Certain components of the NHS and WRS are more appropriately and accurately identified through

detailed or site-specific studies, outside the scope of this work. Additionally, **development approvals on specific sites may not be reflected on the maps. Site-specific approvals and mapping must be considered, as applicable.**

- Buffers will not be mapped as part of Official Plan schedules. Where shown, buffers have been included to demonstrate their coverage based on modelling assumptions. Mandatory buffers (i.e. setbacks from features regulated by the NPCA) and optional buffers introduced through Option 3C will be identified through policy.

Table 2 below provides a summation of the NES options across all urban areas of the Region.

The tables for each individual urban area in the Region can be accessed here:

<https://www.niagararegion.ca/official-plan/natural-environment-options.aspx>

Table 2: Summation of NES Options across all Urban Areas of the Region

| Feature | Option 1, 2, & 3A | | Option 3B | | Option 3C | |
|--|-------------------|--------------|---------------|--------------|---------------|--------------|
| | Hectare | % of UA | Hectare | % of UA | Hectare | % of UA |
| Significant Wetland | 1592.6 | 4.6% | 1592.6 | 4.6% | 1592.6 | 4.6% |
| Significant Wetland | 1486.2 | 4.3% | 1486.2 | 4.3% | 1486.2 | 4.3% |
| Life Science ANSI | 28.4 | 0.1% | 28.4 | 0.1% | 28.4 | 0.1% |
| Earth Science ANSI | 45.7 | 0.1% | 45.7 | 0.1% | 45.7 | 0.1% |
| Other Wetlands | 1309.1 | 3.8% | 1309.1 | 3.8% | 1309.1 | 3.8% |
| Permanent and Intermittent Stream (metres) | 302446.3 | N/A | 302446.3 | N/A | 302446.3 | N/A |
| Permanent and Intermittent Stream (poly) | 773.0 | 2.2% | 773.0 | 2.2% | 773.0 | 2.2% |
| Other Woodlands | N/A | N/A | 548.2 | 1.6% | 548.2 | 1.6% |
| Linkages | N/A | N/A | N/A | N/A | 34.2 | 0.1% |
| Buffers | 2192.2 | 6.3% | 2101.3 | 6.1% | 2587.0 | 7.5% |
| Total | 7250.7 | 21.0% | 7677.7 | 22.2% | 8194.7 | 23.7% |

Table 2 Notes:

1. There is some overlap between features. The "total" presented is the total coverage of the listed features as opposed to a summation of the individual components.
2. Buffers in 1/2/3A & 3B are setbacks to regulated features as required by the NPCA. In Option 3C buffers are also applied to non-regulated features (i.e. significant woodlands and other woodlands). Buffers would not be mapped as part of the new Regional Official Plan and buffer widths for non-regulated features would be determined through site-specific study. For the purpose of the comparison of options only in the exercise a buffer of 10m to significant woodlands and 5m to other woodlands was used. The buffer is calculated as the buffer area where there is no overlap with any features. Buffers on features outside of the UA boundaries (where the buffer extends into the UA) are not captured in these calculations.
3. "Permanent and Intermittent Streams (polygon features)" are watercourses, such as rivers, that are wider and represented by a polygon in GIS mapping datasets.

7.2. Discussion and Implications

To support the understanding of this additional information, and to consider the impacts of preliminary policy intent, the consultant team for the project was tasked with analysing and discussing the implications within the urban settlement areas in the Region. The complete discussion of implications can be reviewed in the attached memorandum entitled 'Preliminary Policy Intent for the Natural Environment Systems in the Region's Settlement Areas & Discussion on Implications' (Meridian Planning & North-South Environmental, April 2021). Several key highlights include:

- The change in spatial coverage, impact of the NES options, and changes in the amount of land available for new development differs across the 27 urban areas in the Region for several factors including:
 - The extent to which the urban area is already developed and the size of the urban area. For example, urban areas that are fully developed the change between the options will be less. For urban areas which have greenfield and other undeveloped areas, the change between the options will be greater.
 - The topography of the urban area. For example urban area with large area of lowland vegetation communities trends towards being PSWs with more marginal areas being 'other wetlands', as both types of wetlands are

required components of the NES there is no change in spatial coverage. However urban areas with more upland communities trend towards being Significant Woodlands with more marginal areas being 'other woodlands'. Since 'other woodlands' are considered optional components and not introduced in settlement areas until Option 3B, there tends a greater difference in spatial coverage between the options in urban areas with more upland vegetation communities.

- Although mandatory buffers to significant woodlands and 'other woodlands' are considered an optional component introduced in 3C, in practice a buffer of some type is often required to satisfy the no negative impact test in accordance with the *PPS*. In practice and implementation this will minimize the impacts to developable area in adding buffers to significant woodlands and 'other woodlands' in Option 3C.
- Similarly, while other supporting features and areas (including enhancement areas) are introduced in Option 3C, in practice they can often be used to meet the test of no negative impact.
- The addition of 'other woodlands' has the most potential to impact developable land within urban areas, resulting in an addition of 548.2 ha of land to the NES or a 1.3% increase to the required standards. While having a policy that requires buffers to be identified will result in a slightly larger increase in the mapping of the NES than 'other woodlands', they are required in many cases to meet the test of no negative impact and are not expected to add a significant additional constraint to development.
- Hydrologic areas of the WRS (as shown in Map D for each urban area) comprise a large proportion of some of the urban areas. These features are required components of WRS/integrated NES according to Provincial policy and therefore impact each NES option equally. In most case, hydrologic areas are managed and protected in other ways and typically do not represent a strict prohibition to development.
- There are a number of 'natural heritage features and areas' that have not been mapped including significant wildlife habitat and habitat of endangered and threatened species. Their identification may also have an impact on the amount of potentially developable land within urban areas. That said, within settlement areas the majority of natural features where significant wildlife habitat and habitat of endangered and threatened species would be located is largely contained within natural features already included within the NES (e.g., woodlands and

wetlands, etc.), so the impact on the amount of potentially developable land would likely be marginal.

8.0 Recommendation for Preferred NES Option

8.1. Importance of Selecting a Preferred Option

The NEWP was initiated in early 2018, and the project is entering its 4th year. **As described throughout this report, significant research, analysis, and consultation has been already been undertaken, with additional phases still to come before the NES is approved and implemented.** Work to date has included 8 major background reports, 6 reports and presentations to Committee and Council, and 2 major points of consultation with the public and full range of other stakeholders. Through the completion of the 2nd POE additional mapping and analysis of the options was requested by Regional Council. **All of the requested additional mapping and analysis has been prepared, communicated, and summarized in this report.** The preparation of this additional information was a significant undertaking.

To meet the Provincial deadline for conformity of the NOP, it is critical that Regional Council make a decision on the preferred NES option. Planning Staff, with the support of the consultant team, need sufficient time to complete the detailed and mapping process based on the selected option, and to undertake the 3rd POE. **Growth is coming to the Region, the sooner the new NES and NOP can be approved and implemented, the sooner growth can be better managed, known limitations of the existing Core NHS can be addressed, and important natural features and areas can be better protected.**

The detailed mapping and policy development process is a significant and labour-intensive process that will take several months to complete. Given the time and resources required to complete this task it is not practical to move forward beyond this point without the selection of a preferred option.

In addition, as is explored in further detail in PDS 17-2021, the NES is interrelated with many of sections of the NOP. Without a decision on the NES option many other work programs will become stalled or not able to be finalized.

8.2 Recommendation

NES Option 3B (NHS Option 3B + the single WRS option) is recommended as the preferred NES option. In making this recommendation it should be noted that all options are in conformance with Provincial requirements, and could be fully designed and implemented by Regional Planning Staff through the NOP. NES Option 3B:

- **Exceeds the required provincial standards** for the identification of features and systems which in the long-term will support a more resilient and biodiverse NES.
- **Ensures that there is not a reduction in the area of treed vegetation communities** included within the Region's NES.
- **Supports other objectives, such as helping mitigate the impacts of climate change.**
- Provides a **balanced approach** for the protection of the natural environment **by increasing the number of components and features outside of settlement areas and limiting additional constraints to development in settlement areas.** This option works from both an ecological and land-use planning perspective.
- Provides **flexibility for local municipalities to plan for local needs** and priorities in their communities. Local municipalities would not be prevented from going beyond the Regional system, either through their Local Official Plans or Secondary Plans. Regional Planning Staff are available to provide support for those exercises should they be desired by local municipalities.
- Option 3B considers the **significant public input received** through the 1st and 2nd Points of Engagement. Through the 2nd Point of Engagement, it was clear that **there was no consensus** on which NES Option was most desirable. This speaks to the **need for a balance between the Options.**

9.0 Takeaway and Key Message

A key takeaway from the NEWP is that regardless of the NES option selected and implemented through the NOP. There will be changes in environmental planning in the Region, both in terms of the spatial extent of the NES and the level of protection provided to some features in the system. These changes are required to meet provincial conformity and are primarily being driven by:

- The need for a systems based approach to natural environment planning as required by the *PPS*;
- The need for a comprehensive *WRS* as required by the *PPS* and *Growth Plan*; and
- The identification of the *Growth Plan* NHS and associated policies by the Province, and the requirement for it to be implemented by Municipalities.

Further, regardless of the NES option selected by Regional Council the following improvements in environmental planning in the Region should also be anticipated:

- Significantly improved mapping of the NES as a result of new data from the 2020 Ecological Land Classification (ELC) Mapping project, the Contemporary Mapping of Watercourses (CMW) project, and other updated Provincial sources;
- Improved and more easily understood policies;
- Modernized definitions, criteria, and methodology for the identification of environmental features; and
- Better alignment with the regulations and land use policies of the NPCA as requested by a range of stakeholders.

10.0 Next Steps and Timeline

Once a preferred NES option has been selected, work can begin on Phase 6 and 7 of the NEWP including:

- Preparing Technical Report #3 (Phase 6) which will:
 - Expand on the preferred option to fully develop definitions, criteria, system components, sources of information, direction for preparing final mapping schedules.
 - Develop detailed recommendations for Official Plan policies to support implementation of the system building on the recommendations that were prepared in the earlier phases of the work program.
 - Prepare an 'Implementation Framework '(e.g. how will local municipalities incorporate this into their Official Plans, what are the responsibilities of landowners and local municipalities at the time of development, refinement policies, process for boundary interpretations, etc) to be reflected in the Official Plan policies.
 - Provide recommendations for implementation tools that will need to be recognized in the NOP (e.g. Environmental Impact Study (EIS) guidelines, stewardship policies, etc.)
 - Review of current Regional EIS guidelines and preliminary recommendations for updating.
- Draft Official Plan policies (Phase 7)
- Final NES mapping/NOP schedules (Phase 7)

Once Phases 6 & 7 are complete the 3rd Point of Engagement (Phase 8) will be undertaken. The goal of the 3rd POE is to provide Regional Council, Local Municipalities, the public, and other stakeholders a sufficient opportunity to review, understand, and provide comments on the draft policies and mapping. **The final recommendation and decision on NES mapping and policies will not occur until the 3rd POE has been completed.**