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**Subject:** Update on Niagara Official Plan-Further Draft Policy Development

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, August 11, 2021

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## **Recommendations**

1. That Report PDS 32-2021 **BE RECEIVED** for information; and
2. That a copy of Report PDS 32-2021 **BE CIRCULATED** to the Local Area Municipalities.

## **Key Facts**

- This report provides an update on consultation and ongoing policy work for the Niagara Official Plan (NOP) since Committee's consideration of the Joint Consolidated May Report- (PDS 17-2021).
- This report follows a similar structure to the Joint Consolidated May Report (PDS 17-2021) with Executive Overviews prepared for the new draft policy sections. The draft sections include Source Water Protection, Excess Soils, Petroleum and Mineral Resources, and Performance Indicators and Monitoring will be provided for consultation up until October 1, 2021.
- Updates on policy development such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Niagara Escarpment Plan Area, Open Space, Economic Prosperity, Cultural Heritage and Implementation are provided.
- A separate report at the August 2021 PEDC meeting, Report PDS 33-2021, provides a revised Land Needs Assessment based on feedback received and work undertaken since May 2021.
- Draft Natural Environment System policies, and Region-wide mapping will be available for review and comment in Fall 2021.

## **Financial Considerations**

Council approved the resources to complete the new Niagara Official Plan (NOP) over a 5 year period as part of the 2017 Budget Process, predominantly funded through Development Charges.

## **Analysis**

In the Joint Consolidated May Report (PDS 17-2021), detailed information was provided on the purpose of an Official Plan, the importance of a new Official Plan and the Pillar Statements and Directives. Also included for further consultation were draft policies pertaining to growth management and supporting draft policies on Infrastructure, Transportation, District and Secondary Planning and Urban Design for the Niagara Official Plan.

This report has three parts:

1. An update on consultation since the release of the May PDS 17-2021 report;
2. Draft policy sections completed since Report PDS 17-2021 including; Source Water Protection; Excess Soils; Petroleum and Mineral Resources; and Performance Indicators and Monitoring; and
3. Updates on ongoing policy development for other Chapters/Sections of the NOP such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Open Space, Economic Prosperity, Cultural Heritage and Implementation.

### **4. Update on Consultation**

#### **Prior to the release of the Joint Consolidated May Report PDS 17 2021**

As detailed in Appendix 1 of the Joint Consolidated May Report (PDS 17-2021), hundreds of consultation events have occurred since 2017. Work for the NOP has been informed by consultation from the public, stakeholder groups, local Councils, agencies, Indigenous communities, local municipal planners, local planning workshops, and meetings with the Planning Advisory Committee.

The Region's Planning and Economic Development Committee has been informed by more than 35 Administrative Reports between 2018 and 2021 on the NOP. These

reports and presentations provided updates on the work program, individual sections of the Plan, and consultation.

### **After the release of the Joint Consolidated May Report PDS 17 2021**

At the time of writing this report, consultations on the Niagara Official Plan have been ongoing with the Province, Conservation Authority, several Indigenous Groups (local and treaty rights groups), and the Planning Advisory Committee. In addition, planning staff are in the process of setting up consultation sessions with younger adult groups.

Local municipal planning staff have been and will continue to be engaged on growth management, expansions, technical boundary adjustments, site-specific policy areas and other matters that necessitate detailed discussion.

Updates and information continue to be made available through newsletters and the official plan website.

This Report themes key comments/questions received from Public Information Centres and comments received on the content of the Joint Consolidated May Report (PDS 17-2021).

**A detailed consultation report, including all comments received on the May PDS 17-2021 report and staff responses to the comments, will be provided at the September 15, 2021 PEDC Meeting. Received submissions and a summary of comments will be available on the Region's website on or before August 11, 2021. This will allow members of Council or the public to review comments submitted prior to the PEDC's consideration of the more detailed Consultation Report in September 2021.**

The exception to the above are comments received relating to the land needs assessment, expansion and urban boundary requests, made between May and July 2021. Those are detailed in Report PDS 33-2021 and will be available in early August, or sooner.

### **June 2021 Public Information Centres**

Throughout the month of June, five virtual Public Information Centres were held, with each session focusing on policy topics from a different Chapter of the Niagara Official Plan, being; Growing Region, Sustainable Region, Competitive Region, Connected

Region and Vibrant Region. Draft policy and background information was shared to inform the public and gather feedback.

Across the five sessions, there were 238 attendees, and 204 questions and comments submitted. The majority of questions were answered live by staff during the webinar, however, comments and questions left unanswered due to lack of time or available information, will be posted to the Niagara Official Plan website by approximately August 11, 2021. Additionally, recordings of the PICs will also be placed on the Niagara Official Plan website: <https://www.niagararegion.ca/official-plan/public-information-centres.aspx>

A brief summary of the key themes or questions received include the following:

Chapter/Session	Consistent/Key Comment or Question
Chapter 2: Growing Region	<ul style="list-style-type: none"><li>- Requests for clarity and more information regarding the process, timelines and proposed locations of settlement area boundary expansions.</li><li>- Lack of affordable housing options in Niagara.</li><li>- The implications of potential boundary expansions on the natural environment and agricultural lands.</li></ul>
Chapter 6: Vibrant Region	<ul style="list-style-type: none"><li>- Support for low impact development strategies for future developments (urban design).</li><li>- Coordination with local area municipalities on mapping and implementation of the new Archaeological Management Plan.</li></ul>
Chapter 4: Competitive Region	<ul style="list-style-type: none"><li>- Support for protection of existing Specialty Crop Areas and enhanced designation of Prime Agricultural Areas.</li><li>- Consideration of allowances for Greenhouses and other Agricultural structures to be built on top of Specialty Crop Area.</li><li>- Comments on Employment Area categorizations.</li><li>- Approach to recognizing Special Policy Areas in agricultural areas.</li></ul>
Chapter 5: Connected Region	<ul style="list-style-type: none"><li>- Concern with accessibility and trip lengths of Regional Transit services.</li></ul>

	<ul style="list-style-type: none"> <li>- Concerns with stormwater pollution and quantity, and support for reduction strategies through green infrastructure.</li> <li>- Concerns over lateral connections to services outside the settlement area boundary within Specialty Crop areas.</li> </ul>
Chapter 6: Sustainable Region	<ul style="list-style-type: none"> <li>- Information regarding species, planting areas, and public involvement in the Regional Greening Initiative.</li> <li>- Clarification on timelines for draft policy and mapping for the Natural Environment System.</li> <li>- Support for climate change mitigation and integration of climate change policy into various areas of the Plan.</li> </ul>

## Received Submissions

Staff have received numerous written submissions from agencies, stakeholders and the public since Joint Consolidated May Report PDS 17-2021 was brought forward to PEDC. At the time of writing this report, 73 submissions were received between May and mid-July 2021. The key comments/questions raised are summarized in the chart below:

### Themes Emerging From Feedback On Joint Consolidated May Report PDS 17-2021

Chapter	Consistent/Key Comment or Question
Chapter 2: Growing Region	<p>2.1- Growth Allocations and Land Needs</p> <ul style="list-style-type: none"> <li>• Some municipalities suggested higher populations may be more appropriate for them and there were private sector submissions suggesting different distributions.</li> </ul> <p>2.2- Regional Structure</p> <ul style="list-style-type: none"> <li>• Requests for clarification on concepts and policies.</li> </ul> <p>2.3- Housing</p>

	<ul style="list-style-type: none"> <li>Concerns for appropriate housing mix, separation between dwellings, and secondary dwelling units.</li> </ul> <p>SABR</p> <ul style="list-style-type: none"> <li>Various requests for urban boundary expansions/adjustments in Niagara, including Niagara Falls, West Lincoln, Pelham, Fort Erie, Thorold, Welland, and St. Catharines.</li> </ul>
Chapter 3: Sustainable Region	<p>3.1- Natural Environment System</p> <ul style="list-style-type: none"> <li>Questions about balance of protecting natural environment with urban boundary expansions.</li> <li>Emphasis on protection of natural spaces, including trails and parks.</li> </ul> <p>3.5- Climate Change</p> <ul style="list-style-type: none"> <li>The importance of making climate change prominent throughout the plan to address transit, watershed planning, natural heritage system and agriculture.</li> <li>The need to protect mature trees in addition to planting new trees across the region.</li> </ul>
Chapter 4: Competitive Region	<p>4.1- Agriculture</p> <ul style="list-style-type: none"> <li>Requests to expand agricultural areas, as well as requests for removal of land in the Greenbelt Plan area.</li> <li>Comments on recognizing agricultural infrastructure in the NOP.</li> </ul> <p>4.2- Employment Areas</p> <ul style="list-style-type: none"> <li>Specific requests to remove employment areas and letters of support for employment conversions.</li> </ul>

	<p>4.3- Aggregates</p> <ul style="list-style-type: none"> <li>• Questions with respect to technical studies required for new aggregate operations, haul routes, and rehabilitation requirements.</li> <li>• Concern over local and regional amendments for new operations and concern over haul route and rehabilitation policies</li> </ul>
Chapter 5: Connected Region	<p>5.1- Transportation</p> <ul style="list-style-type: none"> <li>• Concern with heavy truck traffic along the Niagara Escarpment crossing to QEW.</li> <li>• Support for lands designated as Major Transit Station Areas and growth surrounding those areas.</li> <li>• Requests for clarity local-regional jurisdictional matters</li> </ul> <p>5.2- Infrastructure</p> <ul style="list-style-type: none"> <li>• Specific request with respect to servicing outside the urban area.</li> <li>• Requests for clarity local-regional jurisdictional matters</li> </ul>
Chapter 6: Vibrant Region	<p>6.1- District and Secondary Planning</p> <ul style="list-style-type: none"> <li>• Comments on requirements to add secondary plan policies into local official plans.</li> <li>• Concern over expanded scope and study for Secondary Plans.</li> </ul> <p>6.2- Urban Design</p>

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	<ul style="list-style-type: none"><li>• Comments on local and regional urban design guidelines.</li><li>• Concern over regions oversight relative to urban design matters.</li></ul> <p>6.3- Archaeology</p> <p>Questions regarding when archaeological assessments should be required and exemptions.</p>
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## 5. New Draft Policy Sections

Since the Joint Consolidated May Report PDS 17-2021, additional technical policy sections have been drafted for circulation and comment. These are outlined below by Chapter for the Niagara Official Plan.

As with Report PDS 17-2021, draft policies are accompanied by Executive Overviews (EOs), both of which are attached as Appendices.

### Chapter 3- Sustainable Region

#### Section 3.3- Source Water Protection

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

Based on the 2014 Source Water Protection Plan, Niagara Region prepared an amendment to include source protection policies in the existing Regional Official Plan in 2015. For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect.

The EO and draft policies are attached as Appendices 1.1 and 1.2 respectively. A draft Schedule D for Source Water Protection is attached as Appendix 1.3.

#### Section 3.7- Excess Soils



Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location.

The policies of this section encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil.

The EO and draft policies are attached as Appendices 2.1 and 2.2 respectively.

## **Chapter 4- Competitive Region**

### **Section 4.3.2- Petroleum and Mineral Resources**

Petroleum resources, such as oil, gas, and salt resources extracted through the drilling of wells, are located throughout Niagara region. Mineral resources, including metallic minerals and non-metallic minerals, but not including mineral aggregate resources, have few possible deposits identified across Niagara Region.

Petroleum and mineral resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future. Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided.

The EO and draft policies are attached as Appendices 3.1 and 3.2 respectively. A draft Petroleum Resource Schedule H is attached as Appendix 3.3

## **Chapter 7-Implementation**

The Implementation Chapter is very important to carrying out the policies of the Official Plan. Policies for this Chapter are more easily developed as the draft policies associated with other Chapters are finalized.

The EO attached as Appendix 4.1 provides an overview and update on the policy development of the Sections of this Chapter.

Draft policies specific to this report have been developed for performance indicators and monitoring to assist with and compliment the policy direction of Chapter 2: Growing Region.

### **Section 7.3 Performance Indicators and Monitoring**

The policies of the NOP will identify a comprehensive monitoring program to help implement the Plan. A list of indicators will measure progress to ensure that the Plan's policies continue to meet its vision and objectives. Monitoring will also help to identify emerging trends, track progress towards specific targets, and confirm NOP policies remain relevant. Consistent and regular monitoring of the NOP's performance will be key to ensuring its success.

The draft policies are attached as Appendix 4.2

### **Glossary of Terms**

The Glossary of Terms provided in the Joint Consolidated May Report PDS 17-2021 has been updated to define new terms mentioned in these draft policy sections (shown in bold). These definitions align with existing regional Official plan definitions and or provincial definitions.

The updated Glossary of Terms is attached as Appendix 5.

## **6. Update on Other Policy Sections**

**Policies still under development will be incorporated into the final consolidated draft Official Plan for the end of the year. Further consultation will take place on the final consolidated draft Official Plan with the public, agencies and stakeholder groups.**

The following are those policy chapters that will be completed later this year.

### **Chapter 1-Introduction**

The Introduction will establish the following:

- i) The planning context for Niagara;
- ii) Challenges and opportunities centred on managing the inevitable growth coming to Niagara in a manner that provides better housing affordability, protects our natural environment and addresses our changing climate;
- iii) The two-tier planning framework;
- iv) Pillar statements and directives; and
- v) The legislative basis and structure of the Niagara Official Plan.

Planning staff have undertaken consultation with Indigenous groups (both local and treaty rights groups). An acknowledgement of their contributions to the development of the NOP around their areas of interest including archaeology, natural environment, climate change, affordable housing and future consultation will be included as a precursor to the Plan. The Archaeological Master Plan being prepared to inform the NOP will provide the important Indigenous historical context.

## **Chapter 3 Sustainable Region**

### **Section 3.1-Natural Environment System**

The objective of the Natural Environment Work Program (NEWP) is to develop a Regional-scale natural heritage and water resource system. Together these systems will be collectively known as the integrated natural environment system (NES).

PDS 17-2021 which contained the staff recommendation for the preferred NES option was presented to Planning and Economic Development Committee (PEDC) on Wednesday May 12<sup>th</sup>, 2021. At the Regional Council Meeting on Thursday May 20<sup>th</sup>, 2021 staff were directed to move forward with both NES Option 3B and 3C. Regional Council will be requested to make a decision on the NES option at a future date.

The next step in the NEWP is to prepare detailed criteria and definitions for each of the components of the system. This information will be documented in a technical report – which will also include a methodology for mapping the system. It is important that the criteria and methodology are documented before the mapping work is undertaken. The detailed criteria and methodology will be an important tool for the ongoing implementation of the NES once the new Official Plan has been approved.

At the same time the detailed policy sets will be written while the detailed mapping is developed for both Options 3B and 3C. Both mapping and policy development of the NES will involve significant consultation with the Local Municipalities and NPCA.

Additional consultation with the public and other stakeholders will be undertaken. This includes the 3<sup>rd</sup> Point of Engagement once the draft NES maps and policies are prepared.

It is expected that a draft of the technical report, policies, and Region-wide NES mapping will be available for review and comment in Fall 2021. Council will need to make a decision on an Option to move forward with at that time.

### **Section 3.2-Watershed Planning**

Watershed planning is a methodology used to support the protection or restoration of natural resources (with an emphasis on water resources) within a watershed through the development of management plans, policies, and other related tools.

The updated Provincial Growth Plan and Greenbelt Plan place a greater emphasis on the need for watershed planning to inform land-use planning. To ensure that the Niagara Official Plan is informed by watershed planning in accordance with Provincial direction the Niagara Watershed Plan (NWP) project is underway. On June 16<sup>th</sup>, 2021, a report and presentation were made to PEDC.

The NWP is being published in three volumes. Following the June PEDC meeting, a draft of Volume 1 (Characterization) and Volume 2 (Management) were made available for review by the Public and other stakeholders. Comments were requested by July 30<sup>th</sup>, 2021. Planning Staff and the Consulting Team are in the process of reviewing all of the input that was received and will be finalizing in the NWP in Fall 2021.

Volume 3 of the NWP will analyze various growth scenarios as part of the overall Official Plan work program and is currently being completed. A draft of Volume 3 will be made available for review and comment for finalization in September/October.

### **Sections 3.4- Stewardship and 3.5- Climate Change**

The objective of the Climate Change Work Program is to build and broaden climate change goals, objectives and policies in the Niagara Official Plan, working towards the development of resilient communities.

The Climate Change Work Program is comprised of three pillars: climate change policies for the NOP, climate modeling and projections, and a regional greening initiative.

The climate change section of the NOP will have policies to reduce greenhouse gas emissions and adapt to the impacts of climate change, support for other priority areas of

the NOP including Regional Structure, Infrastructure (servicing and transportation), District and Secondary Plans, Natural Environment System, and Urban Design.

PDS-C 31-2021 provided an update on the progress of the Niagara Climate Modeling and Projections Project. At the end of July, a preliminary results session was held with our local municipal partners and the NPCA. The consultant team for the project is currently reviewing comments and feedback. A draft climate projections report is anticipated for September, with the project set to conclude in October 2021.

The Regional Greening Initiative, most recently reported on in July 2021 (PDS-C 44-2021), will be a project connected to the NOP work through the Sustainable Region chapter, including connections to the Natural Environment System (s. 3.1), Stewardship (s. 3.4) and Climate Change (s. 3.5) sections.

The goal of the greening initiative is to enhance vegetative cover across the Region. Staff are preparing material for consultation later this year.

### **Section 3.6- Niagara Escarpment Plan**

Planning staff have been developing an approach to integrate the Niagara Escarpment Plan (NEP) with the NOP. This approach will include identifying the NEP area on key schedules.

This Section of the NOP will acknowledge the NEP plan policies apply within the NEP area, in addition to where Regional planning staff would request more detailed regional policies for a development permit application, such as the Natural Environment System or Infrastructure policies. This approach will be discussed further with Area Planners and Niagara Escarpment Commission staff and refined as appropriate.

## **Chapter 4- Competitive Region**

### **Section 4.4-Economic Prosperity**

This section will pull together and reflect the policies of other Sections in this Chapter and other Chapters with the goal of providing focus on opportunities for greater economic prosperity in relation to land use. For example, cultural heritage and natural heritage landscapes and features can, in a more passive way, provide economic benefits.

These policies will be developed with input from the Region's Economic Development Department and receive input from other stakeholder groups.

## **Chapter 5-Connected Region**

### **Section 5.3-Public Spaces, Recreation, Parks, Trails and Open Spaces**

This section will provide policy that provide context to the importance of open space, trails, and public spaces as part of vibrant places, complete communities, reducing car dependency, and active healthy lifestyles.

## **Chapter 6-Vibrant Region**

### **Section 6.4- Cultural Heritage**

Policies will be developed encouraging the protection of significant built heritage and cultural heritage landscapes and districts. Cultural heritage contributes to preservation of history, contributions to vibrant communities and can provide economic opportunities.

## **Alternatives Reviewed**

There are no alternatives to this report. This report is for information purposes providing an update on certain policy sections. Draft policies on certain Official Plan sections are attached to inform Council and provide the opportunity to receive input from the public, stakeholders, Indigenous communities, local area municipalities, and the Province.

## **Relationship to Council Strategic Priorities**

The Niagara Official Plan will support the following Strategic Priority Objectives:

### **Objective 1.1: Economic Growth and Development**

- Enhance integration with local municipalities' economic development and planning departments to provide supports and improve interactions with businesses to expedite and navigate development processes.
- Forward thinking approach to economic development in Niagara through long term strategic planning and leveraging partnerships with post-secondary institutions.

#### **Objective 1.4: Strategically Target Industry Sectors**

- Define Niagara's role in tourism including areas such as sport, eco, agricultural and culture tourism.

#### **Objective 2.3: Addressing Affordable Housing Needs**

- Retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.

#### **Objective 3.2: Environmental Sustainability and Stewardship**

- A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.
- Drive environmental protection and addressing climate change such as through increasing waste diversion rates and reducing our carbon footprint.

#### **Objective 3.3: Maintain Existing Infrastructure**

- Sound asset management planning to ensure sustainable investments in the infrastructure needed to support existing residents and businesses, as well as future growth in Niagara.

#### **Other Pertinent Reports**

- Joint Consolidated May Report PDS 17-2021:  
<https://www.niagararegion.ca/official-plan/consolidated-policy-report.aspx>
- PDS 33-2021, Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

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**Appendices**

Appendix 1.1	Source Water Protection Executive Overview
Appendix 1.2	Draft Source Water Protection Policies
Appendix 1.3	Draft Schedule D: Source Water Protection
Appendix 2.1	Excess Soil Executive Overview
Appendix 2.2	Draft Excess Soil Policies
Appendix 3.1	Petroleum and Mineral Resources Executive Overview
Appendix 3.2	Draft Petroleum and Mineral Resources Policies
Appendix 3.3	Draft Schedule H: Petroleum and Mineral Resources Areas
Appendix 4.1	Implementation Executive Overview
Appendix 4.2	Draft Performance Indicators and Monitoring Policies
Appendix 5	Glossary of Terms



## EXECUTIVE OVERVIEW

### CHAPTER 3.3 – Source Water Protection

#### SUMMARY

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

The Ministry approved and in-effect SPP (2014) evaluated six water treatment plants and determined there were *significant threats* related to land uses for the Decew Falls Water Treatment Plant, Port Colborne Water Treatment Plant, and the Niagara Falls Water Treatment Plant *intake protection zones*.

In 2015, source protection policies were added for the in-effect Official Plan (an exercise known as ROPA 5). The Niagara Official Plan predominantly carries forward those policies and mapping.

- The NPCA is the Source Protection Authority (SPA) in Niagara under the *Clean Water Act*. The SPA provides administrative and technical support to the Source Protection Committee (SPC) and the source protection planning process.
- Responsibility for source water protection planning is that of the SPC with staff support from the NPCA. The Province is the approval authority for Source Protection Plans prepared by the SPC.
- The Niagara Peninsula Source Protection Plan, including the technical Assessment Report and Explanatory Document is in effect as of October 1, 2014.
- ROPA 5- 2015 implemented the *significant threat* policies for Decew Falls, Port Colborne, and Niagara Falls water treatment plants *intake protection zones* in the Regional Official Plan.
- Source water protection policies only apply to municipal drinking water sources. All drinking water in Niagara is from surface water.
- The SPC is currently updating the assessment report and SPP, anticipated to be completed in 2023. Once approved, an amendment to the Niagara Official Plan, Local Official Plans and Local Zoning By-laws will be required.



**A Draft Policy set and schedule is provided with this sub-section document.**

Integration Guide for Sub-sections Reported in PDS 32-2021

<input checked="" type="checkbox"/> Regional Structure	<input type="checkbox"/> Archaeology
<input type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment
<input checked="" type="checkbox"/> Land Needs	<input checked="" type="checkbox"/> Agriculture
<input type="checkbox"/> SABR	<input type="checkbox"/> Aggregates
<input type="checkbox"/> Transportation	<input type="checkbox"/> Natural Heritage incl.
<input checked="" type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Water Systems Options
<input checked="" type="checkbox"/> District/Secondary Plans	<input checked="" type="checkbox"/> Watershed Planning
<input type="checkbox"/> Urban Design	<input type="checkbox"/> Climate Change

**OVERVIEW**

The creation of the *Clean Water Act* (2006) was in direct response to an inquiry led by Justice Dennis O'Connor into the May 2000 Walkerton tragedy and more broadly to the safety of Ontario's drinking water. The CWA established 38 source protection areas within the Province based on Conservation Authority boundaries. Source protection plans are now in place within 38 source protection areas, representing approximately 90 percent of the population.

The purpose of the CWA is to ensure communities are able to protect their municipal drinking water supplies at the source through identifying potential risks to local water supply quality and quantity and create a plan to reduce or eliminate these risks.

In Niagara, the NPCA is the Source Protection Authority (SPA), providing administrative and technical support to the Source Protection Committee (SPC). The SPC is responsible for the source protection process, which includes the development of a Source Protection Plan (SPP) for the Niagara Peninsula Source Protection Area.

An assessment report outlining the vulnerable zones, vulnerability scores, and *significant threats* was prepared, followed by the SPP outlining policies to address *significant threats*, implementation timelines and responsibilities.

The Niagara Peninsula Source Protection Plan evaluated six water treatment plants in Niagara and determined there were *significant threats* for three water treatment plants: Decew Falls, Port Colborne, and Niagara Falls. The SPP was approved by the Province and has been in effect since October 1, 2014.

As required under the CWA and through the SPP, Niagara Region prepared an amendment to include source protection policies in the Regional Official Plan in 2015

(process known as ROPA 5-2015). The amendment included policies to address *significant threats* identified through the SPP for the Decew Falls, Port Colborne, and Niagara Falls water treatment plant *intake protection zones*. The policies also require local municipalities to incorporate source water protection policies into their local official plans and zoning by-laws. A municipal guidance document was prepared to provide a framework for local municipalities to translate Regional Official Plan policy related to source protection, and implement those policies into local Official Plans and associated planning and building processes.

For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect. However, the SPC is currently updating the Assessment Report and SPP for the Niagara Peninsula Source Protection Area. The SPP is anticipated to be completed in 2023, subject to Ministry approval. Once approved and in effect, the Niagara Official Plan and Local Official Plans and Zoning By-laws will require an amendment to conform to the policies of the new SPP.

The attached draft policy and mapping, **Appendix 1.2** and **Appendix 1.3** respectively, predominantly carries forward policies and mapping approved through ROPA 5-2015. For more information on source protection planning in Niagara, please visit the [Niagara Peninsula Drinking Water Source Protection website](https://www.sourceprotection-niagara.ca/) (https://www.sourceprotection-niagara.ca/)

## CHAPTER 3 - SUSTAINABLE REGION

### Section 3.3 Source Water Protection

The Source Protection Plan for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water. The *Source Protection Plan* evaluated six water treatment plants and determined there are *significant threats* related to land uses associated with the DeCew Falls water treatment plant in the City of Thorold, Port Colborne water treatment plant in the City of Port Colborne, and the Niagara Falls water treatment plant in the City of Niagara Falls. The following *source water* protection policies are organized according to the water treatment plant *intake protection zones* for which *significant drinking water threats* have been identified in the *Source Protection Plan*. These water treatment plants and associated *intake protection zones* are identified as an overlay on Schedule D to this Plan. The underlying land use designations on Schedule D continue to apply.

The policies of Section 3.3 must be read with the Niagara Official Plan in its entirety and in conjunction with the Niagara Peninsula *Source Protection Plan*, the Assessment Report and the Explanatory Document which provides the context and rationale for the land use policies and in identifying *significant threats* and eliminating these drinking water threats for the DeCew Falls, Port Colborne and Niagara Falls water treatment plant *intake protection zones*. The policies of Section 3.3 must also be read in conjunction with other applicable plans and legislation.

#### Update to the Source Protection Plan for the Niagara Peninsula Source Protection Area

The SPP was approved by the Ministry of the Environment, Conservation and Parks and is effective as of October 1, 2014.

Under the Clean Water Act, municipal official plans must be amended to conform to the *significant threat* policies within the SPP.

The Source Protection Authority is currently updating the Assessment Report and the SPP for the Niagara Peninsula Source Protection Area. The SPP is anticipated to be completed in 2023, subject to Ministry approval. Once approved, the Niagara Official Plan, Local Official Plans, and Local Zoning By-laws will require an amendment to conform to the policies of the new SPP.

**3.3.1 To protect the water source for the Decew Falls Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.**

3.3.1.1 The placement of untreated septage to land is considered a *significant drinking water threat* in the DeCew Falls *Intake Protection Zone 1*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the DeCew Falls *Intake Protection Zone 1*.

3.3.1.2 The discharge from new *stormwater management facilities* is considered a *significant threat* where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New *stormwater management facilities*, which meet these criteria, are not permitted to discharge within the DeCew Falls *Intake Protection Zone 1*. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the DeCew Falls *Intake Protection Zone 1*. For the purposes of this policy, new industrial or commercial land uses include industrial or commercial uses which are not currently designated as such in the local municipal Official Plan.

**Untreated septage**

Properties where untreated septage is applied to land are considered *waste disposal sites* under Part V of the Environmental Protection Act (EPA). Untreated septage is typically produced from the clean-out of residential septic system tanks.

3.3.1.3 The discharge from *wastewater treatment plants* or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New *combined sewers, wastewater treatment facilities, and industrial effluent systems* are not permitted where they would be a *significant threat* within the DeCew Falls *Intake Protection Zone 1*.

#### Niagara Peninsula Source Protection Plan

[The Niagara Peninsula Source Protection Plan, Assessment Report and Explanatory Document](http://www.sourceprotection-niagara.ca/) are available at: (<http://www.sourceprotection-niagara.ca/>)

3.3.1.4 Any planning or building application made for a land use other than Residential in the DeCew Falls *Intake Protection Zone 1* may require a Section 59 notice from the *Risk Management Official*. The requirements of the notice will be determined through the application screening process.

#### Application Screening Process for Section 59 Notice from Risk Management Official

The application screening process will look at whether an application may relate to the application of agriculture source material, the storage of *agriculture source material*, livestock grazing/pasturing and farm animal outdoor confinement areas in DeCew Falls *IPZ 1* or; the storage of pesticides in Port Colborne *IPZ 1* or for the application of pesticides in the Port Colborne *IPZ 1* and *IPZ 2*.

### 3.3.2 To protect the water source for the Port Colborne Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.

3.3.2.1 The placement of untreated septage to land is considered a *significant drinking water threat* in the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*.

3.3.2.2 Any planning or building application made for a land use other than Residential in the Port Colborne *Intake Protection Zone 1* and *2* may require a Section 59 notice from the *Risk Management Official*. The requirements of the notice will be determined through the application screening process.



- 3.3.2.3 The storage of road salt is considered a *significant threat* in the Port Colborne *Intake Protection Zone 1*, if stored outside with no cover, in amounts greater than 5,000 tonnes. Future open storage of road salt greater than 5,000 tonnes is not permitted within the Port Colborne *Intake Protection Zone 1*.
- 3.3.2.4 The storage of snow, and the contaminants associated with it, is considered a *significant threat* in the Port Colborne *Intake Protection Zone 1* if stored in quantities greater than 1 hectare in area. Future storage of snow greater than 1 hectare in area is not permitted within the Port Colborne *Intake Protection Zone 1*.
- 3.3.2.5 The discharge from *wastewater treatment plants* or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 20, Table 21, Table 46, and in Table 47 in Appendix C of the Assessment Report (2013). New *combined sewers, wastewater treatment facilities, and industrial effluent systems* are not permitted where they would be a *significant threat* within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*.
- 3.3.2.6 The discharge from *stormwater management facilities* is a *significant threat* where the storm sewer drainage area is at least 10 ha in size with the predominant land use being commercial or industrial. An application for commercial or industrial *development* or the expansion, extension, or alteration of existing *stormwater management facilities* or the expansion of an existing commercial or industrial *development*, in instances where the *Risk Management Official* and the Region's Chief Planning Official deem such an expansion may pose a *significant threat* to municipal drinking water, within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*, shall be accompanied by a stormwater management plan that demonstrates and implements best management practices related to managing stormwater runoff to the satisfaction of the Region's Chief Planning Official and City of Port Colborne, in consultation with the *Risk Management Official*, such that the development does not pose a *significant threat* to municipal drinking water.

- 3.3.2.7 The storage, and application to land of *agricultural source material*, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered *significant threats* in the Port Colborne *Intake Protection Zone 1 and Intake Protection Zone 2*. New agricultural land uses are not permitted within the Port Colborne *Intake Protection Zone 1 and Intake Protection Zone 2*.

**3.3.3 To protect the water source for the Niagara Falls Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.**

- 3.3.3.1 The application of untreated septage to land is considered a *significant drinking water threat* in the Niagara Falls *Intake Protection Zone 1*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the Niagara Falls *Intake Protection Zone 1*.



- 3.3.3.2 The discharge from new *stormwater management facilities* is considered a *significant threat* where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New *stormwater management facilities*, which meet these criteria, are not permitted to discharge within the Niagara Falls *Intake Protection Zone 1*. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the Niagara Falls *Intake Protection Zone 1*. For the purposes of this policy, new industrial or commercial land uses only includes industrial or commercial uses which are not currently designated as such in the local municipal Official Plan.
- 3.3.3.3 The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New combined sewers, *wastewater treatment facilities*, and *industrial effluent systems* are not permitted where they would be a *significant threat* within the Niagara Falls *Intake Protection Zone 1*.
- 3.3.3.4 The storage, handling, and application to land of *agricultural source material*, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered *significant threats* in the Niagara Falls *Intake Protection Zone 1*. New agricultural land uses are not permitted within the Niagara Falls *Intake Protection Zone 1*.

**3.3.4 To provide direction to local municipalities and monitor significant threats**

- 3.3.4.1 Local municipal Official Plans and Zoning By-laws shall conform to the policies of Section 3.3 of this Plan in accordance with the Niagara Peninsula *Source Protection Plan*.
- 3.3.4.2 The Region will monitor and report on the measures taken to implement the significant threat policies annually in accordance with the Niagara Peninsula *Source Protection Plan*, which shall address the following:

- a) Total number and type of *development* applications in *Intake Protection Zones*;
- b) Pre-consultation meetings related to the Niagara Peninsula *Source Protection Plan*;
- c) Number of *Risk Management Plans* reviewed and approved;
- d) The number and type of development applications in *Intake Protection Zones* with the potential for the creation or modification of a *transport pathway*; and
- e) Steps taken to improve education and research.

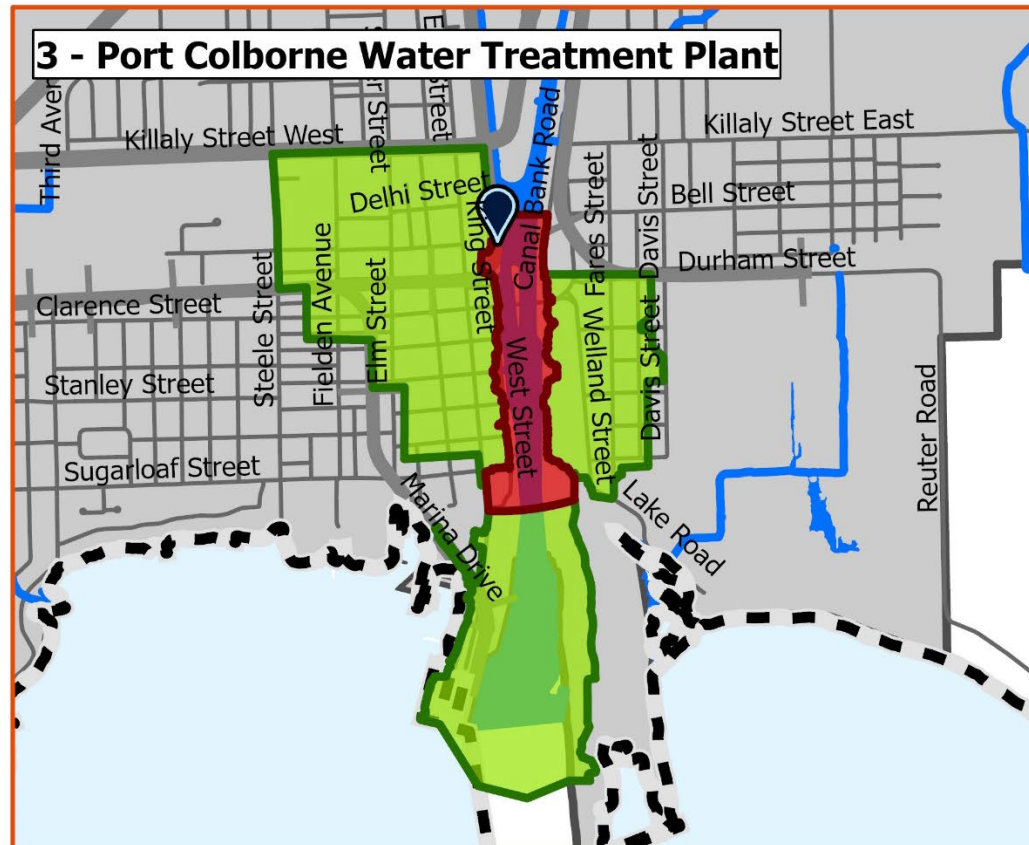
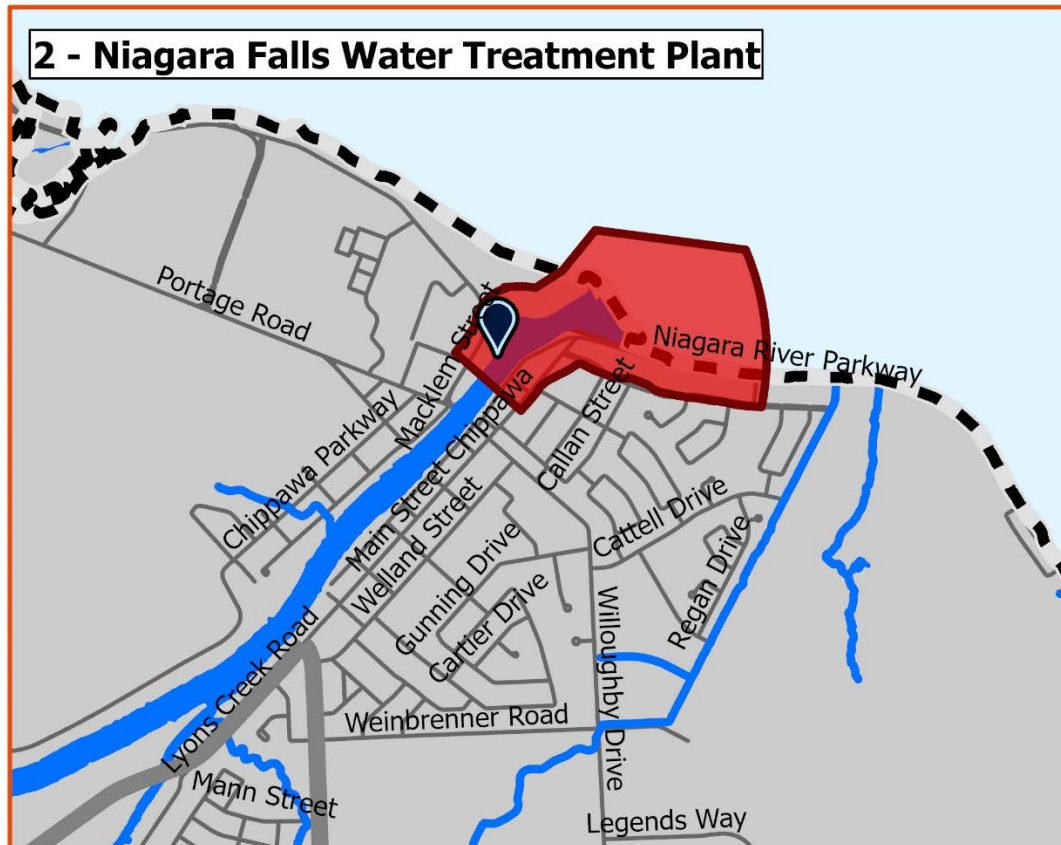
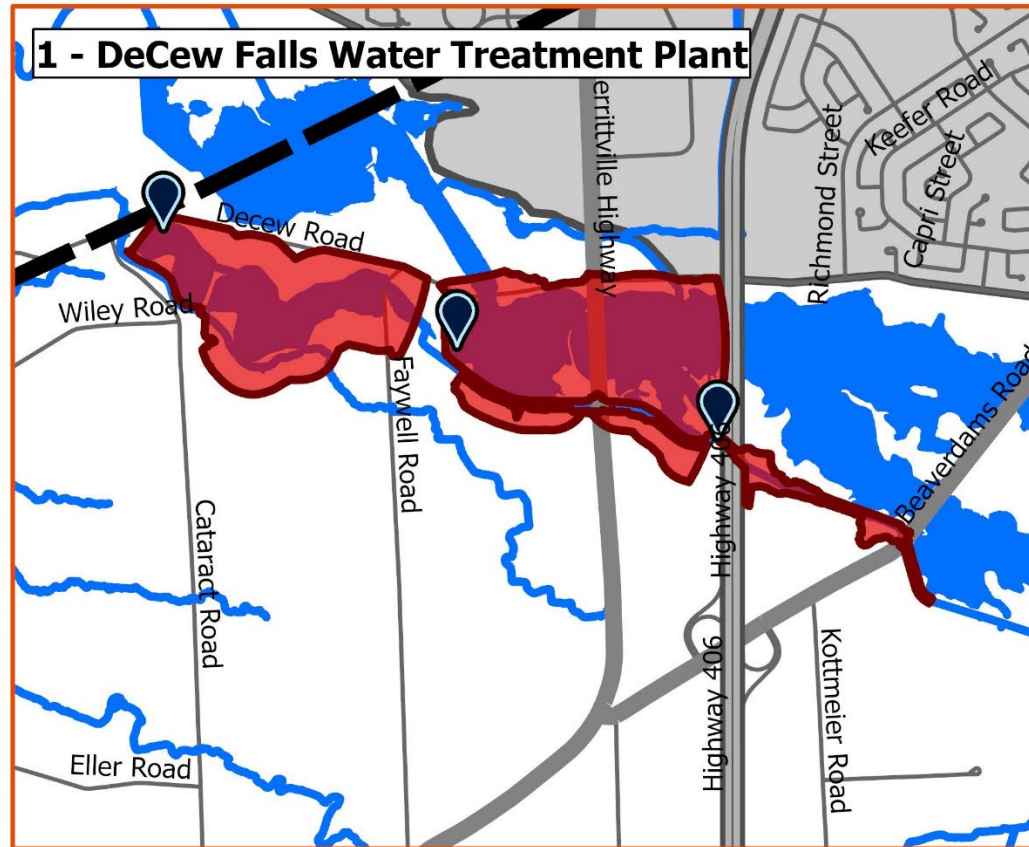
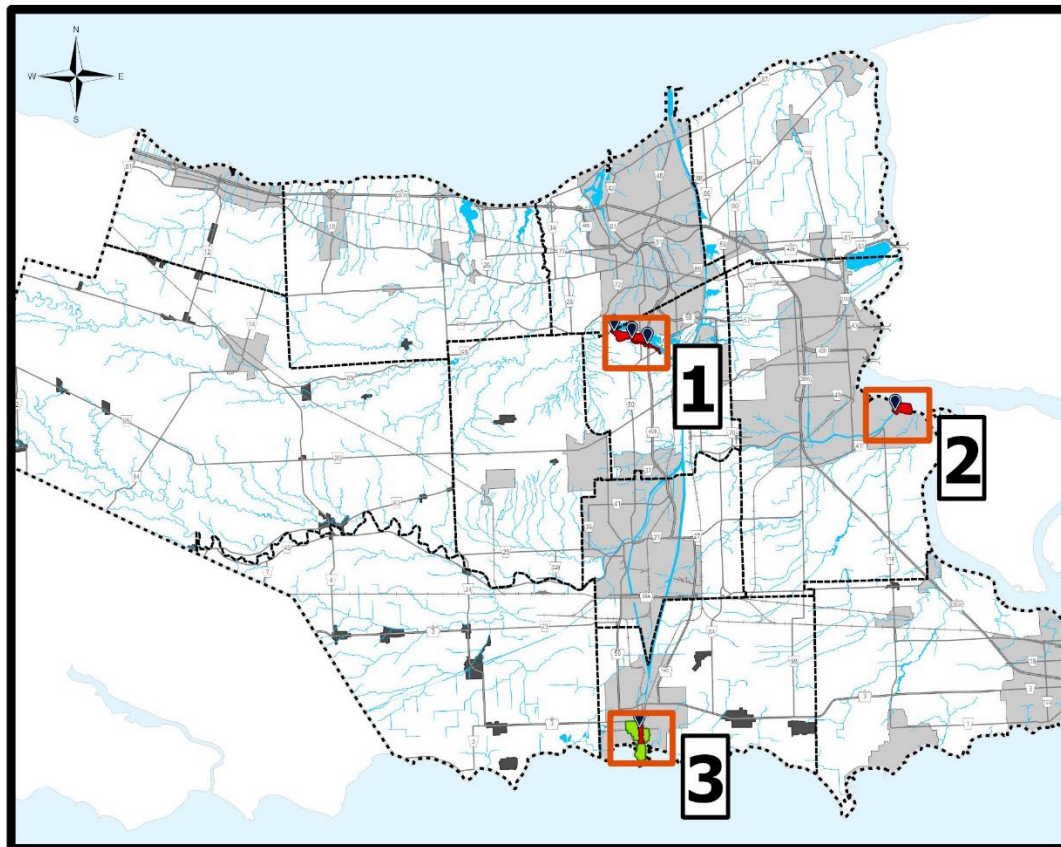
**Monitoring development applications with potential for creation or modification of a transport pathway**

*Transport pathways* are a change in land caused by human activity that increases the vulnerability of a drinking water source.

Examples include storm sewers, discharge pipes, utility trenches, ditches, swales, drainage works or any other types of drain.

Transport pathways are captured in the delineation of *IPZs*, however if any have been added to areas around *IPZs*, there is the possibility of contamination to the intake.





- INTAKE PROTECTION ZONE TYPE**
- IPZ-1
  - IPZ-2
  - SURFACE WATER INTAKE
  - NIAGARA REGION
  - MUNICIPAL BOUNDARY
  - PROVINCIAL ROAD
  - REGIONAL ROAD
  - LOCAL ROAD
  - RAILWAY
  - URBAN AREAS
  - RURAL SETTLEMENTS

0 5 10 20  
Kilometers

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## EXECUTIVE OVERVIEW

### CHAPTER 3 – 3.7 Excess Soil Management

#### SUMMARY

The management of *excess soil* is critical to protect human health and the environment as our communities grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a receiving site.

Provincial direction encourages on-site and local reuse of *excess soil* and requires best management practices for *excess soil*. Provincial direction for *excess soil* is new and has not been previously addressed in the Regional Official Plan.

- Excess soil is a multidisciplinary issue with implications for growth and development, agricultural land, the natural environment system, and transportation.
- The Provincial Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to *excess soil* management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.
- Ontario Regulation 406/19: On-Site and Excess Soil Management established rules for when excess soil is not a waste and outlines soil quality standards for beneficial reuse. The implementation of this regulation is staggered beginning in January 2021.
- The policies in the Niagara Official Plan for excess soil management implement best management practices as outlined in the Province's Management of Excess Soil- A Guide for Best Management Practices (BMP).
- Policy direction for this chapter includes reusing excess soil on-site or locally where possible during development or site alteration and direction to local municipalities to implement best management practices and update site alteration and fill by-laws in accordance with the Municipal Act.

**A Draft Policy set is provided with this sub-section document.**

Integration Guide for Sub-sections Reported in PDS 32-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input type="checkbox"/>	Archaeology
<input type="checkbox"/>	Housing	<input type="checkbox"/>	Employment
<input type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input type="checkbox"/>	SABR	<input checked="" type="checkbox"/>	Aggregates
<input checked="" type="checkbox"/>	Transportation	<input type="checkbox"/>	Natural Heritage incl.
<input checked="" type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input checked="" type="checkbox"/>	Climate Change





## **OVERVIEW**

Excess soil is defined as soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area for the project (O.Reg 406/19). The need to properly manage excess soil has arisen due to the large quantities of soil being generated through site alteration and construction activities in Ontario.

Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. Other issues arising from excess soil include contaminated soil when not properly managed, transportation of excess soil causing damage to roads and increased greenhouse gas emissions, and the introduction and spread of invasive species.

The Excess Soil Management Policy Framework document was prepared by the Ministry of the Environment, Conservation and Parks (MOECP) in 2016. This document identifies the need for a revised policy framework to manage excess soil with 22 key actions identified. Important to the updated policy framework is to provide for better life-cycle management, placing greater responsibility on the source sites, where soil is excavated.

Since the Excess Soil Management Policy Framework was published in 2016, there has been the introduction of excess soil re-use policies in Provincial planning documents, changes to the *Municipal Act*, a new regulation introduced under the *Environmental Protection Act (EPA)*.

Provincial land use policy direction emphasizes the need to incorporate best management practices into Official Plans for excess soil management. The Province prepared Management of Excess Soil- A Guide for Best Management Practices to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

Section 142 of the *Municipal Act, 2001* provides authority to local municipalities to establish by-laws to regulate the placement and dumping of fill. There are certain exemptions for sites licenced under the Aggregate Resources Act, normal farm practices, etc. However, changes have been made with respect to municipal site-alteration by-laws and conservation authority regulated areas. Municipal site-alteration by-laws now apply in conservation authority regulated areas, with repeal of section 142(8).

The policies of this chapter encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil developed by the Province, changes to the *Municipal Act* in relation to conservation

authority regulated land, and the new excess soil management regulation under the *EPA*.

The attached Draft Policy, **Appendix 2.2** illustrates the direction the Niagara Official Plan is taking as it continues towards a completed final draft status.

## CHAPTER 3- SUSTAINABLE REGION

### Section 3.7 Excess Soil Management

The proper management of *excess soil* is critical to protect human health and the environment as our communities continue to grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a final receiving site. Recent changes to Provincial legislation, beginning with the Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to excess *soil* management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.

The manner for which *excess soil* is managed and disposed of has implications for greenhouse gas emissions, with trucks moving *excess soil* across communities. Other issues include the quality of *excess soil*, and the need to protect the environment, water, and agriculture. The beneficial re-use of *excess soil* locally can contribute to climate change mitigation goals and overall sustainability of soil.

The policies of Chapter 3.7 are intended to implement best management practices of *excess soil* for a beneficial re-use purpose where appropriate.

#### Best Management Practices for Excess Soil

*Management of Excess Soil – A Guide for Best Management Practices (BMP)* was prepared by the Province to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

The BMP is for municipalities, conservation authorities, and project site owners/operators.

#### 3.7.1 Recognize and manage excess soil for new development, site alteration and infrastructure

- 3.7.1.1 *Excess soil* shall be managed in accordance with Ontario Regulation 406/19 under the *Environmental Protection Act*.
- 3.7.1.2 Best management practices for *excess soil* generated and fill received during *development, site alteration*, including *infrastructure development*, shall be implemented to ensure that:
  - a) *Excess soil* generated is to be reused on-site or locally to the maximum extent possible;
  - b) *Temporary storage sites* are encouraged to be permitted close to soil reuse sites to reduce transportation and environmental impacts such as greenhouse gas emissions; and
  - c) *Excess soil* placement at receiving sites are required to demonstrate that the activity will not have a negative impact on

existing land uses, the natural environment, surrounding land uses and cultural heritage resources.

- 3.7.1.3 *A soil management plan, meeting Provincial best practices is to be prepared as part of the Planning Act application process for new development.*

### **3.7.2 Provide direction to local municipalities managing excess soil**

- 3.7.2.1 Local municipalities are encouraged to develop or update site alteration and fill by-laws in accordance with the *Municipal Act*.
- 3.7.2.2 Local municipalities shall incorporate best management practices for the management of *excess soil* generated and fill received during *development* or *site alteration*, including *infrastructure* development, to ensure that:
- a) Any *excess soil* is reused on-site or locally to the maximum extent possible;
  - b) Local official plans and zoning by-laws identify appropriate sites for *excess soil* storage and processing; and
  - c) Site plan approval is utilized for new or expanding soil storage or processing sites.

#### **Soil Management Plans**

Soil management plans are outlined in the Provincial BMPs for Excess Soil. A Soil Management Plan outlines the condition of the soil at the source site, to ensure soil suitability during construction projects and recommends the following:

- Detailed sampling and analysis plan for all excavated soil
- Estimated volume of excess soil to be managed off-site
- Site plan identifying areas to be excavated
- List of potential receiving sites for *excess soil*



## EXECUTIVE OVERVIEW

### Chapter 4 – Section 4.4 Petroleum and Mineral Resources

#### SUMMARY

Petroleum and mineral resources are non-renewable and finite across Niagara Region. These resources are protected for potential extraction and long-term use, but are not the same as mineral aggregate resources.

- The Province provides mapping of petroleum wells and petroleum pools for within the Niagara region. Petroleum pools will be depicted on Draft Schedule H.
- The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates petroleum resources through the Oil, Gas and Salt Resources Act and provincial operating standards. This includes licensing of new wells, and overseeing decommissioning of existing wells.
- Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided. Rehabilitation must be conducted according to the Oil, Gas and Salt Resources Act and its regulations and standards.
- Policy direction for this section is primarily focused on ensuring Petroleum resource operations in Niagara and any future possible mineral mining operations, will be protected from incompatible land uses, and the establishment of new operations as well as access to resources should not be hindered by development or activities on the resources or adjacent lands.

**A Draft Policy set is provided with this sub-section document.**

Integration Guide for Sub-sections Reported in PDS 32-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input type="checkbox"/>	Archaeology
<input checked="" type="checkbox"/>	Housing	<input type="checkbox"/>	Employment
<input type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input type="checkbox"/>	SABR	<input type="checkbox"/>	Aggregates
<input type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Natural Heritage incl.
<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input type="checkbox"/>	Climate Change

#### OVERVIEW

Petroleum and mineral resources are finite non-renewable resources and must be protected from incompatible land uses or uses that would limit their extraction in the future.

Petroleum resources include oil, gas, and salt resources. These resources can be found trapped underground in layers of ancient sedimentary rock which underlie all of southern Ontario. Ontario's oil, natural gas and salt resources are extracted by the



drilling of wells. Petroleum Resource Operations is the term used for these wells, and associated facilities and other drilling operations. The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) regulates petroleum resources through the Oil, Gas and Salt Resources Act (OGSRA) and provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.

Wells may be privately owned or corporately owned, but are all required to be licensed and issued a licensing number accordingly through the MNDMNRF. When wells of all types are no longer needed for the purpose for which they were drilled, they are plugged according to standards in Oil, Gas and Salt Resources of Ontario Operating Standards. Proper and regulated decommissioning of wells, is integral to ensuring potential hazards are avoided.

All wells, whether active, suspended, or plugged and abandoned (i.e., rendered safe as part of site rehabilitation following cessation of production) should be respected in any decisions regarding new development. Namely, in accordance with the OGSRA, a restriction on new developments within 75m of a petroleum resource operation.

The province maps well locations as point features, where a well has been drilled into geological formations for purposes such as; production of oil and gas; injection, storage and withdrawal of oil, gas, brine or other hydrocarbons; or geological evaluation or testing of underground bedrock formations that may contain oil or gas. The province also provides mapping for petroleum pools; where there is a subsurface accumulation of oil and/or natural gas in porous and permeable rock whose presence has been proven by the drilling of petroleum wells and from which hydrocarbons have been or are being produced, or are capable of being produced in economic quantities. Petroleum pools will be mapped on Schedule H of this Plan.

Mineral resources, include metallic minerals; those minerals from which metals (e.g. copper, nickel, gold) are derived, and non-metallic minerals; those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal (e.g. graphite, gypsum, mica). Mineral deposits in the Niagara Region are not as readily mapped or identified, although some mineral occurrences data is available from the MNDMNRF. However, mineral resources are protected in a similar fashion to petroleum resources, to ensure future resource extraction possibilities exist. The closest mineral mining operation is currently a Gypsum mine located in Haldimand County.

The attached draft policy and mapping, **Appendix 3.2** and **Appendix 3.3** respectively, illustrates the direction the Niagara Official Plan is taking as it continues towards completed final draft status.

## CHAPTER 4 – COMPETITIVE REGION

### Section 4.4 Petroleum and Mineral Resources

Known *Petroleum Resources* and *Petroleum Resource Operations*, including wells, are located across areas of the Niagara Region, and are protected for long-term use. Mineral Resources are both metallic and non-metallic *minerals*, but are different from *mineral aggregate resources* identified in Section 4.3 of this Plan. *Mineral deposits* may occur in Niagara region and must be protected for potential extraction. There are no known *Mineral Mining Operations* in Niagara.

#### 4.4.1 Protect the Region's Mineral Deposits and Petroleum Resources

- 4.4.1.1 Schedule H of this Plan, identifies where petroleum pools are located in Niagara region, according to Provincial mapping.
- 4.4.1.2 *Petroleum resource operations* and any future *Mineral Mining Operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 4.4.1.3 No development shall occur within 75m of a *petroleum resource operation* unless the *petroleum resource operation* has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.
- 4.4.1.4 Development and activities in known *mineral deposits* or known *petroleum resources* or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - a) resource use would not be feasible; or

#### Petroleum Resource Operations

*Petroleum Resource Operations* is a term that encompasses wells, facilities, and other drilling operations associated with oil, gas, and salt resources.

Over 2000 wells are identified in Niagara Region through provincial mapping. These wells are classified by types, including natural gas wells, storage wells, and dry exploratory holes.

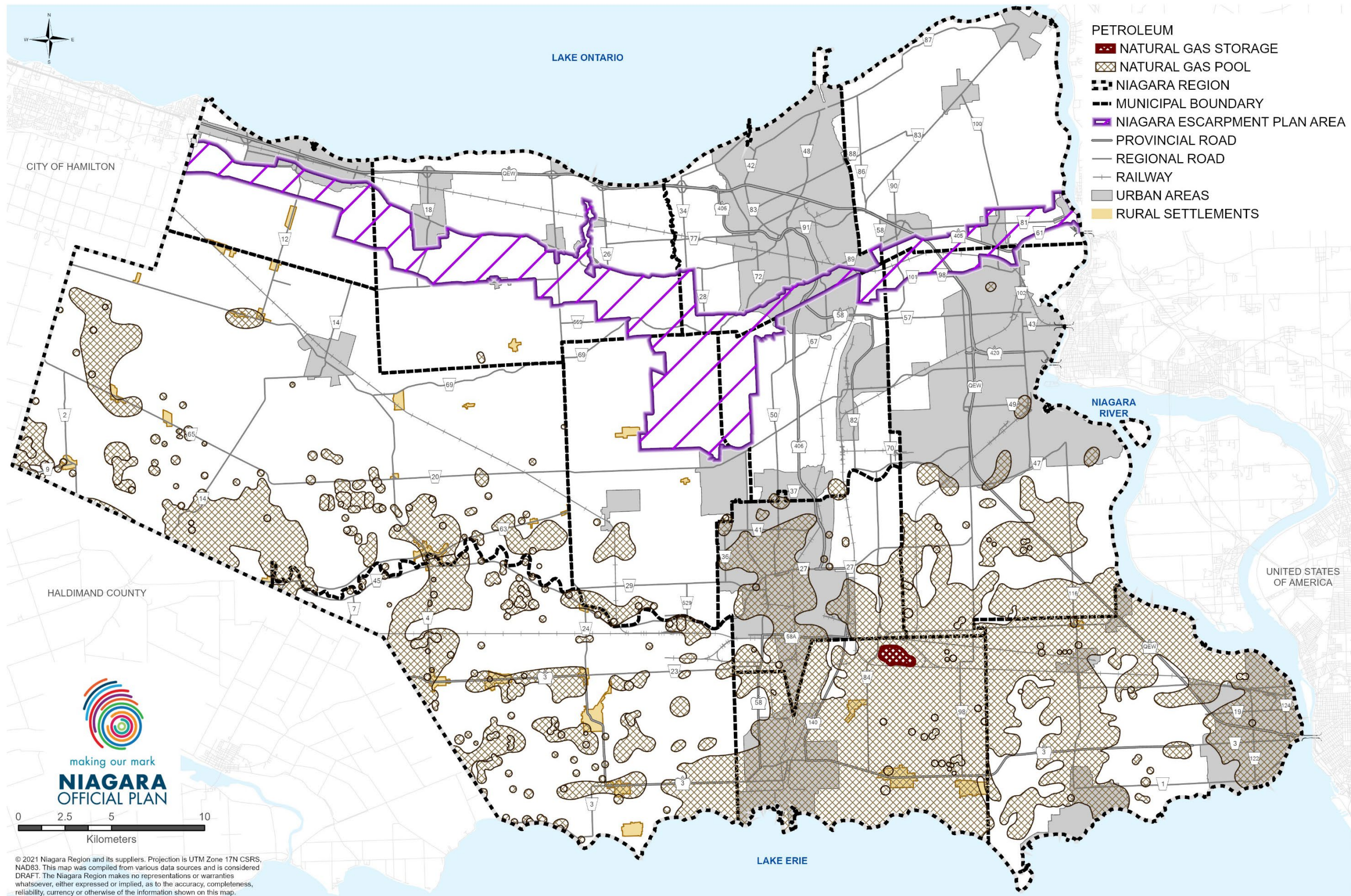
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

- 4.4.1.5 Petroleum and mineral resource extraction activities shall be conducted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards, as well as a licence from the Ministry of Northern Development, Mines, Natural Resources and Forestry.
- 4.4.1.6 Any proposal for a new *mineral mining operation* will require an amendment to this Plan.

#### **Oil, Gas, and Salt Resources Act (OGSRA)**

The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates *petroleum resources* through the OGSRA and provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.





June, 2021

# PETROLEUM POOLS - DRAFT







## EXECUTIVE OVERVIEW

### CHAPTER 7 – Implementation

#### **SUMMARY**

The Implementation Chapter is very important to ensure the policy directions in the Niagara Official Plan are carried out efficiently and successfully. There are numerous important components for the implementation of NOP policy direction, namely:

- **7.1 Plan Interpretation**
  - How to read the Plan
- **7.2 Region and Local Roles**
  - Coordinating planning applications
  - Memorandum of Understandings- ensuring this process stays in effect and up to date
  - Exemptions to Regional approvals. An example would be the Region exempting Secondary Plans from Regional approval under certain conditions.
  - Guidance documents
- **7.3 Performance Indicators and Monitoring**
  - Monitor intensification and density targets
  - Land developed
  - Natural environment mapping updates
  - Archaeological Management Plan (AMP) potential mapping updates
- **7.4 Phasing**
  - Local municipalities phasing growth
  - Excess lands
- **7.5 Health Impact Assessment**
  - Establish criteria in Secondary Plans
- **7.6 Asset Management Plan**
  - Assessing the full life cycle costs of infrastructure. The financial sustainability of infrastructure is a Growth Plan objective.
- **7.7 Complete Applications**
  - Identifies the studies required to be submitted with various applications
- **7.8 Review / Updates /Amendments to OP**



- Incorporation and carry over of existing site-specific policy areas.
- **7.9 Consultation and engagement- outline approach for:**
  - Public consultation
  - Consulting with other governments
  - Engaging local municipalities
  - Engaging Indigenous partners

Integration Guide for Sub-sections Reported in PDS 32-2021	
<input checked="" type="checkbox"/> Regional Structure	<input checked="" type="checkbox"/> Archaeology
<input checked="" type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment
<input checked="" type="checkbox"/> Land Needs	<input checked="" type="checkbox"/> Agriculture
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<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Natural Heritage incl.
<input checked="" type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Water Systems Options
<input checked="" type="checkbox"/> District/Secondary Plans	<input checked="" type="checkbox"/> Watershed Planning
<input checked="" type="checkbox"/> Urban Design	<input checked="" type="checkbox"/> Climate Change

## **OVERVIEW**

Policies for this Chapter are more easily developed as the draft policies associated with other Chapters come to fruition. Most policies for this section will be similar to the policy direction in the existing Regional Official Plan with the exception of new policy direction for performance indicator and monitoring, phasing, health impact assessment, asset management and certain consultation elements such as consultation with Indigenous communities.

One section for the Implementation Chapter that has been drafted is the Performance Indicators and Monitoring (Section 7.3). Draft policies have been developed on performance indicators and monitoring early to assist with, and compliment the policy direction within Chapter 2: Growing Region.

Monitoring the implementation of this Plan is critical to:

- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
- b) confirm targets are being met;
- c) respond to trends; and
- d) identify and confirm if the direction of the Plan remains constant or if updates are required.

The policies identify the topic areas that will require monitoring, as well as Regional and Local municipal roles in the monitoring process.



Planning staff have initiated work on other Sections of the Implementation Chapter. For example Regional Planning staff are discussing with all local planning staff which existing site specific policy areas can be removed as they are no longer necessary and which should be carried over into the Niagara Official Plan.

The Draft policies on Performance Indicators and Monitoring are attached as **Appendix 4.2**.

## CHAPTER 7- IMPLEMENTATION

### Section 7.3 Performance Indicators and Monitoring

#### 7.3.1 Ensure objectives are met and targets achieved

- 7.3.1.1 The Region, in collaboration with local municipalities, the Niagara Peninsula Conservation Authority and any other identified stakeholders, as appropriate, will comprehensively monitor and measure the performance of the policies of this Plan.
- 7.3.1.2 Monitoring the implementation of this Plan is critical to:
- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
  - b) confirming targets are being met;
  - c) responding to trends; and
  - d) Identifying and confirming if the direction of the Plan remains constant or if updates are required.
- 7.3.1.3 The Region shall:
- a) Establish a program to monitor, measure, and evaluate performance of this Plan;
  - b) Identify a series of both qualitative and quantitative indicators;
  - c) Prepare regular monitoring reports as set out in Policy XX that measures the success of this Plan; and
  - d) Work in cooperation with local municipalities to establish common measuring and reporting tools to monitor:
    - i) The Growing Region through:
      - Distribution of population and employment allocations to local municipalities as set out in Table 1, Section 2.1;
      - Density targets for *designated greenfield area*, *strategic growth areas*, and *employment areas*;
      - Implementation of local intensification rates as set in Table 2, policy 2.2.6.1; and

- Mix, range, and affordability of housing units, including achievement of the Region's affordable housing target stated in Policy 2.3.2.3;
- ii) The Sustainable Region through:
  - Health of the Natural Heritage System and Water Resource System; and
  - Progress towards climate change mitigation and adaptation measures.
- iii) The Competitive Region through:
  - State of aggregates;
  - Protection of agricultural areas; and
  - Economic development.
- iv) The Connected Region through:
  - Performance of Regional infrastructure; and
  - Performance of Regional transportation facilities.
- v) The Vibrant Region through:
  - The creation of Secondary Plans;
  - Excellence in Urban Design; and
  - The recognition and protection of cultural and archaeological resources.
- vi) Other policies identified through the monitoring program, which requires regular monitoring.

### **7.3.2 Provide clear direction for local municipalities to coordinate monitoring efforts**

#### **7.3.2.1 Local municipalities shall:**

- a) Establish indicators to monitor local implementation of Provincial, Region, and local policy;
- b) Provide data to support the Region's monitoring program, as required; and
- c) Work with the Region to establish common measuring and reporting tools to monitor.

#### **7.3.2.2 Local municipalities shall prepare local monitoring programs and regularly provide updates to the Region at intervals determined through the program.**

## **Glossary of Terms**

### **Active Transportation**

Any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices at a comparable speed.

(*Growth Plan*, 2020)

### **Affordable**

1. in the case of ownership housing, the least expensive of:
  - a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
  - b) housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;
2. in the case of rental housing, the least expensive of:
  - a) a unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
  - b) a unit for which the rent is at or below the average market rent of a unit in the regional market area. (*Growth Plan*, 2020)

### **Agricultural Impact Assessment**

A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agriculture System and recommends ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts. (*Greenbelt Plan*, 2017)

### **Agriculture-Related Uses**

Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity (*PPS*, 2020).

### **Agricultural Source Material**

**Treated or untreated materials, as defined by the Nutrient Management Act, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.**

## **Agricultural System**

The system mapped and issued by the Province, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and *rural lands* that together create a continuous, productive land base for agriculture; and
- b) an *agri-food network*, which includes infrastructure, services and assets important to the viability of the agri-food sector. (*Greenbelt Plan*, 2017)

## **Agricultural Uses**

Growing of crops or raising of animals; includes associated on-farm buildings and structures; all types, sizes and intensities; normal farm practices are promoted and protected (e.g. cropland, pastureland, barns and other associated buildings and structures).

## **Agri-food Network**

Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities. (*PPS*, 2020)

## **Agri-Tourism Uses**

Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation (*PPS*, 2020).

## **Airports**

All Ontario *airports*, including designated lands for future *airports*, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping. (*PPS*, 2020)

## **Archaeological Resources**

Includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

## **Areas of Archaeological Potential**

Areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist.

## **Brownfields**

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (*PPS*, 2020)

## **Built Form**

The function, shape, and configuration of buildings, as well as their relationship to streets and open spaces.

## **Built-Up Areas**

The limits of the developed *urban areas* as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan. Built-up areas are delineated in **Schedule B**.

## **Climate Change**

Changes in weather patterns at local and regional levels, including extreme weather events and increased climate variability. (Based on the *PPS*, 2020 and modified for this Plan)

## **Combined Sewers**

A sewer designed to convey both sanitary sewage and storm water through a single pipe to a sewage treatment plant.

## **Community Infrastructure**

Lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and affordable housing.

## **Compact Built Form**

A land-use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional) all within one neighbourhood, active transportation, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multistorey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be

characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

### **Compatible**

A development, building and/or land use that can co-exist or occur without conflict with surrounding land uses and activities in terms of its uses, scale, height, massing and relative location.

### **Complete Communities**

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. (*Growth Plan*, 2020)

### **Complete Streets**

Streets that are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists, and are designed for the safety of people of all ages and abilities (Based on *Growth Plan*, 2020 and modified for this Plan)

### **Complete Streets Design Manual**

Guidelines developed as part of the Niagara Region's Transportation Master Plan which define Regional Road typologies and provide guidance on the implementation of complete streets elements that fall within the public right-of-way.

### **Community Housing**

Housing owned and operated by non-profit housing corporations, housing co-operatives and municipal governments, or district social services administration boards. Community housing providers offer subsidized or low-end-of market rents.

### **Community Hubs**

Public service facilities that offer co-located or integrated services such as education, health care and social services.

### **Conservation Authority**

**Refers to the Niagara Peninsula Conservation Authority**

## **Conserved**

The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

## **Cultural Heritage Resources**

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (*Greenbelt Plan*, 2017)

## **Designated Greenfield Areas**

Lands within *urban areas* but outside of built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. Designated greenfield areas do not include excess lands, and are identified in **Schedule B**.

## **Development**

The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Ontario Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) works subject to the *Drainage Act*.

(Based on *PPS*, 2020 and modified for the *Growth Plan*)

## **Employment Areas**

Areas designated in an Official Plan for clusters of business and economic activities including, but not limited to manufacturing, warehousing, offices, and associated retail and ancillary facilities. (*PPS*, 2020)



## **Employment Land**

Lands that are designated in local official plans or zoning by-laws for employment uses. Employment lands may be within and outside of employment areas.

## **Excess Lands**

Vacant, unbuilt but developable lands within settlement areas but outside of built-up areas that have been designated in an Official Plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan. (*Growth Plan*, 2020)

## **Excess Soil**

**Soil, or soil mixed with rock that has been excavated as part of a project and removed from the project area for the project as defined under O.Reg 406/19 under the *Environmental Protection Act*.**

## **Freight-Supportive**

In regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (*PPS*, 2020)

## **Frequent Transit**

A public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.

## **Fringe Lands**

Fringe land is the area between the agricultural/rural countryside and the built-up city/suburbs. It can further be described as the edge of the urban region where patterns of building development and non-development interweave. The urban fringe is often an area with contrasting land uses and compatibility conflicts. Urban design can play a role in mitigating conflicts and transitioning land uses in these fringe areas.

## **Green Infrastructure**

Natural and human-made elements that provide ecological and hydrologic functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs. (*PPS*, 2020)

## **Greyfield Sites**

Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict, or vacant. (*Growth Plan*, 2020 Consolidation)

## **Hamlets**

Small, *rural settlements* that are long-established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater services, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

## **Higher Order Transit**

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way. (*Growth Plan*, 2020)

## **Individual On-Site Sewage Service**

A sewage disposal system, other than a holding tank, that is designed and constructed in accordance with applicable Provincial requirements and owned, operated, and managed by the owner of the property upon which the system is located.

## **Individual on-site water service**

An individual, autonomous water supply system that is designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the municipality and owned, operated, and managed by the owner of the property upon which the system is located.

## **Industrial Effluent System**

Systems which convey and discharge the by-product from an industrial process that can contain contaminants from non-domestic wastes.

## **Infrastructure**

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: municipal services, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities. (*PPS*, 2020)

## **Intake Protection Zone**

**Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats. Where a conflict in mapping arises, the Source Protection Plan shall prevail.**

## **Intensification**

The development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfields;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings. (*PPS*, 2020)

## **Interface**

The physical relationship between two or more uses, such as, a building and street. It is the intent of urban design to reinforce this relationship and increase its impacts positively on the public realm.

## **Lateral Connection**

The point at which a sewer or water line coming out from homes and businesses connects to the municipal sewer or water line.

## **Legal or Technical Reasons**

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (*PPS*, 2020).

## **Low and Moderate Income Households**

In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area. (*Growth Plan*, 2020)

## **Low Impact Development**

An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and

distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems. Low impact development often employs vegetation and soil in its design, however, that does not always have to be the case and the specific form may vary considering local conditions and community character. (*Growth Plan*, 2020)

### **Major Facilities**

Facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities. (*PPS*, 2020)

### **Major Goods Movement Facilities and Corridors**

Transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (*PPS*, 2020)

### **Major Institutional Uses**

Major trip generators that provide essential services for every stage of life and benefit from being close to urban services and amenities. Generally, major institutional uses are considered post-secondary institutions (i.e., colleges, universities, and trade schools), health care facilities and research centres (i.e., hospitals); and corporate government headquarters.

### **Major Office Use**

Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with 200 jobs or more. (*Growth Plan*, 2020 Consolidation)

### **Major Retail / Major Commercial Uses**

Large-scale or large-format stand-alone retail stores or retail centres that have the primary purpose of commercial activities. (based on *Growth Plan*, 2020 Consolidation)

## Major Transit Station Areas

The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk. (PPS, 2020)

## Major Trip Generators

Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., urban growth centres and other downtowns, *major office* and *office parks*, *major retail / major commercial*, *employment areas*, community hubs, large parks and recreational destinations, post-secondary institutions and other *public service facilities*, and other mixed-use areas). (based on *Growth Plan*, 2020 Consolidation)

## Marine Facilities

Ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*. (PPS, 2020)

## Minerals

**Metallic minerals and non-metallic minerals as herin defined, but does not include *mineral aggregate resources* or *petroleum resources*.**

**Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.**

**Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite) (PPS, 2020).**

## Mineral Aggregate Operation

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products. (PPS, 2020)

## **Mineral Deposits**

**Areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction (*PPS*, 2020).**

## **Mineral Mining Operation**

**Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use (*PPS*, 2020).**

## **Minimum Distance Separation Formulae**

The formulae and guidelines developed by the *Province*, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities. (*PPS*, 2020)

## **Multimodal Transportation System**

*A transportation system* which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine. (*PPS*, 2020)

## **Municipal Comprehensive Review**

A new official plan, or an official plan amendment, initiated by an upper-or single-tier municipality under section 26 of the *Ontario Planning Act* that comprehensively applies the policies and schedules of this Plan. (*Growth Plan*, 2020 Consolidation)

## **Municipal Water and Wastewater Systems/Services**

Municipal water systems/services are all or part of a drinking-water system:

- a) that is owned by a municipality or by a municipal service board established under section 195 of the *Municipal Act*, 2001;
- b) that is owned by a corporation established under section 203 of the *Municipal Act*, 2001;
- c) from which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system; or
- d) that is in a prescribed class of municipal drinking-water systems as defined in regulation under the *Safe Drinking Water Act*, 2002.

And, municipal wastewater systems/services are any sewage works owned or operated by a municipality. (*Growth Plan*, 2020 Consolidation and modified for this Plan)

## **Natural Heritage Features and Areas**

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands and significant valleylands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

## **Natural Heritage System**

A system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include key natural heritage features, key hydrologic features, federal and provincial parks and conservation reserves, other natural heritage features and areas, lands that have been restored or have the potential to be restored to a natural state, associated areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. (*Growth Plan*, 2020)

## **Niagara Economic Gateway**

The total geographic area of the local municipalities a part of the Gateway Economic Centre or Gateway Economic Zone.

## **Normal Farm Practices**

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with *the Nutrient Management Act*, 2002 and regulations made under that Act (*PPS*, 2020).

## **Office Parks**

Employment areas or areas where there are significant concentrations of offices with high employment densities. (*Growth Plan*, 2020 Consolidation)

## **On-Farm Diversified Uses**

On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations.

## **Petroleum Resources**

**Oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons (PPS, 2020).**

## **Petroleum Resource Operation**

**Oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons (PPS, 2020).**

## **Place-Making**

The purposeful planning, and design of buildings, public realm, and transportation systems to achieve attachment to a place.

## **Planned Corridors**

Corridors or future corridors which are required to meet projected needs, and are identified through this Plan, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ministry of Transportation, Ministry of Energy, Northern Development and Mines, Metrolinx, or Independent Electricity System Operator (IESO) or any successor to those Ministries or entities, is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the *Province*. (*Growth Plan*, 2020 Consolidation)

## **Prime Agricultural Area**

Areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province (*PPS*, 2020).

## **Prime Agricultural Land**

Means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (*PPS*, 2020).



**Province**

The Province of Ontario or the relevant Minister of the Provincial government.

**Provincially Significant Employment Zones (PSEZs)**

Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. *Provincially significant employment zones* can consist of *employment areas* as well as mixed-use areas that contain a significant number of jobs. (*Growth Plan*, 2020 Consolidation)

**Public Realm**

The publicly owned places and spaces that are accessible by everyone. These can include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

**Public Service Facilities**

Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure. (*PPS*, 2020)

**Public Works Projects**

Construction projects, such as roads, highways or dams, bridges and waterworks financed by public funds and constructed by or under contract with the Region or local municipality for the benefit or use of the public.

**Rail Facilities**

Rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities. (*PPS*, 2020).

**Redevelopment**

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Regional Market Area**

An area that has a high degree of social and economic interaction. The boundaries of the Niagara Region will serve as the regional market area for the purposes of assessing housing market conditions. (*PPS*, 2020 and modified for this Plan)

## **Residence Surplus to a Farming Operation**

An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). (*PPS*, 2020).

## **Resilience**

Definition to be added.

## **Risk Management Official**

**A person appointed under Part IV of the Clean Water Act, 2006, by the Council of a municipality that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001 (Source Protection Plan for the Niagara Source Protection Area).**

## **Rural Areas**

A system of lands within local municipalities that may include rural settlements, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas. (*PPS*, 2020)

## **Rural Lands**

Lands which are located outside settlement areas and which are outside prime agricultural areas. (*PPS*, 2020)

## **Rural Settlements**

Existing hamlets that are delineated in Schedule B of the Niagara Official Plan. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to Official Plan policies that limit growth. All settlement areas that are identified as hamlets in the Greenbelt Plan, or as minor urban centres in the Niagara Escarpment Plan are considered rural settlement areas for the purposes of this Plan, including those that would not otherwise meet this definition. (*Growth Plan*, 2020 Consolidation and modified for this Plan)

## **Sense of Place**

The emotional attachments, meanings and identities people develop or experience in particular locations and environments. It is also used to describe the distinctiveness or unique character of a place.

## **Sensitive Land Uses**

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. (*PPS*, 2020)

## **Settlement Areas**

Urban areas and *rural settlements* within *local municipalities* (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an Official Plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated.

(*Growth Plan*, 2020 Consolidation and modified for this Plan)

## **Sewage Works**

Any works for the collection, transmission, treatment and disposal of sewage or any part of such works but does not include plumbing to which the *Building Code Act*, 1992 applies. For the purposes of this definition: Sewage includes, but is not limited to drainage, storm water, residential wastes, commercial wastes and industrial wastes.

## **Significant**

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

## **Significant drinking water treats or significant threat**

**A threat that, according to a risk assessment, poses or has the potential to pose a significant risk to the quality of municipal drinking water (Based on the Source Protection Plan for the Niagara Source Protection Area).**

## **Site Alteration**

**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. This does not include the reconstruction, repair or maintenance of a drain approved under the Drainage Act.**

### **Smart City**

Definition to be added.

### **Soil Management Plan**

**A plan completed by a professional engineer or geoscientist that outlines the condition of soil at a source site where soil is excavated. (Best Management Practices for Excess Soil and modified for this Plan)**

### **Source Protection Plan**

**A drinking water source protection plan prepared under of the Clean Water Act, 2006 (Source Protection Plan for the Niagara Source Protection Area).**

### **Source Water**

**Water in its natural or raw state, prior to being drawn into a municipal drinking water system (Source Protection Plan for the Niagara Source Protection Area).**

### **Specialized Housing Needs**

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples include, but are not limited to, long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons. (Based on the *PPS*, 2020 and modified for this Plan)

### **Specialty Crop Area**

Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
  - b) farmers skilled in the production of specialty crops; and
  - c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.
- (*PPS*, 2020).

## **Specialty Crop Guidelines**

Guidelines developed by the Region or Province, as amended from time to time  
(Developed from the *PPS* definition of specialty crop area and modified for this Plan).

### **Stormwater management facility**

**A facility for the treatment, retention, infiltration or control of stormwater.**

### **Stormwater master plan**

A long-range plan that assesses existing and planned stormwater facilities and systems and outlines stormwater infrastructure requirements for new and existing development within a settlement area. Stormwater master plans are informed by watershed planning and are completed in accordance with the environmental assessment processes under the *Environmental Assessment Act* 1990, as amended.

### **Strategic Growth Areas**

Within settlement areas, nodes, corridors, and other areas that have been identified in Schedule B to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas. (*Growth Plan*, 2020)

### **Subwatershed**

An area that is drained by a tributary or some defined portion of a stream.

### **Sustainable**

Definition to be added.

### **Sustainable Design**

The design of the urban environment that is resilient to the impacts of climate change, (achieves complete communities, low impact development, active transportation, and complete streets, reduces consumption of non-renewable resources, minimizes waste, supports energy conservation and efficiency, reduces greenhouse gas emissions, and improves air quality), and reduces or eliminates other negative environmental impacts.

### **Temporary Storage Site**

**Sites owned or controlled by the owner/operator of a source site or receiving site, at which excess soil is temporarily stored for 2 years or less. Includes sites to**

**treat, remediate and transfer excess soil to other sites for final placement or disposal (Best Management Practices for Excess Soil and modified for this Plan).**

### **Transit-supportive**

Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines. (*Growth Plan*, 2020)

### **Transport pathway**

**In respect of an *intake protection zone*, means works or any other thing that reduces the time it takes for a contaminant to reach a surface water intake and may include storm sewers, discharge pipes, utility trenches, ditches, swales, drainage works or any other types of drain (2017 Technical Rules under the Clean Water Act).**

### **Transportation System**

A system consisting of corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park-and-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal terminals, harbours, and associated facilities such as storage and maintenance.

### **Urban Agriculture**

Within *urban areas*, agricultural production of food and non-food products accessory to the principle use of a property. Examples of urban agriculture include community, school, and rooftop gardens, ground-based outdoor community and urban market gardens, urban livestock, and hydroponic farms.

### **Urban Areas**

Lands located within a defined boundary as identified in Schedule B. Urban areas are made up of built-up areas, designated greenfield areas and excess lands and does not include *hamlets*.

### **Utility**

Any system, works, plant, pipeline, or equipment providing a service necessary to the public interest including but not limited to electric power generation and transmission, stormwater management, water supply, sewage treatment and disposal, waste management, communications and telecommunications, and oil and gas pipelines and associated facilities.

## **Waste Disposal Sites**

The application of untreated septage, the storage, treatment, and discharge of tailings from mines and waste disposal sites as defined under Part V of the *Ontario Environmental Protection Act*, 1990 with respect to Source Water Protection.

## **Waste Management**

Waste management includes the activities and actions required to manage waste from its inception to its final disposal. This includes the collection, transport, treatment, and disposal of waste, together with monitoring and regulation of the waste management process.

## **Wastewater Treatment Plant/Facility**

The part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

## **Wastewater Services**

Any works provided by the municipality for the collection, lateral connection, transmission, and treatment of sewage that are connected to a centralized wastewater treatment facility.

## **Water Budget**

An accounting of the inflow to, outflow from, and storage changes of water in a hydrologic unit.

## **Water Services**

Any works provided by the municipality for the distribution, lateral connection, transmission, and treatment of drinking water.

## **Watershed Planning**

Planning that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessments; consideration of the impacts of a changing climate and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for the use of environmental best management practices, programs, and performance measures; criteria for evaluating the protection of quality and quantity of water; the identification

and protection of hydrologic features, areas, and functions and the inter-relationships between or among them; and targets for the protection and restoration of riparian areas.