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**Subject:** Niagara Official Plan: Natural Environment System

**Report to:** Regional Council

**Report date:** Wednesday, December 1, 2021

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## Recommendations

1. That the policies and revised mapping, reflective of local municipal input, for Natural Environment System Option 3B, **BE INCORPORATED** into the consolidated draft of the new Niagara Official Plan for further consultation.
2. That staff **BE DIRECTED** to continue consultation on the Natural Environment System mapping and policies as part of the overall Official Plan process.

## Key Facts

- The purpose of this report is to provide Regional Council with information (draft policies, mapping and clarification on the difference between NES Options 3B and 3C) to assist in making a decision on which Natural Environment System (NES) option should be incorporated into the consolidated draft Niagara Official Plan for consultation with the public and other stakeholders.
- At the Regional Council meeting on May 20, 2021 Council endorsed both NES Option 3B and 3C.
- The detailed work including policy development and detailed region-wide mapping for both options (3B and 3C) has now been completed and are attached to this report. This process included consultation with the local planning departments, the NPCA, and the Niagara Parks Commission.
- A decision on a NES option is necessary to allow work to advance on the balance of the Niagara Official Plan work program and allow staff to prepare a consolidated draft of the new Niagara Official Plan and to initiate a comprehensive engagement program with the public and other stakeholders.
- This decision is the endorsement of an approach and not the final decision and approval of the NES. The decision on the NES will be finalized at the time Council adopts the new Official Plan.

## **Financial Considerations**

The ongoing costs associated with the Natural Environment Work Program are accommodated within the Council approved project budget for the Niagara Official Plan.

## **Analysis**

### **Background:**

- At the May 12, 2021, meeting of Planning and Economic Development Committee, PDS 17-2021 was presented. PDS 17-2021 report provided significant details on the work to date in preparing the NES for the new Niagara Official Plan, among other updates on other matters for the Official Plan. PDS 17-2021 included a staff recommendation for NES Option 3B. PEDC endorsed NES Option 3B.
- At the Regional Council meeting on May 20, 2021 Regional Council endorsed both NES Options 3B and 3C.
- Since May, Region Planning staff with the support of our consulting teams and local municipal partners, have been preparing region-wide mapping for the NES and draft NES policies. The draft NES policies can be found in Appendix 3 and the draft NES Schedule can be found in Appendix 5.
- The draft policies and mapping were provided to Local Planning staff for review in October. Comments received from Local Planning staff and a response matrix for both the policies and mapping is attached to this report.

### **Natural Environment System Options (3B and 3C):**

Both NES Options 3B and 3C are based on the same region wide system that includes the provincial natural heritage system, key natural heritage features, key hydrologic features, natural heritage features and areas, key hydrologic areas, supporting areas and features, linkages, and buffers. For a full list of the components of the NES please refer to Appendix 4 – Table 4-1.

In consideration of the overall scale and extent of the Regional NES, the two options are similar. While Option 3C would provide some additional protections, the distinction between the two options is not significant. There are three differences between the options:

- **Linkages** – In NES Option 3B there are medium and large linkages outside of settlement areas only. In NES Option 3C small linkages are added inside and outside of settlement areas. The policies that would apply to linkages are included in Appendix 3. Linkages are mapped features and are shown in the attached draft mapping. The small linkages that would apply in NES Option 3C are shown in a different colour - to allow them to be differentiated from the medium and large linkages that would apply in both NES options.
- **Buffers in settlement areas** – In NES Option 3B, there would not be a requirement for buffers for many natural features in settlement areas as part of the Regional NES. In Option 3C, there would be the requirement for mandatory buffers in settlement areas, with the width determined at the time of a Planning Act application and based on the findings of an environmental impact study (EIS) or hydrologic evaluation. The policies that would apply to buffers in settlement areas are included in Appendix 3. Since the width of the buffer is determined at the time of development, they cannot be mapped as part of the Regional NES – they are mapped at the time and application is made.
- **Supporting features and areas (including enhancement areas)** – In NES Option 3B, supporting features and areas are part of the NES outside of settlement areas only. In Option 3C, they would become part of the system inside of settlement areas as well. The requirement to screen for, and identify supporting features and areas would be done at the time an application is made and based on the findings of an environmental impact study (EIS) or hydrologic evaluation. The policies that would apply to supporting areas and features are included in Appendix 3. Since the presence of supporting features and areas is determined at the time of development, they cannot be mapped as part of the Regional NES – they are mapped at the time an application is made.

The following table summarizes the components that are added in 3C in addition to NES Option 3B.

In Mapping and Policy	In Policy Only
<ul style="list-style-type: none"> <li>• Small linkages are added both inside and outside of settlement areas</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting features and areas (including enhancement areas) are added in settlement areas</li> <li>• Mandatory (non-prescribed) buffers are added in settlement areas</li> </ul>

Draft policies and mapping reflect both Options 3B and 3C. The additional policies associated with 3C have been highlighted in the draft.

**Natural Environment System Mapping:**

Draft mapping is attached to this report (both in PDF for and through a link to an online mapping tool). This mapping is the culmination of a major staff project and has incorporated the work of several consultant teams. Well over 1200 sites were visited during the preparation of the draft mapping. Region planning staff have subsequently visited numerous other sites based on comments received by Local Planning staff.

Local planning staff were given the opportunity to review the draft mapping and provide comments.

The draft mapping is available online here: [online mapping](https://niagararegion.maps.arcgis.com/apps/instant/basic/index.html?appid=21e7b3d3663e476799277823f3a40b44)  
 (https://niagararegion.maps.arcgis.com/apps/instant/basic/index.html?appid=21e7b3d3663e476799277823f3a40b44)

When reviewing the draft mapping, the following should be taken into consideration:

- Mapping only tells part of the story, and needs to be considered together with policy, as well as the criteria, methodology, and definitions that were used to identify and design the system, and that will be used to implement the system.
- Mapping is intended to be used as a tool to screen for natural features and areas, and to trigger the need for a review as part of an application for a proposed change in land use or development. It should not be interpreted as the exact delineation for natural features that do, or do not exist on the landscape.

- Not all NES features can or will be mapped. At a Regional-level, some features are protected through policy and are more appropriately identified through site-specific study. This is typical for municipalities across the Province.
- The NES is dynamic. The mapping of features represents a snap-shot in time. For example one of the primary sources of data for the NES mapping is the 2020 Ecological Land Classification (ELC) mapping. The 2020 ELC data is based on aerial imagery taken in 2018. In the context of mapping a Regional NES, this mapping is considered highly accurate, but changes will occur between the time that the aerial imagery is taken and the NOP is approved.
- A fundamental principal of natural environment planning is that the system can, and will be better understood through more detailed site-specific studies. This is a principal that is reflected in the draft policies. For example refinements to mapped features can be made based on site-specific analysis, staking and surveying of features or more detailed ELC classification. Refinement of features is typically done by the landowner/applicant at the time there is a proposed change in land use.
- Refinements to the NES mapping can be made without an amendment to the Regional Official Plan.

As part of the NES mapping project staff are making edits and minor technical adjustment to the Growth Plan Natural Heritage System in consultation with Local Planning staff. Edits to the Greenbelt Plan Natural Heritage System are not permitted by Provincial policy.

### **Involvement of Local Planning Staff in Preparing and Reviewing Draft Mapping and Policies:**

Local Planning staff and planning staff from the NPCA and NPC were circulated a draft of the NES policies as well a draft of the “Components, Definitions, and Criteria” document. Several workshops were subsequently held to provide additional details, answer questions, and seek feedback. A number of one-on-one meetings with Local Planning staff were also held as requested. Appendix 1 is a matrix with all of the comments that were received along with the response of Region Planning staff. Numerous revisions were made to the draft policies based on the input received.

In addition, Local Planning Staff and planning staff from the NPCA and NPC were provided access to an online mapping tool to view the draft NES mapping. Appendix 2 is a matrix with all of the comments that were received along with the response of Region planning staff. Numerous revisions were made to the draft mapping based on

the input of local planning staff. Other sites are still under review. The ongoing review of these sites is not impacted by the selection of NES Option 3B or 3C.

### **Next Steps and Public Consultation:**

1. Once Regional Council provides direction to staff on which NES option should be incorporated into the consolidated draft of the Niagara Official Plan staff will make the appropriate adjustments to the mapping and policy. Consultation on the mapping and policy will continue.
2. Staff will communicate changes to affected urban landowners where there are new or different features of their property. A webinar will be scheduled to provide information on the Niagara Official Plan and NES to affected landowners.
3. The preferred NES option will then be incorporated into a consolidated draft of the new Niagara Official Plan.
4. A comprehensive engagement program with the public, indigenous groups, and other interested parties on the Niagara Official Plan will then be undertaken. Comments on the NES policy and mapping will be collected and considered. A final draft of the new Niagara Official Plan will then be presented to Regional Council for adoption.

### **Alternatives Reviewed**

At the Regional Council meeting on May 20, 2021 Regional Council endorsed both NES Option 3B and 3C. This report is requesting Council to make a decision on which of the two options should now be incorporated into the consolidated draft of the Niagara Official Plan.

### **Relationship to Council Strategic Priorities**

This report is being brought forward as part of the ongoing reporting on the Niagara Official Plan. The Natural Environment Work Program aligns with 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.

## Other Pertinent Reports

- PDS 40-2016 Regional Official Plan Update
- PDS 41-2017 New Official Plan Structure and Framework
- PDS 3-2018 New Official Plan Update
- PDS 6-2018 Natural Environment Project Initiation Report
- PDS 18-2018 Natural Environment – Project Framework
- PDS 9-2019 New Official Plan Consultation Timeline Framework
- PDS 10-2019 Update on Natural Environment Work Program – New Regional Official Plan
- CWCD 122-2019 Agricultural and Environmental Groups – Draft Stakeholder Lists
- CWCD 150-2019 Update on Official Plan Consultations – Spring 2019
- CWCD 179-2019 Notice of Public Information Centres – Natural Environment Work Program, New Regional Official Plan
- CWCD 271-2019 Update on Consultation for New Official Plan
- PDS 32-2019 Natural Environment Work Program – Phases 2 & 3: Mapping and Watershed Planning Discussion Papers and Comprehensive Background Study
- PDS 1-2020 New Niagara Official Plan – Public Consultation Summary
- PDS 3-2020 Ecological Land Classification Mapping Update
- PDS 9-2020 Niagara Official Plan – Consultation Details and Revised Framework
- CWCD 153-2020 Natural Environment Work Program Update – New Niagara Official Plan
- PDS 26-2020 Natural Environment Work Program – Phase 4: Identification and Evaluation of Options
- CWCD 314-2020 Update Natural Environment Work Program
- PDS 35-2020 Niagara Official Plan Consultation Update
- PDS 4-2021 Niagara Official Plan – Steps and Direction Moving Forward
- PDS 1-2021 Natural Environment Work Program – 2<sup>nd</sup> Point of Engagement
- CWCD 2021-70 Mapping and Data for Natural Environment Options
- PDS 17-2021 Niagara Official Plan Consolidated Policy Report
- PDS 30-2021 Niagara Watershed Plan – Draft for Consultation
- PDS 32-2021 Update on Niagara Official Plan - Further Draft Policy Development

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## **Appendices**

- Appendix 1 Local Planning Staff's and NPCA Comments on Natural Environment System Policies with Response Matrix
- Appendix 2 Local Planning Staff's and Agencies Comments on Natural Environment System Mapping with Response Matrix
- Appendix 3 Draft Natural Environment System Policies
- Appendix 4 Draft Natural Environment System: Components, Definitions, and Criteria
- Appendix 5 Draft Natural Environment System Schedules (C1, C2, and C3)