

## MEMORANDUM

**To:** Dwayne Campbell, MCIP, RPP  
A/Director of Planning and Economic Development

**From:** Nick McDonald, MCIP, RPP, PLE, Meridian Planning Consultants

**Date:** October 3, 2024

**Re:** Proposed Modifications to OPA 1 (Natural Heritage System)

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### Purpose

The purpose of this memorandum is to provide some background on the study process leading to the adoption of OPA 1 in December 2021 and the changes that are proposed to OPA 1 to ensure that it is consistent with the PPS (2024).

### Background

When the Province approved Northumberland County's Official Plan ('NOP') in July 2015, policies were included in the NOP to require that the County establish a Natural Heritage System ('NHS'). After obtaining proposals from qualified firms, North South Environmental was retained to initiate work on the NHS study in 2018.

The requirement to establish an NHS was first introduced in the 2014 iteration of the Provincial Policy Statement ('PPS'), where the following was stated in Section 2.1.3: *"Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas."* This policy remained unchanged in the PPS (2020), which was in effect when OPA 1 was adopted by Northumberland County Council in 2021 and this remains a requirement in the PPS (2024).

When the NHS study was initiated in 2018, Section 4.2.2.1 of the in-effect Growth Plan (2017) stated the following:

*"The Province will map a Natural Heritage System for the GGH to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System mapping will exclude lands within settlement area boundaries that were approved and in effect as of July 1, 2017."*

Provincial mapping of the Natural Heritage System for the GGH was then released in 2018. The Growth Plan was then amended in 2019 and Section 4.2.2.1 was revised to indicate the following:

*"A Natural Heritage System for the Growth Plan has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017."*

Section 4.2.2.2 of the Growth Plan (2019) then stated the following:

*"Municipalities will incorporate the Natural Heritage System for the Growth Plan as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4."*

Section 4.2.2.5 of the Growth Plan (2019) also set out how the Natural Heritage System for the Growth Plan can be refined by single- and upper tier municipalities:

*"In implementing the Natural Heritage System, upper- and single-tier municipalities may, through a municipal comprehensive review, refine provincial mapping with greater precision in a manner that is consistent with this Plan."*

The above meant that only upper and single tier municipalities were able to modify the boundaries of the NHS established by the Province in accordance with the Growth Plan (2019). In developing the NHS for the County in support of the version of OPA 1 adopted by Council in December 2021, no modifications to the limits of the Growth Plan NHS were requested or required.

With respect to lands outside of the NHS for the Growth Plan, Section 4.2.2.6 of the Growth Plan (2019) stated the following:

*"Beyond the NHS for the Growth Plan, including within settlement areas, the municipality:*

- a) Will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and*

- b) *May continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS."*

On this basis of the above, the version of OPA 1 adopted by Council in December 2021 also established an NHS outside of the Growth Plan NHS. It is my opinion that the policies included in OPA 1 as adopted by Council conformed to the Growth Plan and the Oak Ridges Moraine Conservation Plan and were consistent with the PPS (2020).

### **Repeal of Growth Plan and the new PPS (2024)**

On October 20, 2024, the Growth Plan will be repealed and a new Provincial Planning Statement (PPS (2024) will come into effect.

Section 4.1 of the PPS (2024) continues to require that natural heritage systems be identified and it also carries forward the PPS (2020) definition of Natural Heritage System. This definition states in part the following: *"The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used."*

The recommended approach to the development of natural heritage systems is set out in the Province's Natural Heritage Reference Manual (2010). On the basis of a review of the Natural Heritage Reference Manual and the work that led to the development of the Growth Plan Natural Heritage System, it is my opinion that the spatial extent of the Growth Plan Natural Heritage System in Northumberland County is appropriate and defensible.

It is on this basis that it is recommended that the Growth Plan Natural Heritage System as mapped by the Province continue to be a part of the Northumberland Natural Heritage System going forward and that this Natural Heritage System be augmented as it was in OPA 1 as adopted by Council by other natural heritage features and areas. This means that the spatial extent of the Northumberland Natural Heritage System and the spatial extent of the natural heritage features and areas identified for protection by OPA 1 are not recommended to change.

However, many of the feature-based policies in the previous Growth Plan (2019) that were included in OPA 1 as adopted by Council in December 2021 have not been carried forward into the PPS (2024), and that has resulted in the need to make a number of changes to OPA 1 as adopted by Council with respect to where development and site alteration can be permitted and under what conditions. The next sections in this memorandum summarizes these changes and **Appendix A** attached sets out the proposed modifications in detail.

## Overview of the Proposed Modifications - Schedules

- a) It is proposed to delete the Growth Plan NHS boundary from **Schedule A-1** and all lands within the previous Growth Plan NHS will now be a part of the County's NHS. Outside of the previous Growth Plan NHS, all of the existing supporting features (other wetlands, watercourse buffers, conservation oriented lands, shoreline areas, linkages, enhancements, provincially significant life science ANSI's, significant earth science ANSI's, provincially significant wetlands, regionally important wetlands and significant woodlands (as modified) will remain as parts of the natural heritage system. In order to incorporate this change, a new Schedule A-1 has been prepared.
- b) The NHA designation on **Schedule A-2** is proposed to be divided into two separate designations. The new NHA1 designation will be a primary designation and only include Provincially significant wetlands and Regionally important wetlands. The new NHA2 designation will be an overlay designation (sitting on top of any other designation) and only include significant woodlands (as modified) and significant ANSI's. In order to incorporate this change, a new Schedule A-2 has been prepared.
- c) In addition to the above, two new land use designations are proposed to be added on the new Schedule A-2 and they are the Oak Ridges Moraine Natural Core Area and Natural Linkage Area designations. Previously, these areas were part of the NHA designation on Schedule A-2.
- d) It is proposed to delete **Schedule B-1** in the adopted version of OPA 1 since the only purpose of this schedule was to establish Growth Plan, ORMCP and PPS policy areas for the purposes of applying the feature-specific policies of the two Provincial Plans and the PPS (2020).
- e) **Schedule B-2** in the adopted version of OPA 1 is now proposed to be called Schedule B-1. It is also proposed to modify the extent of lands that are considered to be significant woodlands based on the application of updated criteria and remove the Regional woodlands category from this schedule (more discussion on woodlands is below).

## Overview of the Proposed Modifications - Text

- a) All references to the Growth Plan, the Growth Plan natural heritage system and the feature specific policies applying to key natural heritage features and key hydrologic features outside of the ORMCP are proposed to be deleted, along with the definitions of these terms. This change in of itself results in a number of structural changes to OPA 1 (such as changes to section numbers etc.).
- b) Watercourses (permanent and intermittent) are proposed to be identified as being part of the Northumberland NHS (this was omitted previously).
- c) Policies on developed shoreline areas (former Section C4.4), development and site alteration within the

Growth Plan NHS (former Section C4.5), large scale development as per the Growth Plan (former Section C5.5), permitted uses in the Growth Plan NHS and in key hydrologic features outside of the Growth Plan NHS (former Section D6.2), development and site alteration adjacent to key features in the Growth Plan NHS and adjacent to key hydrologic features outside of the Growth Plan NHS (former Section D6.3), and mineral aggregate operations and wayside pits and quarries within the Growth Plan NHS (former Section E3.6) have been deleted.

- d) A new section that speaks to desired enhancements to the natural environment has been added, with this section supporting a number of actions that would support the ecological functions and ecological integrity of the Northumberland natural heritage system (new Section C4.6)
- e) The development and site alteration policies in the PPS (2024) as they apply to the natural heritage features and areas and adjacent lands have been updated in a manner that ensures consistency with the PPS (2024) and their consistent application across the whole of the County, excluding those lands in the ORMCP (new Sections D6 and D7).
- f) Criteria for significant woodlands has been added in Section D8.2 (this was omitted previously).
- g) Criteria for significant woodlands in the ORMCP has been added in Section D9.3 (this was omitted previously).
- h) The policies on minimum buffers has been augmented by new policy text in Section D8 b), c) and d) to provide some additional flexibility with respect to the establishment of required buffers in urban areas and rural settlement areas.
- i) The list of features that are considered to be supporting features and areas in Section D10.1 has been corrected so that it reflects the recommendations made in the background study.
- j) A number of the definitions that were modified by the adopted version of OPA 1 to ensure conformity with the Growth Plan are being changed so that they are consistent with the PPS (2024).

### **Significant woodlands**

Given the prohibition on development and site alteration in key natural heritage features (including significant woodlands) in the Growth System NHS according to the Growth Plan, the criteria established for significant woodlands in the adopted version of OPA 1 was unique and reflected the unique characteristics and high forest cover of the lands within the Growth Plan NHS.

In this regard, woodlands in the Growth Plan NHS in the adopted version of OPA 1 were considered to be significant if they have a minimum average width of 40 metres and:

Are 20 hectares or larger in size; or

- Contain 8 hectares or more of interior habitat (where interior habitat is more than 100 metres from the edge); or
- Area 4 hectares or larger in size and are within 50 metres of a key hydrologic feature or hydrologic area; or
- Are 0.5 hectares in size or larger and:
  - Support unique species composition (i.e., represented by less than 5% overall in woodland area)
  - Represent rare vegetation communities (i.e., ranked as S1-S3)
  - Contain rare, uncommon species or species with a restricted habitat preference (e.g., vascular plant species for which the NHIC's Southern Ontario Coefficient of Conservatism is 8, 9 or 10 – tree species of restricted distribution such as sassafras or rock elm – species existing in only a limited number of sites within the planning area); or
- Are 4 hectares in size or larger and:
  - Have 10 or more trees/hectare greater than 100 years old;
  - Have 10 or more trees/hectares at least 50 cm in diameter or a basal area of 8 or more m<sup>2</sup>/hectare in trees that are at least 40 cm in diameter.

Because the percentage tree cover that exists outside of the Growth Plan NHS is much lower, a lower threshold of significance was established for lands outside of the Growth Plan NHS and in this regard, woodlands outside of the Growth Plan NHS in the adopted version of OPA 1 were considered to be significant if they:

- Have a minimum average width of 40 metres and are a minimum of:
  - 1 hectare in Settlement Areas; or
  - 4 hectare in Agricultural Areas; or
  - 6 hectares in Rural Areas; or
  - 4 hectares within 5km of Lake Ontario or the minimum size criteria for the underlying land use, whichever is smaller.

Or

- Have a minimum average width of 40 metres, and are a minimum of
    - 0.5 hectares in Settlement Areas; or
    - 2 hectares in Agricultural Areas or Rural Areas; or
    - 2 hectares within 5km of Lake Ontario; or
    - 2 hectares within 1km of Rice Lake;
- and
- Occurs within 30 metres of a Key Features and Areas as defined in the OP; or
  - Occurs wholly or partially within a Confirmed Earth Science ANSI, Conservation-Oriented Lands or Linkage Area as defined in the OP.

The above smaller woodlands were then mapped and within the Growth Plan NHS they were called 'regional woodlands' and they were subject to the 'no negative impact test' with some exceptions (mineral aggregate operations and agricultural uses). Outside of the Growth Plan NHS, these 'regional woodlands' were considered to be 'significant woodlands' and therefore subject to the no negative impact test. This approach was not ideal but was considered necessary to account for the differences in forest cover in and outside of the Growth Plan NHS.

Given the repeal of the Growth Plan and the removal of the prohibition on development in key natural heritage features within the Growth Plan NHS, it is now proposed to simplify the criteria and establish one set of criteria for all lands in the County except for lands on the Oak Ridges Moraine (which is discussed separately below). In this regard, it is proposed in new Section D8.2 that significant woodlands have a minimum average width of 40 metres and have a minimum of:

- 1 hectare in Urban Areas and/or rural settlement areas; or
- 4 hectares in the Agricultural Area or Rural Area designation; or

Have a minimum average width of 40 metres and have a minimum of:

- 0.5 hectares in Urban Areas and/or rural settlement areas; or
- 2 hectares in the Agricultural Area or Rural Area designations; or
- 2 hectares within 5 kilometres of Lake Ontario; or

- 2 hectares within 1 kilometre of Rice Lake;

and

- Occurs within 30 metres of significant valleylands, significant wildlife habitat, significant life science Area of Natural and Scientific Interest and/or a permanent watercourse; or
- Occurs wholly or partially within a linkage area as defined by this Plan.

Within the Oak Ridges Moraine Conservation Plan area, the criteria for significant woodlands are set out in a new Section D9.3 and are based on ORMCP technical guidance and have a minimum average width of 40 metres and are:

- 4 hectares or larger in size in the Countryside and Settlement Areas; or
- 0.5 hectares or larger if located in the Natural Core or natural Linkage Areas; or
- 0.5 hectares or larger located within or intersecting with a key natural heritage feature or hydrologically sensitive feature or their vegetation protection zone.

It is my opinion that the criteria for significant woodlands outside of the ORMCP are consistent with the PPS (2024) and within the ORMCP, are in conformity with the ORMCP.



## APPENDIX A - LIST OF MODIFICATIONS

1. Schedule A-1 (Settlement Structure and Natural Heritage System) is replaced with a new Schedule A-1.
2. Schedule A-2 (Land Use Designations) is replaced with a new Schedule A-2.
3. Schedule B-1 (Natural Heritage Area Components) is deleted.
4. Schedule B-2 (Natural Heritage Features and Areas) is replaced with a new Schedule B-1 (Natural Heritage Features and Areas)
5. Schedule B-3 (Resource Areas, Constraint Areas and Waste Management) is replaced with a new Schedule B-2 (Resource Areas, Constraint Areas and Waste Management)
6. Section A2 (Guiding Principles - Principle 10), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and'
7. Section A3 (Land Use Concept) is modified by replacing the word 'Seven' with 'Eight'.
8. Section A3 (Land Use Concept), is modified by deleting Section A3.5, replacing it with the following and re-numbering the remaining sections accordingly:

### "A3.5 NATURAL HERITAGE AREA ONE

The Natural Heritage Area One designation applies to Provincially *significant wetlands* and Regionally important *wetlands*.

### A3.6 NATURAL HERITAGE AREA TWO

The Natural Heritage Area Two overlay designation applies to Provincially *significant Areas of Natural and Scientific Interest* and *significant woodlands*."

9. Section A3.7 (Supporting Features and Areas) is modified by replacing the word 'locally' with "other".
10. Section A3.8 (Natural Heritage System) is modified by replacing the second sentence with the following: "It is comprised of the previously identified Growth Plan *natural heritage system*, Natural Core Areas and Natural Linkage Areas established by the Oak Ridges Moraine Conservation Plan and additional areas that have been identified by the County in accordance with Provincially recommended technical criteria and best practices for the identification of a *natural heritage system*."

11. Section C1 e) (Natural Heritage and Water Resources Systems - Objectives), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and'
12. Section C1 f) (Natural Heritage and Water Resources Systems - Objectives), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and'
13. Section C1 i) (Natural Heritage and Water Resources Systems - Objectives), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and'
14. Section C1 j) (Natural Heritage and Water Resources Systems - Objectives), is modified by deleting sub-section j) and re-numbering the remaining section accordingly.
15. Section C2 (The County's Natural Heritage System), is modified by deleting the second paragraph and replacing it with the following: "It is comprised of the previously identified Growth Plan *Natural Heritage System*, Natural Core Areas and Natural Linkage Areas established by the Oak Ridges Moraine Conservation Plan and additional areas that have been identified by the County in accordance with Provincially recommended technical criteria and best practices for the identification of a natural heritage system. Components of the *natural heritage system* are identified on **Schedule B-1** to this Plan and are listed in Section C3 of this Plan."
16. Section C3 a) (Components of The County's Natural Heritage System), is modified by deleting sub-sections i) to vi) and replacing them with the following:
  - "i) The previously identified Growth Plan *natural heritage system*;
  - ii) *Natural heritage features and areas* that are designated Natural Heritage Area One and Natural Heritage Area Two on **Schedule A-2** to this Plan;
  - iii) Lands that are designated as Natural Core Areas and Natural Linkage Areas by the Oak Ridges Moraine Conservation Plan as shown on **Schedule A-2** to this Plan;
  - iv) Watercourses (permanent and intermittent); and
  - v) Other supporting features and areas that are within the Supporting Features and Areas overlay on **Schedule B-1** to this Plan."
17. Section C3 (Components of The County's Natural Heritage System), is modified by deleting sub-section b) and re-numbering the remaining sections accordingly.

18. Section C3 c) (Components of The County's Natural Heritage System), is modified by adding the following words after 'overlay': "and the Natural Heritage Area One and Natural Heritage Area Two designations"
19. Section C3 d) (Components of The County's Natural Heritage System), is modified by deleting sub-section d) and replacing it with the following: "The limits of the *natural heritage system* overlay and the Natural Heritage Area One and Natural Heritage Area Two designations may be refined by Local Municipalities in their local Official Plans on the basis of updated information and/or detailed studies in consultation with the County."
20. Section C3 (Components of The County's Natural Heritage System), is modified by deleting sub-section f).
21. Section C4.2 (Transfer of Key Natural Heritage Features, Key Hydrologic Features and Natural Heritage Features and Areas into Public Ownership), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and' from the title.
22. Section C4.2 (Transfer of Natural Heritage Features and Areas into Public Ownership), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and/or' from sub-sections a) and c).
23. Section C4.3 (Agricultural Uses), is modified by deleting the following words: 'key natural heritage features, key hydrologic features or other'.
24. Section C4 (General Policies), is modified by deleting Sections C4.4 (Developed Shoreline Areas) and Section C4.5 (General Policy on Development and Site Alteration within the Natural Heritage System for the Growth Plan) and re-numbering the remaining sections accordingly.
25. Section C4.4 (Environmental Impact Studies), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and/or' from sub-sections d) and g) ii).
26. Section C4.4 (Environmental Impact Studies), is modified by deleting the following words: 'key natural heritage features, key hydrologic features and' and the words 'and hydrological' from sub-section g) i).
27. Section C4.5 (Significant Woodlands and Anthropogenic Disturbances), is modified by deleting the following words in sub-section b): 'areas in' and 'that were designated and zoned for concentrations of such development as of July 1, 2017'.
28. Section C4.5 (Significant Woodlands and Anthropogenic Disturbances), is modified by changing the section reference in sub-section d) from 'C4.7.c)' to "C4.5 c)".

29. Section C4 (General Policies), is modified by adding a new Section C4.6 as set out below:

**"C4.6 ENHANCEMENTS TO THE NATURAL ENVIRONMENT**

The County supports enhancements to the *natural heritage system* to support *ecological functions* and improve *ecological integrity* of the *natural heritage system*. Enhancements can be as a result of a range of specific actions being undertaken by a landowner, developer, or public agency.

Where the preparation of a *subwatershed* study or an environmental impact study is required, the study will demonstrate how enhancements to ecological function, *ecological integrity*, or biodiversity of the *natural heritage system* can be achieved, and will be implemented, through for example:

- a) increases in the spatial extent of a feature or features;
- b) increases in biological and habitat diversity;
- c) enhancement of ecological system function;
- d) enhancement of *wildlife habitat*;
- e) enhancement or creation of *wetlands*, water systems or *woodlands*;
- f) enhancement of riparian corridors;
- g) enhancement of ecological services;
- h) enhancement of groundwater recharge areas; and,
- i) establishment or enhancement of *linkages* or connectivity between *natural heritage features and areas*."

30. Section D1.12 (Watercourses), is modified by changing the section number from 'D1.12' to "C5".

31. Section C5 (Water Resources), is modified by changing the section number from 'C5' to "C6".

32. Section C6 (Water Resources), is modified by deleting Section C5.5 (Special Policy on Large Scale Development).

33. Section D (Land Use Designations), is modified by changing the Schedule reference number from 'A-1' to "A-2".

34. Section D1.2 (General Land Use Objectives for Urban Areas), is modified by changing the Schedule reference number from 'A-1' to "A-2".
35. Section D3.3 (Agricultural Area - Location), is modified by changing the Schedule reference number from 'A' to "A-2".
36. Section D4.2 (Agricultural Area - Location), is modified by adding the following words after 'Natural Heritage Area': "One designation".
37. Section D5 c) (Oak Ridges Moraine), is modified by replacing the first paragraph with the following: "On lands subject to the Oak Ridges Moraine Conservation Plan, only applications for *development* and *site alteration* that conform with the Oak Ridges Moraine Conservation Plan will be considered. The following land use categories govern the use of land within the Oak Ridges Moraine".
38. Section D5 c) (Oak Ridges Moraine), is modified by replacing the first sentence in sub-section i) with the following: "**Natural Core Areas** are areas with a high concentration of *key natural heritage features, hydrologically sensitive features* or landform conservation areas. Natural Core Areas are designated on **Schedule A-2** to this Plan."
39. Section D5 c) (Oak Ridges Moraine), is modified by replacing the first sentence in sub-section ii) with the following: "**Natural Linkage Areas** are areas forming part of a central corridor system, the purpose of which is to maintain, improve and restore the ecological integrity of the Moraine. Natural Linkage Areas are designated on **Schedule A-2** to this Plan."
40. Section D5 c) (Oak Ridges Moraine), is modified by replacing by changing the Schedule reference number from 'Schedules A-1' to "Schedule A-2" in two places.
41. Section D6 (Natural Heritage Area Designation Within the Natural Heritage System for the Growth Plan), is modified by changing the title of this Section to: "Natural Heritage Area One Designation Outside of the ORMCP"
42. Section D6.1 (Natural Heritage Area One Designation Outside of the ORMCP - Location) is modified by replacing sub-sections a), b) and c) with the following:
  - "a) All lands that are the site of known Provincially *significant wetlands, significant coastal wetlands* and Regionally important *wetlands* are designated Natural Heritage Area One on **Schedule A-2**. Where information is known, Provincially *significant wetlands* and Regionally important *wetlands* are shown on **Schedule B-1** for information purposes.
  - b) While known Provincially *significant wetlands, significant coastal wetlands* and Regionally

important *wetlands* have been designated Natural Heritage Area One on **Schedule A-2**, the identification, mapping and significance of others can only be determined after evaluation."

43. Section D6.2 (Natural Heritage Area One Designation Outside of the ORMCP - Permitted Uses) is modified by replacing all of Section D6.2 with the following:

**"D6.2 PERMITTED USES IN SIGNIFICANT WETLANDS AND SIGNIFICANT COASTAL WETLANDS**

- a) *Development and site alteration* is not permitted in *significant wetlands* and *significant coastal wetlands*.
- b) Permitted uses in *significant wetlands* and *significant coastal wetlands* are limited to:
  - i) Forestry in the form of reforestation and regeneration, and excluding commercial logging and managed woodlots;
  - ii) Uses connected with the conservation of water, soil, wildlife and other natural resources; and
  - iii) The continuation of existing *agricultural uses*."

44. Section D6.3 (Natural Heritage Area One Designation Outside of the ORMCP - Development and Site Alteration on Adjacent Lands) is modified by replacing all of Section D6.3 with the following:

**"D6.3 DEVELOPMENT AND SITE ALTERATION IN REGIONALLY IMPORTANT WETLANDS**

- a) *Development and site alteration* in Regionally Important Wetlands is subject to the policies of Section D7."

45. Section D6.1 (Natural Heritage Area One Designation Outside of the ORMCP - Location) is modified by deleting Section D6.4 (Regionally Important Woodlands) and Section D6.5 (Significant Earth Science Areas of Natural and Scientific Interest).

46. Section D7 (Natural Heritage Area Designation Within the Oak Ridges Moraine Conservation Plan) Outside of the ORMCP - Location) is deleted in its entirety and replaced with a new Section D7 as set out below:

**"D7 NATURAL HERITAGE AREA TWO (NHA2) DESIGNATION OUTSIDE OF THE ORCMP**

**D7.1 LOCATION**

- a) All lands that are the site of known Provincially *significant Areas of Natural and Scientific Interest* and *significant woodlands* are designated Natural Heritage Area Two on **Schedule A-2**. Where information is known, Provincially *significant Areas of Natural*

and *Scientific Interest* and *significant woodlands* are shown on **Schedule B-1** for information purposes.

- b) While known Provincially *significant Areas of Natural and Scientific Interest* and *significant woodlands* have been designated Natural Heritage Area Two on **Schedule A-2**, the identification, mapping and significance of others can only be determined after evaluation either by the Province in the case of an *Area of Natural and Scientific Interest* or the County, in the case of a *woodland*.

#### **D7.2 PERMITTED USES**

- a) As the NHA2 designation in an overlay designation, permitted uses are those in the underlying land use designation shown on **Schedule A-2**.
- b) The policies in this section apply to *significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest, significant wildlife habitat, fish habitat and habitat of endangered and threatened species*.
- c) *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *Provincial and Federal requirements*.
- d) *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- e) *Development and site alteration* shall not be permitted in the following *natural heritage features and areas* unless it has been demonstrated through the preparation of an Environmental Impact Study in accordance with Section C4.4 of this Plan that there will be no *negative impacts* on the natural features or their *ecological functions*:
  - i) *Significant woodlands*;
  - ii) *Significant valleylands*;
  - iii) *Significant wildlife habitat*; and,
  - iv) *Significant Areas of Natural and Scientific Interest*.
- f) Notwithstanding the above, expansions or alterations to existing buildings and structures for *agricultural uses, agriculture-related uses or on-farm diversified uses* and

expansions to existing residential dwellings and existing ancillary buildings may be permitted in the NHA2 designation if it is demonstrated that:

- aa) There is no alternative, and the expansion or alteration in the feature is minimized and is directed away from the feature to the maximum extent possible; and
- ab) The impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible;
- g) Small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities may be permitted in the NHA2 designation, if measures are taken to minimize the number of such structures and their *negative impacts*.
- h) Through the implementation of this section by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions to existing residential dwellings and existing ancillary buildings within *significant woodlands* that can proceed as-of-right and without the need for an environmental impact study is permitted by this Plan. In this regard, such minor expansions shall be small in scale and generally not exceed 25% of the floor area of the existing residential dwelling and/or existing ancillary building that is being expanded. Expansions beyond this size will require a Planning Act approval where it shall be demonstrated that conformity with Section D7.2 f) can be achieved."

47. Section D7.3 (Adjacent Lands) is modified by creating a new Section D8 and a new Section D8.1 as set out below:

**"D8 OTHER GENERAL POLICIES THAT APPLY TO THE NHA1 AND NHA2 DESIGNATIONS**

**D8.1 ADJACENT LANDS"**

48. Section D8.1 (Adjacent Lands) is modified by deleting the following words from sub-section a):  
'outside of the *natural heritage system for the Growth Plan*'

49. Section D8.1 (Adjacent Lands) is modified by deleting Table K and replacing it with the following:



**TABLE K**  
**Adjacent Lands**

NATURAL HERITAGE FEATURE	ADJACENT LANDS (metres)
Provincially <i>significant wetlands</i> and <i>coastal wetlands</i>	120
<i>Significant woodlands</i>	120
Regionally important <i>woodlands</i>	120
<i>Significant wildlife habitat</i>	120
<i>Habitat of endangered species and threatened species</i>	120
Provincially <i>significant Areas of Natural and Scientific Interest</i> – earth science	50
Provincially <i>significant Areas of Natural and Scientific Interest</i> – life science	120
<i>Significant valleylands</i>	120
<i>Fish habitat</i>	120
Non-significant <i>coastal wetlands</i>	120
Regionally important <i>wetlands</i>	50

50. Section D8.1 (Adjacent Lands) is modified by changing the Section reference in sub-section b) from 'C4.6' to "C4.4"
51. Section D8.1 (Adjacent Lands) is modified by adding the words "or area." at the end of sub-section c).
52. Section D7.4 (Criteria for Significant Woodlands) is modified by changing the section number to Section D8.2 and replacing all of the text with the following:

**"D8.2 CRITERIA FOR SIGNIFICANT WOODLANDS**

- a) *Significant woodlands* have a minimum average width of 40 metres and are a minimum of:
- i) 1 hectare in *urban areas* and/or *rural settlement areas*; or
  - ii) 4 hectares in the Agricultural Area or Rural Area designation; or
- Have a minimum average width of 40 metres and are a minimum of:
- iii) 0.5 hectares in *urban areas* and/or *rural settlement areas*; or

- iv) 2 hectares in the Agricultural Area or Rural Area designations; or
  - v) 2 hectares within 5 kilometres of Lake Ontario; or
  - vi) 2 hectares within 1 kilometre of Rice Lake;
- and
- vii) Occurs within 30 metres of *significant valleylands, significant wildlife habitat, significant life science Area of Natural and Scientific Interest* and/or a permanent watercourse; or
  - viii) Occurs wholly or partially within a linkage area as defined by this Plan."

53. Section D7.5 (Minimum Buffers) is modified by changing the section number to Section D8.3 and replacing all of the text with the following:

**"D8.3 MINIMUM BUFFERS**

- a) **Table L** sets out the minimum buffers required from certain *natural heritage features and areas* outside of *urban areas* and *rural settlement areas*:

**Table L: Minimum Buffers**

Natural Heritage Feature or Area	Minimum Buffer
<i>Significant life science Areas of Natural and Scientific Interest</i>	15 metres
<i>Valleyland (significant)</i>	15 metres
<i>Wetland (evaluated as non-Provincially significant)</i>	15 metres
<i>Wetland (significant)</i>	30 metres
<i>Wildlife habitat (significant)</i>	15 metres
<i>Woodland (significant)</i>	20 metres

Note: Conservation Authority regulatory allowances apply separate from the *buffers* in this table

- b) Buffers in *urban areas* and *rural settlement areas* are to be informed by both existing conditions and sensitivities, and the anticipated impacts that a buffer is being used to mitigate. Where possible, opportunities to address impacts (avoid, minimize) through the siting and design of land uses should be considered as part of a layered approach to mitigation. This approach will reduce the overall impact of developments, encourage sustainable design and support development of resilient system(s) and communities.
- c) Based on the above, minimum buffer widths in *urban areas* and *rural settlement areas* will be established in studies prepared to the satisfaction of the approval authority.

When determining the appropriate buffer width, consideration will be given to the following matters:

- i) enhancement and mitigation opportunities such as vegetative planting within the buffers or fencing on abutting lands;
  - ii) achieving adequate buffers to stormwater management components, which may necessitate wider buffer widths;
  - iii) the intensity of the abutting land uses as illustrated through specific plans for such uses (i.e., grading, setbacks, maintenance, servicing, built form including height, location of buildings and structures and other activities); and,
  - iv) the ecological functions, characteristics, significance and sensitivity of the feature the buffer is required from.
- d) Where a feature is regulated by a Conservation Authority within an *urban area* or *rural settlement area*, and the regulatory requirements exceed the required buffer as determined through the policies of this Plan, those regulatory requirements will apply, subject to the provisions of the Conservation Authorities Act."

54. Former Section D8 (Natural Core Area and Natural Linkage Area Designations Within the Oak Ridges Moraine Conservation Plan ) is modified by changing the section number to Section D9 and replacing the entirety of the section with the following:

**D9 NATURAL CORE AREA AND NATURAL LINKAGE AREA DESIGNATIONS WITHIN THE OAK RIDGES MORaine CONSERVATION PLAN**

**D9.1 LOCATION**

- a) Lands within the Natural Core Area and Natural Linkage Area designations in the Oak Ridges Moraine Conservation Plan are designated Natural Core Area (ORM) and Natural Linkage Area (ORM) on **Schedule A-2**.
- b) Other known *key natural heritage features* and *key hydrologic features* that are outside of the Natural Core Area and Natural Linkage Area designations and as defined by the Oak Ridges Moraine Conservation Plan are also designated NHA1 and NHA2 on **Schedule A-2** to this Plan.

- c) Where information is known, individual *key natural heritage features* and *key hydrologic features* as defined by the Oak Ridges Moraine Conservation Plan are shown on **Schedule B-1** for information purposes.
- d) While some of the *key natural heritage features* and *key hydrologic features* are known and some have been designated NHA1 and NHA2 on **Schedule A-2**, the identification, mapping and significance of others can only be determined after evaluation.

**D9.2 PERMITTED USES**

- a) All *development* and *site alteration* on lands subject to the Oak Ridges Moraine Conservation Plan boundary shown on the schedules to this Plan is subject to the policies of the Oak Ridges Moraine Conservation Plan.

**D9.3 CRITERIA FOR SIGNIFICANT WOODLANDS**

- a) Within the Oak Ridges Moraine Conservation Plan area, *significant woodlands* have a minimum average width of 40 metres and are:
  - i) 4 hectares or larger in size in the Countryside and Settlement Areas; or
  - ii) 0.5 hectares or larger if located in the Natural Core or Natural Linkage Areas; or
  - iii) 0.5 hectares or larger located within or intersecting with a *key natural heritage feature* or hydrologically sensitive feature or their vegetation protection zone."

55. Former Section D9 (Supporting Features and Areas (SFA)) is modified by changing the section number to Section D10 and replacing the entirety of Section D9.1 with the following:

**"D10.1 LOCATION**

- a) The Supporting Features and Areas (SFA) overlay designation includes the following:
  - i) Alvars;
  - ii) Conservation oriented lands;
  - iii) Enhancement areas;
  - iv) Linkages;
  - v) Other *valleylands (non-significant)*;

- vi) Other *wetlands* that are not considered to be *significant wetlands, significant coastal wetlands* or regionally important *wetlands*;
  - vii) Other *woodlands (non-significant)*;
  - viii) Regionally important *Areas of Natural and Scientific Interest*;
  - ix) Regionally important *wildlife habitat*;
  - x) Sand barrens;
  - xi) Savannahs;
  - xii) Seepage areas and springs;
  - xiii) *Sensitive ground water features*;
  - xiv) *Sensitive surface water features*;
  - xv) Shoreline features; and
  - xvi) Tallgrass prairies.
- b) Where information is known, individual supporting features and areas are shown on **Schedule B-1** for information purposes.
- c) While some of the supporting features and areas are known and some have been identified as SFA on **Schedule B-1**, the identification, mapping and significance of others can only be determined after evaluation."

56. Section D10.3 (Supporting Features and Areas (SFA) - General Policies) is modified by changing the schedule reference in sub-section a) from 'B-2' to "B-1" and replacing the words 'environmental evaluation' with "Environmental Impact Study".
57. Section D10.3 (Supporting Features and Areas (SFA) - General Policies) is modified by deleting the words 'a key natural heritage feature, a key hydrological feature or' from sub-section a) i).
58. Section D10.3 (Supporting Features and Areas (SFA) - General Policies) is modified by deleting the words 'key natural heritage features, key hydrological features or' from sub-section a) ii).
59. Section D10.3 (Supporting Features and Areas (SFA) - General Policies) is modified by deleting the words 'Conservation Authority' from sub-section c).

60. Section D10.4 (Supporting Features and Areas (SFA) - Enhancement Areas) is modified by changing the Section reference from 'D9.3' to "D10.3" and the schedule reference from 'B-2' to "B-1" and replacing the words 'environmental evaluation' with "Environmental Impact Study".
61. Section D10.4 (Supporting Features and Areas (SFA) - Enhancement Areas) is modified by deleting the words 'a key natural heritage feature, a key hydrological feature or' from sub-sections a) and b)
62. Section D10.5 (Supporting Features and Areas (SFA) - Linkage Areas) is modified by changing the Section reference from 'D9.3' to "D10.3" and the schedule reference from 'B-2' to "B-1" and replacing the words 'environmental evaluation' with "Environmental Impact Study".
63. Section D10.5 (Supporting Features and Areas (SFA) - Enhancement Areas) is modified by deleting the words 'key natural heritage features, key hydrological features or' from sub-section b).
64. Former Section D10 (Implementing the NHA Designation and Transition) is modified by changing the Section number to Section D11 and changing the title such that it states the following: "Implementing the NHA1 and NHA2 Designations and Transition"
65. Section D11 a) (Implementing the NHA Designation and Transition) is modified by replacing the words 'Natural Heritage Area designation' with "NHA1 and NHA2 designations"
66. Section D11 b) (Implementing the NHA Designation and Transition) is modified by deleting this sub-section and replacing it with the following: "Through the process of implementation, local municipalities may refine the boundaries of *natural heritage features or areas* on the basis of updated information and or detailed studies in consultation with the County."
67. Section D11 c) (Implementing the NHA Designation and Transition) is modified by replacing the words 'Natural Heritage Area designation' with "NHA1 and NHA2 designations"
68. Section D11 d) (Implementing the NHA Designation and Transition) is modified by deleting sub-section d) and re-numbering all remaining sub-sections accordingly.
69. Section D11 d) (Implementing the NHA Designation and Transition) is modified by deleting this sub-section and replacing it with the following: 'Where a secondary plan has been approved, those portions that are not yet the site of a draft approved Plan of Subdivision or Plan of Condominium shall be reviewed to determine how the intent of this Plan with respect to the *natural heritage system* can be achieved on the lands affected.'
70. Section E3.6 (Mineral Aggregate Operations and Wayside Pits and Quarries within the Natural Heritage System for the Growth Plan) is deleted.

71. Section F1.5.1 (New Lots by Consent - General Criteria) is modified by changing the section reference in sub-section l) from 'D1.12.2 c)' to "C5".
72. Section G9.3 (Supplemental Submission Requirements) is modified by changing the section references in sub-section a) from 'F9.4' to "G9.4" and from 'F9.5' to "G9.5".
73. Section G12.2 (Interpretation) is modified by deleting sub-section b) and replacing it with the following:
  - "b) It is recognized that the boundaries of the Natural Heritage Area One designation, the Natural Heritage Area Two overlay designation and the Supporting Features and Areas overlay designation on **Schedule A-2** may be imprecise and subject to change. An amendment to this Plan will not be required if changes to the boundaries of the Natural Heritage Area One designation, the Natural Heritage Area Two overlay designation and the Supporting Features and Areas overlay designation are proposed based on new information and are deemed to be appropriate by the approval authority. Changes to the boundaries of *significant Areas of Natural and Scientific Interest* requires the approval of the Provincial ministry with jurisdiction. Changes to the boundaries of *natural heritage features or areas* and individual supporting features and areas shown on **Schedule B-1** do not require an Amendment to this Plan."
74. Section G12.7 (Definitions) is modified by changing the section references in the definition of 'adjacent lands' from 'D8.5' to "D6" in sub-section b), from 'E2.3 b)' to "E4.3 b)" in sub-section c) and from 'E1.5 g)' to "E3.5 g)" in sub-section d).
75. Section G12.7 (Definitions) is modified by deleting definitions for 'ecological integrity', 'ecological value', 'key hydrologic areas', 'key hydrologic features', 'key natural heritage features', 'Life Science Area of Natural and Scientific Interest', 'Natural Heritage System for the Growth Plan', 'Natural self-sustaining vegetation', 'Total developable area' and 'Water resource system'.
76. Section G12.7 (Definitions) is modified by deleting the definition of 'natural heritage system' and replacing it with the following: "**Natural heritage system:** means 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. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying

*natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used."

77. Section G12.7 (Definitions) is modified by deleting the definition of 'significant' and replacing it with the following:

"Significant: means

- a) in regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time;
- b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province;
- c) in regard to other features and areas in Section C3 of this Plan, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*; and
- d) in regard to *mineral* potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.
- f) 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*.

Criteria for determining significance for the resources identified in section c)-d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation."

78. Section G12.7 (Definitions) is modified by deleting the definition of 'habitat of endangered species and threatened species' and replacing it with the following: "**Habitat of endangered species and**



**threatened species:** means habitat within the meaning of Section 2 of the *Endangered Species Act, 2007*."

79. Section G12.7 (Definitions) is modified by deleting the definition of 'Federal and Provincial requirements' and replacing it with the following: "**Habitat of endangered species and threatened species:** means habitat within the meaning of Section 2 of the *Endangered Species Act, 2007*."

80. Section G12.7 (Definitions) is modified by deleting the definition of 'negative impact' and replacing it with the following:

"Negative impacts: means

- a) in regard to Section B14 potential risks to human health and safety and degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to *fish habitat*, any harmful alteration, disruption or destruction of *fish habitat*, except where an exemption to the prohibition has been authorized under the *Fisheries Act*;
- c) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development or site alteration* activities.
- d) in regard to Section C6, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development or site alteration* activities; and
- e) in regard to Section F2.2.8, any *development or site alteration* that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor."

81. Section G12.7 (Definitions) is modified by deleting the definition of 'Provincial and federal requirements' and replacing it with the following:

"**Provincial and federal requirements:** means

- a) in regard to Section D7.2 c), legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and

related, scientifically established standards such as water quality criteria for protecting lake trout populations; and

- b) in regard to Section D7.2 d), legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.
82. Section G12.7 (Definitions) is modified by deleting the definition of 'Institutional use' and replacing it with the following: "**Institutional use:** for the purposes of Section E7.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion."
83. Section G12.7 (Definitions) is modified by deleting the definition of 'Wetlands' and replacing it with the following: "**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.