

# MEMORANDUM

**Date:** November 5, 2021

**Subject:** FINAL RECOMMENDATIONS - OPA 1

*Official Plan Amendment - To update the Natural Heritage System policies to ensure they conform to the Growth Plan and are consistent with the Provincial Policy Statement*

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## PURPOSE

The purpose of the Official Plan Amendment ('OPA') is to include new and updated policies on natural heritage in the Official Plan. These policies will implement the direction given by County Council on July 22, 2020 to prepare Official Plan policies and mapping to implement the Northumberland Natural Heritage System Plan dated June 2020.

The proposed OPA is one of a series of OPA's that will be prepared as part of the on-going Municipal Comprehensive Review that is being conducted in accordance with the requirements of the Growth Plan pursuant to Section 26 of the Planning Act. These other OPA's will deal with such matters as growth management, the agricultural system and the water resource system and they will be finalized in 2022.

## 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'). At the time the NOP was approved, there was widespread recognition that the County would undertake this work after all outstanding appeals were dealt with and updates to other applicable Provincial Plans (e.g., Growth Plan), were completed. It was on this basis that the work leading to the preparation of an NHS was initiated in 2018.

Below is a brief overview of the work completed in support of the NHS.

### **Background Review**

The identification of a robust NHS, which ensures that the natural heritage in the County is preserved for future generations, required consideration of existing policies and best practices and, as such, a background review was undertaken during the initial phase of the project. A detailed policy review considered Provincial policies as well as the current NOP. Existing mapping and datasets available for the County were obtained and assembled in a digital data library. Further, a gap analysis was undertaken to identify gaps in representation provided by features identified through existing information sources. Findings from this project phase were presented in the ***Northumberland NHS Plan Background Report (NSE 2018)***.

### **Draft Vision and Objectives**

The collaborative development of a vision and objectives was critical to establish a defensible foundation for the NHS. The goals and principles proposed in this project phase were tailored to the values and vision of Northumberland's Council, local municipalities, other agencies and relevant stakeholders. They represented a foundation for the NHS and subsequent policies and provide guidance for establishing the balance between natural heritage and other policies.

### **First Point of Consultation**

The first public consultation, Technical Advisory Committee (TAC) review and stakeholder workshop were undertaken following the completion of the background review and drafting of the vision and objectives. In this regard, the first round of public information sessions was held in November 2018. At these sessions, the County and consultant team presented the background information and rationale for the natural heritage features and areas that were identified for inclusion in the NHS and received public input on other possible areas of interest and considerations for the development of policies related to the NHS. This initial point of engagement was used as a starting point for discussion. Feedback received at this time included public input into NHS components, identified concerns regarding population

pressure, and expressed interest in ongoing participation.

### **Identification of Criteria, Rationale and Natural Heritage Features**

Following the review and organization of information from earlier project phases and guidance and input from the first round of consultations, a comprehensive review of existing data sources was undertaken to gain an understanding of the significance of identified features. As part of this analysis, criteria were developed, with supporting rationale, for the identification of component features, including ecological linkages, for inclusion in options for the County's NHS.

These criteria were developed with consideration of Provincial requirements and in support of the County's vision and objectives. Three options were proposed that provided a range of scenarios for mapping the NHS that considered the specific geographic context within the County and the differences in natural heritage cover within the various land use designations. These criteria and options are described in ***Northumberland County NHS Plan: Criteria and Rationale for the Identification of NHS Components (NSE 2019)***.

### **Second and Third Point of Consultation**

The preliminary NHS and policy framework were presented to the public and the TAC for comment and review in November and December of 2019, during which the County and consultant team presented the three NHS options (described below) for further feedback from the public.

At this time, there was specific interest from the public about the impacts of the NHS on individual properties. In response and as a third point of engagement, in January 2020, the County developed and presented an interactive map viewer that illustrated each of the County NHS options, Provincial NHS, and airphoto imagery so that landowners could see what the NHS could look like on their individual properties. The feedback period was also extended for members of the public to complete the online feedback form. Feedback received at this time included public input into the preferred NHS option and sought to clarify impacts to landowners.

### **NHS Options**

Three NHS options were developed for consideration: Basic NHS (Option 1); Comprehensive NHS (Option 2); and Enhanced NHS (Option 3). Each of the three options increasingly encompassed more area (e.g., through lower size thresholds for significance) and therefore

provided an increasingly more robust conservation-based approach to natural heritage protection in order to meet the NHS objectives for each option.

The main differences between the NHS options were the size threshold for significant woodlands, linkage size and location, and criteria for enhancement areas. All three NHS options were comprised mostly of the Provincial NHS from the Growth Plan which accounted for 115,564 hectares (58% cover) in all options. The overlap of the Growth Plan NHS with components of the County's NHS resulted in the total mapped NHS area within the County for each of the options, as follows:

- Option 1 – 138,418 ha (69.9% cover)
- Option 2 – 138,776 ha (70.1% cover)
- Option 3 – 139,772 ha (70.6% cover)

All of the options would achieve the objectives for the County's NHS and would be in conformity with Provincial Plans and policies; however, the degree of confidence that the NHS will provide a resilient, interconnected NHS that preserves and enhances natural features, ecological functions and native biodiversity for future generations, increases moving from Option 1 through Option 3.

The preferred option for the County's NHS was in part determined through public consultation, and stakeholder and agency engagement. Based on the feedback received through this consultation and engagement, it was recommended that Option 3 best fulfilled the vision and objectives for the County's NHS.

This recommendation was supported by County Council on July 22, 2020.

## **PROPOSED OPA PRESENTED AT PUBLIC OPEN HOUSE AND PUBLIC MEETING**

On the basis of the recommendation that was supported by County Council as per the above, a draft of OPA 1 was presented at a public open house and public meeting as per the Planning Act on March 29, 2021 and April 7, 2021.

At the public meeting, a number of people indicated their support for the proposed policy framework. However, a number of concerns were expressed about the imposition of the natural heritage policy framework on existing development permissions and development aspirations. In response, it was indicated that the County is required to establish a natural heritage system policy framework and protect natural features from development in



accordance with Provincial policy. In addition, it was noted that the policies of the Growth Plan very specifically prohibit new buildings and structures within key natural heritage features and key hydrological features and only permit expansions to existing buildings in features subject to criteria. In this regard, one type of new building construction that will not be permitted in key features will be a new dwelling. In this regard, it has been determined that up to twenty properties in the County may not be eligible for the construction of a new dwelling, once the policies of the County Official Plan are implemented through updates to the local Official Plans and zoning by-laws, which may take up to five years.

In response to some of the comments made at the public meeting and in an effort to clarify the effect of the policies and how they will be implemented, a number of changes to OPA 1 are proposed and they are set out in **Appendix A**. These proposed changes:

1. Provide additional clarity on how cumulative impacts are to be considered;
2. Permit minor expansions to existing buildings in significant woodlands;
3. Permits new buildings below a certain size and minor expansions to existing buildings in required vegetation protection zones adjacent to significant woodlands only in the Natural Heritage System for the Growth Plan;
4. Expands the application of the policy that permits shoreline development in the Natural Heritage System for the Growth Plan to lands along the Trent-Severn waterway;
5. Ensure that permitted uses in the NHA designation are the same across the County;
6. Indicate how the natural heritage system overlay is intended to be implemented by the local municipalities;
7. Indicate how the NHA designation is to be implemented by the local municipalities and provides guidance on how existing approvals and applications in process are to be dealt with; and
8. Permit the removal of significant woodlands that have been degraded in settlement areas or in developed shoreline areas that were designated and zoned for concentrations of such development as of July 1, 2017, provided a woodland enhancement plan is approved.

In addition to the above, a number of sections were reorganized to improve readability. Further details on the rationale for the above changes and a description of the changes is found in **Appendix A**.

The Ministry of Municipal Affairs and Housing (MMAH) will be the approval authority for OPA 1. As a result, a draft of OPA 1 was sent to MMAH and comments were provided in a letter dated August 3, 2021. While generally supportive of OPA 1, the MMAH made a number of suggestions that are summarized in **Appendix B** to this report which have resulted in a number of minor changes to OPA 1. These proposed changes:

1. Introduce a number of new aggregate-related policies that apply to lands within the Natural Heritage System for the Growth Plan;
2. Recognize that while regionally important woodlands are not considered to be a key natural heritage feature as defined, all or a portion of a regionally important woodland may be considered a key natural heritage feature if for example the lands were identified as significant wildlife habitat or other key natural heritage feature;
3. Recognize that regionally important woodlands are not to be considered in the same manner as significant woodlands for new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses;
4. Clarify the policies that apply to significant earth science areas of natural and scientific interest;
5. Provides some additional guidance on who should complete environmental impact studies and what inventory methods should be used;
6. Provides some additional clarity on the policies that apply to non-Provincially significant wetlands in settlement areas; and
7. Provide direction on how changes to the boundaries of the NHA designation and SFA overlay are to be dealt with when applications for development are received.

In addition to the above, a number of section references were updated to improve readability. Further details on the rationale for the above changes and a description of the changes is found in Appendix B.

Lastly, a number of written comments were received as well from:

1. Ontario Stone, Sand & Gravel Association (OSSGA) - Letter dated May 28, 2021;
2. CBM Aggregates - Letter dated May 27, 2021;
3. Northumberland Summer Resorts Limited - Email dated May 31, 2021;
4. Stratega Consulting (March 26, 2021) on behalf of:
  - 1151677 Ontario Limited;
  - 2029547 Ontario Ltd.;
  - B.G. Newmarket Inc.;
  - BG Niagara Falls Inc.;
  - B.G. Schickedanz (Peel) Inc.; and
  - The Empress Building Corporation.
5. Blue Dot Northumberland - email dated June 7, 2021; and,
6. Joint Working Group - Wesleyville - Sub-Group of the Willow Beach Field Naturalists, Northumberland Land Trust and Lone Pine land Trust - email dated April 5, 2021.

A review of the above comments and my responses to each are provided in **Appendix C** to this report.

## **RECOMMENDATION**

As a result of the comments received and the further consideration of the policies, a final OPA 1 has been prepared and it is attached to this report as **Appendix D**. A track changes version of OPA 1 that compares the version presented at the public meeting and the final recommended version is attached as **Appendix E**.

It is recommended that the final version of OPA 1 be adopted by Council as it properly implements the work completed on the Natural Heritage System strategy, conforms to the Growth Plan and is consistent with the PPS.

Once County Council adopts the NHS OPA, it will then be sent to the Province for approval. Once they have had a chance to review the OPA and if there is a need for any modifications,

a draft modification letter would be provided to the County for our consideration. If modifications are proposed, a further report will be prepared for County Council at which we will be looking for Council direction on whether any of the modifications suggested should be supported or not. After this occurs the Province will then be notified and they will then be in a position to make a decision.

Given that the OPA is part of the Municipal Comprehensive Review being carried out pursuant to Section 26 of the Planning Act the final decision of the Province cannot be appealed. Once the OPA has been approved by the Province, each of the local municipalities will need to update their Official Plans to ensure that they conform to the NOP. There will also be a need for the local municipalities to update their zoning by-laws as well.

**Northumberland NHS OPA Recommendations**  
**Appendix A - Recommended Changes for Clarity and Implementation Purposes**

Section	Rationale for Change	Description of Change Made
C4.1 a), b), c) and d)	<ul style="list-style-type: none"> <li>It is recommended that this section be re-written so that it provides more direction on how to consider cumulative impacts in the development review process</li> </ul>	<ul style="list-style-type: none"> <li>All of Section C4.1 is proposed to be replaced such that it would indicate the following:               <ul style="list-style-type: none"> <li><i>a) The consideration of cumulative impacts shall be required through the preparation of environmental impact studies.</i></li> <li><i>b) Cumulative impacts shall be assessed on the base conditions that existed from the time the approval authority first requires impact studies to be completed.</i></li> <li><i>c) Where development or site alteration applications are considered, the proponent shall be required to provide an overview of previous studies as provided by the approval authority (if available), related to development impacts on the same or adjacent feature as it relates to impacts on the Natural Environment System and the water balance of features.</i></li> <li><i>d) In addition to the above, any assessment of impact must include a description of cumulative impacts that have occurred prior to the impact assessment being undertaken.</i></li> </ul> </li> </ul>
D6.2	<ul style="list-style-type: none"> <li>The Growth Pan applies the same restrictive policies to significant woodlands that have long applied to significant wetlands (no development or site alteration permitted)</li> <li>However, the Growth Plan does permit minor expansions to existing buildings provided certain tests are met.</li> <li>In recognition of the importance of the agricultural industry in the County and to minimize hardship in cases where development exists in significant woodlands, it is recommended that the NOP allow local municipalities to permit minor expansions as-of-right, provided such minor expansions are small in scale and do exceed 25% of the floor area of the existing building or dwelling that is being expanded.</li> </ul>	<ul style="list-style-type: none"> <li>A new Section D6 h) is proposed as per below:               <ul style="list-style-type: none"> <li><i>h) Through the implementation of sub-section f) by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions 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 building or dwelling that is being expanded. Expansions beyond this size will require a Planning Act approval.</i></li> </ul> </li> </ul>

**Northumberland NHS OPA Recommendations**  
**Appendix A - Recommended Changes for Clarity and Implementation Purposes**

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	<ul style="list-style-type: none"> <li>This recommended provision recognizes that development has already occurred and that minor expansions to that existing development is very unlikely to have a negative impact on the feature.</li> </ul>	
D6.3	<ul style="list-style-type: none"> <li>Section D6.3 deals with large scale development in key hydrologic areas.</li> <li>It is recommended that this section be moved to the water resource section and re-numbered as Section C5.5.</li> <li>Additional changes will be made to the Official Plan in a future amendment to fully implement the water resource system policies of the Growth Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Section D6.3 is now Section C5.5</li> </ul>
D6.3 g)	<ul style="list-style-type: none"> <li>Section D6.3 a) requires a 30-metre vegetation protection zone adjacent to key hydrological features, fish habitat and significant woodlands.</li> <li>Section D6.3 c) then permits expansions to existing agricultural uses and dwellings in accordance with D6.2 f) subject to conditions.</li> <li>Section D6.3 e) then permits new agricultural buildings in the vegetation protection zone subject to conditions as well.</li> <li>In order to streamline local approval processes for minor new buildings and expansions of existing buildings in the vegetation protection zone adjacent to significant woodlands only and reduce red tape for the agricultural community, it is recommended that the OP establish what these minor permissions are.</li> </ul>	<ul style="list-style-type: none"> <li>A new Section D6.3 g) is proposed as per below: <ul style="list-style-type: none"> <li><i>f) Notwithstanding Section D6.3 c) the following types of minor construction is not considered to be development or site alteration and it is permitted within vegetation protection zones adjacent to significant woodlands without an environmental impact study:</i> <ul style="list-style-type: none"> <li>i) <i>New agricultural buildings that are generally below 100 m<sup>2</sup>;</i></li> <li>ii) <i>New accessory buildings to a residential use (garage, workshop etc.) that are generally below 50 m<sup>2</sup>;</i></li> <li>iii) <i>Expansions to existing residential dwellings that are generally below 50% of the size of the original building, provided the expansion is less than 50 m<sup>2</sup>;</i></li> <li>iv) <i>Expansions to existing agricultural buildings that are generally below 50% of the size of the original building, provided the expansion is less than 100 m<sup>2</sup>; and</i></li> <li>v) <i>Expansions to existing accessory buildings for a residential use that are generally below 50% of the size of the original building</i></li> </ul> </li> <li><i>New buildings and expansions that are greater in size shall require a Planning Act approval.</i></li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>These permissions are intended to be minor and it is my opinion that the potential for negative impact is very limited.</li> </ul>	
D6.5 now Section C4.4	<ul style="list-style-type: none"> <li>This section applies to developed shoreline areas and allows for development to occur in such areas that were designated and zoned for concentrations of such development as of July 1, 2017.</li> <li>The draft policy indicated that it applied to the shoreline area of Rice Lake only since the Growth Plan policy references inland lakes, which is not defined.</li> <li>However, Rice Lake is part of the Trent-Severn waterway system which extends eastwards from just west of Hastings through Campbellford and then south and east. Along this route are a number of smaller lakes and islands, which all blend together making it very challenging to determine where an inland lake begins and ends. Also along this route is a considerable amount of shoreline development.</li> <li>It is my opinion that this policy should apply to the Trent-Severn waterway in the County and as a result, changes to this policy are recommended to make this clear.</li> </ul>	<ul style="list-style-type: none"> <li>Previous Section D6.5 is proposed to be entitled 'Developed Shoreline Areas' and re-numbered as Section C4.4 since it applies to any lands within the natural heritage system for the Growth Plan</li> <li>The first paragraph is also proposed to be modified with the under-lined text below:  <i>In developed shoreline areas of Rice Lake <u>and the Trent-Severn Waterway within the natural heritage system for the Growth Plan</u> that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements, if the development will:</i></li> <li>A final new paragraph is proposed as per below: <ul style="list-style-type: none"> <li>d) <i>Local municipalities shall identify the developed shoreline areas of Rice Lake and the Trent-Severn Waterway within the natural heritage system for the Growth Plan that are designated or zoned for concentrations of development as of July 1, 2017 when they bring their Official Plans into conformity with this Plan.</i></li> </ul> </li> </ul>
D6.6 now C4.5	<ul style="list-style-type: none"> <li>Recommend that section move so that it flows with other sections</li> </ul>	<ul style="list-style-type: none"> <li>Section D6.6 is now Section C4.5</li> </ul>
D8.4	<ul style="list-style-type: none"> <li>Recommend that the uses permitted in the NHA designation <u>outside</u> of the natural heritage system for the Growth Plan and ORMCP be the same as <u>inside</u> the natural</li> </ul>	<ul style="list-style-type: none"> <li>A new Section D8.4 d) is proposed as per below: <ul style="list-style-type: none"> <li>d) <i>Development or site alteration is not permitted in significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest, significant wildlife habitat, except for:</i></li> </ul> </li> </ul>

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Section	Rationale for Change	Description of Change Made
	heritage system for the Growth Plan	<ul style="list-style-type: none"> <li>i) <i>Forest, fish, and wildlife management;</i></li> <li>ii) <i>Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;</i></li> <li>iii) <i>Activities that create or maintain infrastructure authorized under an environmental assessment process;</i></li> <li>iv) <i>Expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest, significant wildlife habitat unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;</i></li> <li>v) <i>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 if it is demonstrated that:</i> <ul style="list-style-type: none"> <li>aa) <i>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</i></li> <li>ab) <i>The impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible; and</i></li> </ul> </li> <li>vi) <i>Small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their negative impacts.</i></li> </ul>



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Section	Rationale for Change	Description of Change Made
		<p>vii) <i>Through the implementation of sub-section v) by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions 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 not generally exceed 25% of the floor area of the existing building or dwelling that is being expanded. Expansions beyond this size will require a Planning Act approval.</i></p> <ul style="list-style-type: none"> <li>A Section D8.4 e) is proposed to be modified with the additional under-lined text below: <ul style="list-style-type: none"> <li>e) <i>Development and site alteration <u>that is not exempted from this Section by Section D8.4 d)</u> shall not be permitted in the following features unless it has been demonstrated through the preparation of an Environmental Impact Study in accordance with Section D8.6 of this Plan that there will be no negative impacts on the natural features or their ecological functions:</i></li> </ul> </li> </ul>
D8.6 now C4.6	<ul style="list-style-type: none"> <li>Recommend that section move so that it flows with other sections</li> </ul>	<ul style="list-style-type: none"> <li>Section D8.6 is now Section C4.6</li> </ul>
C3	<ul style="list-style-type: none"> <li>Section references need to be updated</li> </ul>	<ul style="list-style-type: none"> <li>Section references in this section have been updated along with references to what is a designation and what is an overlay</li> </ul>
C3	<ul style="list-style-type: none"> <li>Recommend that transition policies regarding the implementation of the natural heritage system be included within the OP</li> </ul>	<ul style="list-style-type: none"> <li>Section C3 has been re-numbered and new sub-sections C3 c), d), e) and f) are added as per below: <ul style="list-style-type: none"> <li>c) <i>Once the policies in this Plan on the Natural Heritage System overlay designation have been approved in accordance with the Planning Act, all subsequent Planning Act decisions shall conform to this Plan, unless this Plan explicitly states otherwise.</i></li> <li>d) <i>Local municipalities are required to incorporate the Natural Heritage System overlay designation in their local Official Plans.</i></li> <li>e) <i>While the limits of the Natural Heritage System for the Growth Plan cannot be modified, local municipalities may refine the</i></li> </ul> </li> </ul>

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		<p><i>limits of other aspects of the overlay designation in their local Official Plans on the basis of updated information and or detailed studies in consultation with the County.</i></p> <p>f) <i>Any changes to the limits the Natural Heritage System overlay designation in a local Official Plan requires the approval of the County.</i></p>
D10	<ul style="list-style-type: none"> <li>It is recommended that transition policies respecting the NHA designation be included in the NHS OPA</li> </ul>	<ul style="list-style-type: none"> <li>A new Section D10 is proposed: <ul style="list-style-type: none"> <li>a) <i>Local municipalities are required to incorporate the Natural Heritage Area designation in their local Official Plans.</i></li> <li>b) <i>Through the process of implementation, local municipalities may refine the boundaries of features and areas on the basis of updated information and or detailed studies in consultation with the County.</i></li> <li>c) <i>Local municipalities are required to incorporate the Natural Heritage Area designation as determined in the local Official Plan in their Zoning By-laws.</i></li> <li>d) <i>If the Natural Heritage Area designation includes a vegetation protection zone, it shall also be zoned in a manner that implements this Plan.</i></li> <li>e) <i>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 the Natural Heritage System can be achieved.</i></li> <li>f) <i>For secondary plans in process, the policies of this Plan shall be taken into account in the work program and final product, to the satisfaction of the County.</i></li> <li>g) <i>Where a site plan pursuant to Section 41 of the Planning Act has been approved, that approval can be implemented in accordance with the provisions of the County Official Plan and the Local Official Plan as they existed when the site plan was approved.</i></li> <li>h) <i>Where lands have been draft approved for development by way of Plan of Subdivision or Plan of Condominium that approval can be implemented in accordance with the provisions of the County Official Plan and the</i></li> </ul> </li> </ul>

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		<p><i>local Official Plan as they existed when the lands were draft approved and any conditions that were put in place at the time of approval.</i></p> <p>i) <i>If a draft plan approval is proposed to be extended, the County may review the findings and recommendations made in the studies that supported the initial draft plan approval and request that the studies be updated to determine if changes to the layout of the draft plan and/or any of the conditions need to be made before the extension request is granted.</i></p> <p>j) <i>The County encourages the local municipalities to review older existing draft plan approvals to determine if updates are required.</i></p> <p>k) <i>If a draft plan lapses or is withdrawn, any subsequent application shall conform to this Plan.</i></p> <p>l) <i>Where major modifications to a draft plan are proposed, the revised plan shall be designed to reduce impacts on the Natural Heritage System.</i></p>
C4.7	<ul style="list-style-type: none"> <li>In recognition that the quality of significant woodlands in some cases may be degraded, it is proposed to add a new policy into the NHS OPA that recognizes quality - however, this policy would only apply in settlement areas or in developed shoreline areas that were designated and zoned for concentrations of such development as of July 1, 2017.</li> </ul>	<ul style="list-style-type: none"> <li>A new Section C4.7 is proposed:  <b>C4.7 SIGNIFICANT WOODLANDS AND ANTHROPOGENIC DISTURBANCES</b> <ul style="list-style-type: none"> <li>a) <i>Where a feature was identified as a significant woodland as of the date of approval of this Plan and no longer meets the definition of significant woodland due to either a natural or unauthorized anthropogenic disturbance), the feature shall retain its status as a significant woodland and the policies of this plan protecting significant woodlands will continue to apply.</i></li> <li>b) <i>Notwithstanding the above, this Plan recognizes that the ecological functions of some significant woodlands or other woodlands or portions thereof in urban areas, rural settlement areas or in areas in developed shoreline areas that were designated and zoned for concentrations of such development as of July 1, 2017 may be substantially compromised as a result of prior land use activity and as a result would be</i></li> </ul> </li> </ul>

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		<p><i>difficult to restore and/or manage as a native woodland. In cases such as these, consideration can be given to reclassifying all or a portion of such a woodland as a cultural and regenerating woodland. Woodlands (including plantations) established and/or managed for the purpose of restoring a native tree community cannot be classified as cultural and regenerating woodlands.</i></p> <p>c) <i>In order for a woodland to be identified as a cultural and regenerating woodland, all of the following must be met, as determined through an environmental impact study:</i></p> <p>i) <i>The woodland is regenerating, typically with a dominant proportion of woody species being invasive and non-native (e.g., Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, White Poplar, etc.);</i></p> <p>ii) <i>The area was not treed approximately 20 to 25 years ago as determined through air photo interpretation or other suitable technique;</i></p> <p>iii) <i>The soils have been degraded, through compaction, topsoil removal or as a result of substantial erosion from over-use and/or if the woodland may be regenerating on fill; and</i></p> <p>iv) <i>There is limited ability to maintain or restore self-sustaining ecological functions typical of native woodlands.</i></p> <p>d) <i>If the tests set out in Section C4.7 c) have been satisfied to the satisfaction of the approval authority, the removal of the treed area of a cultural and regenerating woodland may be</i></p>

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**Appendix A - Recommended Changes for Clarity and Implementation Purposes**

Section	Rationale for Change	Description of Change Made
		<p><i>permitted subject to preparing a woodland enhancement plan that demonstrates an enhancement in woodland area is achieved, either on the same property or in the immediate area.</i></p> <ul style="list-style-type: none"> <li>Definitions of 'cultural and regenerating woodland' and 'woodland enhancement plan' are also proposed to be added to the NHS OPA to give effect to the above</li> </ul>
Various	<ul style="list-style-type: none"> <li>It is recommended that very minor editorial changes be made to clarify intent</li> </ul>	<ul style="list-style-type: none"> <li>Minor changes made to Sections C4.2 a), C4.2 c), C4.6 d), C4.6 g) i), ii) and iii), D9.1 c)</li> </ul>

**Northumberland NHS OPA Recommendations**  
**Appendix B - Review of MMAH Comments**

MMAH #	Section	Request	Disposition
MMAH #1	D6.4 c) now D6.3 c)	Recommend changing policy reference in section from Section D6.4 a) to D6.2 to align with Growth Plan	<ul style="list-style-type: none"> <li>Agreed - the section should correctly reference Section D6.2 which sets out permitted uses in the natural heritage system for the Growth Plan</li> </ul>
MMAH #2	D6.6.d) now C4.5 d)	Recommend changing policy reference in section from Section E5 to E3 to refer to correct section in OP. Also recommend that new sections in the Growth Plan on mineral aggregate resources be included for conformity purposes	<ul style="list-style-type: none"> <li>This section was intended to refer to the policies in Section E3 dealing with mineral aggregate resources - this change has been made (a similar change was also made to section C4.5 f)</li> <li>Sections 4.2.8.2, 4.2.8.4, 4.2.8.5, 4.2.8.6 and 4.2.8.7 of the Growth Plan includes specific policies on the mineral aggregate resources in the natural heritage system for the Growth Plan - these policies have been added to Section E3 to ensure that the Northumberland Official Plan conforms to the Growth Plan (the section references in these Growth Plan sections have been modified to work with the OP)</li> </ul>
MMAH #3	D6.7 now D6.4	Recommend that while regionally important woodlands are not key natural heritage features, they may be considered a key natural heritage feature if for example significant wildlife habitat are present	<ul style="list-style-type: none"> <li>A new sub-section b) has been added:  <i>b) While regionally important woodlands are not considered to be a key natural heritage feature as defined, all or a portion of a regionally important woodland may be considered a key natural heritage feature if for example the lands were identified as significant wildlife habitat or other key natural heritage feature.</i> </li> </ul>
MMAH #4	D8.4	Suggested that County has exceeded minimum standards in the PPS as it relates to regionally important woodlands in the natural heritage system for the Growth Plan	<ul style="list-style-type: none"> <li>Regionally important woodlands have only been identified in the Natural Heritage System for the Growth Plan</li> <li>Section D6.4 indicates that regionally important woodlands are subject to Section D8, which includes policies on natural heritage features and areas outside of the natural heritage system for the Growth Plan.</li> <li>While Section D8 in of itself reflects the minimum standards set out in the PPS, changes are required to Section D6.4 to recognize that regionally important woodlands are not to be considered in the same manner as significant woodlands for new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses.</li> </ul>

**Northumberland NHS OPA Recommendations**  
**Appendix B - Review of MMAH Comments**

MMAH #	Section	Request	Disposition
			<ul style="list-style-type: none"> <li>As a result, Section D6.4 c) is proposed to be modified by adding the following sentence as under-lined:  c) <i>Development and site alteration within and adjacent to regionally important woodlands in the Natural Heritage System for the Growth Plan is subject to Section D8 of this Plan.</i>  <u>Notwithstanding the above, Section D8 does not apply to new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses in the Natural Heritage System for the Growth Plan.</u> </li> <li>In addition, it was determined that regionally important woodlands in the Natural Heritage System for the Growth Plan are not on the list of features subject to Section D8 and this has been corrected in Section D8.4 e).</li> <li>In order to provide a consistent policy framework for aggregate and agricultural uses, new Section D8.4 f) also contains a similar exemption for these uses:  f) <i>Notwithstanding the above, Section D8.4 e) does not apply to new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses.</i> </li> </ul>
MMAH #5	D8.4 a)	Significant areas of natural and scientific interest are not listed in sub-section a), but are referenced in sub-section b) and clarification is requested on how significant and regional life science and earth science areas of natural and scientific interest are dealt with within and outside of the natural heritage system for the Growth Plan	<ul style="list-style-type: none"> <li>Significant areas of natural and scientific interest now listed in Section D8.4 a)</li> <li>A new Section D6.5 has been added to provide some context for how significant earth science areas of natural and scientific interest are dealt with from a policy perspective in the natural heritage system for the Growth Plan.</li> <li>This new section indicates that development and site alteration within and adjacent significant earth science areas of natural and scientific interest (both inside and outside the Natural Heritage System for the Growth Plan)</li> </ul>

**Northumberland NHS OPA Recommendations**  
**Appendix B - Review of MMAH Comments**

MMAH #	Section	Request	Disposition
			<p>is subject to Section D8 (and the no negative impact test)</p> <ul style="list-style-type: none"> <li>In order to implement the above, a new legend box under Features and Areas has been added: 'Significant Earth Science ANSI' on Schedule B-2</li> </ul>
MMAH #6	D8.6 now C4.6	Suggests that additional guidance is required on who should complete environmental impact studies and what inventory methods should be used	<ul style="list-style-type: none"> <li>Sections C4.6 b), c) and f) have been added in response to this suggestion: <ul style="list-style-type: none"> <li><i>b) An EIS required under the policies of this Plan shall be submitted with the development application and shall be prepared and signed by a qualified person in accordance with relevant environmental impact study guidelines in addition to the relevant policies of this Plan.</i></li> <li><i>c) An EIS shall include a detailed inventory of the on-site conditions, including detailed inventory and ecological land classification mapping of vegetation communities, and inventories for natural heritage features and species using accepted methods, criteria, and survey protocols undertaken at the appropriate time of year. This inventory and characterization shall extend to adjacent lands, with field surveys undertaken where permission to enter is granted.</i></li> <li><i>f) The approval authority may require an independent peer review of an EIS, with the costs to be borne by the applicant.</i></li> </ul> </li> <li>In addition, Section D8.6 g) ii) has been amended by adding the following under-lined text: <ul style="list-style-type: none"> <li><i>ii) Determine whether there are any additional natural heritage features and areas on the subject lands and adjacent lands <u>that meet the accepted criteria established by the Province, as amended from time to time;</u></i></li> </ul> </li> </ul>
MMAH #7	D9.3	Suggests that some additional clarity be	<ul style="list-style-type: none"> <li>Wetlands that are not considered to be Provincially significant are considered to be</li> </ul>



**Northumberland NHS OPA Recommendations**  
**Appendix B - Review of MMAH Comments**

MMAH #	Section	Request	Disposition
		provided on the policies that apply to non-Provincially significant wetlands in settlement areas	<p>supporting features and areas in the proposed policy framework and this has been clarified in Section D9.1 iv)</p> <ul style="list-style-type: none"> <li>In addition, the following text in under-line has been added to Section D9.3 a) i): <ul style="list-style-type: none"> <li><i>Whether the supporting feature or area is a key natural heritage feature, a key hydrological feature or a significant natural heritage feature or area <u>and if it is determined that a supporting feature or area is determined to be one of these features or areas, the relevant policies that apply to those features or areas apply;</u></i></li> </ul> </li> <li>In addition, a new section D9.3 b) and c) has been added that deals with other wetlands in settlement areas: <ul style="list-style-type: none"> <li><i>Development and site alteration in and within 30 metres of other wetlands in urban areas and rural settlement areas that are regulated by the applicable Conservation Authority is subject to the policies of the Conservation Authority.</i></li> <li><i>In cases where an other wetland in a urban area or rural settlement area is not regulated by the Conservation Authority, the approval authority Region or the Conservation Authority may require that an evaluation be carried out to determine if the other wetland should be protected in situ with appropriate buffers, or if the hydrologic function provided by other wetland should be maintained or managed as part of the design of the development.</i></li> </ul> </li> </ul>
MMAH #8	G12.2 b)	Suggests that the interpretation policies of the OP be clarified with respect to how proposed changes to the boundaries of the NHA designation and SFA overlay are to be dealt with.	<ul style="list-style-type: none"> <li>Section G12.2 b) is proposed to be modified with the additional under-lined text below: <ul style="list-style-type: none"> <li><i>It is recognized that the boundaries of the Natural Heritage Area <u>designation and Supporting Features and Areas overlay</u> on <b>Schedule A-2</b> 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 <u>designation</u></i></li> </ul> </li> </ul>

**Northumberland NHS OPA Recommendations**  
**Appendix B - Review of MMAH Comments**

MMAH #	Section	Request	Disposition
			<p><i>and Supporting Features and Areas overlay are based on new information and are deemed to be appropriate by the approval authority. Changes to the boundaries of evaluated wetlands and Areas of Natural and Scientific Interest requires the approval of the Provincial ministry with jurisdiction. Changes to the boundaries of key natural heritage features, key hydrologic features, significant natural heritage features and areas and individual supporting features and areas shown on <b>Schedules B-1 and B-2</b> do not require an Amendment to this Plan.</i></p>
MMAH #9	Sch. B-1	Believes that key hydrological features are mis-identified on Schedule B-1	<ul style="list-style-type: none"> <li>• It is true that all features outside of the NHA-Growth Plan are shown as being subject to the NHA-PPS.</li> <li>• It is recognized that key hydrologic features outside of the Growth Plan NHS are subject to the policies of the Growth Plan and this is confirmed through policy most notably in Section D8.2</li> <li>• It has been determined that attempting to show this on the schedules is challenging given the amount of information already on the schedules - as a result, it is recommended that the schedules remain as-is and that the determination of what feature exists and what policy it is subject to be determined at the pre-consultation stage</li> </ul>
MMAH #10	Sch. A-1, B-1 and B-2	Would like coastal wetlands in settlement areas shown on schedules	<ul style="list-style-type: none"> <li>• Given that both significant wetlands and coastal wetlands are subject to the same policies, there is no need to differentiate them on the schedules.</li> <li>• It is however recommended that the words 'and coastal wetlands' be added to the legend after 'Provincially significant wetlands' on Schedule B-2.</li> </ul>

## Northumberland NHS OPA Recommendations

### Appendix C - Review of All Written Comments (Except from Province which is in Appendix B)

Who	Request	Response
Ontario Stone, Sand & Gravel Association (OSSGA) - Letter dated May 28, 2021	<ol style="list-style-type: none"> <li>1. Requests that a simplified approach to aggregate policy be implemented in the NOP</li> <li>2. Requests that any refinements to the limits of the natural heritage system for the Growth Plan be based on Provincial criteria</li> <li>3. Requests that the NOP not go beyond the minimum standards established by Provincial policy as it relates to natural heritage and aggregates</li> <li>4. Requests some clarity on how the new policies will apply to applications in progress</li> <li>5. Requests consideration for lifting of moratorium of 2 years for OPA applications</li> <li>6. Items 6 to 13 in the letter deal with mineral aggregate resources policy - which is not being updated in the NHS OPA</li> </ol>	<ol style="list-style-type: none"> <li>1. Every effort has been made to ensure that Provincial policy dealing with aggregates in the NOP reflect provincial policies on aggregates - however, the policy approach to aggregates in Northumberland differs based on whether the lands are in the natural heritage system for the Growth Plan, the ORMCP or outside of these areas - no changes required to NHS OPA</li> <li>2. The refinement process in Northumberland was undertaken in accordance with Provincial criteria - no changes required to NHS OPA</li> <li>3. The policies on natural heritage in the NHS OPA were not intended to go beyond those established by Provincial policy. However, within MMAH comment #4 in Appendix B, it was noted that the policies on regionally important woodlands do appear to exceed these standards and as a result, modifications are proposed to exempt new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses from these policies (See Appendix B for details).</li> <li>4. Section 4.2.8.7 of the Growth Plan contains transition policies related to aggregate applications and it has been incorporated in Section E3.6.5 in responses to MMAH comment #2 in Appendix B</li> <li>5. A County OPA is not required for new or expanding mineral aggregate operations - as a result, there is no need to exempt these types of applications from the 2 year moratorium</li> <li>6. Items 6 to 13 will be addressed in a future update to the NOP.</li> </ol>
CBM Aggregates - Letter dated May 27, 2021	<ol style="list-style-type: none"> <li>1. Supportive of policies on mineral aggregate operations</li> <li>2. Request that the NHA and SFA designations be removed from boundaries of Shelter Valley Pit and the Codrington Pit since they are licensed</li> <li>3. Request that changes be made to the NHA boundaries on unlicensed</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted</li> <li>2. The NHA and SFA designations have been removed from the boundaries of Shelter Valley Pit and the Codrington Pit on the schedules since these lands are already licensed</li> <li>3. No changes have been made as there are provisions in the OPA that allow for boundaries of the NHA designation to be modified based on site-specific investigations.</li> </ol>

## Northumberland NHS OPA Recommendations

### Appendix C - Review of All Written Comments (Except from Province which is in Appendix B)

Who	Request	Response
	lands near the Codrington Pit.	
Northumberland Summer Resorts Limited - Email dated May 31, 2021	Concerned about the proposed criteria for significant woodlands and the associated policies for development as they affect a proposed cottage and residential subdivision on Meyers Island in the Trent River. In addition, would like the quality of the woodland to be taken into account in determining significance	<ol style="list-style-type: none"> <li>1. The criteria used to determine the location of significant woodlands was based on best practices and a review of current woodland cover in Northumberland</li> <li>2. Based on these criteria, the woodlands on Meyers Island would qualify as significant</li> <li>3. In recognition that the quality of woodlands in some cases may be degraded, it is proposed to add a new policy into the NHS OPA that recognizes quality - however, this policy would only apply in settlement areas or in developed shoreline areas that were designated and zoned for concentrations of such development as of July 1, 2017.</li> <li>4. Appendix A outlines the proposed changes in the form of a new Section C4.7 and related definitions</li> </ol>
Stratega Consulting on behalf of: <ul style="list-style-type: none"> <li>• 1151677 Ontario Limited</li> <li>• 2029547 Ontario Ltd.</li> <li>• B.G. Newmarket Inc.</li> <li>• BG Niagara Falls Inc.</li> <li>• B.G. Schickedanz (Peel) Inc.</li> <li>• The Empress Building Corporation</li> </ul> - Report dated March 26, 2021	According to submission, lands are within Plans of Subdivision along the Trent River. These lands are included within the Natural Heritage System for the Growth Plan and components of these lands are proposed to be included in the NHA designation. It is requested that the lands be included within the SFA designation instead to recognize development permissions	<ol style="list-style-type: none"> <li>1. Section D6.5 (now Section C4.4) applies to developed shoreline areas and allows for development to occur in such areas that were designated and zoned for concentrations of such development as of July 1, 2017. The draft policy indicated that it applied to the shoreline area of Rice Lake only since the Growth Plan policy references inland lakes, which is not defined.</li> <li>2. As per Appendix A, it is proposed to modify this section so that it applies to the Trent-Severn waterway and the lakes within that waterway, including Seymour Lake and the subject lands</li> <li>3. A further modification is proposed to Section C4.4 which requires local municipalities to identify where areas that were designated and zoned for concentrations of such development as of July 1, 2017 are located when local Official Plans are updated</li> </ol>

## Northumberland NHS OPA Recommendations

### Appendix C - Review of All Written Comments (Except from Province which is in Appendix B)

Who	Request	Response
Blue Dot Northumberland - email dated June 7, 2021	Supports the natural heritage system policy framework and recommends that there be no settlement area expansions	<ol style="list-style-type: none"> <li>1. The Provincial government establishes population and employment projections for Northumberland - and these are considered to be minimum requirements</li> <li>2. Northumberland is required to plan for this growth and will do so in a manner that minimizes settlement area expansions where possible</li> </ol>
Joint Working Group - Wesleyville - Sub-Group of the Willow Beach Field Naturalists, Northumberland Land Trust and Lone Pine land Trust - email dated April 5, 2021	<ol style="list-style-type: none"> <li>1. Asks whether a linkage area should be identified on Wesleyville Creek</li> <li>2. Asks whether existing zoning boundaries were considered in completing the NHS mapping?</li> <li>3. Will there be an opportunity to review the settlement area boundary of Wesleyville?</li> </ol>	<ol style="list-style-type: none"> <li>1. The Key Natural Heritage Features and Supporting Features and Areas (e.g., buffers and linkages) illustrated within the Wesleyville area were developed at the County-scale, where the intent was to ensure larger groupings of key natural heritage features (considered as core areas) were connected via linkages. These linkages range in size mapped as 200 m wide (medium linkage) and 400 m wide (large linkage) depending on the size of the core area. A large linkage is represented through the western edge of Wesleyville from the larger core area to the north down to Lake Ontario. While there are other connections along watercourses from the core area to the north down to Lake Ontario, not all watercourses were included as large or medium linkages given the intent of the connections was to provide connectivity at a County-scale between core areas. Local linkages can still be identified by the local area municipality if other considerations for connections are considered important at the local scale. It should be noted that watercourse have all been mapped with a 30 m buffer, in effect creating a 60 m wide corridor or linkage along the watercourse. These will provide local connections and support movement of some wildlife along these smaller corridors.</li> <li>2. No, existing zoning boundaries was not factored into mapping the NHS.</li> <li>3. The settlement area boundary is not a part of the NHS process.</li> </ol>

**AMENDMENT NO. 1**

**TO THE OFFICIAL PLAN**

**FOR**

**NORTHUMBERLAND COUNTY**

## **CONTENTS**

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## **PART “A” – THE PREAMBLE**

### **SECTION 1 – TITLE AND COMPONENTS**

This document was approved in accordance with sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended and shall be known as Amendment No. 1 to the Official Plan adopted by By-law No. \_\_\_\_\_.

Part “A”, the Preamble, does not constitute part of this amendment.

Part “B”, the amendment, consisting of the following text constitutes Amendment No. 1 to the Official Plan.

### **SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the amendment is to include a natural heritage system policy framework in the Northumberland County Official Plan in accordance with the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan and the Provincial Policy Statement.

### **SECTION 3 – LOCATION OF THE AMENDMENT**

This amendment applies to the whole of Northumberland County, save and except for the lands within the boundary of the Alderville First Nation and lands that are owned by the Province of Ontario.

### **SECTION 4 – BASIS OF THE AMENDMENT**

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'). At the time the NOP was approved, there was widespread recognition that the County would undertake this work after all outstanding appeals were dealt with and updates to other applicable Provincial Plans (e.g., Growth Plan), were completed. It was on this basis that the work leading to the preparation of an NHS was initiated 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 remains unchanged in the PPS 2020.

Section 4.2.2.1 of the Growth Plan for the Greater Golden Horseshoe states 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 4.2.2.4 of the Growth Plan then states the following:

*"Provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to the Natural Heritage System for the Growth Plan will apply outside settlement areas to the natural heritage systems identified in official plans that were approved and in effect as of July 1, 2017."*

In the case of the County of Northumberland, the above means that the new policies in the Growth Plan 2019 that restrict development in certain features did not apply before this amendment was adopted because the NOP (which was an approved and in effect Official Plan) did not include an NHS.

Section 4.2.2.2 of the Growth Plan 2019 states 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 also references 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 means that only upper and single tier municipalities can modify the boundaries of the NHS established by the Province. In addition, once the NHS has been incorporated in Official Plans, only an upper and single tier municipality can consider refinements through the municipal comprehensive review process. In developing the NHS for the County, no modifications to the limits of the Growth Plan NHS were required.

With respect to lands outside of the NHS for the Growth Plan, Section 4.2.2.6 states 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."*

This implies that there is some discretion by the municipality for how, in what form and where the NHS will be identified outside of the Growth Plan NHS (and including within settlement areas), so long as it is consistent with the PPS. It is also noted that the above policy requires that features and other natural heritage features and areas will be protected, however, the protection of any other natural heritage system is optional because of the use of the word 'may'. In this regard, there is no requirement to establish an NHS outside of the Growth Plan NHS including within settlement areas as long as features are protected in a manner that is consistent with the PPS 2020. However, only establishing an NHS for a part of the County means that other features and areas, including linkages, would not be included in a system that extended throughout the County.

On this basis of the above, this amendment also establishes an NHS outside of the Growth Plan NHS and this would be consistent with the extract below from the PPS 2020:

*"The policies of the Provincial Policy Statement represent minimum standards.*

*Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to*

*a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement."*

This means that the County of Northumberland can identify an NHS outside of the Growth Plan NHS provided that it does not conflict with any other policy in the PPS 2020. Furthermore, the 'Growth Plan Regional NHS Mapping – Technical Report' notes the following:

*"...that the scale of the NHS is important. Given that NHS mapping for the Growth Plan for the Greater Golden Horseshoe is on a broad, regional scale, it is focused on identifying larger core areas and broad linkages. The mapping was not intended to identify all areas and connect features that may be important to consider at a local or smaller scale..."*

This statement acknowledges that there may be other features or connections (i.e., linkages) not identified in the Growth Plan NHS that are important to Northumberland that could be identified as part of the County's NHS.

On the basis of the work completed to date, an NHS overlay designation is being included within the NOP by this amendment and is shown on a new **Schedule A-1 (Settlement Structure and Natural Heritage System)**.

The NHS overlay would apply to lands outside of the urban areas and rural settlements. It would be comprised of the Growth Plan NHS, the Natural Core Area and Natural Linkage Area designations established by the Oak Ridges Moraine Conservation Area 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 NHS (see Northumberland County Natural Heritage System Plan – Background Report, July 9, 2018, and the Northumberland County Natural Heritage System Plan – DRAFT Criteria and Rationale for the Identification of Natural Heritage System Components, November 8, 2019). This NHS overlay would 'sit on top' of other designations, including for example the Agricultural Area designation which applies to prime agricultural land.

This amendment also replaces the current Environmental Protection Area designation with a new Natural Heritage Area designation. Below is an overview of the new NHA designation by geography in the County:

### The NHA in the Growth Plan NHS

Within the Growth Plan NHS, the following features are identified as key natural heritage features in the Growth Plan NHS as per the definition of key natural heritage feature in the Growth Plan 2019:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Wetlands (also considered to be a key hydrologic feature by the Growth Plan);
- Life science areas of natural and scientific interest (ANSI);
- Significant valleylands;
- Significant woodlands;
- Significant earth science areas of natural and scientific interest (ANSI);
- Regionally Important Woodlands (while not a key natural heritage feature as defined are also included as discussed below);
- Significant wildlife habitat (including habitat of special concern species);
- Sand barrens, savannahs, and tallgrass prairies; and
- Alvars

Of the above key natural heritage features, wetlands (including Provincially significant wetlands and non-Provincially significant wetlands), ANSIs and significant woodlands are included in the NHA designation as shown on **Schedule A-2**. The component of the County that is designated NHA and within the Natural Heritage System for the Growth Plan is shown on **Schedule B-1**. The individual features are shown on **Schedule B-2**.

As noted above, all wetlands are considered to be key natural heritage features within the Growth Plan NHS, with development and site alteration being prohibited within wetlands. The Growth Plan 2019 also includes the same restrictions on development and site alteration within key hydrologic features both inside and outside of the Growth Plan NHS but outside of settlement areas. In this regard, key hydrologic features include permanent streams, inland lakes and their littoral zones, seepage areas and springs in addition to wetlands. Of these key hydrologic features, wetlands, watercourses and inland lakes and their littoral zones outside of settlement areas will be included in the NHA designation. For seepage areas and springs, their location can usually only be determined through detailed study, if they are not already included within a mapped wetland area.

For those key natural heritage features or key hydrologic features of the Growth Plan that are not included in the NHA designation, this amendment includes policies in the NOP that ensure that appropriate studies be completed to verify their presence and extent, and to ensure that the policies are applied as necessary. The policies in Section 4.2.2.3 of the Growth Plan that deal with negative impacts, connectivity, the removal of key natural heritage features and key hydrologic features, the amount of disturbed area permitted and agricultural uses within the Growth Plan NHS are also incorporated as is in the NOP by this amendment. The restrictive development and site alteration policies that apply to key natural heritage features and key hydrologic features within the Growth Plan NHS in Section 4.2.3 of the Growth Plan are also incorporated in the NOP by this amendment as well.

The restrictive development and site alteration policies that apply to lands within 120 metres of key natural heritage features within the Growth Plan NHS and key hydrologic features both within and outside of the Growth Plan NHS but outside of settlement areas in Section 4.2.4 of the Growth Plan are also being incorporated in the NOP. However, in recognition of the importance of the agricultural industry in the County and to minimize hardship in cases where development exists in significant woodlands, the NOP will allow local municipalities to permit minor expansions as-of-right, provided such minor expansions are small in scale and do not generally exceed 25% of the floor area of the existing building or dwelling that is being expanded.

For key hydrologic features, fish habitat and significant woodlands, a vegetation protection zone (VPZ) of no less than 30 metres, measured from the outside boundary of the key natural heritage feature or key hydrologic feature is required. Other key natural heritage features will require the establishment of a VPZ to be determined through an approved study. The restrictions and exemptions related to development or site alteration in VPZs, as noted in Section 4.2.4.3 of the Growth Plan would apply and these restrictions are also being included in the NOP by this amendment.

In order to streamline local approval processes for minor new buildings and expansions of existing buildings in the vegetation protection zone adjacent to significant woodlands only and reduce red tape for the agricultural community, the NOP will establish the following minor permissions, which are deemed to be appropriate since the potential for negative impacts as a result is very limited:

- New agricultural buildings that are generally below 100 m<sup>2</sup>;
- New accessory buildings to a residential use (garage, workshop etc.) that are generally below 50 m<sup>2</sup>;

- Expansions to existing residential dwellings that are generally below 50% of the size of the original building, provided the expansion is less than 50 m<sup>2</sup>;
- Expansions to existing agricultural buildings that are generally below 50% of the size of the original building, provided the expansion is less than 100 m<sup>2</sup>; and
- Expansions to existing accessory buildings for a residential use that are generally below 50% of the size of the original building.

With respect to the mapping of VPZs, the required 30-metre VPZ adjacent to significant woodlands within the Growth Plan NHS is included within the NHA designation. The required 30-metre VPZ adjacent to key hydrologic features both within and outside of the Growth Plan NHS but outside of settlement areas is included in the NHA designation as well (this would apply to wetlands, watercourses and inland lakes and their littoral zones).

In addition to the above, regionally important woodlands within the Growth Plan NHS are designated NHA. These regionally important woodlands are smaller than the significant woodlands in the Growth Plan NHS and would not be considered as a key natural heritage feature and therefore are not subject to the restrictive policies on development and site alteration that apply to key natural heritage features. This means as well that there is no minimum VPZ requirement of 30 metres for these woodlands either; however, there would be a policy requirement to determine the necessary VPZ width as part of a Planning Act application process. In addition, the no negative impact test will be applied to regionally important woodlands in accordance with Section 2.1.5 of the PPS when dealing with development and site alteration applications involving these woodlands in the Growth Plan NHS.

It is recognized that this approach with respect to regionally important woodlands in the Growth Plan NHS would exceed the minimum standards set out by the Growth Plan 2019 and for this reason, the policies on regionally important woodlands in the Growth Plan NHS will not be applied by this amendment to new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses. This means that the policies on regionally important woodlands would only apply to non-farm development such as residential lot creation. In order to differentiate between significant woodlands and regionally important woodlands in the Growth Plan NHS, mapping showing both is included on a new **Schedule B-2**.

### The NHA and Lands Inside the ORMCP

While the lands within the Natural Core Area and Natural Linkage Area designations are included within the NHS, they would also be designated NHA in accordance with the ORMCP, which also designates these lands as such. The component of the County that is designated NHA and subject to the ORMCP is shown on **Schedule B-1**.

However, in order to differentiate between the different policies that apply in the ORMCP, two NHA sub-designations have been created: NHA - Natural Core Area (ORM) and NHA - Natural Linkage Area (ORM) and these are shown on Schedule B-1. The policies in the NOP would then direct the reader to the policies of the ORMCP for these two designations. Where key natural heritage features and key hydrologic features have been identified outside of the Natural Core Area and Natural Linkage Area designations in the ORMCP, they would be designated NHA but will be subject to the ORMCP and these areas are also shown on **Schedule A-2**. The individual features are shown on **Schedule B-2**.

### The NHA and Lands Outside of the Growth Plan NHS and Outside of Settlement Areas

On lands that are outside of the Growth Plan NHS and outside of settlement areas (and not subject to the ORMCP), the following features are identified as natural heritage features and areas and subject to the development and site alteration policies of the PPS 2020:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Significant areas of natural and scientific interest;
- Significant valleylands;
- Significant woodlands; and
- Significant wildlife habitat.

The component of the County that is designated NHA and subject to the PPS is shown on **Schedule B-1**. The individual features are shown on **Schedule B-2**.

It is noted that wetlands throughout the County outside of settlement areas are already considered to be key hydrologic features and are designated NHA.

Of the above features, significant ANSIs and significant woodlands are designated NHA. For those features that are not within the NHA designation, policies are included in the NOP by this amendment that ensure that appropriate studies be completed to verify the presence and extent of these features, and to ensure that the policies are applied as necessary. The restrictive development and site alteration policies that apply to lands within and adjacent to features dealt with by the PPS 2020 in Sections 2.1.4 to 2.1.8 have been incorporated within the NOP as is by this amendment as well. Development permissions that are consistent with the permissions within the NHA-Growth Plan also apply in the NHA-PPS area.

#### The NHA within Settlement Areas

On lands that are outside of the Growth Plan NHS and within settlement areas, the following features are identified as natural heritage features and areas and subject to the development and site alteration policies of the PPS 2020:

- Significant wetlands and coastal wetlands;
- Habitat of endangered species and threatened species;
- Fish habitat;
- Significant areas of natural and scientific interest;
- Significant valleylands;
- Significant woodlands; and
- Significant wildlife habitat.

Of the above features, significant wetlands, significant ANSIs and significant woodlands are designated NHA.

#### Supporting Features and Areas

A Supporting Features and Areas ('SFA') overlay designation is being added to the NOP by this amendment and is shown on **Schedule B-2**. This overlay designation includes the following:

- Other Wetlands (located in settlement areas only);
- Watercourses (located in settlement areas only);
- Regionally Important Wildlife Habitat (i.e., Other Wildlife Habitat);
- Other Woodlands;
- Other Valleylands;



- Conservation Oriented Lands;
- Shoreline Features;
- Vegetation Protection Zones;
- Linkages; and
- Enhancement Areas.

Only those areas that could be confidently mapped have been included in the SFA overlay designation and these would include wetlands and watercourses in settlement areas, linkages and enhancement areas throughout the County and other woodlands outside of settlement areas.

With all of the above changes, this amendment also establishes a new Section C dealing with natural heritage and water resources, with the new policies added and some of the existing policies in former Section D being moved to Section C.

## **PART B – THE AMENDMENT**

All of this Part of the document entitled Part B - The Amendment consisting of the following text constitutes Amendment No. 1 to the Official Plan of Northumberland County.

### **Details of the Amendment**

The Northumberland County Official Plan is hereby amended as follows:

**Item 1:** Section A2 (Guiding Principles), is amended by deleting Principle 10 and replacing it with the following: "To protect *key natural heritage features, key hydrologic features and natural heritage features and areas* within and outside of the County's *natural heritage system* so that they can be enjoyed by future generations and serve as a legacy to all peoples within the County."

**Item 2:** Section A2 (Guiding Principles), is amended by deleting words 'features and areas' from Principle 11.

**Item 3:** Section A3 (Land Use Concept) is amended by deleting the words 'Five primary' and replacing them with 'Seven'.

**Item 4:** Section A3 (Land Use Concept), is amended by deleting Section A3.5 and replacing it with the following:

#### **"A3.5 NATURAL HERITAGE AREA**

The Natural Heritage Area designation applies to known *significant natural heritage features and areas, key natural heritage features and key hydrological features*. Lands within this designation include those lands designated as Natural Core Area and Natural Linkage Area by the Oak Ridges Moraine Conservation Plan."

**Item 5:** Section A3 (Land Use Concept), is amended by adding Sections A3.6 and A3.7 as per below:

#### **"A3.6 SUPPORTING FEATURES AND AREAS**

The Supporting Features and Areas overlay designation applies to lands that support the *ecological functions* of the *natural heritage system* and includes elements such as

linkage areas, enhancement areas and locally important *natural heritage features and areas*.

### **A3.7 NATURAL HERITAGE SYSTEM**

The Natural Heritage System is an overlay designation that applies to lands outside of the *urban areas* and *rural settlement areas*. It is comprised of the *Natural Heritage System for the Growth Plan* established by the Province of Ontario, 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*."

**Item 6:** Section A4 (Provincial Plans), is renamed "Oak Ridges Moraine Conservation Plan" and amended by replacing the reference to "Section C6" with "Section D5".

**Item 7:** Section A7 (Interpretation of this Official Plan), is amended by replacing "Parts B to F" with "Parts B to G" in the last paragraph.

**Item 8:** Section B3 (Rural Lands), is amended by replacing the reference to 'Schedule A' with 'Schedule A-1'.

**Item 9:** Section B13 (Planning for Employment), is amended by replacing the reference to 'Schedule A' with 'Schedule A-2'.

**Item 10:** Section C (Natural Heritage and Water Resources Systems), is added to the Official Plan as per below:

## **"C NATURAL HERITAGE AND WATER RESOURCES SYSTEMS**

### **C1 OBJECTIVES**

It is the objective of this Plan to:

- a) Maintain, restore, or where possible, improve the diversity and connectivity of natural features in the County, and the long-term *ecological function* and biodiversity of *natural heritage systems* recognizing linkages between and among

*natural heritage features and areas, surface water features and ground water features;*

- b) Establish a resilient, interconnected *natural heritage system* that preserves and enhances natural features, *ecological functions* and native biodiversity, contributes to healthy watersheds, recognizes the important role the agricultural and rural landscape plays in the system, and maintains the unique natural landscape and geography of the County for future generations;
- c) Identify and maintain linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- d) Recognize the role and value of compatible and complementary agricultural and rural uses in and adjacent to the *natural heritage system* and recognize that flexible approaches to existing uses in the *natural heritage system* are required;
- e) Recognize the important role the natural heritage system plays in mitigating the impacts of climate change by protecting and enhancing *key natural heritage features, key hydrologic features and natural heritage features and areas, ecological functions, and connections within the system.*
- f) Encourage the acquisition of land that is the site of *key natural heritage features, key hydrologic features and natural heritage features and areas* by public authorities or non-profit land trusts for conservation purposes;
- g) Discourage the introduction, planting and/or use of invasive non-native species to minimize their impact on the County's biodiversity;
- h) Provide the tools to properly assess *development* applications located in close proximity to natural heritage features;
- i) Ensure that development is appropriately setback and buffered from key natural heritage features, key hydrologic features and natural heritage features and areas;
- j) Encourage and support the Ministry of Natural Resources and Forestry and the appropriate Conservation Authority in conducting evaluations of unevaluated wetlands within the County; and,

- k) Provide opportunities, where appropriate, for passive outdoor recreational activities in the natural heritage system provided the features and ecological functions are not adversely impacted.

## C2 THE COUNTY'S NATURAL HERITAGE SYSTEM

The Natural Heritage System is an overlay designation that applies to lands outside of the *urban areas* and *rural settlement areas* as shown on **Schedule A-1** to this Plan.

It is comprised of the *Natural Heritage System for the Growth Plan* established by the Province of Ontario, 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 **Schedules B-1** and **B-2** to this Plan and are listed in Section C3 of this Plan.

It is the intent of this Plan a resilient, interconnected *natural heritage system* that preserves and enhances natural features, *ecological functions* and native biodiversity, contributes to healthy watersheds, recognizes the important role the agricultural and rural landscape plays in the system, and maintains the unique natural landscape and geography of the County for future generations be maintained and improved through the life of this Plan.

## C3 COMPONENTS OF THE COUNTY'S NATURAL HERITAGE SYSTEM

- a) The following are components of the County's *natural heritage system*:
  - i) Known *key natural heritage features* and *key hydrological features* within the Natural Heritage System for the Growth Plan that are designated Natural Heritage Area on **Schedule A-2** to this Plan;
  - ii) Known *key hydrological features* outside of the *Natural Heritage System for the Growth Plan* that are designated Natural Heritage Area 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 that are designated Natural

Heritage Area on **Schedule A-2** to this Plan and shown individually on **Schedule B-1**;

- iv) Known significant *natural heritage features and areas* outside of the Natural Heritage System for the Growth Plan that are designated Natural Heritage Area on **Schedule A-2** to this Plan;
  - v) Regionally important *woodlands* within the *Natural Heritage System for the Growth Plan* that are designated Natural Heritage Area on **Schedule A-2** to this Plan; and
  - vi) Other supporting features and areas that are within the Supporting Features and Areas overlay on **Schedule B-2** to this Plan.
- b) Policies on the Natural Heritage Area designation are found in Sections D6, D7 and D8 of this Plan and policies on the Supporting Features and Areas overlay are found in Section D9 of this Plan.
  - c) Once the policies in this Plan on the *natural heritage system* overlay have been approved in accordance with the *Planning Act*, all subsequent Planning Act decisions shall conform to this Plan, unless this Plan explicitly states otherwise.
  - d) Local municipalities are required to incorporate the *Natural Heritage System* overlay in their local Official Plans.
  - e) While the limits of the *Natural Heritage System for the Growth Plan* cannot be modified, local municipalities may refine the limits of other aspects of the overlay designation in their local Official Plans on the basis of updated information and or detailed studies in consultation with the County.
  - f) Any changes to the limits the *Natural Heritage System* overlay in a Local Official Plan requires the approval of the County.

## **C4** GENERAL POLICIES

### **C4.1** CONSIDERATION OF CUMULATIVE IMPACTS

- a) The consideration of cumulative impacts shall be required through the preparation of environmental impact studies.

- b) Cumulative impacts shall be assessed on the base conditions that existed from the time the approval authority first requires impact studies to be completed.
- c) Where *development or site alteration* applications are considered, the proponent shall be required to provide an overview of previous studies as provided by the approval authority (if available), related to *development* impacts on the same or adjacent feature as it relates to impacts on the *natural heritage system* and the water balance of features.
- d) In addition to the above, any assessment of impact must include a description of cumulative impacts that have occurred prior to the impact assessment being undertaken.

#### **C4.2 TRANSFER OF KEY NATURAL HERITAGE FEATURES, KEY HYDROLOGICAL FEATURES AND NATURAL HERITAGE FEATURES AND AREAS INTO PUBLIC OWNERSHIP**

- a) The County may work with the local municipalities and other public agencies and/or non-profit land trust organizations to develop and implement a land securement strategy that would result in the transfer of private lands with natural heritage attributes into public ownership. However, given the financial limitations of every level of government and consistent with the principle of land stewardship, this policy does not imply that *key natural heritage features, key hydrologic features and/or natural heritage features and areas* will be purchased by the County or other public or non-profit agencies.
- b) The County and the local municipalities shall consider opportunities to obtain, through dedication, lands with natural heritage attributes through the development approval process.
- c) Arrangements for the conveyance of *key natural heritage features, key hydrologic features and/or natural heritage features and areas* into public ownership shall be undertaken before or concurrent with the approval of development applications through the development approval process.

#### **C4.3 AGRICULTURAL USES**

Nothing in this plan is intended to limit the ability of *agricultural uses* to continue in areas that are the site of a *key natural heritage feature, key hydrologic feature* or other *natural heritage feature and area*.

#### C4.4 DEVELOPED SHORELINE AREAS

In developed shoreline areas of Rice Lake and the Trent-Severn Waterway that are designated or zoned for concentrations of development as of July 1, 2017, infill *development*, *redevelopment* and resort *development* is permitted, subject to municipal and agency planning and regulatory requirements, if the *development* will:

- a) Be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;
- b) Restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and
- c) In the case of *redevelopment* and resort *development*:
  - i) Establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
  - ii) Increase the extent of *fish habitat* in the littoral zone;
  - iii) Be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
  - iv) Exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
  - v) Enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
  - vi) Use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
  - vii) Use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
  - viii) Meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
  - ix) Be serviced by *sewage works* which reduce nutrient inputs to groundwater and the lake from baseline levels; and



- x) Demonstrate available capacity in the receiving water body based on inputs from existing and approved development.
- d) Local municipalities shall identify the developed shoreline areas of Rice Lake and the Trent-Severn Waterway within the *natural heritage system for the Growth Plan* that are designated or zoned for concentrations of *development* as of July 1, 2017 when they bring their Official Plans into conformity with this Plan.

#### **C4.5 GENERAL POLICY ON DEVELOPMENT AND SITE ALTERATION WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN**

New *development* or *site alteration* within the *Natural Heritage System for the Growth Plan* will demonstrate that:

- a) There are no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
- b) Connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
- c) The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
- d) Except for uses described in and governed by the policies in Section E3 dealing with *mineral aggregate resources*, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*;
- e) With respect to golf courses, the disturbed area will not exceed 40 per cent of the *total developable area*; and
- f) At least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, except where specified in accordance with the policies in Section E3 dealing with *mineral aggregate resources*.

**C4.6 ENVIRONMENTAL IMPACT STUDIES**

- a) Where the policies of this Plan require that an Environmental Impact Study ('EIS') be prepared, such an EIS shall be prepared in accordance with the requirements of this section of the Plan.
- b) An EIS required under the policies of this Plan shall be submitted with the *development* application and shall be prepared and signed by a qualified person in accordance with relevant environmental impact study guidelines in addition to the relevant policies of this Plan.
- c) An EIS shall include a detailed inventory of the on-site conditions, including detailed inventory and ecological land classification mapping of vegetation communities, and inventories for natural heritage features and species using accepted methods, criteria, and survey protocols undertaken at the appropriate time of year. This inventory and characterization shall extend to adjacent lands, with field surveys undertaken where permission to enter is granted.
- d) The approval authority may scope or waive the requirement for an EIS to support a development proposal within or adjacent to *key natural heritage features, key hydrologic features and/or natural heritage features and areas* if, in the opinion of the approval authority the proposed development is minor and is not anticipated to have a *negative impact* on the *key natural heritage feature, key hydrologic feature and/or natural heritage feature and area* or its *ecological functions* or if the policies of this Plan provide an exception to the submission of an EIS related to the *key natural heritage feature, key hydrologic feature and/or natural heritage feature and area*.
- e) The approval authority, in consultation with the appropriate Conservation Authority and Parks Canada as appropriate, must be satisfied with an EIS prior to the granting of *development* approvals. The recommendations of an EIS shall be implemented through Official Plan Amendments, zoning by-laws, subdivision conditions, site plan control, and/or applicable regulations.
- f) The approval authority may require an independent peer review of an EIS, with the costs to be borne by the applicant.
- g) The purpose of an EIS is to:

- i) Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of *key natural heritage features, key hydrologic features and natural heritage features and areas* and associated *ecological and hydrological functions* that exist on the subject lands and/or *adjacent lands*;
- ii) Determine whether there are any additional *key natural heritage features, key hydrologic features and/or natural heritage features and areas* on the subject lands and nearby lands and that meet the accepted criteria established by the Province, as amended from time to time;
- iii) Undertake a comprehensive impact analysis in order to determine whether or not the proposed development and/or site alteration will have a *negative impact* on *key natural heritage features, key hydrologic features and/or natural heritage features and areas* and their *ecological functions*;
- iv) Propose appropriate mitigation measures or revisions to the proposed development and/or site alteration to reduce or avoid *negative impacts*;
- v) Clearly articulate any *negative impacts* that cannot be avoided or mitigated;
- vi) Where appropriate, recommend monitoring provisions to evaluate the long-term effectiveness of the identified mitigation measures; and
- vii) Demonstrate that the proposed *development and/or site alteration* supports the County's objectives for the *natural heritage system*.

#### **C4.7 SIGNIFICANT WOODLANDS AND ANTHROPOGENIC DISTURBANCES**

- a) Where a feature was identified as a *significant woodland* as of the date of approval of this Plan and no longer meets the definition of *significant woodland* due to either a natural or unauthorized anthropogenic disturbance, the feature shall retain its status as a *significant woodland* and the policies of this plan protecting *significant woodlands* will continue to apply.
- b) Notwithstanding the above, this Plan recognizes that the *ecological functions* of some *significant woodlands* or *other woodlands* or portions thereof in *urban areas, rural settlement areas* or in areas in developed shoreline areas that were designated and zoned for concentrations of such development as of July 1, 2017 may be substantially compromised as a result of prior land use activity and as a

result would be difficult to restore and/or manage as a native woodland. In cases such as these, consideration can be given to reclassifying all or a portion of such a woodland as a *cultural and regenerating woodland*. *Woodlands* (including plantations) established and/or managed for the purpose of restoring a native tree community cannot be classified as *cultural and regenerating woodlands*.

- c) In order for a *woodland* to be identified as a *cultural and regenerating woodland*, all of the following must be met, as determined through an *environmental impact study*:
  - i) The *woodland* is regenerating, typically with a dominant proportion of woody species being invasive and non-native (e.g., Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, White Poplar, etc.);
  - ii) The area was not treed approximately 20 to 25 years ago as determined through air photo interpretation or other suitable technique;
  - iii) The soils have been degraded, through compaction, topsoil removal or as a result of substantial erosion from over-use and/or if the woodland may be regenerating on fill; and
  - iv) There is limited ability to maintain or restore self-sustaining ecological functions typical of native woodlands.
- d) If the tests set out in Section C4.7 c) have been satisfied to the satisfaction of the approval authority, the removal of the treed area of a *cultural and regenerating woodland* may be permitted subject to preparing a *woodland enhancement plan* that demonstrates an enhancement in *woodland* area is achieved, either on the same property or in the immediate area.

**Item 11:** Section D1 (Natural Heritage Resources), is deleted.

**Item 12:** Section D2 (Water Resources), including all its subsections, is renumbered as Section C5 (Water Resources).

**Item 13:** Section C5 (Water Resources) is amended by adding a new Section C5.5 as set out below:

**C5.5 SPECIAL POLICY ON LARGE SCALE DEVELOPMENT**

Proposals for large-scale *development* proceeding by way of plan of subdivision, vacant land plan of condominium or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:

- a) The identification of planning, design, and construction practices and techniques;
- b) Meeting other criteria and direction set out in the applicable *watershed planning* or *subwatershed plans*; and
- c) Meeting any applicable provincial standards, guidelines, and procedures.

**Item 14:** Section C (Land Use Designations), is renumbered as Section D (Land Use Designations), and all of its sub-sections are renumbered accordingly.

**Item 15:** The new Section D (Land Use Designations) (formerly C) is amended by deleting “five”, replacing the reference to “Schedule A” with “Schedule A-1” and adding the following to the end of the first sentence “and the Supporting Features and Areas overlay designation on **Schedule B-2**”.

**Item 16:** The new Section D1.2 (General Land Use Objectives for Urban Areas) (formerly C1.2) is amended by replacing the reference to “Schedule A” with “Schedule A-1”.

**Item 17:** The new Section D2.1 (Objectives) (formerly C2.1) is amended by replacing the reference to “Schedule A” with “Schedule A-2”.

**Item 18:** The new Section D2.4 (Development Requirements) (formerly C2.4) is amended by replacing “Section C2.5” with “Section D2.5” in a).

**Item 19:** The new Section D2.5 (Secondary Plans) (formerly C2.5) is amended by replacing “Section C2.4” with “Section D2.4” in a).

**Item 20:** The new Section D3.2 (Location) (formerly C3.2) is amended by replacing “Schedule A” with “Schedule A-2” in a).

**Item 21:** The new Section D3.3 (Permitted Uses) (formerly C3.3) is amended by replacing “Section C” with “Section D” in b), c), d), e), g) and i), and replacing “Section D” with “Section E” in k).

**Item 22:** The new Section D3.6.2 (Types of On-Farm Diversified Uses) (formerly C3.6.2) is amended by replacing “Section C” with “Section D” in b), c) and e).

**Item 23:** The new Section D3.7 (Bed and Breakfast Establishments) is amended by replacing “Section C3.6.5” with “Section D3.6.5”.

**Item 24:** The new Section D4.2 (Location) (formerly C4.2), is amended by replacing “Schedule A” with “Schedule A-2” and replacing “*Urban Areas or Rural Settlement Areas*” with “*Urban Areas, Rural Settlement Areas or Natural Heritage Area*”.

**Item 25:** The new Section D4.3 (Lot Creation) (formerly C4.3) is amended by replacing “sub-section C4.3 a)” with “sub-section D4.3 a)”.

**Item 26:** The new Section D4.4 (Permitted Uses) (formerly C4.4) is amended by replacing “Section C” with “Section D” in a) and e).

**Item 27:** The new Section D4.6 (Land Use Compatibility) (formerly C4.6) is amended by replacing “Section C3.11” with “Section D3.11”.

**Item 28:** The new Section D5 (Oak Ridges Moraine) (formerly C5) is amended by inserting “(2017)” before “shall apply to all of these lands” in a).

**Item 29:** The new Section D5 (Oak Ridges Moraine) (formerly C5) is amended by deleting c) and replacing it with the following:

- “c) Within the Oak Ridges Moraine designation, 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.
- i) **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 Natural Heritage Area on

**Schedules A-2 and B-1** to this Plan in accordance with Section C3 of this Plan. Their purpose is to maintain, improve and restore the ecological integrity of the Oak Ridges Moraine as a whole. Permitted uses in Natural Core Areas are set out in the Oak Ridges Moraine Conservation Plan.

- ii) **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 Natural Heritage Area on **Schedules A-2 and B-1** to this Plan in accordance with Section C3 of this Plan. Natural Linkage Areas support, or have the potential to support, movement of plants and animals among the Natural Core Areas and along river valleys and stream corridors. Permitted uses in Natural Linkage Areas are set out in the Oak Ridges Moraine Conservation Plan.
- iii) **Countryside Areas** are areas of existing rural land use, intended to protect prime agricultural areas, provide for the continuation of agricultural and other rural land uses. Countryside Areas are designated on **Schedule A-2** to this Plan. Permitted uses in Countryside Areas are set out in the Oak Ridges Moraine Conservation Plan.
- iv) **The Oak Ridges Moraine** Conservation Plan's identification of Settlement Areas on the Oak Ridges Moraine includes those areas designated as Rural Settlement Area on **Schedules A-1 and A-2** to this Plan. These *rural settlement areas* are intended to provide opportunities for minor residential infill and small-scale industrial, commercial and institutional uses. Permitted uses in Settlement Areas that are identified as *rural settlement areas* on **Schedules A-1 and A-2** to this Plan are set out in the Oak Ridges Moraine Conservation Plan.

**Item 30:** The new Section D5 (Oak Ridges Moraine) (formerly C5) is amended by deleting e), f) and g), and replacing it with the following:

- “e) Development and site alteration shall be prohibited within *key natural heritage features, key hydrologic features* and *Areas of Natural and Scientific Interest* (Earth Science) and their related minimum vegetation protection zones as identified by the Table in Part III of the Oak Ridges Moraine Conservation Plan.”

**Item 31:** The former Section C6 (Environmental Protection Area), is deleted and replaced with a new Section D6 (Natural Heritage Area (NHA) Designation within the Natural Heritage System for the Growth Plan), as follows:

**“D6 NATURAL HERITAGE AREA (NHA) DESIGNATION WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN**

**D6.1 LOCATION**

- a) All lands that are the site of known *key natural heritage features* and *key hydrologic features* within the *Natural Heritage System for the Growth Plan* are designated NHA on **Schedule A-2** to this Plan and then shown as NHA – Growth Plan on **Schedule B-1**. Where information is known, individual *key natural heritage features* and *key hydrological features* are shown on **Schedule B-2** for information purposes.
- b) While some of the *key natural heritage features* and *key hydrological features* are known and some have been designated NHA on **Schedule A-2**, the significance of others can only be determined after evaluation.
- c) Included within the NHA designation is a 30-metre wide vegetation protection zone adjacent to known *key hydrologic features*, *fish habitat*, and *significant woodlands*.

**D6.2 PERMITTED USES**

Development or site alteration is not permitted in *key natural heritage features* that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features* anywhere in County (but outside of *urban areas* and *rural settlement areas*), except for:

- a) Forest, fish, and wildlife management;
- b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- c) Activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- d) *Mineral aggregate operations* and wayside pits and quarries;



- e) Expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the *key hydrologic feature* or *key natural heritage feature* or *vegetation protection zone* unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
- f) 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 if it is demonstrated that:
  - i) There is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
  - ii) The impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible; and
- g) Small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*.
- h) Through the implementation of sub-section f) by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions 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 building or dwelling that is being expanded. Expansions beyond this size will require a Planning Act approval.

### **D6.3 DEVELOPMENT AND SITE ALTERATION ON ADJACENT LANDS**

- a) A proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the *Natural Heritage System for the Growth Plan* or a *key hydrologic feature* anywhere in County (but outside of *urban areas* and *rural settlement areas*) will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:

- i) Is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change;
  - ii) Is established to achieve and be maintained as *natural self-sustaining vegetation*; and
  - iii) For *key hydrologic features, fish habitat, and significant woodlands*, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.
- b) Evaluations undertaken in accordance with Section D6.3 a) will identify any additional restrictions to be applied before, during, and after development to protect the *hydrologic functions* and *ecological functions* of the feature.
- c) *Development* or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in Section D6.2 or shoreline *development* as permitted in accordance with Section C4.4;
- d) Notwithstanding Sections D6.3 a), b) and c), a natural heritage or hydrologic evaluation will not be required for a proposal for *development* or *site alteration* on a site where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*.
- e) Notwithstanding Sections D6.3 a), b) and c), new buildings and structures for *agricultural uses, agriculture-related uses, or on-farm diversified uses* will not be required to undertake a natural heritage or hydrologic evaluation if a minimum 30-metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*.
- f) Notwithstanding Sections D6.3 a), b) and c), uses permitted in accordance with Section D6.3 e):
  - i) Are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is, and will continue to be, used for agricultural purposes; and
  - ii) Will pursue best management practices to protect and restore *key natural heritage features, key hydrologic features, and their functions*.

g) Notwithstanding Section D6.3 c) the following types of minor construction is not considered to be *development* or *site alteration* and it is permitted within *vegetation protection zones* without an environmental impact study:

- i) New agricultural buildings that are generally below 100 m<sup>2</sup>;
- ii) New accessory buildings to a residential use (garage, workshop etc.) that are generally below 50 m<sup>2</sup>;
- iii) Expansions to existing residential dwellings that are generally below 50% of the size of the original building, provided the expansion is less than 50 m<sup>2</sup>;
- v) Expansions to existing agricultural buildings that are generally below 50% of the size of the original building, provided the expansion is less than 100 m<sup>2</sup>; and
- vi) Expansions to existing accessory buildings for a residential use that are generally below 50% of the size of the original building.

New buildings and expansions that are greater in size shall require a Planning Act approval.

#### **D6.4 REGIONALLY IMPORTANT WOODLANDS**

- a) Regionally important *woodlands* are smaller than the *significant woodlands* that have been identified as *key natural heritage features* within the *Natural Heritage System for the Growth Plan*. The location of regionally important *woodlands* is shown on **Schedule B-2** of this Plan.
- b) While regionally important *woodlands* are not considered to be a *key natural heritage feature*, all or a portion of the regionally important *woodland* may be considered a *key natural heritage feature* if for example the lands were identified as *significant wildlife habitat* or other *key natural heritage feature*.
- c) *Development* and *site alteration* within and adjacent to regionally important *woodlands* in the *Natural Heritage System for the Growth Plan* is subject to Section D8 of this Plan. Notwithstanding the above, Section D8 does not apply to new or expanding *mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses*.

#### **D6.5 SIGNIFICANT EARTH SCIENCE AREAS OF NATURAL AND SCIENTIFIC INTEREST**

- a) *Significant earth science Areas of Natural and Scientific Interest* have been identified as *key natural heritage features* within the *Natural Heritage System for*

*the Growth Plan*. The location of *significant* earth science *Areas of Natural and Scientific Interest* is shown on **Schedule B-2** of this Plan.

- b) While *significant* earth science *Areas of Natural and Scientific Interest* are not considered to be a *key natural heritage feature* as defined, all or a portion of the *significant* earth science *Areas of Natural and Scientific Interest* may be considered a *key natural heritage feature* if for example the lands were identified as *significant wildlife habitat* or other *key natural heritage feature*.
- c) *Development* and *site alteration* within and adjacent to *significant* earth science *Areas of Natural and Scientific Interest* are subject to the policies of Section D8 of this Plan.

## **D7 NATURAL HERITAGE AREA (NHA) DESIGNATION WITHIN THE OAK RIDGES MORaine CONSERVATION PLAN**

### **D7.1 LOCATION**

- a) Lands within the Natural Core Area and Natural Linkage Area designations in the Oak Ridges Moraine Conservation Plan are designated NHA - Natural Core Area (ORM) and NHA - Natural Linkage Area (ORM) on **Schedule A-2** and also shown on **Schedule B-1** to this Plan.
- 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 NHA on **Schedule A-2** to this Plan.
- c) Where information is known, individual *key natural heritage features* and *key hydrological features* as defined by the Oak Ridges Moraine Conservation Plan are shown on **Schedule B-2** for information purposes.
- d) While some of the *key natural heritage features* and *key hydrological features* are known and some have been designated NHA on **Schedule A-2**, the significance of others can only be determined after evaluation.

## D7.2 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.

## D8 NATURAL HERITAGE AREA DESIGNATION OUTSIDE OF THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN AND OUTSIDE OF THE OAK RIDGES MORaine CONSERVATION PLAN

### D8.1 LOCATION

- a) All lands that are the site of known *significant natural heritage features and areas* are designated Natural Heritage Area on **Schedule A-2** and then shown as NHA – PPS on **Schedule B-1** to this Plan. Where information is known, individual *natural heritage features and areas* are shown on **Schedule B-2** for information purposes.
- b) While some of the *significant natural heritage features and areas* are known and some have been designated Natural Heritage Area on **Schedule A-2**, the significance of others can only be determined after evaluation.
- c) *Key hydrological features* outside of the *Natural Heritage System for the Growth Plan* are also designated Natural Heritage Area on **Schedule A-2** to this Plan and identified on **Schedule B-2**. *Key hydrological features* do not extend into *urban areas* or *rural settlement areas*.
- d) Included within the NHA designation is a 30-metre wide vegetation protection zone adjacent to known *key hydrologic features*.

### D8.2 KEY HYDROLOGIC FEATURES

*Key hydrologic features* that are designated Natural Heritage Area on **Schedule A-2** and identified as such on **Schedule B-2** are subject to the policies of Section D6 of this Plan and the balance of Section D8 does not apply to *key hydrological features*.

### D8.3 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*.

#### **D8.4 PERMITTED USES IN OTHER NATURAL HERITAGE FEATURES AND AREAS**

- a) 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*.
- b) *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *Provincial and Federal requirements*.
- c) *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- d) Development or site alteration is not permitted in *significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest* and *significant wildlife habitat*, except for:
  - i) Forest, fish, and wildlife management;
  - ii) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
  - iii) Activities that create or maintain *infrastructure* authorized under an environmental assessment process;
  - iv) Expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into *significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest, significant wildlife habitat* unless there is no other alternative, in which case

any expansion will be limited in scope and kept within close geographical proximity to the existing structure;

- v) 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 if it is demonstrated that:
    - aa) There is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, 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; and
  - vi) Small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*.
  - vii) Through the implementation of sub-section v) by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions 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 building or dwelling that is being expanded. Expansions beyond this size will require a Planning Act approval.
- e) *Development and site alteration* that is not exempted from this Section by Section D8.4 d) shall not be permitted in the following features unless it has been demonstrated through the preparation of an Environmental Impact Study in accordance with Section C4.6 of this Plan that there will be no *negative impacts* on the natural features or their *ecological functions*:
- i) *Significant woodlands*;
  - ii) Regionally important *woodlands* in the *Natural Heritage System for the Growth Plan*;

- iii) *Significant valleylands;*
  - v) *Significant wildlife habitat; and,*
  - vi) *Significant Areas of Natural and Scientific Interest.*
- f) Notwithstanding the above, Section D8.4 e) does not apply to new or expanding *mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses.*

## D8.5 ADJACENT LANDS

- a) *Adjacent lands* are the lands contiguous to a *natural heritage feature or area* where it is likely that *development or site alteration* would have a *negative impact* on the feature or area. For the purposes of this Plan, *adjacent lands* are defined as all lands within the specified distance of the boundary of *natural heritage features and areas* outside of the *Natural Heritage System for the Growth Plan* and outside of the Oak Ridges Moraine Conservation Plan as set out in **Table K**.

TABLE K  
Adjacent Lands

NATURAL HERITAGE FEATURE	ADJACENT LANDS (metres)
Provincially <i>Significant Wetlands and Coastal Wetlands</i>	120
<i>Significant woodlands</i>	120
Regionally important <i>woodlands</i> in the <i>Natural Heritage System for the Growth Plan</i>	120
<i>Significant wildlife habitat</i> and wildlife core areas	120
<i>Habitat of endangered species and threatened species</i>	120
Provincially <i>Significant Areas of natural and scientific interest – Earth Science</i>	50
Provincially <i>Significant Areas of natural and scientific interest – Life Science</i>	120
<i>Significant Valleylands</i>	120
Fish Habitat	120
Non-Significant Coastal Wetlands	120



- b) No *development* or *site alteration* shall be permitted on these *adjacent lands* unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated, through an Environmental Impact Study in accordance with Section C4.6 of this Plan that there will be no *negative impact* on the natural features or their *ecological functions*.
- c) The approval authority may reduce the width of the *adjacent lands* set out in **Table K** if, in the opinion of the approval authority, the proposed *development* or *site alteration* is minor and is not anticipated to have a *negative impact* on the natural heritage feature.

## D9 SUPPORTING FEATURES AND AREAS (SFA)

### D9.1 LOCATION

- a) All lands that are the site of the known supporting features and areas listed below are designated SFA on **Schedule B-2** to this Plan:
  - i) Other *wetlands* located in *urban areas* and *rural settlement areas* that are not considered to be *key hydrologic features* or Provincially *significant wetlands* or *significant coastal wetlands*;
  - ii) Watercourses located in *urban areas* and *rural settlement areas* that are not considered to be *key hydrologic features*;
  - iii) Regionally important *wildlife habitat*;
  - iv) Other *woodlands*;
  - v) Other *valleylands*;
  - vi) Conservation oriented lands;
  - vii) Shoreline features;
  - viii) Linkages; and
  - ix) Enhancement areas.
- b) Where information is known, individual supporting features and areas are shown on **Schedule B-2** for information purposes.

- c) While some of the supporting features and areas are known and some have been identified as SFA on **Schedule B-2**, the importance of others can only be determined after evaluation.

## **D9.2 PERMITTED USES**

- a) As the SFA designation in an overlay designation, permitted uses are those in the underlying land use designation shown on **Schedule A-2**.

## **D9.3 GENERAL DEVELOPMENT POLICIES**

- a) When *development* or *site alteration* is proposed within a supporting feature or area shown on **Schedule B-2**, or within 30 metres of the boundary of the supporting feature or area, an environmental evaluation shall be completed that assesses and determines:
  - i) Whether the supporting feature or area is a *key natural heritage feature*, a *key hydrological feature* or a *significant natural heritage feature or area* and if it is determined that a supporting feature or area is determined to be one of these features or areas, the relevant policies that apply to those features or areas apply;
  - ii) The boundary of the supporting feature or area along with its *ecological functions* and relationship to nearby *key natural heritage features*, *key hydrological features* or a *significant natural heritage feature or areas*; and
  - iii) What conditions should be attached to the approval of the proposed development to enhance the supporting feature or area where possible and to mitigate and minimize impacts on the supporting feature or area.
- b) *Development and site alteration* in and within 30 metres of other *wetlands* in *urban areas* and *rural settlement areas* that are regulated by the applicable Conservation Authority is subject to the policies of the Conservation Authority.
- c) In cases where an other *wetland* in an *urban area* or *rural settlement area* is not regulated by the Conservation Authority, the approval authority or the Conservation Authority may require that an evaluation be carried out to determine if the other wetland should be protected in situ with appropriate *buffers*, or if the *hydrologic function* provided by other wetland should be maintained or managed as part of the design of the development.

#### D9.4 DEVELOPMENT POLICIES - ENHANCEMENT AREAS

In addition to satisfying Section D9.3, if the supporting feature or area is an enhancement area shown on **Schedule B-2**, the required environmental evaluation should:

- a) Assess the ecological benefit of an enhancement to the nearby *key natural heritage feature, key hydrological feature or significant natural heritage feature or area* (e.g., does it fill a gap, close in an indent, connect two separate features, etc.);
- b) Consider the most appropriate shape/extent of the enhancement area so that the ecological functions of the nearby *key natural heritage feature, key hydrological feature or significant natural heritage feature or area* are enhanced;
- c) Consider how the function and spatial extent of the enhancement area can be incorporated into the design and layout of the proposed development, if located within an *urban area or rural settlement area*; and
- d) Make recommendations on minimizing the amount of disturbed area in the enhancement area, where it is currently in a natural state or under agricultural production, if located in the Rural Area designation.

#### D9.5 DEVELOPMENT POLICIES - LINKAGE AREAS

In addition to satisfying Section D9.3, if the supporting feature or area is a linkage area shown on **Schedule B-2**, the required environmental evaluation should:

- a) Assess the ecological features and functions of a linkage, including its vegetative, wildlife, and/or landscape features or functions;
- b) Identify appropriate boundaries/widths that permit the movement of wildlife between nearby *key natural heritage features, key hydrological features or significant natural heritage feature or areas*;
- c) Describe the *ecological function* the linkage is intended to provide and identifies how these *ecological functions* can be maintained or enhanced within a *development* proposal;
- d) Assess potential impacts on the linkage as a result of the *development*; and,
- e) Make recommendations on how to protect, enhance, or mitigate impacts on the linkage and its *ecological functions*.

**D10 IMPLEMENTING THE NHA DESIGNATION AND TRANSITION**

- a) Local municipalities are required to incorporate the Natural Heritage Area designation in their local Official Plans.
- b) Through the process of implementation, local municipalities may refine the boundaries of features and areas on the basis of updated information and or detailed studies in consultation with the County.
- c) Local municipalities are required to incorporate the Natural Heritage Area designation as determined in the local Official Plan in their Zoning By-laws.
- d) If the Natural Heritage Area designation includes a *vegetation protection zone*, it shall also be zoned in a manner that implements this Plan.
- e) 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 the *Natural Heritage System* can be achieved.
- f) For secondary plans in process, the policies of this Plan shall be taken into account in the work program and final product, to the satisfaction of the County.
- g) Where a site plan pursuant to Section 41 of the Planning Act has been approved, that approval can be implemented in accordance with the provisions of the County Official Plan and the Local Official Plan as they existed when the site plan was approved.
- h) Where lands have been draft approved for development by way of Plan of Subdivision or Plan of Condominium, that approval can be implemented in accordance with the provisions of the County Official Plan and the local Official Plan as they existed when the lands were draft approved and any conditions that were put in place at the time of approval.
- i) If a draft plan approval is proposed to be extended, the County may review the findings and recommendations made in the studies that supported the initial draft plan approval and request that the studies be updated to determine if changes to the layout of the draft plan and/or any of the conditions need to be made before the extension request is granted.

- j) The County encourages the local municipalities to review older existing draft plan approvals to determine if updates are required.
- k) If a draft plan lapses or is withdrawn, any subsequent application shall conform to this Plan.
- l) Where major modifications to a draft plan are proposed, the revised plan shall be designed to reduce impacts on the *Natural Heritage System*.

**Item 31:** Section D (Resource Areas and Constraint Areas), is renumbered and renamed as Section E (Other Resource Areas and Constraint Areas), and all of its remaining sub-sections are renumbered accordingly.

**Item 32:** Section D3 (Cultural Heritage Resources), is renumbered as Section E1 and all subsequent sections are renumbered accordingly.

**Item 33:** Section D4 (Minerals and Petroleum Resources), is renumbered as Section E2 and all subsequent sections are renumbered accordingly.

**Item 34:** Section D5 (Mineral Aggregate Resources), is renumbered as Section E3 and all subsequent sections are renumbered accordingly.

**Item 35:** The new Section E3.2 (Location) (formerly D5.2) is amended by adding “-2” after “**Schedule B**” in a), b) and c).

**Item 36:** The new Section E3.3.2 (Mineral Aggregate Operations) (formerly D5.3.2) is amended by replacing “Section D5.3.3” with “Section E3.3.3” in a).

**Item 37:** A new Section E3.6 (Mineral Aggregate Operations and Wayside Pits and Quarries within the Natural Heritage System for the Growth Plan) is added:

## **E3.6 MINERAL AGGREGATE OPERATIONS AND WAYSIDE PITS AND QUARRIES WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN**

### **E3.6.1 Notwithstanding Policy**

Notwithstanding Sections D6.2, D6.4 and D6.6 of this Plan, *mineral aggregate operations* and wayside pits and quarries are subject to the following:

- a) No new *mineral aggregate operation* and no new wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted in the following *key natural heritage features* and *key hydrologic features*:
  - i) *Significant wetlands*;
  - ii) *Habitat of endangered species and threatened species*; and
  - iii) *Significant woodlands* unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that Sections E3.6.2 b) and c) and E3.6.3 c) have been addressed and that they will be met by the operation;
- b) Any application for a new *mineral aggregate operation* will be required to demonstrate:
  - i) How the connectivity between *key natural heritage features* and *key hydrologic features* will be maintained before, during, and after the extraction of *mineral aggregate resources*;
  - ii) How the operator could replace *key natural heritage features* and *key hydrologic features* that would be lost from the site with equivalent features on another part of the site or on adjacent lands;
  - iii) How the *water resource system* will be protected or enhanced; and
  - iv) How any *key natural heritage features* and *key hydrologic features* and their associated *vegetation protection zones* not identified in Section E3.6.2 a) will be addressed in accordance with Section E3.6.2 b) and c) and E3.6.3 c); and
- c) An application requiring a new approval under the Aggregate Resources Act to expand an existing *mineral aggregate operation* may be permitted in the *Natural Heritage System for the Growth Plan*, including in *key natural heritage features*, *key hydrologic features* and any associated *vegetation protection zones*, only if the related decision is consistent with the Provincial Policy Statement and satisfies the rehabilitation requirements in Sections E3.6.2 and E3.6.3.

### E3.6.2 REHABILITATION

For rehabilitation of new *mineral aggregate operation* sites, the following apply:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater *ecological value* and, for the entire site, long-term *ecological integrity* will be maintained or enhanced;
- b) If there are *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of the application:
  - i) The health, diversity, and size of these *key natural heritage features* and *key hydrologic features* will be maintained or enhanced; and
  - ii) Any permitted extraction of *mineral aggregate resources* that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation;
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which will be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of Section E3.6.2; and
- d) Outside the *Natural Heritage System for the Growth Plan*, and except as provided in Section E3.6.2 a), b) and c), final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies. In *prime agricultural areas*, the site will be rehabilitated in accordance with Section E3.5.1 of this Plan.

### E3.6.3 FINAL REHABILITATION

Final rehabilitation for new *mineral aggregate operations* in the *Natural Heritage System for the Growth Plan* will meet these additional criteria:

- a) Where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the *Natural Heritage System for the Growth Plan*, is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated back to an *agricultural condition*;
- b) Where there is extraction below the water table, no less than 35 percent of the non-

aquatic portion of the land subject to each license in the *Natural Heritage System for the Growth Plan* is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated in accordance with Section E3.5.1 of this Plan; and

- c) Rehabilitation will be implemented so that the connectivity of the *key natural heritage features* and the *key hydrologic features* on the site and on adjacent lands will be maintained or enhanced.

#### **E3.6.4 DECISIONS ON PLANNING MATTERS TO BE CONSISTENT WITH PROVINCIAL POLICY STATEMENT**

Except as provided by the policies of this subsection, decisions on planning matters must be consistent with the policies in the Provincial Policy Statement that pertain to the management of *mineral aggregate resources*.

#### **E3.6.5 APPLICATIONS UNDER THE AGGREGATE RESOURCES ACT HAS BEEN RECEIVED AND DEEMED COMPLETE BY THE PROVINCE AS OF JULY 1, 2017,**

Where an application under the Aggregate Resources Act has been received and deemed complete by the Province as of July 1, 2017, any applications under the Planning Act to permit the making, establishment or operation of the pit or quarry to which the Aggregate Resources Act application relates, if approved, will not be subject to the policies of Section E3.6 of this Plan.

**Item 38:** Section D6 (Natural Hazards), is renumbered as Section E4 and all subsequent sections are renumbered accordingly.

**Item 39:** The new Section E4.4 (Karst Topography) (formerly D6.4), is amended by adding “-2” after “**Schedule B**”.

**Item 40:** Section D7 (Human Made Hazards), is renumbered as Section E5 and all subsequent sections are renumbered accordingly.

**Item 41:** The new Section E5.3 (Development Adjacent to Known Landfill Sites) (formerly D7.3) is amended by adding “-3” after “**Schedule B**” in a).



**Item 42:** The new Section E5.3 (Development Adjacent to Known Landfill Sites) (formerly D7.3) is amended by replacing “Section D7.3 c)” with “Section E5.3 c)”.

**Item 43:** Section D8 (Promoting Sustainable Development), is renumbered as Section E6 and all subsequent sections are renumbered accordingly.

**Item 44:** Section D9 (Lands Owned by the Provincial and Federal Governments), is renumbered as Section E7.

**Item 45:** The new Section E7 (Lands Owned by the Provincial and Federal Governments), (formerly D9) is amended by adding “-2” after “**Schedule B**”.

**Item 46:** Section E (General Development Policies) is renumbered as Section F and all subsequent sections are renumbered accordingly.

**Item 47:** The new Section F1.5.1 (General Criteria) (formerly E1.5.1) is amended by deleting subsection I) and renumbering the remaining sections accordingly.

**Item 48:** The new Section F2.2.7 (Rail Network) (formerly E2.2.7) is amended by replacing “Section E2.4” with “Section F2.4” in c).

**Item 49:** Section F (Implementation and Administration) is renumbered as Section G and all subsequent sections are renumbered accordingly.

**Item 50:** The new Section G9.3 (Supplemental Submission Requirements) (formerly F9.3) is amended by adding “/Natural Heritage Evaluation” to the end of b) v) and c) iv).

**Item 51:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by replacing “Schedule A” with “Schedule A-1” in a).

**Item 52:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by deleting b) and replacing it with the following:

- “b) It is recognized that the boundaries of the Natural Heritage Area designation and Supporting Features and Areas overlay 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 designation and Supporting Features

and Areas overlay are based on new information and are deemed to be appropriate by the approval authority. Changes to the boundaries of evaluated *wetlands* and *Areas of Natural and Scientific Interest* requires the approval of the Provincial ministry with jurisdiction. Changes to the boundaries of *key natural heritage features*, *key hydrologic features*, *significant natural heritage features* and *areas* and individual supporting features and areas shown on **Schedules B-1 and B-2** do not require an Amendment to this Plan. “

**Item 53:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by replacing “Schedule A” with “Schedule A-2” in c) and d).

**Item 54:** The new Section G12.7 (Definitions) (formerly F12.5) is amended by:

A. Amending the Adjacent Lands definition by replacing “Section E2.2.8” with “Section F2.2.8” in a), replacing “Section D1.9.2” with “Section D8.5” in b), replacing “Sections D5.3.3 and D4.3 b)” with “Sections E3.3.3 and E2.3 b)” in c), and replacing “Section D3.5 g)” with “Section E1.5 g)” in d).

B. Adding the following definition after the definition for Alternative Energy System:

“**Alvars:** Means naturally open areas of thin or no soil over essentially flat limestone, dolostone, or marble rock, supporting a sparse vegetation cover of mostly shrubs and herbs.”

C. Amending the Comprehensive Review definition by replacing “D2.4” with “C5.4” in 5.

D. Adding the following definition after the definition of Conserved:

**Cultural and regenerating woodland:** Means *woodlands* where the ecological functions of the site are substantially compromised as a result of prior land use activity and would be difficult to restore and/or manage as a native woodland and which provide limited *ecological function* and ecosystem services. A *woodland* or portion thereof is considered a *cultural and regenerating woodland* if all of the following are met:

a) The *woodland* is less than 2 ha in size;

b) The removal of a portion of *woodland* will not result in a *negative impact* to the

*ecological functions* of the remaining portion;

- c) There are no other important *ecological functions* that the *woodland* provides (e.g., critical function zone for *wetlands*, etc.);
- d) The *woodland* or part therefore is not identified as another component of the *Natural Heritage System* (e.g., *significant wildlife habitat, linkage, enhancement area, buffer*);
- e) The canopy is dominated by invasive, non-native species including, but not limited to: Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, Black Locust and White Poplar, or any combination thereof;
- f) The area was not treed approximately 50 years ago as determined through air photo interpretation or other suitable techniques;
- g) The soil is deemed to preclude the development of a native *woodland*; for example: soil that is not native woodland soil or is degraded, soil that is compacted, the top soil has been removed, soil displaying substantial erosion from over-use and/or the woodland is regenerating on fill or spoil that was introduced to the site;
- h) There is limited ability to maintain or restore self-sustaining ecological functions typical of native *woodlands*; and
- i) The *woodland* provides limited social values (e.g., does not contain sanctioned trails, nor currently provides organized research or educational opportunities).

*Woodlands* (including plantations) established and/or managed for the purpose of restoring a native tree community (e.g., naturalization or restoration projects) would still qualify as *significant woodland*.

E. Adding the following definitions after the definition for Ecological Function:

**“Ecological integrity:** Which includes hydrological integrity, means the condition of ecosystems in which:

- a) The structure, composition and function of the ecosystems are unimpaired by the stresses from human activity;

- b) Natural ecological processes are intact and self-sustaining; and
- c) The ecosystems evolve naturally.

**Ecological value:** means the value of vegetation in maintaining the health of the *key natural heritage feature or key hydrologic feature* and the related ecological features and *ecological functions*, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species.

F. Amending the Institutional Use definition by replacing “Section D7.5” with “Section E5.5”.

G. Adding the following definitions after the definition for Intensification:

**“Intermittent streams:** means stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year.

**Key hydrologic areas:** means *significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas* that are necessary for the ecological and hydrologic integrity of a *watershed*.

**Key hydrologic features:** means permanent streams, *intermittent streams*, inland lakes and their littoral zones, *seepage areas and springs*, and *wetlands*.

**Key natural heritage features:** means *habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.*”

H. Adding the following definition after the definition for Legal or Technical Reasons:

**“Life Science Areas of Natural and Scientific Interest:** means an area that has been identified as having life science values related to protection, scientific study, or education; and further identified by the Ministry of Natural Resources and Forestry

using evaluation procedures established by that Ministry, as amended from time to time.”

- I. Deleting the definition for 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 *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.”

- J. Adding the following definitions after the definition for Natural Heritage System:

**“Natural Heritage System for the Growth Plan:** means the *natural heritage system* mapped and issued by the Province in accordance with the Growth Plan.

**Natural self-sustaining vegetation:** means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.”

- K. Amending the definition for Negative Impacts by adding “potential risks to human health and safety and” after “Section B14 of this Plan,” in a), and replacing “Section D2.1 b)” with “Section C5.1 b)” and adding “and *key hydrologic features*” after “*sensitive ground water features*,” in b).

- L. Amending the definition for Provincial and Federal Requirements by deleting a) and renumbering the subsequent points accordingly and replacing “Section D1.5” with “Section D8.4” in the new a) and b).

- M. Adding the following definitions after the definition for Rural Settlement Areas:

**“Sand barren:** means land (not including land that is being used for agricultural purposes or no longer exhibits *sand barren* characteristics) that:

- a) Has sparse or patchy vegetation that is dominated by plants that are:
  - i) Adapted to severe drought and low nutrient levels; and
  - ii) Maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- b) Has less than 25 per cent tree cover;
- c) Has sandy soils (other than shorelines) exposed by natural erosion, depositional process, or both; and
- d) Has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Savannah:** Means land (not including land that is being used for agricultural purposes or no longer exhibits *savannah* characteristics) that:

- a) Has vegetation with a significant component of non-woody plants, including *tallgrass prairie* species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) Has from 25 per cent to 60 per cent tree cover;
- c) Has mineral soils; and
- d) Has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Seepage Areas and Springs:** Means sites of emergence of groundwater where the water table is present at the ground surface.

N. Deleting the definition for 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 by the Province;
- 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 established by the Province;

- c) In regard to *wildlife habitat*, 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*. These are to be identified using criteria established by the Province
- d) In regard to *valleylands*, 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*. These are to be identified using criteria established by the Province;
- e) 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*;
- f) In regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- g) In regard to cultural heritage and archaeology, 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.

Criteria for determining significance for the resources identified in sections (e)-(f) are recommended by the Province, 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.”

- O. Adding the following definitions after the definition for Surface Water Feature:

“**Tallgrass prairie:** means land (not including land that is being used for agricultural purposes or no longer exhibits *tallgrass prairie* characteristics) that:

- a) Has vegetation dominated by non-woody plants, including *tallgrass prairie* species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) Has less than 25 per cent tree cover;
- c) Has mineral soils; and
- d) Has been further identified, by the Minister of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Total developable area:** means the total area of the property less the area occupied by *key natural heritage features*, *key hydrologic features* and any related *vegetation protection zone*.”

- P. Adding the following definition after the definition of Valleylands:

**“Vegetation protection zone:** means a vegetated buffer area surrounding a *key natural heritage feature* or *key hydrologic feature*.”

- Q. Adding the following definition after the definition of Watershed:

**Water Resource System:** means a system consisting of *ground water features* and areas and *surface water features* (including shoreline areas), and *hydrologic functions*, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The *water resource system* will comprise *key hydrologic features* and *key hydrologic areas*.

- R. Amending the definition for Wetlands by adding the following to the end of the definition:

“*Wetlands* are further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

- S. Adding the following definition after the definition of Woodlands:

**Woodland enhancement plan:** means a study that is carried out when a proponent proposes to remove a *woodland* or portion of a *woodland*, including *cultural and*



*regenerating woodlands* where the purpose of the *woodland* enhancement is to increase *woodland* cover in the County as part of a longer term perspective. The *woodland enhancement plan* must be prepared to the satisfaction of the approval authority, in consultation with other agencies. As part of requirement for a *woodland enhancement plan* the following should be taken into consideration:

- a) If the removal occurs within a *settlement area* that the enhancement also be provided in the *settlement area*;
- b) If the removal occurs within a developed shoreline areas that was designated and zoned for concentrations of such development as of July 1, 2017 that the enhancement also be provided in the same general area;
- c) That the enhancement be in the form of a *woodland* and not just the planting of individual trees, i.e., street planting or ornamental tree planting in a park setting is not considered *woodland* enhancement;
- d) The goal of the *woodland* enhancement is it so create a native *woodland* of equal or greater size;
- e) Landscape ecology principles including size, patch shape, connectivity, edge to area ratio should be considered;
- f) Responsibilities will be determined for who will undertake the restoration of the woodland and the schedule for implementing the plan;
- g) The *woodland enhancement plan* includes a program for the long-term maintenance and management of the restoration woodland until such time as it is deemed to be self-sufficient or when a public agency assumes responsibility for it; and,
- h) The plan includes a monitoring plan and periodic reporting to determine if the *woodland* is progressing toward the approved goal(s) and objectives of the plan."

**Item 55:** Schedule A (Land Use) is replaced by a new Schedules A-1 and A-2 (attached to this amendment as Schedules A-1 and A-2).

**Item 56:** Schedules B-1 and B-2 are added to the Plan (attached to this amendment as Schedules B-1 and B-2).

**Item 57:** Schedule B (Resource Areas, Constraint Areas and Waste Management) is re-named as Schedule B-3.

**AMENDMENT NO. 1**

**TO THE OFFICIAL PLAN**

**FOR**

**NORTHUMBERLAND COUNTY**

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## PART “A” – THE PREAMBLE

### SECTION 1 – TITLE AND COMPONENTS

This document was approved in accordance with sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended and shall be known as Amendment No. 1 to the Official Plan adopted by By-law No. \_\_\_\_\_.

Part “A”, the Preamble, does not constitute part of this amendment.

Part “B”, the amendment, consisting of the following text constitutes Amendment No. 1 to the Official Plan.

### SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the amendment is to include a natural heritage system policy framework in the Northumberland County Official Plan in accordance with the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan and the Provincial Policy Statement.

### SECTION 3 – LOCATION OF THE AMENDMENT

This amendment applies to the whole of Northumberland County ~~–~~, [save and except for the lands within the boundary of the Alderville First Nation and lands that are owned by the Province of Ontario.](#)

### SECTION 4 – BASIS OF THE AMENDMENT

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'). At the time the NOP was approved, there was widespread recognition that the County would undertake this work after all outstanding appeals were dealt with and updates to other applicable Provincial Plans (e.g., Growth Plan), were completed. It was on this basis that the work leading to the preparation of an NHS was initiated 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 remains unchanged in the PPS 2020.

Section 4.2.2.1 of the Growth Plan for the Greater Golden Horseshoe states 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 4.2.2.4 of the Growth Plan then states the following:

*"Provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to the Natural Heritage System for the Growth Plan will apply outside settlement areas to the natural heritage systems identified in official plans that were approved and in effect as of July 1, 2017."*

In the case of the County of Northumberland, the above means that the new policies in the Growth Plan 2019 that restrict development in certain features did not apply before this amendment was adopted because the NOP (which was an approved and in effect Official Plan) did not include an NHS.

Section 4.2.2.2 of the Growth Plan 2019 states 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 also references 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 means that only upper and single tier municipalities can modify the boundaries of the NHS established by the Province. In addition, once the NHS has been incorporated in Official Plans, only an upper and single tier municipality can consider refinements through the municipal comprehensive review process. In developing the NHS for the County, no modifications to the limits of the Growth Plan NHS were required.

With respect to lands outside of the NHS for the Growth Plan, Section 4.2.2.6 states 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."*

This implies that there is some discretion by the municipality for how, in what form and where the NHS will be identified outside of the Growth Plan NHS (and including within settlement areas), so long as it is consistent with the PPS. It is also noted that the above policy requires that features and other natural heritage features and areas will be protected, however, the protection of any other natural heritage system is optional because of the use of the word 'may'. In this regard, there is no requirement to establish an NHS outside of the Growth Plan NHS including within settlement areas as long as features are protected in a manner that is consistent with the PPS 2020. However, only establishing an NHS for a part of the County means that other features and areas, including linkages, would not be included in a system that extended throughout the County.

On this basis of the above, this amendment also establishes an NHS outside of the Growth Plan NHS and this would be consistent with the extract below from the PPS 2020:

*"The policies of the Provincial Policy Statement represent minimum standards.*

*Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to*

*a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement."*

This means that the County of Northumberland can identify an NHS outside of the Growth Plan NHS provided that it does not conflict with any other policy in the PPS 2020. Furthermore, the 'Growth Plan Regional NHS Mapping – Technical Report' notes the following:

*"...that the scale of the NHS is important. Given that NHS mapping for the Growth Plan for the Greater Golden Horseshoe is on a broad, regional scale, it is focused on identifying larger core areas and broad linkages. The mapping was not intended to identify all areas and connect features that may be important to consider at a local or smaller scale..."*

This statement acknowledges that there may be other features or connections (i.e., linkages) not identified in the Growth Plan NHS that are important to Northumberland that could be identified as part of the County's NHS.

On the basis of the work completed to date, an NHS overlay designation is being included within the NOP by this amendment and is shown on a new **Schedule A-1 (Settlement Structure and Natural Heritage System)**.

The NHS overlay would apply to lands outside of the urban areas and rural settlements. It would be comprised of the Growth Plan NHS, the Natural Core Area and Natural Linkage Area designations established by the Oak Ridges Moraine Conservation Area 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 NHS (see Northumberland County Natural Heritage System Plan – Background Report, July 9, 2018, and the Northumberland County Natural Heritage System Plan – DRAFT Criteria and Rationale for the Identification of Natural Heritage System Components, November 8, 2019). This NHS overlay would 'sit on top' of other designations, including for example the Agricultural Area designation which applies to prime agricultural land.

This amendment also replaces the current Environmental Protection Area designation with a new Natural Heritage Area designation. Below is an overview of the new NHA designation by geography in the County:



### The NHA in the Growth Plan NHS

Within the Growth Plan NHS, the following features are identified as key natural heritage features in the Growth Plan NHS as per the definition of key natural heritage feature in the Growth Plan 2019:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Wetlands (also considered to be a key hydrologic feature by the Growth Plan);
- Life science areas of natural and scientific interest (ANSI);
- Significant valleylands;
- Significant woodlands;
- Significant earth science areas of natural and scientific interest (ANSI);
- Regionally Important Woodlands (while not a key natural heritage feature as defined are also included as discussed below);
- Significant wildlife habitat (including habitat of special concern species);
- Sand barrens, savannahs, and tallgrass prairies; and
- Alvars

Of the above key natural heritage features, wetlands (including Provincially significant wetlands and non-Provincially significant wetlands), ~~life science~~ ANSIs and significant woodlands are included in the NHA designation as shown on **Schedule A-2**. The component of the County that is designated NHA and within the Natural Heritage System for the Growth Plan is shown on **Schedule B-1**. The individual features are shown on **Schedule B-2**.

As noted above, all wetlands are considered to be key natural heritage features within the Growth Plan NHS, with development and site alteration being prohibited within wetlands. The Growth Plan 2019 also includes the same restrictions on development and site alteration within key hydrologic features both inside and outside of the Growth Plan NHS but outside of settlement areas. In this regard, key hydrologic features include permanent streams, inland lakes and their littoral zones, seepage areas and springs in addition to wetlands. Of these key hydrologic features, wetlands, watercourses and inland lakes and their littoral zones outside of settlement areas will be included in the NHA designation. For seepage areas and springs, their location can usually only be determined through detailed study, if they are not already included within a mapped wetland area.

For those key natural heritage features or key hydrologic features of the Growth Plan that are not included in the NHA designation, this amendment includes policies in the NOP that ensure that appropriate studies be completed to verify their presence and extent, and to ensure that the policies are applied as necessary. The policies in Section 4.2.2.3 of the Growth Plan that deal with negative impacts, connectivity, the removal of key natural heritage features and key hydrologic features, the amount of disturbed area permitted and agricultural uses within the Growth Plan NHS are also incorporated as is in the NOP by this amendment. The restrictive development and site alteration policies that apply to key natural heritage features and key hydrologic features within the Growth Plan NHS in Section 4.2.3 of the Growth Plan are also incorporated in the NOP by this amendment as well.

The restrictive development and site alteration policies that apply to lands within 120 metres of key natural heritage features within the Growth Plan NHS and key hydrologic features both within and outside of the Growth Plan NHS but outside of settlement areas in Section 4.2.4 of the Growth Plan are also being incorporated in the NOP. However, in recognition of the importance of the agricultural industry in the County and to minimize hardship in cases where development exists in significant woodlands, the NOP will allow local municipalities to permit minor expansions as-of-right, provided such minor expansions are small in scale and do not generally exceed 25% of the floor area of the existing building or dwelling that is being expanded.

For key hydrologic features, fish habitat and significant woodlands, a ~~vegetated~~vegetation protection zone (VPZ) of no less than 30 metres, measured from the outside boundary of the key natural heritage feature or key hydrologic feature is required. Other key natural heritage features will require the establishment of a VPZ to be determined through an approved study. The restrictions and exemptions related to development or site alteration in VPZs, as noted in Section 4.2.4.3 of the Growth Plan would apply and these restrictions are also being included in the NOP by this amendment.

In order to streamline local approval processes for minor new buildings and expansions of existing buildings in the vegetation protection zone adjacent to significant woodlands only and reduce red tape for the agricultural community, the NOP will establish the following minor permissions, which are deemed to be appropriate since the potential for negative impacts as a result is very limited:

- New agricultural buildings that are generally below 100 m<sup>2</sup>;
- New accessory buildings to a residential use (garage, workshop etc.) that are generally below

50 m<sup>2</sup>;

- Expansions to existing residential dwellings that are generally below 50% of the size of the original building, provided the expansion is less than 50 m<sup>2</sup>;
- Expansions to existing agricultural buildings that are generally below 50% of the size of the original building, provided the expansion is less than 100 m<sup>2</sup>; and
- Expansions to existing accessory buildings for a residential use that are generally below 50% of the size of the original building.

With respect to the mapping of VPZs, the required 30-metre VPZ adjacent to significant woodlands within the Growth Plan NHS is included within the NHA designation. The required 30-metre VPZ adjacent to key hydrologic features both within and outside of the Growth Plan NHS but outside of settlement areas is included in the NHA designation as well (this would apply to wetlands, watercourses and inland lakes and their littoral zones).

In addition to the above, regionally important woodlands within the Growth Plan NHS are designated NHA. These regionally important woodlands are smaller than the significant woodlands in the Growth Plan NHS and would not be considered as a key natural heritage feature and therefore are not subject to the restrictive policies on development and site alteration that apply to key natural heritage features. This means as well that there is no minimum VPZ requirement of 30 metres for these woodlands either; however, there would be a policy requirement to determine the necessary VPZ width as part of a Planning Act application process. In addition, the no negative impact test will be applied to regionally important woodlands in accordance with Section 2.1.5 of the PPS when dealing with development and site alteration applications involving these woodlands in the Growth Plan NHS.

It is recognized that this approach with respect to regionally important woodlands in the Growth Plan NHS would exceed the minimum standards set out by the Growth Plan 2019 and for this reason, the policies on regionally important woodlands in the Growth Plan NHS will not be applied by this amendment to new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses. This means that the policies on regionally important woodlands would only apply to non-farm development such as residential lot creation. In order to differentiate between significant woodlands and regionally important woodlands in the Growth Plan NHS, mapping showing both is included on a new **Schedule B-2**.

### The NHA and Lands Inside the ORMCP

While the lands within the Natural Core Area and Natural Linkage Area designations are included within the NHS, they would also be designated NHA in accordance with the ORMCP, which also designates these lands as such. The component of the County that is designated NHA and subject to the ORMCP is shown on **Schedule B-1**.

However, in order to differentiate between the different policies that apply in the ORMCP, two NHA sub-designations have been created: NHA - Natural Core Area (ORM) and NHA - Natural Linkage Area (ORM) and these are shown on Schedule B-1. The policies in the NOP would then direct the reader to the policies of the ORMCP for these two designations. Where key natural heritage features and key hydrologic features have been identified outside of the Natural Core Area and Natural Linkage Area designations in the ORMCP, they would be designated NHA but will be subject to the ORMCP and these areas are also shown on **Schedule A-2**. The individual features are shown on **Schedule B-2**.

### The NHA and Lands Outside of the Growth Plan NHS and Outside of Settlement Areas

On lands that are outside of the Growth Plan NHS and outside of settlement areas (and not subject to the ORMCP), the following features are identified as natural heritage features and areas and subject to the development and site alteration policies of the PPS 2020:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Significant areas of natural and scientific interest;
- Significant valleylands;
- Significant woodlands; and
- Significant wildlife habitat.

The component of the County that is designated NHA and subject to the PPS is shown on **Schedule B-1**. The individual features are shown on **Schedule B-2**.

It is noted that wetlands throughout the County outside of settlement areas are already considered to be key hydrologic features and are designated NHA.

Of the above features, significant ANSIs and significant woodlands are designated NHA. For those features that are not within the NHA designation, policies are included in the NOP by this amendment that ensure that appropriate studies be completed to verify the presence and extent of these features, and to ensure that the policies are applied as necessary. The restrictive development and site alteration policies that apply to lands within and adjacent to features dealt with by the PPS 2020 in Sections 2.1.4 to 2.1.8 have been incorporated within the NOP as is by this amendment as well. [Development permissions that are consistent with the permissions within the NHA-Growth Plan also apply in the NHA-PPS area.](#)

#### The NHA within Settlement Areas

On lands that are outside of the Growth Plan NHS and within settlement areas, the following features are identified as natural heritage features and areas and subject to the development and site alteration policies of the PPS 2020:

- Significant wetlands; [and coastal wetlands;](#)
- Habitat of endangered species and threatened species;
- Fish habitat;
- Significant areas of natural and scientific interest;
- Significant valleylands;
- Significant woodlands; and
- Significant wildlife habitat.

Of the above features, significant wetlands, significant ANSIs and significant woodlands are designated NHA.

#### Supporting Features and Areas

A Supporting Features and Areas ('SFA') overlay designation is being added to the NOP by this amendment and is shown on **Schedule B-2**. This overlay designation includes the following:

- Other Wetlands (located in settlement areas only);
- Watercourses (located in settlement areas only);
- ~~Earth Science ANSIs;~~
- Regionally Important Wildlife Habitat (i.e., Other Wildlife Habitat);
- Other Woodlands;

- Other Valleylands;
- Conservation Oriented Lands;
- Shoreline Features;
- Vegetation Protection Zones;
- Linkages; and
- Enhancement Areas.

Only those areas that could be confidently mapped have been included in the SFA overlay designation and these would include wetlands and watercourses in settlement areas, linkages and enhancement areas throughout the County and other woodlands outside of settlement areas.

With all of the above changes, this amendment also establishes a new Section C dealing with natural heritage and water resources, with the new policies added and some of the existing policies in former Section D being moved to Section C.

## **PART B – THE AMENDMENT**

All of this Part of the document entitled Part B - The Amendment consisting of the following text constitutes Amendment No. 1 to the Official Plan of Northumberland County.

### **Details of the Amendment**

The Northumberland County Official Plan is hereby amended as follows:

**Item 1:** Section A2 (Guiding Principles), is amended by deleting Principle 10 and replacing it with the following: "To protect *key natural heritage features, key hydrologic features and natural heritage features and areas* within and outside of the County's *natural heritage system* so that they can be enjoyed by future generations and serve as a legacy to all peoples within the County."

**Item 2:** Section A2 (Guiding Principles), is amended by deleting words 'features and areas' from Principle 11.

**Item 3:** Section A3 (Land Use Concept) is amended by deleting the words 'Five primary' and replacing them with 'Seven'.

**Item 4:** Section A3 (Land Use Concept), is amended by deleting Section A3.5 and replacing it with the following:

#### **"A3.5 NATURAL HERITAGE AREA**

The Natural Heritage Area designation applies to known *significant natural heritage features and areas, key natural heritage features and key hydrological features*. Lands within this designation include those lands designated as Natural Core Area and Natural Linkage Area by the Oak Ridges Moraine Conservation Plan."

**Item 5:** Section A3 (Land Use Concept), is amended by adding Sections A3.6 and A3.7 as per below:

#### **"A3.6 SUPPORTING FEATURES AND AREAS**

The Supporting Features and Areas overlay designation applies to lands that support the *ecological functions* of the *natural heritage system* and includes elements such as

linkage areas, enhancement areas and locally important *natural heritage features and areas*.

### **A3.7 NATURAL HERITAGE SYSTEM**

The Natural Heritage System is an overlay designation that applies to lands outside of the *urban areas* and *rural settlement areas*. It is comprised of the *Natural Heritage System for the Growth Plan* established by the Province of Ontario, 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*."

**Item 6:** Section A4 (Provincial Plans), is renamed "Oak Ridges Moraine Conservation Plan" and amended by replacing the reference to "Section C6" with "Section D5".

**Item 7:** Section A7 (Interpretation of this Official Plan), is amended by replacing "Parts B to F" with "Parts B to G" in the last paragraph.

**Item 8:** Section B3 (Rural Lands), is amended by replacing the reference to 'Schedule A' with 'Schedule A-1'.

**Item 9:** Section B13 (Planning for Employment), is amended by replacing the reference to 'Schedule A' with 'Schedule A-2'.

**Item 10:** Section C (Natural Heritage and Water Resources Systems), is added to the Official Plan as per below:

## **"C NATURAL HERITAGE AND WATER RESOURCES SYSTEMS**

### **C1 OBJECTIVES**

It is the objective of this Plan to:

- a) Maintain, restore, or where possible, improve the diversity and connectivity of natural features in the County, and the long-term *ecological function* and biodiversity of *natural heritage systems* recognizing linkages between and among



*natural heritage features and areas, surface water features and ground water features;*

- b) Establish a resilient, interconnected *natural heritage system* that preserves and enhances natural features, *ecological functions* and native biodiversity, contributes to healthy watersheds, recognizes the important role the agricultural and rural landscape plays in the system, and maintains the unique natural landscape and geography of the County for future generations;
- c) Identify and maintain linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- d) Recognize the role and value of compatible and complementary agricultural and rural uses in and adjacent to the *natural heritage system* and recognize that flexible approaches to existing uses in the *natural heritage system* are required;
- e) Recognize the important role the natural heritage system plays in mitigating the impacts of climate change by protecting and enhancing *key natural heritage features, key hydrologic features and natural heritage features and areas, ecological functions, and connections within the system.*
- f) Encourage the acquisition of land that is the site of *key natural heritage features, key hydrologic features and natural heritage features and areas* by public authorities or non-profit land trusts for conservation purposes;
- g) Discourage the introduction, planting and/or use of invasive non-native species to minimize their impact on the County's biodiversity;
- h) Provide the tools to properly assess *development* applications located in close proximity to natural heritage features;
- i) Ensure that development is appropriately setback and buffered from key natural heritage features, key hydrologic features and natural heritage features and areas;
- j) Encourage and support the Ministry of Natural Resources and Forestry and the appropriate Conservation Authority in conducting evaluations of unevaluated wetlands within the County; and,

- k) Provide opportunities, where appropriate, for passive outdoor recreational activities in the natural heritage system provided the features and ecological functions are not adversely impacted.

## C2 THE COUNTY'S NATURAL HERITAGE SYSTEM

The Natural Heritage System is an overlay designation that applies to lands outside of the *urban areas* and *rural settlement areas* as shown on **Schedule A-1** to this Plan.

It is comprised of the *Natural Heritage System for the Growth Plan* established by the Province of Ontario, 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 **Schedules B-1** and **B-2** to this Plan and are listed in Section C3 of this Plan.

It is the intent of this Plan a resilient, interconnected *natural heritage system* that preserves and enhances natural features, *ecological functions* and native biodiversity, contributes to healthy watersheds, recognizes the important role the agricultural and rural landscape plays in the system, and maintains the unique natural landscape and geography of the County for future generations be maintained and improved through the life of this Plan.

## C3 COMPONENTS OF THE COUNTY'S NATURAL HERITAGE SYSTEM

a) The following are components of the County's *natural heritage system*:

- ai) Known *key natural heritage features* and *key hydrological features* within the Natural Heritage System for the Growth Plan that are designated Natural Heritage Area on **Schedule A-2** to this Plan;
- bii) Known *key hydrological features* outside of the *Natural Heritage System for the Growth Plan* that are designated Natural Heritage Area on **Schedule A-2** to this Plan;
- ciii) Lands that are designated as Natural Core Areas and Natural Linkage Areas by the Oak Ridges Moraine Conservation Plan that are designated Natural

Heritage Area on **Schedule A-2** to this Plan and shown individually on **Schedule B-1**;

- ~~div~~) Known significant *natural heritage features and areas* outside of the Natural Heritage System for the Growth Plan that are designated Natural Heritage Area on **Schedule A-2** to this Plan;
  - ~~ev~~) Regionally important *woodlands* within the *Natural Heritage System for the Growth Plan* that are designated Natural Heritage Area on **Schedule A-2** to this Plan; and
  - ~~fvi~~) Other supporting features and areas that are ~~designated within the~~ Supporting Features and Areas overlay on **Schedule B-2** to this Plan.
- ~~b)~~ Policies on the Natural Heritage Area designation are found in ~~Section~~Sections D6, D7 and D8 of this Plan and policies on the Supporting Features and Areas ~~designation~~overlay are found in Section D9 of this Plan.
- ~~c)~~ Once the policies in this Plan on the *natural heritage system* overlay have been approved in accordance with the *Planning Act*, all subsequent Planning Act decisions shall conform to this Plan, unless this Plan explicitly states otherwise.
- ~~d)~~ Local municipalities are required to incorporate the *Natural Heritage System* overlay in their local Official Plans.
- ~~e)~~ While the limits of the *Natural Heritage System for the Growth Plan* cannot be modified, local municipalities may refine the limits of other aspects of the overlay designation in their local Official Plans on the basis of updated information and or detailed studies in consultation with the County.
- ~~f)~~ Any changes to the limits the *Natural Heritage System* overlay in a Local Official Plan requires the approval of the County.

## C4 GENERAL POLICIES

### C4.1 CONSIDERATION OF CUMULATIVE IMPACTS

- ~~a)~~ ~~Considering cumulative effects is critical for the County's environmental health and resiliency.~~

- ~~b) Multiple environmental stressors can impact environmental, social and economic systems (i.e., climate change, invasive species, habitat fragmentation, etc.) and are often dynamic and varying. Conversely, seemingly small, cumulative impacts of development can combine with other stressors to have significant negative consequences for ecosystems and environmental resilience over time. However, it is recognized that measuring and assessing cumulative impacts of development on the County's watersheds, environment, and overall quality of life is challenging.~~
- ~~e) a) The consideration of cumulative impacts willshall be encouragedrequired through the development approval process where possible. Comprehensive natural heritage evaluations or other preparation of environmental impact studies undertaken by.~~
- b) Cumulative impacts shall be assessed on the base conditions that existed from the time the Federal and/or Provincial governments will be likewise encouragedapproval authority first requires impact studies to be completed.
- c) Where development or site alteration applications are considered, the proponent shall be required to estimate cumulative impacts on provide an area or regional basis. overview of previous studies as provided by the approval authority (if available), related to development impacts on the same or adjacent feature as it relates to impacts on the natural heritage system and the water balance of features.
- ~~d) The County shall avail itself of any tools provided by the Province or other organizations or as developed in house to measure and consider cumulative environmental impacts of development.~~
- d) In addition to the above, any assessment of impact must include a description of cumulative impacts that have occurred prior to the impact assessment being undertaken.

#### **C4.2 TRANSFER OF KEY NATURAL HERITAGE FEATURES, KEY HYDROLOGICAL FEATURES AND NATURAL HERITAGE FEATURES AND AREAS INTO PUBLIC OWNERSHIP**

- a) The County may work with the local municipalities and other public agencies and/or non-profit land trust organizations to develop and implement a land securement strategy that would result in the transfer of private lands with natural heritage attributes into public ownership. However, given the financial limitations

of every level of government and consistent with the principle of land stewardship, this policy does not imply that key natural heritage features, key hydrologic features and/or *natural heritage features and areas* will be purchased by the County or other public or non-profit agencies.

- b) The County and the local municipalities shall consider opportunities to obtain, through dedication, lands with natural heritage attributes through the development approval process.
- c) Arrangements for the conveyance of key natural heritage features, key hydrologic features and/or *natural heritage features and areas* into public ownership shall be undertaken before or concurrent with the approval of development applications through the development approval process.

#### C4.3 AGRICULTURAL USES

Nothing in this plan is intended to limit the ability of *agricultural uses* to continue in areas that are the site of a *key natural heritage feature, key hydrologic feature* or other *natural heritage feature and area*.<sup>—</sup>.

#### C4.4 DEVELOPED SHORELINE AREAS

In developed shoreline areas of Rice Lake and the Trent-Severn Waterway that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements, if the development will:

- a) Be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;
- b) Restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and
- c) In the case of *redevelopment* and resort development:
  - i) Establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
  - ii) Increase the extent of *fish habitat* in the littoral zone;
  - iii) Be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
  - iv) Exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
  - v) Enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
  - vi) Use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
  - vii) Use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
  - viii) Meet other criteria and direction set out in applicable *watershed planning and subwatershed plans*;
  - ix) Be serviced by *sewage works* which reduce nutrient inputs to groundwater and the lake from baseline levels; and

- x) Demonstrate available capacity in the receiving water body based on inputs from existing and approved development.
- d) Local municipalities shall identify the developed shoreline areas of Rice Lake and the Trent-Severn Waterway within the *natural heritage system for the Growth Plan* that are designated or zoned for concentrations of *development* as of July 1, 2017 when they bring their Official Plans into conformity with this Plan.

#### **C4.5 GENERAL POLICY ON DEVELOPMENT AND SITE ALTERATION WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN**

New development or site alteration within the *Natural Heritage System for the Growth Plan* will demonstrate that:

- a) There are no *negative impacts on key natural heritage features or key hydrologic features* or their functions;
- b) Connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
- c) The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
- d) Except for uses described in and governed by the policies in Section E3 *dealing with mineral aggregate resources*, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*;
- e) With respect to golf courses, the disturbed area will not exceed 40 per cent of the *total developable area*; and
- f) At least 30 per cent of the *total developable area* will remain or be returned to *natural self-sustaining vegetation*, except where specified in accordance with the policies in Section E3 dealing with *mineral aggregate resources*.

#### C4.6 ENVIRONMENTAL IMPACT STUDIES

- a) Where the policies of this Plan require that an Environmental Impact Study ('EIS') be prepared, such an EIS shall be prepared in accordance with the requirements of this section of the Plan.
- b) An EIS required under the policies of this Plan shall be submitted with the *development* application and shall be prepared and signed by a qualified person in accordance with relevant environmental impact study guidelines in addition to the relevant policies of this Plan.
- c) An EIS shall include a detailed inventory of the on-site conditions, including detailed inventory and ecological land classification mapping of vegetation communities, and inventories for natural heritage features and species using accepted methods, criteria, and survey protocols undertaken at the appropriate time of year. This inventory and characterization shall extend to adjacent lands, with field surveys undertaken where permission to enter is granted.
- d) The approval authority may scope or waive the requirement for an EIS to support a development proposal within or adjacent to *key natural heritage features, key hydrologic features and/or natural heritage features and areas* if, in the opinion of the approval authority the proposed development is minor and is not anticipated to have a *negative impact* on the *key natural heritage feature, key hydrologic feature and/or natural heritage feature and area* or its *ecological functions* or if the policies of this Plan provide an exception to the submission of an EIS related to the *key natural heritage feature, key hydrologic feature and/or natural heritage feature and area*.
- e) The approval authority, in consultation with the appropriate Conservation Authority and Parks Canada as appropriate, must be satisfied with an EIS prior to the granting of *development* approvals. The recommendations of an EIS shall be implemented through Official Plan Amendments, zoning by-laws, subdivision conditions, site plan control, and/or applicable regulations.
- f) The approval authority may require an independent peer review of an EIS, with the costs to be borne by the applicant.
- g) The purpose of an EIS is to:



- i) Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of *key natural heritage features, key hydrologic features and natural heritage features and areas* and associated *ecological and hydrological functions* that exist on the subject lands and/or *adjacent lands*;
- ii) Determine whether there are any additional *key natural heritage features, key hydrologic features and/or natural heritage features and areas* on the subject lands and nearby lands and that meet the accepted criteria established by the Province, as amended from time to time;
- iii) Undertake a comprehensive impact analysis in order to determine whether or not the proposed development and/or site alteration will have a *negative impact* on *key natural heritage features, key hydrologic features and/or natural heritage features and areas* and their *ecological functions*;
- iv) Propose appropriate mitigation measures or revisions to the proposed development and/or site alteration to reduce or avoid *negative impacts*;
- v) Clearly articulate any *negative impacts* that cannot be avoided or mitigated;
- vi) Where appropriate, recommend monitoring provisions to evaluate the long-term effectiveness of the identified mitigation measures; and
- vii) Demonstrate that the proposed *development and/or site alteration* supports the County's objectives for the *natural heritage system*.

#### **C4.7 SIGNIFICANT WOODLANDS AND ANTHROPOGENIC DISTURBANCES**

- a) Where a feature was identified as a *significant woodland* as of the date of approval of this Plan and no longer meets the definition of *significant woodland* due to either a natural or unauthorized anthropogenic disturbance, the feature shall retain its status as a *significant woodland* and the policies of this plan protecting *significant woodlands* will continue to apply.
- b) Notwithstanding the above, this Plan recognizes that the *ecological functions* of some *significant woodlands* or *other woodlands* or portions thereof in *urban areas, rural settlement areas* or in areas in developed shoreline areas that were designated and zoned for concentrations of such development as of July 1, 2017 may be substantially compromised as a result of prior land use activity and as a

result would be difficult to restore and/or manage as a native woodland. In cases such as these, consideration can be given to reclassifying all or a portion of such a woodland as a *cultural and regenerating woodland*. Woodlands (including plantations) established and/or managed for the purpose of restoring a native tree community cannot be classified as *cultural and regenerating woodlands*.

c) In order for a *woodland* to be identified as a *cultural and regenerating woodland*, all of the following must be met, as determined through an *environmental impact study*:

i) The *woodland* is regenerating, typically with a dominant proportion of woody species being invasive and non-native (e.g., Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, White Poplar, etc.);

ii) The area was not treed approximately 20 to 25 years ago as determined through air photo interpretation or other suitable technique;

iii) The soils have been degraded, through compaction, topsoil removal or as a result of substantial erosion from over-use and/or if the woodland may be regenerating on fill; and

iv) There is limited ability to maintain or restore self-sustaining ecological functions typical of native woodlands.

d) If the tests set out in Section C4.7 c) have been satisfied to the satisfaction of the approval authority, the removal of the treed area of a *cultural and regenerating woodland* may be permitted subject to preparing a *woodland enhancement plan* that demonstrates an enhancement in *woodland* area is achieved, either on the same property or in the immediate area.

**Item 11:** Section D1 (Natural Heritage Resources), is deleted.

**Item 12:** Section D2 (Water Resources), including all its subsections, is renumbered as Section C5 (Water Resources).

Item 13: Section C5 (Water Resources) is amended by adding a new Section C5.5 as set out below:

#### C5.5 SPECIAL POLICY ON LARGE SCALE DEVELOPMENT

Proposals for large-scale *development* proceeding by way of plan of subdivision, vacant land plan of condominium or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:

- a) The identification of planning, design, and construction practices and techniques;
- b) Meeting other criteria and direction set out in the applicable *watershed planning or subwatershed plans*; and
- c) Meeting any applicable provincial standards, guidelines, and procedures.

Item 14: Section C (Land Use Designations), is renumbered as Section D (Land Use Designations), and all of its sub-sections are renumbered accordingly.

Item 1415: The new Section D (Land Use Designations) (formerly C) is amended by deleting “five”, replacing the reference to “Schedule A” with “Schedule A-1” and adding the following to the end of the first sentence “and the Supporting Features and Areas overlay designation on **Schedule B-2**”.

Item 1516: The new Section D1.2 (General Land Use Objectives for Urban Areas) (formerly C1.2) is amended by replacing the reference to “Schedule A” with “Schedule A-1”.

Item 1617: The new Section D2.1 (Objectives) (formerly C2.1) is amended by replacing the reference to “Schedule A” with “Schedule A-2”.

Item 1718: The new Section D2.4 (Development Requirements) (formerly C2.4) is amended by replacing “Section C2.5” with “Section D2.5” in a).

Item 1819: The new Section D2.5 (Secondary Plans) (formerly C2.5) is amended by replacing “Section C2.4” with “Section D2.4” in a).

Item 1920: The new Section D3.2 (Location) (formerly C3.2) is amended by replacing “Schedule A” with “Schedule A-2” in a).

**Item 2021:** The new Section D3.3 (Permitted Uses) (formerly C3.3) is amended by replacing “Section C” with “Section D” in b), c), d), e), g) and i), and replacing “Section D” with “Section E” in k).

**Item 2122:** The new Section D3.6.2 (Types of On-Farm Diversified Uses) (formerly C3.6.2) is amended by replacing “Section C” with “Section D” in b), c) and e).

**Item 2223:** The new Section D3.7 (Bed and Breakfast Establishments) is amended by replacing “Section C3.6.5” with “Section D3.6.5”.

**Item 2324:** The new Section D4.2 (Location) (formerly C4.2), is amended by replacing “Schedule A” with “Schedule A-2” and replacing “Urban Areas or Rural Settlement Areas” with “Urban Areas, Rural Settlement Areas or Natural Heritage Area”.

**Item 2425:** The new Section D4.3 (Lot Creation) (formerly C4.3) is amended by replacing “sub-section C4.3 a)” with “sub-section D4.3 a)”.

**Item 2526:** The new Section D4.4 (Permitted Uses) (formerly C4.4) is amended by replacing “Section C” with “Section D” in a) and e).

**Item 2627:** The new Section D4.6 (Land Use Compatibility) (formerly C4.6) is amended by replacing “Section C3.11” with “Section D3.11”.

**Item 2728:** The new Section D5 (Oak Ridges Moraine) (formerly C5) is amended by inserting “(2017)” before “shall apply to all of these lands” in a).

**Item 2829:** The new Section D5 (Oak Ridges Moraine) (formerly C5) is amended by deleting c) and replacing it with the following:

“c) Within the Oak Ridges Moraine designation, 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.

i) **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 Natural Heritage Area on **Schedules A-2** and **B-1** to this Plan in accordance with Section C3 of this Plan. Their purpose is to maintain, improve and restore the ecological integrity of the Oak Ridges Moraine as a whole. Permitted uses in Natural Core Areas are set out in the Oak Ridges Moraine Conservation Plan.

- ii) **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 Natural Heritage Area on **Schedules A-2** and **B-1** to this Plan in accordance with Section C3 of this Plan. Natural Linkage Areas support, or have the potential to support, movement of plants and animals among the Natural Core Areas and along river valleys and stream corridors. Permitted uses in Natural Linkage Areas are set out in the Oak Ridges Moraine Conservation Plan.
- iii) **Countryside Areas** are areas of existing rural land use, intended to protect prime agricultural areas, provide for the continuation of agricultural and other rural land uses. Countryside Areas are designated on **Schedule A-2** to this Plan. Permitted uses in Countryside Areas are set out in the Oak Ridges Moraine Conservation Plan.
- iv) **The Oak Ridges Moraine** Conservation Plan's identification of Settlement Areas on the Oak Ridges Moraine includes those areas designated as Rural Settlement Area on **Schedules A-1** and **A-2** to this Plan. These *rural settlement areas* are intended to provide opportunities for minor residential infill and small-scale industrial, commercial and institutional uses. Permitted uses in Settlement Areas that are identified as *rural settlement areas* on **Schedules A-1** and **A-2** to this Plan are set out in the Oak Ridges Moraine Conservation Plan.

**Item 2930:** The new Section D5 (Oak Ridges Moraine) (formerly C5) is amended by deleting e), f) and g), and replacing it with the following:

- “e) Development and site alteration shall be prohibited within *key natural heritage features, key hydrologic features* and *Areas of Natural and Scientific Interest* (Earth Science) and their related minimum vegetation protection zones as identified by the Table in Part III of the Oak Ridges Moraine Conservation Plan.”

**Item 3031:** The former Section C6 (Environmental Protection Area), is deleted and replaced with a new Section D6 (Natural Heritage Area (NHSNHA) Designation within the Natural Heritage System for the Growth Plan), as follows:

**“D6 NATURAL HERITAGE AREA (NHA) DESIGNATION WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN**

**D6.1 LOCATION**

- a) All lands that are the site of known *key natural heritage features* and *key hydrologic features* within the *Natural Heritage System for the Growth Plan* are designated NHA on **Schedule A-2** to this Plan and then shown as NHA – Growth Plan on **Schedule B-1**. Where information is known, individual *key natural heritage features* and *key hydrological features* are shown on **Schedule B-2** for information purposes.
- b) While some of the *key natural heritage features* and *key hydrological features* are known and some have been designated NHA on **Schedule A-2**, the significance of others can only be determined after evaluation.
- c) Included within the NHA designation is a 30-metre wide vegetation protection zone adjacent to known *key hydrologic features*, *fish habitat*, and *significant woodlands*.

**D6.2 PERMITTED USES**

Development or site alteration is not permitted in *key natural heritage features* that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features* anywhere in County (but outside of *urban areas* and *rural settlement areas*), except for:

- a) Forest, fish, and wildlife management;
- b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- c) Activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- d) *Mineral aggregate operations* and wayside pits and quarries;

- e) Expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the *key hydrologic feature* or *key natural heritage feature* or ~~vegetative~~vegetation protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;
- f) 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 if it is demonstrated that:
  - i) There is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
  - ii) The impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible; and
- g) Small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*.

~~D6.3h)~~ Through the implementation of sub-section f) by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions 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 building or dwelling that is being expanded. Expansions beyond this size will require a Planning Act approval.

### **D6.3 — SPECIAL POLICY ON LARGE SCALE DEVELOPMENT**

~~Proposals for large scale development proceeding by way of plan of subdivision, vacant land plan of condominium or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:~~

- ~~a) The identification of planning, design, and construction practices and techniques;~~

~~b) Meeting other criteria and direction set out in the applicable watershed planning or subwatershed plans; and~~

~~c) Meeting any applicable provincial standards, guidelines, and procedures.~~

#### **D6.4 DEVELOPMENT AND SITE ALTERATION ON ADJACENT LANDS**

- a) A proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the *Natural Heritage System for the Growth Plan* or a *key hydrologic feature* anywhere in County (but outside of *urban areas* and *rural settlement areas*) will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:
  - i) Is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change;
  - ii) Is established to achieve and be maintained as *natural self-sustaining vegetation*; and
  - iii) For *key hydrologic features*, *fish habitat*, and *significant woodlands*, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.
- b) Evaluations undertaken in accordance with Section D6.43 a) will identify any additional restrictions to be applied before, during, and after development to protect the *hydrologic functions* and *ecological functions* of the feature.
- c) *Development* or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in Section D6.4a)2 or shoreline *development* as permitted in accordance with Section D6.5C4.4;
- d) Notwithstanding Sections D6.43 a), b) and c), a natural heritage or hydrologic evaluation will not be required for a proposal for *development* or *site alteration* on a site where the only *key natural heritage feature* is the *habitat of endangered species and threatened species*.
- e) Notwithstanding Sections D6.43 a), b) and c), new buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* will not be required to undertake a natural heritage or hydrologic evaluation if a minimum



30-metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*.

- f) Notwithstanding Sections D6.43 a), b) and c), uses permitted in accordance with Section D6.43 e):
  - i) Are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is, and will continue to be, used for agricultural purposes; and
  - ii) Will pursue best management practices to protect and restore *key natural heritage features, key hydrologic features*, and their functions.

#### ~~D6.5 — DEVELOPED SHORELINE OF RICE LAKE~~

~~In developed shoreline areas of Rice Lake) Notwithstanding Section D6.3 c) the following types of minor construction is not considered to be *development* or *site alteration* and it is permitted within *vegetation protection zones* without an environmental impact study:~~

- ~~i) New agricultural buildings that are generally below 100 m<sup>2</sup>;~~
- ~~ii) New accessory buildings to a residential use (garage, workshop etc.) that are generally below 50 m<sup>2</sup>;~~
- ~~iii) Expansions to existing residential dwellings that are generally below 50% of the size of the original building, provided the expansion is less than 50 m<sup>2</sup>;~~
- ~~v) Expansions to existing agricultural buildings that are generally below 50% of the size of the original building, provided the expansion is less than 100 m<sup>2</sup>; and~~
- ~~vi) Expansions to existing accessory buildings for a residential use that are generally below 50% of the size of the original building.~~

~~New buildings and expansions that are greater in size shall require a Planning Act approval.~~

~~D6.4 that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements, if the development will:~~

- ~~a) Be integrated with existing or proposed parks and trails, and will not constrain ongoing or planned stewardship and remediation efforts;~~

- ~~b) — Restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and~~
- ~~c) — In the case of *redevelopment* and *resort development*:~~
  - ~~i) — Establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;~~
  - ~~ii) — Increase the extent of *fish habitat* in the littoral zone;~~
  - ~~iii) — Be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;~~
  - ~~iv) — Exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;~~
  - ~~v) — Enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;~~
  - ~~vi) — Use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;~~
  - ~~vii) — Use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;~~
  - ~~viii) — Meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;~~
  - ~~ix) — Be serviced by *sewage works* which reduce nutrient inputs to groundwater and the lake from baseline levels; and~~
  - ~~x) — Demonstrate available capacity in the receiving water body based on inputs from existing and approved development.~~

#### ~~D6.6 — GENERAL POLICY ON DEVELOPMENT AND SITE ALTERATION WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN~~

~~New development or site alteration within the *Natural Heritage System for the Growth Plan* will demonstrate that:~~

- ~~a) There are no negative impacts on key natural heritage features or key hydrologic features or their functions;~~
- ~~b) Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;~~
- ~~c) The removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;~~
- ~~d) Except for uses described in and governed by the policies in Section E5 dealing with mineral aggregate resources, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;~~
- ~~e) With respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and~~
- ~~f) At least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in Section E5 dealing with mineral aggregate resources.~~

#### **D6.7 REGIONALLY IMPORTANT WOODLANDS**

- a) Regionally important woodlands are smaller than the *significant woodlands* that have been identified as *key natural heritage features* within the *Natural Heritage System for the Growth Plan*. The location of regionally important woodlands is shown on **Schedule B-2** of this Plan.
- ~~b) While regionally important woodlands are not considered to be a key natural heritage feature, all or a portion of the regionally important woodland may be considered a key natural heritage feature if for example the lands were identified as significant wildlife habitat or other key natural heritage feature.~~
- c) Development and site alteration within and adjacent to regionally important woodlands in the Natural Heritage System for the Growth Plan is subject to Section D8 of this Plan. Notwithstanding the above, Section D8 does not apply to new or

expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses.

#### **D6.5 SIGNIFICANT EARTH SCIENCE AREAS OF NATURAL AND SCIENTIFIC INTEREST**

- a) Significant earth science Areas of Natural and Scientific Interest have been identified as key natural heritage features within the Natural Heritage System for the Growth Plan. The location of significant earth science Areas of Natural and Scientific Interest is shown on **Schedule B-2** of this Plan.
- b) While significant earth science Areas of Natural and Scientific Interest are not considered to be a key natural heritage feature as defined, all or a portion of the significant earth science Areas of Natural and Scientific Interest may be considered a key natural heritage feature if for example the lands were identified as significant wildlife habitat or other key natural heritage feature.
- c) Development and site alteration within and adjacent to significant earth science Areas of Natural and Scientific Interest are subject to the policies of Section D8 of this Plan.

### **D7 NATURAL HERITAGE AREA (NHA) DESIGNATION WITHIN THE OAK RIDGES MORaine CONSERVATION PLAN**

#### **D7.1 LOCATION**

- a) Lands within the Natural Core Area and Natural Linkage Area designations in the Oak Ridges Moraine Conservation Plan are designated NHA - Natural Core Area (ORM) and NHA - Natural Linkage Area (ORM) on **Schedule A-2** and also shown on **Schedule B-1** to this Plan.
- 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 NHA on **Schedule A-2** to this Plan.
- c) Where information is known, individual *key natural heritage features* and *key hydrological features* as defined by the Oak Ridges Moraine Conservation Plan are shown on **Schedule B-2** for information purposes.

- d) While some of the *key natural heritage features* and *key hydrological features* are known and some have been designated NHA on **Schedule A-2**, the significance of others can only be determined after evaluation.

## D7.2 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.

## D8 NATURAL HERITAGE AREA DESIGNATION OUTSIDE OF THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN AND OUTSIDE OF THE OAK RIDGES MORaine CONSERVATION PLAN

### D8.1 LOCATION

- a) All lands that are the site of known *significant natural heritage features and areas* are designated Natural Heritage Area on **Schedule A-2** and then shown as NHA – PPS on **Schedule B-1** to this Plan. Where information is known, individual *natural heritage features and areas* are shown on **Schedule B-2** for information purposes.
- b) While some of the *significant natural heritage features and areas* are known and some have been designated Natural Heritage Area on **Schedule A-2**, the significance of others can only be determined after evaluation.
- c) *Key hydrological features* outside of the *Natural Heritage System for the Growth Plan* are also designated Natural Heritage Area on **Schedule A-2** to this Plan and identified on **Schedule B-2**. *Key hydrological features* do not extend into *urban areas* or *rural settlement areas*.
- d) Included within the NHA designation is a 30-metre wide vegetation protection zone adjacent to known *key hydrologic features*.

### D8.2 KEY HYDROLOGIC FEATURES

*Key hydrologic features* that are designated Natural Heritage Area on **Schedule A-2** and identified as such on **Schedule B-2** are subject to the policies of Section D6 of this Plan and the balance of Section D8 does not apply to *key hydrological features*.

### D8.3 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*.

#### **D8.4 PERMITTED USES IN OTHER NATURAL HERITAGE FEATURES AND AREAS**

- a) 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*.
- b) *Development and site alteration shall not be permitted in fish habitat except in accordance with Provincial and Federal requirements.*
- c) *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- d) *Development or site alteration is not permitted in significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest and significant wildlife habitat, except for:*
  - i) *Forest, fish, and wildlife management;*
  - ii) *Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;*
  - iii) *Activities that create or maintain infrastructure authorized under an environmental assessment process;*
  - iv) *Expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not*

expand into *significant woodlands, significant valleylands, non-significant coastal wetlands, significant Areas of Natural and Scientific Interest, significant wildlife habitat* unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;

v) 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 if it is demonstrated that:

aa) There is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, 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; and

vi) Small-scale structures for recreational uses, including boardwalks, footbridges, fences, docks, and picnic facilities, if measures are taken to minimize the number of such structures and their *negative impacts*.

vii) Through the implementation of sub-section v) by the local municipalities in their Official Plans and zoning by-laws, the pre-identification of the nature and scale of minor expansions 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 building or dwelling that is being expanded. Expansions beyond this size will require a Planning Act approval.

e) *Development and site alteration* that is not exempted from this Section by Section D8.4 d) shall not be permitted in the following features unless it has been demonstrated through the preparation of an Environmental Impact Study in accordance with Section D8C4.6 of this Plan that there will be no *negative impacts* on the natural features or their *ecological functions*:

i) *Significant woodlands*;

- ii) Regionally important woodlands in the Natural Heritage System for the Growth Plan;
- iii) Significant valleylands;
- iii) ~~Non-significant coastal wetlands;~~
- iv) Significant wildlife habitat; and,
- v) Significant Areas of Natural and Scientific Interest.
- e) ~~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.~~
- f) Notwithstanding the above, Section D8.4 e) does not apply to new or expanding mineral aggregate operations, agricultural uses, agriculture-related uses and on-farm diversified uses.

## D8.5 ADJACENT LANDS

- a) *Adjacent lands* are the lands contiguous to a *natural heritage feature or area* where it is likely that *development or site alteration* would have a *negative impact* on the feature or area. For the purposes of this Plan, *adjacent lands* are defined as all lands within the specified distance of the boundary of *natural heritage features and areas* outside of the *Natural Heritage System for the Growth Plan* and outside of the Oak Ridges Moraine Conservation Plan as set out in **Table K**.

TABLE K  
Adjacent Lands

NATURAL HERITAGE FEATURE	ADJACENT LANDS (metres)
Provincially <i>Significant Wetlands and Coastal Wetlands</i>	120
<i>Significant woodlands</i>	120
<u>Regionally important woodlands in the Natural Heritage System for the Growth Plan</u>	<u>120</u>



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

NATURAL HERITAGE FEATURE	ADJACENT LANDS (metres)
<i>Significant wildlife habitat and wildlife core areas</i>	120
<i>Habitat of endangered species and threatened species</i>	120
<i>Provincially Significant Areas of natural and scientific interest – Earth Science</i>	50
<i>Provincially Significant Areas of natural and scientific interest – Life Science</i>	120
<i>Significant Valleylands</i>	120
<i>Fish Habitat</i>	120
<i>Non-Significant Coastal Wetlands</i>	120

- b) No *development* or *site alteration* shall be permitted on these *adjacent lands* unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated, through an Environmental Impact Study in accordance with Section [D8C4.6](#) of this Plan that there will be no *negative impact* on the natural features or their *ecological functions*.
- c) The approval authority may reduce the width of the *adjacent lands* set out in **Table K** if, in the opinion of the approval authority, the proposed *development* or *site alteration* is minor and is not anticipated to have a *negative impact* on the natural heritage feature.

#### ~~D8.6 ENVIRONMENTAL IMPACT STUDIES~~

- ~~a) Where the policies of this Plan require that an Environmental Impact Study ('EIS') be prepared, such an EIS shall be prepared in accordance with the requirements of this section of the Plan.~~
- ~~b) The approval authority may scope or waive the requirement for an EIS to support a development proposal within or adjacent to *natural heritage features and areas* if, in the opinion of the approval authority the proposed development is minor and is not anticipated to have a *negative impact* on the natural heritage feature or its *ecological functions* or if the policies of this Plan provide an exception to the submission of an EIS related to the *natural heritage feature or area*.~~

- ~~e) The approval authority, in consultation with the appropriate Conservation Authority and Parks Canada as appropriate, must be satisfied with an EIS prior to the granting of *development* approvals. The recommendations of an EIS shall be implemented through Official Plan Amendments, zoning by-laws, subdivision conditions, site plan control, and/or applicable regulations.~~
- ~~d) The purpose of an EIS is to:~~
  - ~~i) Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of *natural heritage features and areas* and associated *ecological* and *hydrological functions* that exist on the subject lands and/or *adjacent lands*;~~
  - ~~ii) Determine whether there are any additional *natural heritage features and areas* on the subject lands and *adjacent lands*;~~
  - ~~iii) Undertake a comprehensive impact analysis in order to determine whether or not the proposed development and/or site alteration will have a *negative impact* on *natural heritage features and areas* and their *ecological functions*;~~
  - ~~iv) Propose appropriate mitigation measures or revisions to the proposed development and/or site alteration to reduce or avoid *negative impacts*;~~
  - ~~v) Clearly articulate any *negative impacts* that cannot be avoided or mitigated; and~~
  - ~~vi) Where appropriate, recommend monitoring provisions to evaluate the long-term effectiveness of the identified mitigation measures.~~

## D9 SUPPORTING FEATURES AND AREAS (SFA)

### D9.1 LOCATION

- a) All lands that are the site of the known supporting features and areas listed below are designated SFA on **Schedule B-2** to this Plan:
  - i) Other *wetlands* located in *urban areas* and *rural settlement areas* that are not considered to be *key hydrologic features* or Provincially significant wetlands or significant coastal wetlands;

- ii) Watercourses located in *urban areas* and *rural settlement areas* that are not considered to be *key hydrologic features*;
  - iii) ~~Earth Science Areas of Natural and Scientific Interest~~;
  - ~~iv)~~ Regionally important *wildlife habitat*;
  - ~~viv)~~ Other *woodlands*;
  - ~~viv)~~ Other *valleylands*;
  - ~~viiiv)~~ Conservation oriented lands;
  - ~~viiivii)~~ Shoreline features;
  - ~~ixviii)~~ Linkages; and
  - ~~ix)~~ Enhancement areas.
- b) Where information is known, individual supporting features and areas are shown on **Schedule B-2** for information purposes.
  - c) While some of the supporting features and areas are known and some have been ~~designated~~identified as SFA on **Schedule B-2**, the ~~significance~~importance of others can only be determined after evaluation.

## D9.2 PERMITTED USES

- a) As the SFA designation in an overlay designation, permitted uses are those in the underlying land use designation shown on **Schedule A-2**.

## D9.3 GENERAL DEVELOPMENT POLICIES

- a) When *development* or *site alteration* is proposed within a supporting feature or area ~~that is designated~~shown on **Schedule B-2**, or within 30 metres of the boundary of the supporting feature or area, an environmental evaluation shall be completed that assesses and determines:
  - ai) Whether the supporting feature or area is a *key natural heritage feature*, a *key hydrological feature* or a *significant natural heritage feature or area* and if it is determined that a supporting feature or area is determined to be one of these features or areas, the relevant policies that apply to those features or areas apply;

- ~~bii)~~ The boundary of the supporting feature or area along with its *ecological functions* and relationship to nearby *key natural heritage features*, *key hydrological features* or a significant *natural heritage feature or areas*; and
- ~~ei~~iii) What conditions should be attached to the approval of the proposed development to enhance the supporting feature or area where possible and to mitigate and minimize impacts on the supporting feature or area.

b) *Development and site alteration in and within 30 metres of other wetlands in urban areas and rural settlement areas that are regulated by the applicable Conservation Authority is subject to the policies of the Conservation Authority.*

c) *In cases where an other wetland in an urban area or rural settlement area is not regulated by the Conservation Authority, the approval authority or the Conservation Authority may require that an evaluation be carried out to determine if the other wetland should be protected in situ with appropriate buffers, or if the hydrologic function provided by other wetland should be maintained or managed as part of the design of the development.*

#### **D9.4 DEVELOPMENT POLICIES - ENHANCEMENT AREAS**

In addition to satisfying Section D9.3, if the supporting feature or area is an enhancement area shown on **Schedule B-2**, the required environmental evaluation should:

- a) Assess the ecological benefit of an enhancement to the nearby *key natural heritage feature*, *key hydrological feature* or *significant natural heritage feature or area* (e.g., does it fill a gap, close in an indent, connect two separate features, etc.);
- b) Consider the most appropriate shape/extent of the enhancement area so that the ecological functions of the nearby *key natural heritage feature*, *key hydrological feature* or *significant natural heritage feature or area* are enhanced;
- c) Consider how the function and spatial extent of the enhancement area can be incorporated into the design and layout of the proposed development, if located within an *urban area or rural settlement area*; and
- d) Make recommendations on minimizing the amount of disturbed area in the enhancement area, where it is currently in a natural state or under agricultural production, if located in the Rural Area designation.

## D9.5 DEVELOPMENT POLICIES - LINKAGE AREAS

In addition to satisfying Section D9.3, if the supporting feature or area is a linkage area shown on **Schedule B-2**, the required environmental evaluation should:

- a) Assess the ecological features and functions of a linkage, including its vegetative, wildlife, and/or landscape features or functions;
- b) Identify appropriate boundaries/widths that permit the movement of wildlife between nearby *key natural heritage features, key hydrological features or significant natural heritage feature or areas*;
- c) Describe the *ecological function* the linkage is intended to provide and identifies how these *ecological functions* can be maintained or enhanced within a *development* proposal;
- d) Assess potential impacts on the linkage as a result of the *development*; and,
- e) Make recommendations on how to protect, enhance, or mitigate impacts on the linkage and its *ecological functions*.

## D10 IMPLEMENTING THE NHA DESIGNATION AND TRANSITION

- a) Local municipalities are required to incorporate the Natural Heritage Area designation in their local Official Plans.
- b) Through the process of implementation, local municipalities may refine the boundaries of features and areas on the basis of updated information and or detailed studies in consultation with the County.
- c) Local municipalities are required to incorporate the Natural Heritage Area designation as determined in the local Official Plan in their Zoning By-laws.
- d) If the Natural Heritage Area designation includes a *vegetation protection zone*, it shall also be zoned in a manner that implements this Plan.
- e) 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 the *Natural Heritage System* can be achieved.

- f) For secondary plans in process, the policies of this Plan shall be taken into account in the work program and final product, to the satisfaction of the County.
- g) Where a site plan pursuant to Section 41 of the Planning Act has been approved, that approval can be implemented in accordance with the provisions of the County Official Plan and the Local Official Plan as they existed when the site plan was approved.
- h) Where lands have been draft approved for development by way of Plan of Subdivision or Plan of Condominium, that approval can be implemented in accordance with the provisions of the County Official Plan and the local Official Plan as they existed when the lands were draft approved and any conditions that were put in place at the time of approval.
- i) If a draft plan approval is proposed to be extended, the County may review the findings and recommendations made in the studies that supported the initial draft plan approval and request that the studies be updated to determine if changes to the layout of the draft plan and/or any of the conditions need to be made before the extension request is granted.
- j) The County encourages the local municipalities to review older existing draft plan approvals to determine if updates are required.
- k) If a draft plan lapses or is withdrawn, any subsequent application shall conform to this Plan.
- l) Where major modifications to a draft plan are proposed, the revised plan shall be designed to reduce impacts on the *Natural Heritage System*.

**Item 31:** Section D (Resource Areas and Constraint Areas), is renumbered and renamed as Section E (Other Resource Areas and Constraint Areas), and all of its remaining sub-sections are renumbered accordingly.

**Item 32:** Section D3 (Cultural Heritage Resources), is renumbered as Section E1 and all subsequent sections are renumbered accordingly.

**Item 33:** Section D4 (Minerals and Petroleum Resources), is renumbered as Section E2 and all subsequent sections are renumbered accordingly.

**Item 34:** Section D5 (Mineral Aggregate Resources), is renumbered as Section E3 and all subsequent sections are renumbered accordingly.

**Item 35:** The new Section E3.2 (Location) (formerly D5.2) is amended by adding “-2” after “**Schedule B**” in a), b) and c).

**Item 36:** The new Section E3.3.2 (Mineral Aggregate Operations) (formerly D5.3.2) is amended by replacing “Section D5.3.3” with “Section E3.3.3” in a).

~~Item 37~~ **Item 37:** A new Section E3.6 (Mineral Aggregate Operations and Wayside Pits and Quarries within the Natural Heritage System for the Growth Plan) is added:

## **E3.6 MINERAL AGGREGATE OPERATIONS AND WAYSIDE PITS AND QUARRIES WITHIN THE NATURAL HERITAGE SYSTEM FOR THE GROWTH PLAN**

### **E3.6.1 Notwithstanding Policy**

Notwithstanding Sections D6.2, D6.4 and D6.6 of this Plan, *mineral aggregate operations* and *wayside pits and quarries* are subject to the following:

- a) No new *mineral aggregate operation* and no new *wayside pits and quarries*, or any ancillary or accessory use thereto, will be permitted in the following *key natural heritage features* and *key hydrologic features*:
  - i) *Significant wetlands*;
  - ii) *Habitat of endangered species and threatened species*; and
  - iii) *Significant woodlands* unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that Sections E3.6.2 b) and c) and E3.6.3 c) have been addressed and that they will be met by the operation;
- b) Any application for a new *mineral aggregate operation* will be required to demonstrate:
  - i) How the connectivity between *key natural heritage features* and *key hydrologic features* will be maintained before, during, and after the extraction of *mineral aggregate resources*;

- ii) How the operator could replace *key natural heritage features* and *key hydrologic features* that would be lost from the site with equivalent features on another part of the site or on adjacent lands;
- iii) How the *water resource system* will be protected or enhanced; and
- iv) How any *key natural heritage features* and *key hydrologic features* and their associated *vegetation protection zones* not identified in Section E3.6.2 a) will be addressed in accordance with Section E3.6.2 b) and c) and E3.6.3 c); and
- c) An application requiring a new approval under the Aggregate Resources Act to expand an existing *mineral aggregate operation* may be permitted in the *Natural Heritage System for the Growth Plan*, including in *key natural heritage features*, *key hydrologic features* and any associated *vegetation protection zones*, only if the related decision is consistent with the Provincial Policy Statement and satisfies the rehabilitation requirements in Sections E3.6.2 and E3.6.3.

### **E3.6.2 REHABILITATION**

For rehabilitation of new *mineral aggregate operation* sites, the following apply:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater *ecological value* and, for the entire site, long-term *ecological integrity* will be maintained or enhanced;
- b) If there are *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of the application:
  - i) The health, diversity, and size of these *key natural heritage features* and *key hydrologic features* will be maintained or enhanced; and
  - ii) Any permitted extraction of *mineral aggregate resources* that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation;
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which will be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of Section E3.6.2; and



d) Outside the *Natural Heritage System for the Growth Plan*, and except as provided in Section E3.6.2 a), b) and c), final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies. In *prime agricultural areas*, the site will be rehabilitated in accordance with Section E3.5.1 of this Plan.

### **E3.6.3 FINAL REHABILITATION**

Final rehabilitation for new *mineral aggregate operations* in the *Natural Heritage System for the Growth Plan* will meet these additional criteria:

- a) Where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the *Natural Heritage System for the Growth Plan*, is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated back to an *agricultural condition*;
- b) Where there is extraction below the water table, no less than 35 percent of the non-aquatic portion of the land subject to each license in the *Natural Heritage System for the Growth Plan* is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated in accordance with Section E3.5.1 of this Plan; and
- c) Rehabilitation will be implemented so that the connectivity of the *key natural heritage features* and the *key hydrologic features* on the site and on adjacent lands will be maintained or enhanced.

### **E3.6.4 DECISIONS ON PLANNING MATTERS TO BE CONSISTENT WITH PROVINCIAL POLICY STATEMENT**

Except as provided by the policies of this subsection, decisions on planning matters must be consistent with the policies in the Provincial Policy Statement that pertain to the management of *mineral aggregate resources*.

### **E3.6.5 APPLICATIONS UNDER THE AGGREGATE RESOURCES ACT HAS BEEN RECEIVED AND DEEMED COMPLETE BY THE PROVINCE AS OF JULY 1, 2017,**

Where an application under the Aggregate Resources Act has been received and deemed complete by the Province as of July 1, 2017, any applications under the Planning Act to permit the making, establishment or operation of the pit or quarry to which the Aggregate Resources Act application relates, if approved, will not be subject to the policies of Section E3.6 of this Plan.

**Item 38:** Section D6 (Natural Hazards), is renumbered as Section E4 and all subsequent sections are renumbered accordingly.

**Item 3839:** The new Section E4.4 (Karst Topography) (formerly D6.4), is amended by adding “-2” after “**Schedule B**”.

**Item 3940:** Section D7 (Human Made Hazards), is renumbered as Section E5 and all subsequent sections are renumbered accordingly.

~~**Item 40:** The new Section E5.3 (Development Adjacent to Known Landfill Sites) (formerly D7.3) is amended by adding “-3” after “**Schedule B**” in a).~~

**Item 41:** The new Section E5.3 (Development Adjacent to Known Landfill Sites) (formerly D7.3) is amended by adding “-3” after “**Schedule B**” in a).

**Item 42:** The new Section E5.3 (Development Adjacent to Known Landfill Sites) (formerly D7.3) is amended by replacing “Section D7.3 c)” with “Section E5.3 c)”.

**Item 4243:** Section D8 (Promoting Sustainable Development), is renumbered as Section E6 and all subsequent sections are renumbered accordingly.

**Item 4344:** Section D9 (Lands Owned by the Provincial and Federal Governments), is renumbered as Section E7.

**Item 4445:** The new Section E7 (Lands Owned by the Provincial and Federal Governments), (formerly D9) is amended by adding “-2” after “**Schedule B**”.

**Item 4546:** Section E (General Development Policies) is renumbered as Section F and all subsequent sections are renumbered accordingly.

**Item 4647:** The new Section F1.5.1 (General Criteria) (formerly E1.5.1) is amended by deleting sub-section I) and renumbering the remaining sections accordingly.

**Item 4748:** The new Section F2.2.7 (Rail Network) (formerly E2.2.7) is amended by replacing “Section E2.4” with “Section F2.4” in c).

**Item 4849:** Section F (Implementation and Administration) is renumbered as Section G and all subsequent sections are renumbered accordingly.

**Item 4950:** The new Section G9.3 (Supplemental Submission Requirements) (formerly F9.3) is amended by adding “/Natural Heritage Evaluation” to the end of b) v) and c) iv).

~~**Item 50:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by replacing “Schedule A” with “Schedule A-1” in a).~~

**Item 51:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by replacing “Schedule A” with “Schedule A-1” in a).

**Item 52:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by deleting b) and replacing it with the following:

- “b) It is recognized that the boundaries of the Natural Heritage Area designation and Supporting Features and Areas designationoverlay 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 designation and Supporting Features and Areas designationoverlay are based on new information and are deemed to be appropriate by the approval authority. Changes to the boundaries of evaluated wetlands and Areas of Natural and Scientific Interest requires the approval of the Provincial ministry with jurisdiction. Changes to the boundaries of *key natural heritage features, key hydrologic features, significant natural heritage features and areas* and individual supporting features and areas shown on **Schedules B-1 and B-2** do not require an Amendment to this Plan. “

**Item 5253:** The new Section G12.2 (Interpretation of Land Use Designation Boundaries) (formerly F12.2) is amended by replacing “Schedule A” with “Schedule A-2” in c) and d).

**Item 5354:** The new Section G12.7 (Definitions) (formerly F12.5) is amended by:

A. I. Amending the Adjacent Lands definition by replacing “Section E2.2.8” with “Section F2.2.8” in a), replacing “Section D1.9.2” with “Section D8.5” in b), replacing “Sections D5.3.3 and D4.3 b)” with “Sections E3.3.3 and E2.3 b)” in c), and replacing “Section D3.5 g)” with “Section E1.5 g)” in d).

B. II. Adding the following definition after the definition for Alternative Energy System:

“**Alvars:** Means naturally open areas of thin or no soil over essentially flat limestone, dolostone, or marble rock, supporting a sparse vegetation cover of mostly shrubs and herbs.”

C. III. Amending the Comprehensive Review definition by replacing “D2.4” with “C5.4” in 5.

D. IV. Adding the following definition after the definition of Conserved:

**Cultural and regenerating woodland:** Means woodlands where the ecological functions of the site are substantially compromised as a result of prior land use activity and would be difficult to restore and/or manage as a native woodland and which provide limited ecological function and ecosystem services. A woodland or portion thereof is considered a cultural and regenerating woodland if all of the following are met:

- a) The woodland is less than 2 ha in size;
- b) The removal of a portion of woodland will not result in a negative impact to the ecological functions of the remaining portion;
- c) There are no other important ecological functions that the woodland provides (e.g., critical function zone for wetlands, etc.);
- d) The woodland or part therefore is not identified as another component of the Natural Heritage System (e.g., significant wildlife habitat, linkage,

enhancement area, buffer);

- e) The canopy is dominated by invasive, non-native species including, but not limited to: Norway Maple, Manitoba Maple, Siberian Elm, Scots Pine, European Buckthorn, White Mulberry, Tree-of-heaven, Apple, Black Locust and White Poplar, or any combination thereof;
- f) The area was not treed approximately 50 years ago as determined through air photo interpretation or other suitable techniques;
- g) The soil is deemed to preclude the development of a native woodland; for example: soil that is not native woodland soil or is degraded, soil that is compacted, the top soil has been removed, soil displaying substantial erosion from over-use and/or the woodland is regenerating on fill or spoil that was introduced to the site;
- h) There is limited ability to maintain or restore self-sustaining ecological functions typical of native woodlands; and
- i) The woodland provides limited social values (e.g., does not contain sanctioned trails, nor currently provides organized research or educational opportunities).

Woodlands (including plantations) established and/or managed for the purpose of restoring a native tree community (e.g., naturalization or restoration projects) would still qualify as significant woodland.

E. Adding the following definitions after the definition for Ecological Function:

**“Ecological integrity:** Which includes hydrological integrity, means the condition of ecosystems in which:

- a) The structure, composition and function of the ecosystems are unimpaired by the stresses from human activity;
- b) Natural ecological processes are intact and self-sustaining; and
- c) The ecosystems evolve naturally.

**Ecological value:** means the value of vegetation in maintaining the health of the *key natural heritage feature or key hydrologic feature* and the related ecological features and *ecological functions*, as measured by factors such as the diversity of species, the

diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species.

F. ~~V.~~ Amending the Institutional Use definition by replacing “Section D7.5” with “Section E5.5”.

G. ~~VI.~~ Adding the following definitions after the definition for Intensification:

**“Intermittent streams:** means stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year.

**Key hydrologic areas:** means *significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas* that are necessary for the ecological and hydrologic integrity of a *watershed*.

**Key hydrologic features:** means permanent streams, *intermittent streams*, inland lakes and their littoral zones, *seepage areas and springs*, and *wetlands*.

**Key natural heritage features:** means *habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.*”

H. ~~VII.~~ Adding the following definition after the definition for Legal or Technical Reasons:

**“Life Science Areas of Natural and Scientific Interest:** means an area that has been identified as having life science values related to protection, scientific study, or education; and further identified by the Ministry of Natural Resources and Forestry using evaluation procedures established by that Ministry, as amended from time to time.”

I. ~~VIII.~~ Deleting the definition for 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 *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.”

J. ~~IX.~~ Adding the following definitions after the definition for Natural Heritage System:

**“Natural Heritage System for the Growth Plan:** means the *natural heritage system* mapped and issued by the Province in accordance with the Growth Plan.

**Natural self-sustaining vegetation:** means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.”

K. ~~X.~~ Amending the definition for Negative Impacts by adding “potential risks to human health and safety and” after “Section B14 of this Plan,” in a), and replacing “Section D2.1 b)” with “Section C5.1 b)” and adding “and *key hydrologic features*” after “*sensitive ground water features*,” in b).

L. ~~XI.~~ Amending the definition for Provincial and Federal Requirements by deleting a) and renumbering the subsequent points accordingly and replacing “Section D1.5” with “Section D8.4” in the new a) and b).

M. ~~XII.~~ Adding the following definitions after the definition for Rural Settlement Areas:

**“Sand barren:** means land (not including land that is being used for agricultural purposes or no longer exhibits *sand barren* characteristics) that:

- a) Has sparse or patchy vegetation that is dominated by plants that are:
  - i) Adapted to severe drought and low nutrient levels; and

- ii) Maintained by severe environmental limitations such as drought, low nutrient levels, and periodic disturbances such as fire;
- b) Has less than 25 per cent tree cover;
- c) Has sandy soils (other than shorelines) exposed by natural erosion, depositional process, or both; and
- d) Has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Savannah:** Means land (not including land that is being used for agricultural purposes or no longer exhibits *savannah* characteristics) that:

- a) Has vegetation with a significant component of non-woody plants, including *tallgrass prairie* species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) Has from 25 per cent to 60 per cent tree cover;
- c) Has mineral soils; and
- d) Has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Seepage Areas and Springs:** Means sites of emergence of groundwater where the water table is present at the ground surface.

N. XIII. Deleting the definition for 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 by the Province;
- 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 established by the Province;



- c) In regard to *wildlife habitat*, 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*. These are to be identified using criteria established by the Province
- d) In regard to *valleylands*, 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*. These are to be identified using criteria established by the Province;
- e) 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*;
- f) In regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- g) In regard to cultural heritage and archaeology, 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.

Criteria for determining significance for the resources identified in sections (e)-(f) are recommended by the Province, 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.”

O. XIV. Adding the following definitions after the definition for Surface Water Feature:

**“Tallgrass prairie:** means land (not including land that is being used for agricultural purposes or no longer exhibits *tallgrass prairie* characteristics) that:

- a) Has vegetation dominated by non-woody plants, including *tallgrass prairie* species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) Has less than 25 per cent tree cover;

- c) Has mineral soils; and
- d) Has been further identified, by the Minister of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Total developable area:** means the total area of the property less the area occupied by *key natural heritage features*, *key hydrologic features* and any related *vegetation protection zone*.”

P. XV. Adding the following definition after the definition ~~for~~ Valleylands:

“**Vegetation protection zone:** means a vegetated buffer area surrounding a *key natural heritage feature* or *key hydrologic feature*.”

Q. XVI. Adding the following definition after the definition of Watershed:

**Water Resource System:** means a system consisting of *ground water features* and *areas* and *surface water features* (including *shoreline areas*), and *hydrologic functions*, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The *water resource system* will comprise *key hydrologic features* and *key hydrologic areas*.

R. Amending the definition for Wetlands by adding the following to the end of the definition:

“*Wetlands* are further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.”.

S. Adding the following definition after the definition of Woodlands:

**Woodland enhancement plan:** means a study that is carried out when a proponent proposes to remove a *woodland* or portion of a *woodland*, including *cultural and regenerating woodlands* where the purpose of the *woodland* enhancement is to increase *woodland* cover in the County as part of a longer term perspective. The *woodland enhancement plan* must be prepared to the satisfaction of the approval authority, in consultation with other agencies. As part of requirement for a *woodland*

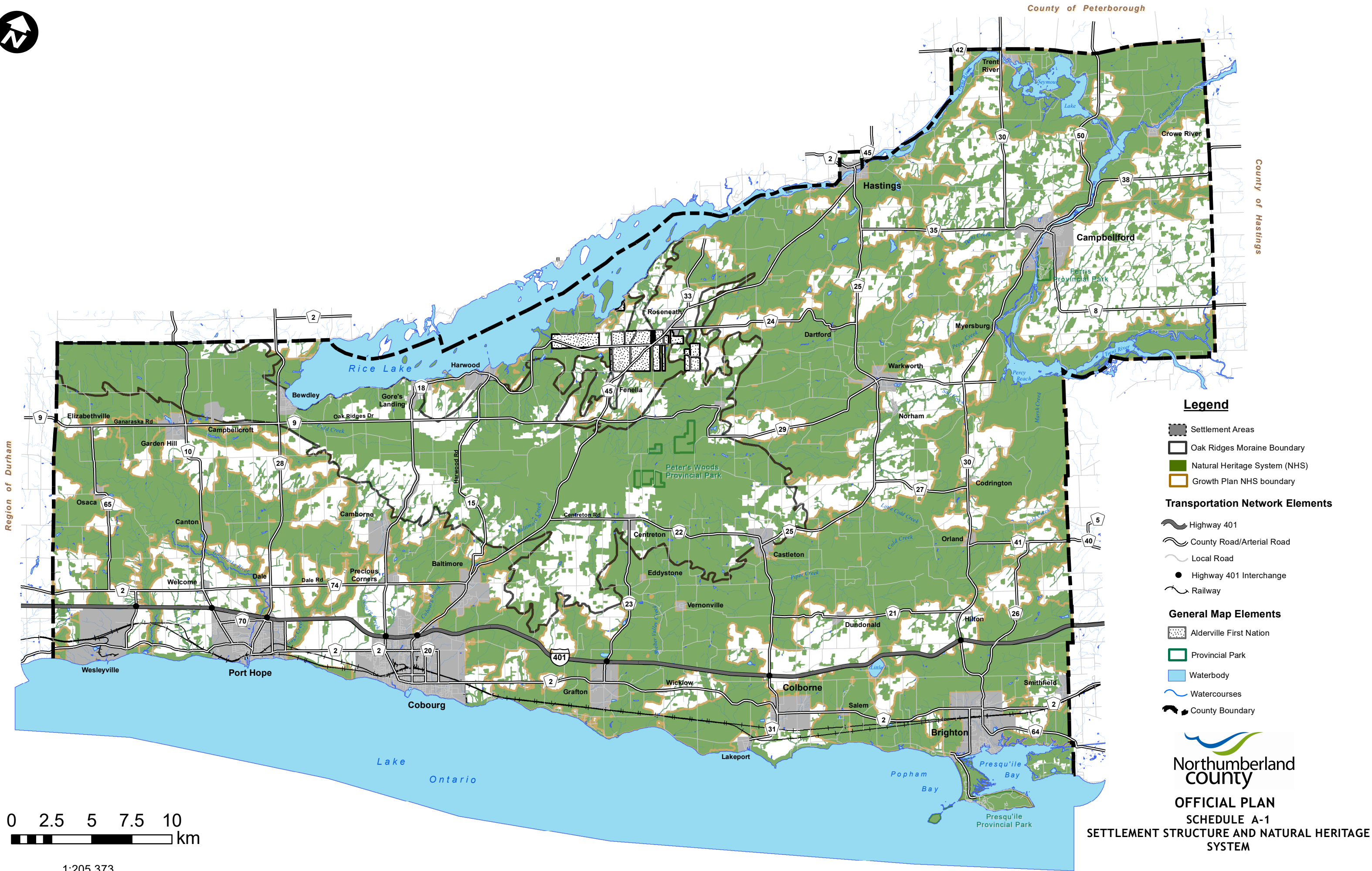
enhancement plan the following should be taken into consideration:

- a) If the removal occurs within a *settlement area* that the enhancement also be provided in the *settlement area*;
- b) If the removal occurs within a developed shoreline areas that was designated and zoned for concentrations of such development as of July 1, 2017 that the enhancement also be provided in the same general area;
- c) That the enhancement be in the form of a *woodland* and not just the planting of individual trees, i.e., street planting or ornamental tree planting in a park setting is not considered *woodland* enhancement;
- d) The goal of the *woodland* enhancement is it so create a native *woodland* of equal or greater size;
- e) Landscape ecology principles including size, patch shape, connectivity, edge to area ratio should be considered;
- f) Responsibilities will be determined for who will undertake the restoration of the woodland and the schedule for implementing the plan;
- g) The *woodland enhancement plan* includes a program for the long-term maintenance and management of the restoration woodland until such time as it is deemed to be self-sufficient or when a public agency assumes responsibility for it; and,
- h) The plan includes a monitoring plan and periodic reporting to determine if the *woodland* is progressing toward the approved goal(s) and objectives of the plan."

**Item 5455:** Schedule A (Land Use) is replaced by a new Schedules A-1 and A-2 (attached to this amendment as Schedules A-1 and A-2).

**Item 5556:** Schedules B-1 and B-2 are added to the Plan (attached to this amendment as Schedules B-1 and B-2).

**Item 5657:** Schedule B3B (Resource Areas, Constraint Areas and Waste Management) is re-named as Schedule B-3.



### Legend

- Settlement Areas
- Oak Ridges Moraine Boundary
- Natural Heritage System (NHS)
- Growth Plan NHS boundary

### Transportation Network Elements

- Highway 401
- County Road/Arterial Road
- Local Road
- Highway 401 Interchange
- Railway

### General Map Elements

- Alderville First Nation
- Provincial Park
- Waterbody
- Watercourses
- County Boundary



Northumberland  
county

OFFICIAL PLAN

SCHEDULE A-1

SETTLEMENT STRUCTURE AND NATURAL HERITAGE  
SYSTEM

0 2.5 5 7.5 10  
km

1:205,373

11/5/2020





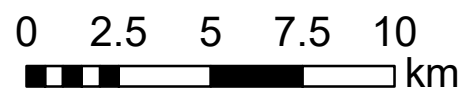
Region of Durham

County of Peterborough

County of Hastings

City of Quinte West

Lake Ontario



1:205,373

### Legend

#### Land Use Designations

- Urban Area
- Rural Settlement Area
- Major Employment Area (Preferred Location)
- Natural Heritage Area (NHA)
- Oak Ridges Moraine-Countryside
- Agricultural Area
- Rural Area

#### Transportation Network Elements

- Highway 401
- County Road/Arterial Road
- Local Road
- Highway 401 Interchange
- Railway

#### General Map Elements

- Alderville First Nation
- Built Boundary
- Provincial Park
- Waterbody
- Watercourses





County of Peterborough

County of Hastings

Region of Durham

City of Quinte West

Lake Ontario



1:208,483

**Legend**

**Natural Heritage Area (NHA)**

- NHA-Growth Plan
- NHA-PPS
- NHA-ORM Core
- NHA-ORM Linkage
- NHA-ORM Countryside

**Transportation Network Elements**

- Highway 401
- County Road/Arterial Road
- Local Road
- Highway 401 Interchange
- Railway

**General Map Elements**

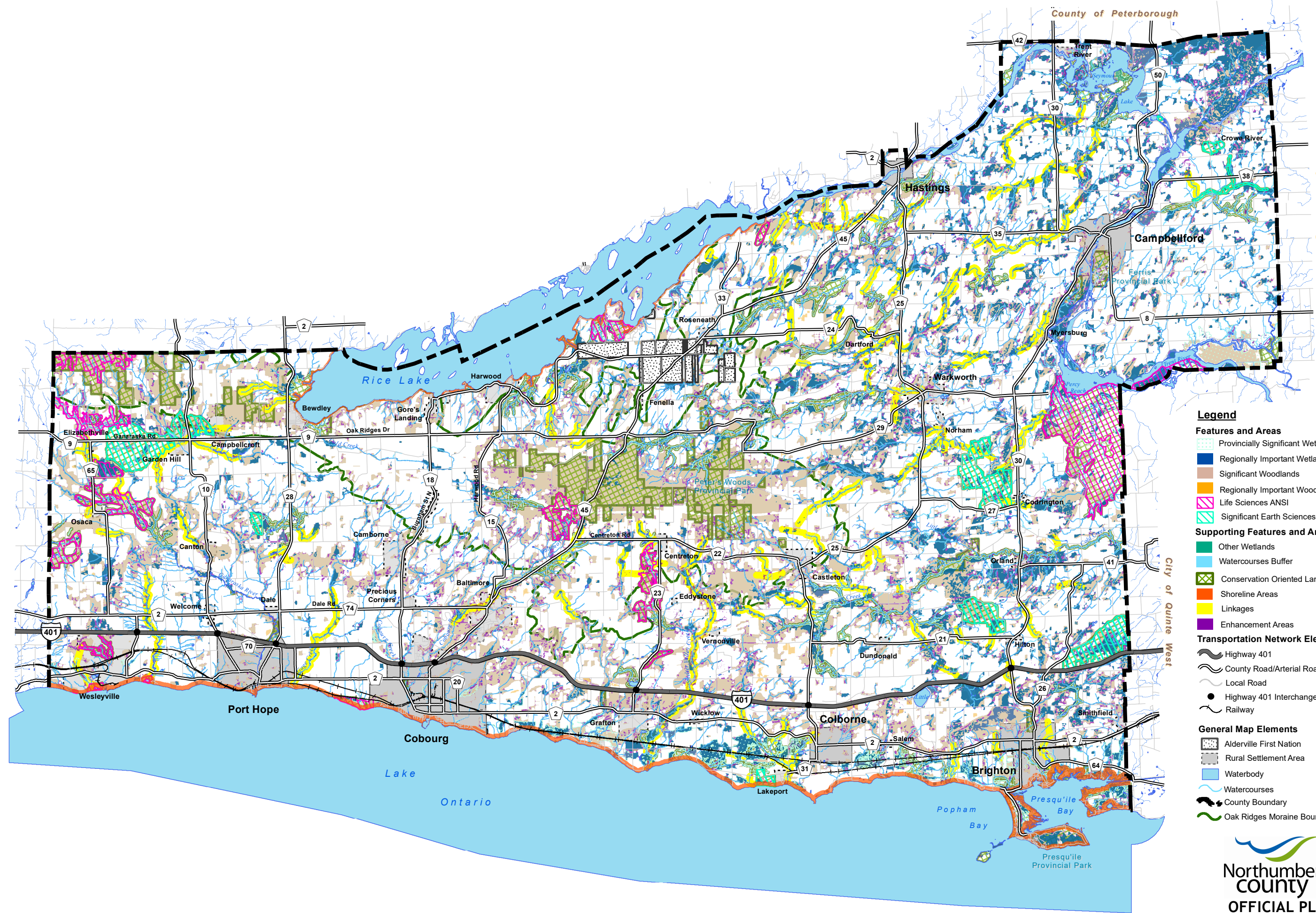
- Alderville First Nation
- Settlement Areas
- Waterbody
- Watercourses
- Oak Ridges Moraine Boundary
- County Boundary



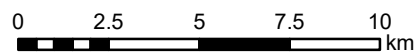
**OFFICIAL PLAN**

**SCHEDULE B-1  
NATURAL HERITAGE AREA COMPONENTS**





- Legend**
- Features and Areas**
- Provincially Significant Wetlands and Coastal Wetlands
  - Regionally Important Wetlands
  - Significant Woodlands
  - Regionally Important Woodlands
  - Life Sciences ANSI
  - Significant Earth Sciences ANSI
- Supporting Features and Areas**
- Other Wetlands
  - Watercourses Buffer
  - Conservation Oriented Lands
  - Shoreline Areas
  - Linkages
  - Enhancement Areas
- Transportation Network Elements**
- Highway 401
  - County Road/Arterial Road
  - Local Road
  - Highway 401 Interchange
  - Railway
- General Map Elements**
- Alderville First Nation
  - Rural Settlement Area
  - Waterbody
  - Watercourses
  - County Boundary
  - Oak Ridges Moraine Boundary



1:208,838





**Notes:**

1. For additional detail, this Schedule should be read in conjunction with the other Schedules of this Plan.
2. Only select local roads have been shown for information purposes.
3. Based on information from Aggregate Resource Inventory Papers 142, 143 & 158. Resources within Urban Areas, Rural Settlement Areas and Provincially Significant Wetlands are not shown.
4. Based on information from Ontario Geological Survey Karst Study for Southern Ontario (Issued 2008).

