

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: County of Simcoe
Appellant: Midhurst Development Doran Road Inc. and Carson Road Development Inc.
Appellant: Midhurst Rose Alliance Inc.
Appellant: Township of Springwater and others
Subject: Failure to announce a decision respecting the Official Plan for the County of Simcoe
Municipality: County of Simcoe
OMB Case No.: PL091167
OMB File No.: PL091167
OMB Case Name: Fellman v. Simcoe (County)

WRITTEN MOTION RECORD
(PHASE 4a #3 – GREENLANDS AND RESOURCE CONSERVATION)

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Barristers and Solicitors
Suite 3100, 390 Bay Street
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Lawyers for the Corporation
of the County of Simcoe

TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B"
WITH A COPY TO ALL PARTICIPANTS LISTED IN ATTACHMENT "C"

AND TO: **ONTARIO MUNICIPAL BOARD**
655 Bay Street, 15th Floor
Toronto, Ontario, M5G 1E5

Attention: Johnpaul Loiacono, Planner
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ATTACHMENT A"

For Appellant Parties

| | |
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ATTACHMENT "C"

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And Others
Subject: Failure to announce a decision respecting the Official
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I N D E X

(PHASE 4a #3 – GREENLANDS AND RESOURCE CONSERVATION)

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| Affidavit of Kathy Suggitt, sworn April 13, 2016 | 4 |

Ontario Municipal Board
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NOTICE OF WRITTEN MOTION
(PHASE 4a #3 – GREENLANDS AND RESOURCE CONSERVATION)

THE CORPORATION OF THE COUNTY OF SIMCOE is making the within Written Motion to the Ontario Municipal Board under Rule 36 of the Board's Rules of Practice and Procedure pursuant to permission granted in the Order of the Board issued August 31, 2015. Any Notice of Written Response by Parties to this proceeding must be served by **Monday, April 25, 2016** and the County may thereafter serve a Written Reply by **Thursday, April 28, 2016**.

THE MOTION IS FOR AN ORDER:

- (a) allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 4a dealing with Greenlands and Resource Conservation as set out in paragraph 53 of the Affidavit of Kathy Suggitt, sworn

April 13, 2016 and as shown in Exhibit "B" to the Affidavit;
and

- (b) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) the experts for parties registered for involvement in Phase 4a Greenlands and Resource Conservation of the hearing met and supported or did not oppose or had no opinion on certain policies and modified policies resolving concerns for various matters to be considered in the Phase 4a hearing;
- (b) the experts produced an Experts' Report dated April 5, 2016 setting out certain Phase 4a policies to be approved or modified and approved;
- (c) the policies and modified policies provide a suitable and appropriate policy framework for implementation of the Growth Plan;
- (d) the policies and modified policies are consistent with the PPS 2014, conform with relevant Provincial policy and represent good planning;
- (e) approval as sought would resolve appeals and concerns of certain parties;
- (f) relief under Rule 36 to hold the motion in writing was granted by the Board in its Order issued August 31, 2015 and the scheduled dates for Responses and Replies were secured from the Board's caseworker;
- (g) such further and other grounds as counsel may advise and this Board may deem necessary; and
- (h) *Planning Act*, R.S.O. 1990, c. P.13, as amended, ss. 17(40), 17(45), 17(50).

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at
the hearing of the motion:

- (a) the Affidavit of Kathy Suggitt, sworn April 13, 2016, and the Exhibits attached thereto;

- (b) Report of Meetings of Expert Witnesses on Phase 4a contained in the said Affidavit as Exhibit "A";
- (c) the pleadings, proceedings and exhibits filed herein;
- (d) such further and other material as counsel may advise and this Board may permit.

APRIL 13, 2016

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AFFIDAVIT OF KATHY SUGGITT, MCIP, RPP

Phase 4a #3 – Greenlands and Resource Conservation

I, KATHY SUGGITT, MCIP, RPP, of the City of Barrie, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Manager of Policy Planning in the Planning Department at the County of Simcoe (the "County"). As such, I have knowledge of the matters deposed to herein.
2. I am a Full Member of the Canadian Institute of Planners and a Registered Professional Planner in the Province of Ontario. I have over 25 years of experience in private and public sector planning. A copy of my Curriculum Vitae has previously been filed in these proceedings as attachment A to Motion Record Exhibit 7.
3. I have been directly involved in matters respecting the County's updated Official Plan at all stages of the process since August 2008 leading to its adoption by the County on November 25, 2008 through to the endorsement of the proposed modified Plan by County Council on January 22, 2013 and to the present including OMB proceedings to date.

Greenlands and Resource Conservation Policies Under Appeal – Phase 4a

4. By way of written Orders dated February 19, 2016 and March 10, 2016 the Board has approved certain policies and definitions that were part of Phase 4a of the hearing. The policies that remain under appeal as part of Phase 4a are as follows: 3.3.15, 3.3.16, 3.8 Intro, 3.8.2, 3.8.3, 3.8.4, 3.8.7, 3.8.9, 3.8.10, 3.8.11, 3.8.12, 3.8.13, 3.8.14, 3.8.15, 3.8.16, 3.8.18, 3.8.19, 3.8.20, 3.8.21, 3.8.22, 3.8.23, 4.5.3, 4.5.7, 4.5.8, 4.5.23, 4.5.26, 4.5.27, 4.5.28, 4.5.31, 4.5.35, 4.5.37, 4.5.39, 4.5.40 and 4.5.41 and the definitions of *Adjacent Lands*, *Significant* and *Significant Woodlands*. Appendices 1 and 4 also remain under appeal as part of Phase 4a. Map Schedule 5.2.2 also remains under appeal.
5. The expert witnesses for the parties registered with issues on the remaining policies and definitions in this phase of the hearing met on February 25, 2016 to try to resolve the issues and/or reduce the number of issues. Agreement amongst the experts was arrived at which addresses all remaining issues on a general basis. An Experts' Report dated April 5, 2016 was provided to the County solicitor, who has circulated the report to the Board and to all parties and participants. Attached as **Exhibit "A"** is a copy of the Experts' Report dated April 5, 2016.

Policies and Definitions with No Modifications

6. As reflected in **Exhibit "A"**, the experts have reached agreement on some of the remaining policies under appeal based on the adopted wording, with no modifications. The **Attachment** to the Experts' Report contains the policies. The experts either support or do not oppose/have no opinion on the following policies, as adopted, with no modifications: Greenlands Intro, 3.8.4, adopted 3.8.22 (which will be renumbered to 3.8.24 given other proposed modifications), 4.5.8 and 4.5.39.

Proposed Modifications

7. The experts involved in the discussions reached agreement on some of the policies under appeal based on proposed modifications. The experts either support or do not oppose/have no opinion on the proposed modifications. The **Attachment** to the Experts' Report in **Exhibit "A"** reflects the following policies as proposed to be modified: modify 3.3.15, add a new 3.3.16, delete adopted 3.3.16 and replace it numbered as 3.3.17, modify 3.8.2, modify 3.8.3, modify 3.8.7, modify 3.8.9, modify 3.8.10, modify 3.8.11, adopted 3.8.12 is proposed to be split into three policies as 3.8.12, 3.8.13 and 3.8.14, adopted 3.8.13 is renumbered as 3.8.15 and modified, adopted 3.8.14 is renumbered as 3.8.16 and modified, adopted 3.8.15 is renumbered as 3.8.17 and modified, add a new policy 3.8.18, delete adopted 3.8.16 and replace as renumbered 3.8.20, delete adopted 3.8.18 and replace as renumbered 3.8.21, delete adopted 3.8.19, adopted 3.8.20 is renumbered as 3.8.22 and modified, adopted 3.8.21 is renumbered as 3.8.23 and modified, delete adopted 3.8.23, modify 4.5.3, delete adopted 4.5.7 and replace, adopted 4.5.23 is renumbered as 4.5.24 and modified, adopted 4.5.26 is renumbered as 4.5.27 and

modified, delete adopted 4.5.27, modify 4.5.28, delete adopted 4.5.31, modify 4.5.35, delete adopted 4.5.37, modify 4.5.40, and modify 4.5.41.

8. The experts involved in the discussions reached agreement on the definitions under appeal based on proposed modifications. The experts either support or do not oppose/have no opinion on the proposed modifications. The Attachment to the Experts' Report in **Exhibit "A"** reflects the following definitions as proposed to be modified: *Adjacent Lands*, *Significant* and *Significant Woodlands*.
9. Early in this proceeding I concluded that a policy direction, if found in an appendix, was more appropriately included in the Official Plan as policy. Therefore the appendices were determined to be redundant and should be removed from the Official Plan during each appropriate Phase of the hearing. As such I proposed and the experts have agreed or do not oppose/have no opinion that Appendices 1 and 4 be deleted from the Plan as part of Phase 4a.
10. Adopted map Schedule 5.2.2 was also under appeal and considered part of Phase 4a. Clarification on the data source and interpretation has resulted in there being no further issue with the Schedule and as such the Schedule is proposed to be approved as adopted.
11. Several of the proposed modifications are considered necessary to ensure the policies and definitions are consistent with the Provincial Policy Statement, 2014 (the "PPS, 2014").
12. The proposed modifications to policy 3.3.15 provide clarity in distinguishing between provincially significant natural heritage features and areas and others that may be identified as a local or regional level of significance. Furthermore, the policy is proposed to be modified to include the information on adjacency parameters given adjacent lands are referred to in the PPS, 2014 policies as they relate to the features and areas. The policy is contained in the General Development section of the Official Plan as the provisions are applicable across the County regardless of the land use designation.
13. A new policy 3.3.16 is proposed to be added to the General Development section to address the linkages and connections between natural heritage features and areas. The policy concept of linkages was included in the adopted policy 3.3.15, however, it was determined that it required further description and direction to ensure the local municipal official plans can more accurately consider these features especially in the context of planning applications.
14. Adopted policy 3.3.16 is proposed to be deleted and replaced and is renumbered as 3.3.17. The wording is an encouragement policy to put areas of environmental constraint into a single ownership where appropriate rather than an absolute requirement to do so.

15. The Introduction paragraph to Section 3.8 Greenlands and objective 3.8.4 are proposed to be approved without any modifications.
16. Objectives 3.8.2, 3.8.3 and 3.8.7 are proposed to be modified to clarify the purpose of the County's Greenlands designation and to propose overall direction for its protection.
17. Policy 3.8.9 is proposed to be modified to clarify that natural heritage within the County includes the County's Greenlands designation and the local natural heritage systems that may identify features and areas in addition to that of the County's Greenlands.
18. Policy 3.8.10 is proposed to be modified to be consistent with the PPS, 2014 as well as reference the new linkage policy of 3.3.16 and to clarify that the County's natural heritage system is generally identified as the Greenlands designation on map Schedule 5.1.
19. Policy 3.8.11 is proposed to be modified to clarify that the mapping of the Greenlands designation is approximate and any minor adjustment as determined through appropriate means will not require an amendment to the County Plan. The policy is further modified to ensure that all natural heritage features and areas that may be found outside to the Greenlands designation are protected in accordance with the appropriate policies, as described in paragraph 12 above, and to cross reference other policies that are used when a settlement area expansion is being considered.
20. Adopted policy 3.8.12 was a very complex policy and is proposed to be split apart into three separate policies for ease of interpretation and implementation. The modifications result in policy 3.8.12 being one sentence, directing that the local municipal official plans shall contain policies and mapping that implement the County's Greenlands and natural heritage policies.
21. Proposed 3.8.13 originates from adopted 3.8.12 as proposed to be split apart as described in paragraph 20. The policy clarifies that local official plans may contain policies and mapping that implement local natural heritage systems identifying local natural heritage features and areas in addition to the County's natural heritage system. The policy further requires that the local official plans establish criteria for evaluating development and site alteration applications within the identified local natural heritage features and areas. The policy also clarifies the importance of making as much of the mineral aggregate resources available as close to market as possible in accordance with the PPS, 2014. It also ensures that local official plans allow for consideration of new or expanded mineral aggregate operations demonstrating that impacts on local features and areas are minimized.
22. Proposed policy 3.8.14 is a further part of the original adopted 3.8.12. It also provides direction to local official plans with respect to significant woodlands in

accordance with the modified definition of significant woodlands. The policy clarifies that local official plans shall determine criteria for significant woodlands within settlement areas and provides guidance for determining significance outside of settlement areas based on criteria established by the Ministry of Natural Resources and Forestry.

23. Adopted policy 3.8.13 is renumbered as 3.8.15 and modified to clarify the permitted uses in the Greenlands designation outside of settlement areas.
24. Adopted policy 3.8.14 is renumbered as 3.8.16 and modified to clarify that legally existing uses within the Greenlands will be recognized and can continue in accordance with the appropriate policies which address the list of natural heritage features and areas and their levels of protection.
25. Adopted policy 3.8.15 is renumbered as 3.8.17 and modified to clarify that lands within settlement areas are designated as Settlement designation in the County Plan, but that local official plans are required to identify and map natural heritage features and areas and provide policy direction in accordance with the appropriate policies of the County Plan which are consistent with the PPS, 2014 for their levels of protection of natural features and areas. The policy further states that local official plans may also map other natural heritage systems of a local and regional significance and provide policy direction related to those within settlement areas.
26. A new policy 3.8.18 is proposed which addresses proposed expansions to settlement areas within the Greenlands designation. Where the PPS, 2014 requires consideration of expansion in the most appropriate direction, the policy clarifies that if there is no Rural designation available as a reasonable direction, the policies of 3.3.15i) and ii) will be used.
27. Adopted policy 3.8.16 is proposed to be replaced and renumbered as 3.8.20. The new policy stems from the final paragraph of adopted policy 3.8.11, which it was determined should be a stand-alone policy addressing pre-consultation and the determination of the need for an Environmental Impact Statement or not.
28. Adopted policy 3.8.18 is proposed to be deleted and replaced and is renumbered as 3.8.21. The new policy clarifies what measures may be considered to provide more detailed mapping or information at the time of a planning application to help determine the more precise boundaries of the Greenlands designation. The policy further describes when a minor adjustment to the boundary may be allowed or when a re-designation would require an amendment to the Plan.
29. Adopted policy 3.8.19 is proposed to be deleted since the policy is now covered through other modifications proposed and incorporated elsewhere.

- 30. Adopted policy 3.8.20 is renumbered as 3.8.22 and modified to clarify what other policies both in the County Plan and local official plans must be considered when a re-designation from Greenlands to another designation is proposed.
- 31. Adopted policy 3.8.21 is renumbered as 3.8.22 and modified to remove the cross reference to another policy which is no longer appropriate.
- 32. Adopted policy 3.8.22 is renumbered as 3.8.24 and no modifications are proposed.
- 33. Adopted policy 3.8.23 is proposed to be deleted as it is now contained in modified policy 3.8.21, described above in paragraph 28.
- 34. Approved policy 3.8.24 would get renumbered as 3.8.25 as a consequence of the other changes to policies noted above.
- 35. Adopted policy 4.5.7 is proposed to be deleted and replaced with a policy from the PPS, 2014 that was not previously dealt with in the adopted Plan dealing with stormwater management practices and the need to control flows and minimize flow rates.
- 36. Adopted policy 4.5.8 is proposed to be approved with no modifications.
- 37. Adopted policy 4.5.23 is renumbered as 4.5.24 and proposed to be modified and simplified to clarify that for the portions of the County that are under the jurisdiction of a conservation authority, development and site alteration activities are regulated under the Conservation Authorities Act except activities that are exempt in accordance with that Act.
- 38. Adopted policy 4.5.26 is renumbered as 4.5.27 and proposed to be modified to clarify access to the shoreline or opportunities to put the shoreline into public ownership may be obtained where appropriate as well as corridors to link the shoreline with upland areas.
- 39. Adopted policy 4.5.27 is proposed to be deleted and combined with policy 4.5.28 below.
- 40. Adopted policy 4.5.28 is proposed to be modified incorporating aspects of the deleted policy above as that policy was a description of the shoreline and the modifications address what must be considered when proposals for development along the shoreline are made. Aspects of PPS, 2014 consistency were also dealt with in the proposed modifications.
- 41. Adopted policy 4.5.31 is proposed to be deleted as the policy is addressed in the proposed modifications to policy 4.5.28 above.

42. Adopted policy 4.5.35 is proposed to be modified to clarify that significant woodlands shall be subject to policies of 3.3.15 and 3.8 of this Plan.
43. Adopted policy 4.5.37 is proposed to be deleted as the original concept of the policy is now dealt with in other policies as modified.
44. Adopted policy 4.5.39 is proposed to be approved without any modifications.
45. Adopted policy 4.5.40 is proposed to be modified to encourage re-vegetation along the shoreline within any required setback.
46. Adopted policy 4.5.41 is proposed to be modified to clarify the applicability to regionally significant landforms.
47. The definition of Adjacent Lands is proposed to be modified in keeping with the PPS, 2014 and to refer to the appropriate policy for determining the general extent of adjacent lands to natural features and areas.
48. The definition of Significant is proposed to be modified to be consistent with the PPS, 2014.
49. The definition of Significant Woodlands is proposed to be modified to address PPS, 2014 consistency and to further describe the direction to the local municipalities in using criteria for determining if a woodlot is a significant woodland within a settlement area and outside of settlement areas in accordance with criteria established by the Ontario Ministry of Natural Resources and Forestry.

Summary Opinion

50. The Experts' Report dated April 5, 2016, attached as **Exhibit "A"** herein accurately reflects the agreement amongst the expert witnesses based on the experts' meeting discussions.
51. It is my professional planning opinion that the adopted policies listed in paragraph 6 and the proposed modifications to the policies and definitions listed in paragraphs 7 and 8 and the proposed deletion of Appendices 1 and 4 described in paragraph 9 and the approval of map Schedule 5.2.2 as adopted described in paragraph 10, all explained above, and all contained in the Attachment to the Experts Reports attached as **Exhibit "A"**, accurately reflects the agreement reached by the experts involved in the remaining Phase 4a issues of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the adopted policies, map and definitions or any proposed modifications.
52. The policies and definitions addressed in this Affidavit in support of the motion seeking approval of this set of the Phase 4a policies and definitions including the

proposed modifications bring the policies and definitions into conformity with relevant Provincial policy. The modifications are consistent with the Provincial Policy Statement, 2014, conform with the Growth Plan and represent good planning.

53. I make this Affidavit in support of the County's request for an order of the Board to allow the appeal in part of the Official Plan and to approve certain policies and map Schedule 5.2.2 as adopted, to approve certain new policies, and to modify and approve certain policies and definitions, all as detailed in the Attachment to **Exhibit "A"** as follows:

- a. To approve map Schedule 5.2.2 as adopted;
- b. To approve the Greenlands Intro as adopted;
- c. To approve 3.8.4 as adopted;
- d. To approve adopted 3.8.22, renumbered as 3.8.24;
- e. To approve 4.5.8 as adopted;
- f. To approve 4.5.39 as adopted;
- g. To modify and approve 3.3.15;
- h. To add a new policy 3.3.16 and approve;
- i. To delete adopted 3.3.16, and replace, renumbered as 3.3.17 and approve;
- j. To modify and approve 3.8.2;
- k. To modify and approve 3.8.3;
- l. To modify and approve 3.8.7;
- m. To modify and approve 3.8.9;
- n. To modify and approve 3.8.10;
- o. To modify and approve 3.8.11;
- p. To modify adopted 3.8.12 by splitting it into three modified policies numbered as 3.8.12, 3.8.13 and 3.8.14 and approve all;
- q. To modify adopted 3.8.13, renumbered as 3.8.15 and approve;
- r. To modify adopted 3.8.14, renumbered as 3.8.16 and approve;
- s. To modify adopted 3.8.15, renumbered as 3.8.17 and approve;
- t. To add a new policy 3.8.18 and approve;
- u. To delete adopted 3.8.16 and replace, renumbered as 3.8.20 and approve;
- v. To delete adopted 3.8.18 and replace, renumbered as 3.8.21 and approve;
- w. To delete adopted 3.8.19;
- x. To modify adopted 3.8.20, renumbered as 3.8.22 and approve;
- y. To modify adopted 3.8.21, renumbered as 3.8.23 and approve;
- z. To delete adopted 3.8.23;
- aa. To modify and approve 4.5.3;
- bb. To delete adopted 4.5.7 and replace and approve;
- cc. To modify adopted 4.5.23, renumbered as 4.5.24 and approve;
- dd. To modify adopted 4.5.26, renumbered as 4.5.27 and approve;
- ee. To delete adopted 4.5.27;
- ff. To modify and approve adopted 4.5.28;

- gg. To delete adopted 4.5.31;
- hh. To modify and approve adopted 4.5.35
- ii. To delete adopted 4.5.37;
- jj. To modify and approve adopted 4.5.40;
- kk. To modify and approve adopted 4.5.41;
- ll. To modify and approve the Definitions of *Adjacent Lands, Significant and Significant Woodlands*; and
- mm. To delete Appendices 1 and 4.

54. Attached as **Exhibit "B"** is a clean copy of the untracked policies and definitions now sought for approval as described above in paragraph 53.

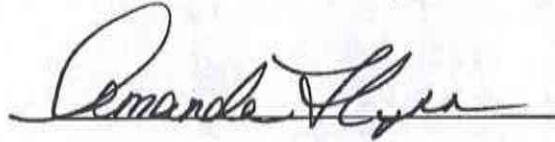
SWORN BEFORE ME)
 at the Township of Springwater)
 in the County of Simcoe)
 this 13th day of April, 2016.)


 Commissioner for Taking Oaths, etc.

Amanda Flynn, Deputy Clerk
 A Commissioner for the
 Corporation of the
 County of Simcoe


 KATHY SUGGITT

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS
13th DAY OF APRIL, 2016.

A handwritten signature in black ink, appearing to read "Amanda Flynn", written over a horizontal line.

A Commissioner, etc.

Amanda Flynn, Deputy Clerk
A Commissioner for the
Corporation of the
County of Simcoe

OMB File No: PL091167

County of Simcoe Official Plan

Experts' Report on Phase 4a (Greenlands and Resource Conservation)

Dated April 5, 2016

Expert Planning Witnesses for Registered Parties with Issues on remaining Phase 4a policies:

- David Butler – Crestwood Park Holdings (Appellant Party 43)
- Brian Zeman – OSSGA and others (Parties J1-J6)
- Brian Goodreid – Narinder Mann (Party 17)
- Andria Leigh – Township of Oro-Medonte (Party W)
- Darryl Lyons – Ministry of Municipal Affairs and Housing (Party A)
- Nicola Mitchinson – Simcoe Estates Limited (Appellant Party 8e), Royal Heights Estates (Appellant Party 8f) and 2115441 Ontario Inc. (Appellant Party 35)
- Shawn Persaud & Kris Menzies – Township of Tiny (Party G2)
- Angela Sciberras – Estate of Marle Louise Frankcom (Appellant Party 15)
- Brent Spagnol – Township of Springwater (Appellant Party 6)
- Kathy Suggitt – County of Simcoe (Appellant Party 1)
- Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13)
- Michael Wynia – Orr Lake Golf Limited and Jason Harris (Appellant Parties 42a and 42b)

Policies in Phase 4a That Remain Under Appeal:

The following adopted policies from Phase 4a of the hearing remain under appeal:

- General Development – Natural Heritage: 3.3.15, 3.3.16;
- Greenlands: Intro, 3.8.2, 3.8.3, 3.8.4, 3.8.7, 3.8.9, 3.8.10, 3.8.11, 3.8.12, 3.8.13, 3.8.14, 3.8.15, 3.8.16, 3.8.18, 3.8.19, 3.8.20, 3.8.21, 3.8.22, 3.8.23;
- Resource Conservation: 4.5.3, 4.5.7, 4.5.8, 4.5.23, 4.5.26, 4.5.27, 4.5.28, 4.5.31, 4.5.35, 4.5.37, 4.5.39, 4.5.40, 4.5.41

Definitions: *Adjacent Lands, Significant, Significant Woodlands*

Appendices: 1 (EIS) and 4 (Risk Assessment)

Schedule: 5.2.2

Note: some of the adopted policies have been renumbered as a result of previous approvals as such the adopted numbers may not match up with renumbering. The Attachment to this report identifies the renumbering as well as the proposed modifications.

Four Experts' Reports on Phase 4a have previously been provided to the Board, specifically dated November 25, 2015, December 9, 2015, December 23, 2015 and January 18, 2016. Board Orders have been issued approving the policies and definitions addressed in those reports.

On February 25, 2016 an experts' meeting took place amongst the planners who represent registered parties with identified issues on the policies that remain under appeal. Discussions have resulted in further agreement and/or no opposition/no opinion on the remaining policies and definitions based on proposed modifications (refer to Attachment 1). The proposed modifications resolve all issues for those registered parties related to the policies, definitions, map Schedule 5.2.2 and appendices in Phase 4a as they apply across the County.

NOTE: Party 13 maintains a site-specific appeal.

Policies with No Modifications:

The experts have agreed with or do not oppose the following policies as adopted, coming into effect with no modifications:

- Greenlands Intro
- 3.8.4
- Adopted 3.8.22 (which gets renumbered to 3.8.24 given other proposed modifications)
- 4.5.8
- 4.5.39

Policies with Proposed Modifications:

The experts have agreed with or do not oppose the following policies as proposed to be modified, as detailed in Attachment 1:

- 3.3.15
- Add a new 3.3.16
- Delete adopted 3.3.16 (renumbered as 3.3.17) and replace
- 3.8.2
- 3.8.3
- 3.8.7
- 3.8.9
- 3.8.10
- 3.8.11
- 3.8.12 (split into 3 separate policies as 3.8.12, 3.8.13 and 3.8.14) and modified
- Adopted 3.8.13 is renumbered as 3.8.15 and modified
- Adopted 3.8.14 is renumbered as 3.8.16 and modified
- Adopted 3.8.15 is renumbered as 3.8.17 and modified
- Add a new policy 3.8.18
- Delete adopted 3.8.16 (renumbered as 3.8.20) and replaced
- Deleted adopted 3.8.18 (renumbered as 3.8.21) and replaced
- Delete adopted 3.8.19
- Adopted 3.8.20 is renumbered as 3.8.22 and modified
- Adopted 3.8.21 is renumbered as 3.8.23 and modified
- Delete adopted 3.8.23
- 4.5.3
- Delete adopted 4.5.7 and replaced
- Adopted 4.5.23 is renumbered as 4.5.24 and modified

- Adopted 4.5.26 is renumbered as 4.5.27 and modified
- Delete adopted 4.5.27
- 4.5.28
- Delete adopted 4.5.31
- 4.5.35
- Delete adopted 4.5.37
- 4.5.40
- 4.5.41
- Definition of *Adjacent Lands*
- Definition of *Significant*
- Definition of *Significant Woodlands*

Appendices 1 and 4 are proposed to be deleted.

Map Schedule 5.2.2 – Streams and Evaluated Wetlands is proposed to be approved as adopted

Report prepared by Kathy Suggitt, County of Simcoe on behalf of the expert witnesses.



Attachment to Experts' Report dated April 5, 2016

Phase 4a – Greenlands & Resource Conservation Policies under Appeal

Natural Heritage

Adopted 3.3.15 is proposed to be deleted and replaced as follows for PPS consistency & to separate regional & local features from Provincially significant features and include adjacency criteria:

- 3.3.15** Despite anything else in this *Plan*, except Section 4.4 as it applies to *mineral aggregate operations only, development and site alteration* shall not be permitted:
- i. *In significant wetlands and significant coastal wetlands.*
 - ii. *In the following unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions: Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands (not covered by 3.3.15 i) above).*
 - iii. *In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2.0 hectares or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).*
 - iv. *In fish habitat except in accordance with provincial and federal requirements.*
 - v. *In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
 - vi. *On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:*
 - a. *within 120 metres of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;*

b. within 50 metres of *significant areas of natural and scientific interest* – earth science-

b.c. A reduced *adjacent lands* from the above may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the approval authority in consultation with the applicant prior to the submission of a *development* application, and supported by an *EIS*, demonstrating there will be no *negative impacts* beyond the proposed reduced *adjacent lands* area.

Nothing in the above policies is intended to limit the ability of *agricultural uses* to continue.

Despite anything else in Sections 3.3 and 3.8, in those portions of the Greenlands designation including Section 3.8.10 that are also designated in *provincial* plans as listed in Section 3.8.10 (a) to (h), if the provisions of the *provincial* plan are more restrictive than those of Section 3.8, then the *provincial* plan prevails.

Add a new policy 3.3.16 as follows to address linkages:

New 3.3.16 It is a goal of this *Plan* to, where possible, restore and maintain the connectivity and linkages between *natural heritage features and areas*. As such, the County's Greenlands mapping includes potential linkage areas which the *County* has identified as an area in which it would be desirable to restore lost or severed natural corridors through natural succession and/or supplementary planting. Linkage area policies shall be contained in the *local municipal* official plans.

The local official plan linkage area policies should consider the following criteria:

- i) The nature and type of natural features which could serve a linkage function;
- ii) Whether it is feasible to maintain, restore or where possible improve ecological linkages which connect *natural heritage features and areas* given the function of the linkage and the nature of adjoining lands;
- iii) The ecological function of the linkage and the types of flora and fauna that may use the linkage;
- iv) The size and extent of linkage necessary to achieve the function; and
- v) The ability to realize the necessary size along the extent of the linkage.

Refinement of the limits of the linkage areas may be achieved through approved planning applications supported by appropriate technical studies as required by the approval authority. Such studies may include an EIS, master environmental servicing studies or sub-watershed studies.

If the technical study concludes to the satisfaction of the approval authority, in consultation with any agency having jurisdiction, that the linkage, or lands adjacent to the linkage does not serve an ecological function or will be maintained, restored or where possible improved, then development within or adjacent to the linkage may proceed without an Amendment to this Plan. The land use designation abutting the linkage area shall apply unless otherwise determined through the planning application process.

Delete adopted 3.3.16 (renumbered as 3.3.17) and replace as follows and renumber rest of section accordingly:

~~**3.3.16** Any area of environmental constraint or *development* setback recommended by a full or scoped *EIS*, satisfactory to the appropriate authorities, (as described in Appendix 1) as part of a *development* application shall be delineated as a separate block or should be attached to an individual lot to maintain single ownership. Public ownership, use of easements, or other devices is encouraged to ensure the long term environmental function of such areas and to provide areas for public open space where appropriate. Such areas, regardless of ownership, shall be placed in no *development* designations and/or zones in *local municipal* official plans and bylaws.~~

3.3.17 Subject to the findings and recommendations of an *EIS*, satisfactory to the appropriate authorities, the *County* encourages an area of environmental constraint and buffer areas to be maintained as single ownership, where appropriate. Notwithstanding this policy, *local municipalities* may utilize alternative implementation measures to ensure the integrity of the environmental features and its buffers.

3.8 Greenlands

The rationale for the Greenlands Designation is found in the 1996 background report prepared for the County of Simcoe Official Plan titled “Development of a Natural Heritage System for the County of Simcoe”. The Greenlands Designation is mapped on Schedule 5.1. This mapping is based on the findings of the 1996 report, revised in 2008 to reflect more accurate and complete information.

Objectives

Proposed modifications to adopted wording of Objectives as follows:

- 3.8.2 To promote ~~the restoration of~~ biodiversity and ecological integrity within ~~and surrounding the~~ County's natural heritage features and areas and the Greenlands designation.
- 3.8.3 To improve the quality, connectivity and ~~distribution amount~~ of ~~the woodlands and wetlands~~ cover across the County.
- 3.8.4 To ensure that species and communities of conservation concern can continue to flourish and evolve throughout the County.
- 3.8.7 To ensure that the location, scale, and form of *development* respect and support the protection of the *County's natural heritage system*, ~~and that the Greenlands Designation informs decision-making on where growth and settlement occur in the County.~~

Natural Heritage Systems

Adopted 3.8.9 is proposed to be modified as follows:

- 3.8.9 Natural heritage in Simcoe County will be protected by:
- The Greenlands designation, which is the *natural heritage system* of the County of Simcoe and
 - ~~The natural heritage systems of the 16 local municipalities.~~
 - The natural heritage systems of the 16 local municipalities which may identify local natural features and areas in addition to the County's Greenlands designation.

Adopted 3.8.10 is proposed to be modified as follows:

- 3.8.10 The ~~Greenlands Designation~~ County's natural heritage system primarily includes, ~~but is not limited to~~, the following *natural heritage features and areas*, wherever they occur in the County:
- ~~Significant-h~~Habitat of endangered species and threatened species;
 - significant wetlands, significant coastal wetlands, other coastal wetlands, and all Wetlands 2.0 ha or larger in area* which have been determined to be locally significant, including but not limited to *evaluated wetlands;*
 - Significant woodlands* ~~south and east of the Canadian Shield;~~
 - Significant valleylands* ~~south of the southern limit of the Canadian Shield;~~
 - Significant wildlife habitat;*

- f) *Significant Areas of natural and scientific interest (ANSIs);*
- g) *Regional Areas of natural and scientific interest (ANSIs);*
- h) *Fish Habitat;*
- i) *Linkage areas in accordance with Section 3.3.16, which the County has identified as areas in which it would be desirable to restore lost or severed natural corridors through natural succession and/or supplementary planting; and,*
- j) *Public lands as defined in the Public Lands Act.*

~~Notwithstanding the County's Greenlands Designation as shown on Schedule 5.1, where lands fall under the jurisdiction of other provincial plans including, but not limited to the Greenbelt Plan, Niagara Escarpment Plan, Lake Simcoe Protection Plan or the Oak Ridges Moraine Conservation Plan, the policies of this Plan shall be considered in conjunction with those plans to determine the applicable policy framework. The County's natural heritage system is generally identified as the Greenlands designation on Schedule 5.1.~~

Adopted 3.8.11 is proposed to be modified as follows:

- 3.8.11** ~~The mapping of the Greenlands designation on Schedule 5.1 is approximate, and does not reflect certain features such as *significant habitat of endangered species and threatened species*, or new or more accurate information identifying *natural heritage features and areas*, that may be provided to the County by means of an *Environmental Impact Statement (EIS)* to the satisfaction of the County, including but not limited to the types of information described in Section 3.8.20. Any minor adjustment to the Greenlands designation as determined through more detailed mapping, field surveys, the results of an EIS, information received from the Ministry of Natural Resources and Forestry or conservation authorities or local municipal official plans will not require an amendment to this Plan.~~

~~Despite anything else in Section 3.8, if any lands are demonstrated to be of a feature type listed in Section 3.8.10, even if they are not mapped in Schedules 5.1, or in accordance with Section 3.8.20, those lands are to be protected in accordance with 3.3.15 and 3.3.16 considered to be within the Greenlands Designation. With respect to settlement areas and expansions to settlement areas, the policies of 3.8.17 and 3.8.18 apply.~~

Second paragraph is proposed to be relocated to new Section 3.8.19 below:

~~If it is determined by the County at the pre-consultation stage in the planning application process, that the subject property does not contain any *natural heritage features and areas* on the subject or adjacent lands which could be impacted by the proposed development and that the lands are not required as connection or providing an *ecological function* to the natural heritage system, no *EIS* would be required to be submitted.~~

Adopted 3.8.12 is a complex policy and is proposed to be split into 3 policies. Thus 3.8.12 is deleted and replaced as follows (which will cause the rest of the section to be renumbered accordingly):

~~3.8.12 Local natural heritage systems augment and support the County's Greenlands Designation. The official plans of local municipalities will therefore identify and protect natural heritage features and areas and ecological functions including fish habitat, as well as landform features with significant landscape character, that complement and support the Greenlands and/or are valued as locally significant, and that will constitute local natural heritage systems. Local municipal official plans will contain policies and mapping that implement both County and local natural heritage systems, and where development is proposed, will require the preparation of a satisfactory EIS which demonstrates that there will be no negative impacts on the natural heritage features and areas or their ecological functions, and maintains the connectivity of the natural heritage feature and areas within the natural heritage system. Where local official plans contain more detailed natural heritage system policies and/or mapping that compliments Schedule 5.1 to this Plan and meets the general intent of the Greenlands designation, then the more detailed and current mapping shall apply in consideration of development applications. For municipalities in the Simcoe Uplands where woodland cover is typically extensive, local municipal official plans may contain policies and mapping that detail criteria other than woodland patch size to determine significant woodlands and reflect the mapping of the components of the natural heritage system accordingly. Local municipal official plans shall contain policies and mapping that implement the County's Greenlands and natural heritage policies.~~

3.8.13 Local municipal official plans may contain policies and mapping that implement local natural heritage systems that identify local natural heritage features and areas in addition to the County's natural heritage system. Local municipal official plans shall establish criteria for evaluating development and site alteration applications within these identified local natural features and areas.

Notwithstanding this policy, it is recognized that the Provincial Policy Statement directs that as much of the mineral aggregate resources as close to market as possible be made available. Therefore the official plans of local municipalities shall allow consideration of new or expanded mineral aggregate operations within local natural heritage systems and local natural heritage features and areas, subject to completion of a satisfactory EIS which demonstrates that impacts on any remaining components of the natural heritage system have been minimized and that the proposed rehabilitation includes elements intended to contribute to the local natural heritage system.

3.8.14 *Local municipal* official plans may contain policies and mapping that detail the criteria for determining *significant woodlands* in accordance with the definition of *significant woodlands* as defined by this *Plan*. *Significant woodlands* can also be determined through an *Environmental Impact Statement*.

Local municipalities shall determine whether a woodlot is a *significant woodland* within a *settlement area* based on criteria established within the local official plan.

Outside of a *settlement area* where a woodlot is determined not to be ecologically or economically important, its functional potential importance shall be determined by a minimum patch established in the *local municipal* official plan. In determining the minimum patch size in *local municipal* Official Plans, the following size criteria established by the Ontario Ministry of Natural Resources and Forestry will be used unless appropriate justification is provided to use different criteria:

- where woodland cover is less than 5% of the land cover in the *local municipality*, woodlands 2 ha in size or larger should be considered *significant*
- where woodland cover is 5-15% of the land cover in the *local municipality*, woodlands 4 ha in size or larger should be considered *significant*
- where woodland cover is 16-30% of the land cover in the *local municipality*, woodlands 20 ha in size or larger should be considered *significant*
- where woodland cover is 31-60% of the land cover in the *local municipality*, woodlands 50 ha in size or larger should be considered *significant*.

Development Control

Adopted 3.8.13 is renumbered as 3.8.15 and proposed to be modified as follows:

3.8.135 ~~Outside of *settlement areas*, where no *significant* feature or function has been identified as described in and subject to Section 3.3.15 (other than for 3.8.15 vi which is subject to policy 4.4.1) through an EIS, the following uses may be permitted in the Greenlands Designation or on *adjacent lands* as described in Section 3.8.183.3.15:~~

- i. *Agricultural uses*;
- ii. *Agriculture-related uses*;
- iii. *Secondary uses On-farm diversified uses*;
- iv. Forestry on public lands or in *County* forests in accordance with an approved management plan and sustainable forest practices;
- v. Forestry on private lands as permitted by the *County's* Forest Conservation Bylaw or by a *local municipality's* tree bylaw under the *Municipal Act, 2001*; and
- vi. *Mineral aggregate operations, wayside pits and quarries* if approved through a local Official Plan amendment;
- vii. *Outdoor passive recreational uses*; and
- vi.viii. Subject to demonstrating that the lands are not within a *prime agricultural area*, residential dwelling units on lots which were approved prior to the approval date of this policy.

Adopted 3.8.14 is renumbered as 3.8.16 and proposed to be modified as follows:

3.8.1416 ~~Existing agricultural uses~~ Legally existing uses within the Greenlands system will be recognized and can continue in accordance with Sections 3.3.15 and 4.11.6 of this Plan and the applicable policies of the local municipal official plan. ~~In interpreting the extent of existing agricultural uses, the history of such uses will be taken into consideration as well as any role the Greenlands natural heritage features and areas or ecological functions may play in complementing the farming activity.~~ The intent of the Greenlands designation on an active farm is not meant to restrict the use or to reduce the economic viability of the use.

Adopted 3.8.15 is renumbered as 3.8.17 and proposed to be modified as follows:

3.8.1517 Within *settlement areas*, all lands shall be deemed to be Settlement designation in this Plan. *Local municipal official plans* ~~will~~ are required to identify and map *natural heritage features and areas* within *settlement areas* and provide policy direction for protection of these natural features ~~in accordance with Section 3.3.15 i) and ii).~~ *Local municipal official plans* may also map other *natural heritage systems* and provide policy direction related to those systems within *settlement areas*. ~~Development proposed on those lands will be consistent with the type, location and scale of uses permitted in the local municipal official plan and will be subject to submission of an EIS satisfactory to the approval authority and will not require an amendment to this Plan. The EIS would include consideration of social criteria and values such as improving water quality, reducing erosion along watercourses, privacy screens and buffering existing natural heritage features and areas.~~

Add a new policy 3.8.18 to address settlement area expansions and Greenlands as follows:

3.8.18 When considering a settlement area expansion within the Greenlands designation, and where expansion into the Rural designation is not a reasonable alternative, the location of the expansion shall be in accordance with the policies of Section 3.3.15 i) and ii). Policy 3.3.16 is not applicable to settlement area expansions.

NOTE: Approved policy 3.8.17 is renumbered as 3.8.19

Delete adopted 3.8.16 (renumbered as 3.8.20) and replace with final paragraph from adopted 3.8.11 moved here as a stand-alone policy:

3.8.1620 ~~The mapping of the boundaries of natural heritage features and areas in relation to a planning application will be determined through an EIS considered satisfactory to the County, appropriate agencies and the local municipality, in accordance with Section 3.8.23.~~

If it is determined by the County at the pre-consultation stage in the planning application process, that the subject property does not contain any natural heritage features and

areas on the subject or adjacent lands which could be impacted by the proposed development and that the lands are not required as a connection, linkage or providing an ecological function to the natural heritage system, no EIS would be required to be submitted.

Adopted 3.8.18 (renumbered as 3.8.21) is proposed to be deleted because the policy is covered in other modifications (i.e. 3.3.15) and replaced as follows:

~~3.8.18 Development and site alteration, and infrastructure authorized under an environmental assessment process, are permitted on the following adjacent lands, whether or not within the Greenlands Designation, subject to submission of an EIS satisfactory to the County that in the case of development specifically demonstrates no negative impacts on the adjacent natural heritage features and areas and ecological functions, and to the other policies of this Plan:~~

~~i. within 120 metres of significant habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger in area, significant woodlands south and east of the Canadian Shield, significant wildlife habitat, areas of natural and scientific interest — life science, significant valleylands south of the southern limit of the Canadian Shield, and fish habitat~~

~~ii. within 50 metres of areas of natural and scientific interest — earth science.~~

~~iii.~~

~~If the adjacent lands are within the Greenlands Designation, and are therefore subject to more restrictive policies elsewhere in Section 3.8, then the more restrictive policies prevail.~~

3.8.21 When considering planning applications in the Greenlands designation, more detailed mapping, field surveys, the results of an EIS, information received from the Ministry of Natural Resources and Forestry or conservation authorities or local municipal official plans may be used to determine more precise boundaries of the Greenlands designation or individual natural heritage features and areas.

Any minor adjustment to the Greenlands designation as determined by this information will not require an amendment to this Plan.

Where a refinement or adjustment to the Greenlands designation is facilitated without an amendment to this Plan, the land use designation abutting that portion of the Greenlands designation shall apply. A change to any other designation is subject to the policies of this Plan and shall require an amendment to this Plan if required by the applicable policies.

Adopted 3.8.19 is proposed to be deleted as policy now covered in other modifications:

~~3.8.19 When it is determined that an EIS is required, development and site alteration will only be considered where an EIS demonstrates to the satisfaction of the County, the local~~

~~municipality, and appropriate agencies that there will be no negative impacts on the existing natural features and their ecological functions.~~

Adopted 3.8.20 is renumbered as 3.8.22 and proposed to be modified as follows:

3.8.22 Proposals to re-designate lands in the Greenlands designation shall not be permitted unless an *EIS* is submitted to the satisfaction of the *County* demonstrating that the policies of Section 3.3.15, 3.3.16, 3.8.15, 3.8.16 or 4.4.1 as applicable, and Section 3.8.12 through 3.8.16 the relevant policies of the local municipal official plan are satisfied.

- i. ~~that the subject lands do not contain natural features, or if they do, that the proposed development or site alteration will have no negative impacts on those natural features or their ecological functions or to natural features or their ecological functions on adjacent lands as outlined in policy 3.8.18; and,~~
- ii. ~~that the lands are not required as a connection or ecological function to the natural heritage systems.~~

~~Policies 3.3.15 iii to vi) and 3.3.16 are not applicable to settlement area expansions.~~

Adopted 3.8.21 is renumbered as 3.8.23 and is proposed to be modified as follows:

3.8.23 Proposals to re-designate lands in the Greenlands designation are required to demonstrate if the lands are within a *prime agricultural area*. Re-designation proposals for lands within a *prime agricultural area* shall only be permitted to the Agricultural designation and in keeping with the provisions of Section 3.6.9 of this *Plan*.

Implementation

Adopted 3.8.22 is renumbered as 3.8.24

~~3.8.22~~**3.8.24** The Greenlands designation does not imply that all lands within it are completely restricted from *development* and *site alteration*, or that a public agency must or will purchase any such land on which a planning application is refused or modified not to the applicant's satisfaction.

Adopted policy 3.8.23 proposed to be deleted as it is now contained in modified 3.8.21:

3.8.23 ~~When the County or local municipalities are considering planning applications in the Greenlands designation, more detailed mapping, field surveys, *EISs*, information received from the Ministry of Natural Resources or conservation authorities, and local municipal official plans to determine more precise boundaries of the Greenlands Designation or individual natural heritage features and areas will be used. Any such minor boundary determination will not require an amendment to this *Plan*.~~

NOTE: policy 3.8.24 is already approved and would get renumbered accordingly

4.5 Resource Conservation

Adopted 4.5.3 proposed to be modified as follows:

- 4.5.3 Proposals for *major growth* and *major development* shall be reviewed on a *watershed management* basis where applicable and appropriate to ensure the watershed is maintained in an environmentally sustainable fashion.

Adopted 4.5.7 proposed to be deleted and replaced as follows:

- ~~4.5.7 Wellhead protection areas shall be identified and mapped in local municipal official plans and development and site alteration shall be restricted where necessary to protect all municipal drinking water supplies and designated vulnerable areas, and to protect, improve, or restore vulnerable surface and ground water, sensitive surface water features, and their hydrologic functions.~~

- 4.5.7 Local municipalities shall ensure that stormwater management practices match pre development stormwater flow rates and where possible, minimize flow rates, minimize containment loads, and where feasible maintain or increase the extent of vegetative and pervious surfaces.

- 4.5.8 For those lands where York Region's wellhead protections areas extend into the County of Simcoe, the County recognizes that York Region comments must be obtained prior to approval being considered.

Conservation Authority Jurisdiction

Adopted 4.5.23 (now renumbered as 4.5.24) is proposed to be modified as follows:

- 4.5.24 For the portion of the *County* under the jurisdiction of a Conservation Authority, regulations made under the *Conservation Authorities Act* apply to *development* or *site alteration* activities unless the activity is exempt in accordance with the *Conservation Authorities Act*.

~~Development of any kind except mineral aggregate operations where addressed under the *Aggregate Resources Act*, occurring in the following areas may require approval from the relevant Conservation Authority in addition to other relevant approvals:~~

- ~~a) Adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or *dynamic beaches*;~~
- ~~b) Adjacent to or close to river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse;~~
- ~~c) Hazardous lands;~~
- ~~d) Wetlands; or~~

- e) ~~Other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size, but not including those where development has been approved pursuant to an application made under the Planning Act or other public planning or regulatory process.~~

Where appropriate, detailed delineation of the Conservation Authority regulated areas should be identified on schedules of *local municipal plans*.

For areas outside Conservation Authority jurisdiction, *development* applicants should consult *local municipalities*.

Adopted 4.5.26 (now renumbered as 4.5.27) is proposed to be modified as follows:

4.5.27 Where waterfront or shoreline *development* is proposed, the preservation of existing public accesses to publicly owned shorelines shall be maintained and the creation of new opportunities for public ownership of and access to shorelines in new *developments* ~~shall~~ may be obtained where feasible appropriate. Open space corridors linking shorelines with upland areas ~~will~~ should be provided where feasible appropriate.

Adopted 4.5.27 (now renumbered as 4.5.28) is proposed to be deleted and combined with 4.5.28 below:

~~**4.5.28** Shoreline areas include the land area that is physically and functionally connected to rivers, streams and lakes, and may be defined by prominent topographic and man-made features, the depth of the existing development oriented to the shoreline, and/or the presence of natural heritage features and functions directly linked to the shoreline.~~

Adopted 4.5.28 is proposed to be modified as follows:

4.5.28 *Development* in shoreline areas must address, among other matters: ~~—facilitate the protection of water quality and quantity;~~ the prevention of erosion resulting from surface water runoff and structural development or fill; ~~of the shoreline area;~~ the conservation of, ~~and where appropriate the~~ enhancement of and conservation of linkages between the water bodies and upland areas; ~~opportunities to naturalize the shoreline;~~ and opportunities to conserve, ~~the conservation and where appropriate to improve,~~ improvement of public access to the shorelines.

For the purposes of this policy, shoreline areas include the land that is physically and functionally connected to rivers, streams and lakes, and may be defined by prominent topographic and man-made features, the depth of the existing development oriented to the shoreline, and/or the presence of natural heritage features and areas and functions directly linked to the shoreline.

Adopted 4.5.31 (renumbered as 4.5.32) is proposed to be deleted and added to 4.5.28 above:

~~4.5.31 The naturalization of the shoreline and the enhancement of the linkages between the shoreline and upland areas is encouraged and will be considered as part of the any planning approval process.~~

Woodlands

Adopted 4.5.35 is proposed to be modified as follows:

4.5.35 ~~Significant Woodlands~~ within the ~~Greenlands Designation~~ shall be subject to the policies of Section ~~3.3.15 and~~ 3.8. ~~Woodlands~~ within the County of Simcoe shall continue to be protected in accordance with the County of Simcoe Forest Conservation Bylaw.

Adopted 4.5.37 is proposed to be deleted as the concept is now covered in other policies:

~~4.5.37 Significant woodlands should be preserved for ecological purposes, particularly where they support features and functions within the Greenlands Designation or local natural heritage systems, and be appropriately mapped and protected through local municipal official plan maps and policies.~~

4.5.39 The County encourages measures, in accordance with the policies of this Plan, including but not limited to Section 3.8, which will result in an increase in the overall forest cover within the County.

Adopted 4.5.40 proposed to be modified as follows:

4.5.40 Where the policies of this Plan require, or an EIS recommends, any development setback or area of environmental constraint on the shoreline of any water body, the County will, where appropriate, encourage re-vegetation reforestation or forest restoration with native species within the required setback, up to 30 metres back from the shoreline, over and above any restoration specifically required or recommended.

Landform Conservation

Adopted 4.5.41 proposed to be modified as follows:

4.5.41 Local municipalities should prohibit the disruption and destruction of regionally significant landform features by mass grading and other extensive land alteration features unless an acceptable assessment has demonstrated no negative impacts on the landform features, with the exception of *mineral aggregate operations*.

Definitions:**Proposed modifications as follows:**

ADJACENT LANDS for purposes of cultural heritage and archaeology means those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan. For the purposes of *natural heritage features and areas* means those lands contiguous to a specific *natural heritage feature or area* where it is likely that development or *site* alteration would have a *negative impact* on the feature or area. In determining the general extent of the adjacent lands the policies of 3.3.15 vi shall apply. The extent of the adjacent lands may be recommended by the Province, as identified in MNR's Natural Heritage Reference Manual or based on municipal approaches whichever is more restrictive.

SIGNIFICANT means:

- (a) In regard to *wetlands, coastal wetlands and areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- (b) ~~In regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;~~
- (c) In regard to all other features and areas referred to in both this *Plan* and the *Provincial Policy Statement*, as those features and areas are defined in the *Provincial Policy Statement* unless otherwise defined in this *Plan*;
- (d) In regard to local natural heritage systems, features and ecological functions as defined in municipal official plans; and

NOTE: sub-section (e) was already approved by OMB Order

- (d)(c) 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.

SIGNIFICANT WOODLANDS means an area which is:

- a) -ecologically important in terms of features such as species composition, age of trees and stand history;
- b) 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
- a)c) economically important due to site quality, species composition, or past management history. ~~Patches of woodlands that are a minimum of 2.0 hectares in the~~

~~Settlement Designation, a minimum of 4.0 hectares in the Simeoe Lowlands, and a minimum of 10 hectares in the Simeoe Uplands are considered significant unless other criteria are used to determine significance in the Simeoe Uplands area as described in Section 3.8.12.~~

~~These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.~~

~~Local municipalities may map significant woodlands in local official plans. Significant woodlands can also be determined through an Environmental Impact Statement.~~

~~Local municipalities shall determine whether a woodlot is a significant woodland within a settlement area based on criteria established within the local official plan.~~

~~Outside of a settlement area, where a woodlot is determined not to be ecologically or economically important, its potential importance shall be determined by a minimum patch established in the local municipal official plans. In determining the minimum patch size in local municipal official plans, the following size criteria established by the Ministry of Natural Resources and Forestry will be used unless appropriate justification is provided to use different criteria:~~

- ~~• where woodland cover is less than 5% of the land cover in the local municipality, woodlands 2 ha in size or larger should be considered significant;~~
- ~~• where woodland cover is 5 – 15% of the land cover in the local municipality, woodlands 4 ha in size or larger should be considered significant;~~
- ~~• where woodland cover is 16 – 30% of the land cover in the local municipality, woodlands 20 ha in size or larger should be considered significant;~~
- ~~• where woodland cover is 31 – 60% of the land cover in the local municipality, woodlands 50 ha in size or larger should be considered significant.~~

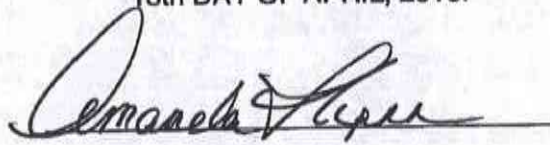
For the purposes of this definition:

- ~~- The Simeoe Uplands and Simeoe Lowlands are as shown in Schedule 5.1.~~
- ~~- A patch is a distinct, separate area of contiguous woodlands. The edge of a patch is delineated by the outermost dripline.~~
- ~~- Woodlands remain contiguous even if interrupted by natural clearings, or clearings for agricultural uses, other rural land uses, or infrastructure, provided the clearing is not more than 20 metres wide, edge to edge.~~
- ~~- Patch size is not deemed to terminate if the woodland crosses municipal, county, or regional boundaries.~~
- ~~- Interior forest is any part of a patch that is 100 metres or more from all edges of the patch.~~
- ~~— If a patch lies in more than one of the areas of the County indicated above, and would be considered significant woodlands if entirely located in any one of those areas, then the entire patch is considered significant woodlands. Woodlands that are located within a settlement area and are contiguous to significant woodlands that are located outside of the settlement area shall be considered significant for the purposes of this Plan.~~

Appendices 1 and 4 are to be deleted

Map Schedule 5.2.2 – Streams and Evaluated Wetlands is proposed to be approved as adopted

THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS
13th DAY OF APRIL, 2016.

A handwritten signature in cursive script, appearing to read "Amanda Flynn", written over a horizontal line.

A Commissioner, etc.

Amanda Flynn, Deputy Clerk
A Commissioner for the
Corporation of the
County of Simcoe

Phase 4a #3- Greenlands & Resource Conservation Policies

Natural Heritage

3.3.15 Despite anything else in this *Plan*, except Section 4.4 as it applies to *mineral aggregate operations only, development and site alteration* shall not be permitted:

- i. *In significant wetlands and significant coastal wetlands.*
- ii. In the following unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*: *Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands* (not covered by 3.3.15 i) above).
- iii. In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no *negative impacts* on the natural heritage features or their *ecological functions*: *wetlands 2.0 hectares or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).*
- iv. *In fish habitat* except in accordance with *provincial and federal requirements.*
- v. *In habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements.*
- vi. *On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:*
 - a. within 120 metres of *habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;*
 - b. within 50 metres of *significant areas of natural and scientific interest – earth science*
 - c. A reduced *adjacent lands* from the above may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the

approval authority in consultation with the applicant prior to the submission of a *development* application, and supported by an *EIS*, demonstrating there will be no *negative impacts* beyond the proposed reduced *adjacent lands* area.

Nothing in the above policies is intended to limit the ability of *agricultural uses* to continue.

Despite anything else in Sections 3.3 and 3.8, in those portions of the Greenlands designation including Section 3.8.10 that are also designated in *provincial* plans as listed in Section 3.8.10 (a) to (h), if the provisions of the *provincial* plan are more restrictive than those of Section 3.8, then the *provincial* plan prevails.

3.3.16 It is a goal of this *Plan* to, where possible, restore and maintain the connectivity and linkages between *natural heritage features and areas*. As such, the County's Greenlands mapping includes potential linkage areas which the *County* has identified as an area in which it would be desirable to restore lost or severed natural corridors through natural succession and/or supplementary planting. Linkage area policies shall be contained in the *local municipal* official plans.

The local official plan linkage area policies should consider the following criteria:

- i) The nature and type of natural features which could serve a linkage function;
- ii) Whether it is feasible to maintain, restore or where possible improve ecological linkages which connect *natural heritage features and areas* given the function of the linkage and the nature of adjoining lands;
- iii) The ecological function of the linkage and the types of flora and fauna that may use the linkage;
- iv) The size and extent of linkage necessary to achieve the function; and
- v) The ability to realize the necessary size along the extent of the linkage.

Refinement of the limits of the linkage areas may be achieved through approved planning applications supported by appropriate technical studies as required by the approval authority. Such studies may include an *EIS*, master environmental servicing studies or sub-watershed studies.

If the technical study concludes to the satisfaction of the approval authority, in consultation with any agency having jurisdiction, that the linkage, or lands adjacent to the linkage does not serve an *ecological function* or will be maintained, restored or where possible improved, then *development* within or adjacent to the linkage may proceed

without an Amendment to this *Plan*. The land use designation abutting the linkage area shall apply unless otherwise determined through the planning application process.

- 3.3.17 Subject to the findings and recommendations of an *EIS*, satisfactory to the appropriate authorities, the *County* encourages an area of environmental constraint and buffer areas to be maintained as single ownership, where appropriate. Notwithstanding this policy, *local municipalities* may utilize alternative implementation measures to ensure the integrity of the environmental features and its buffers.

3.8 Greenlands

The rationale for the Greenlands Designation is found in the 1996 background report prepared for the County of Simcoe Official Plan titled "Development of a Natural Heritage System for the County of Simcoe". The Greenlands Designation is mapped on Schedule 5.1. This mapping is based on the findings of the 1996 report, revised in 2008 to reflect more accurate and complete information.

Objectives

- 3.8.2 To promote biodiversity and ecological integrity within the *County's natural heritage features and areas* and the Greenlands designation.
- 3.8.3 To improve the quality, connectivity and amount of *woodlands* and *wetlands* cover across the *County*.
- 3.8.4 To ensure that species and communities of conservation concern can continue to flourish and evolve throughout the *County*.
- 3.8.7 To ensure that the location, scale, and form of *development* respect and support the protection of the *County's natural heritage system*.

Natural Heritage Systems

- 3.8.9 Natural heritage in Simcoe County will be protected by:
- a) The Greenlands designation, which is the *natural heritage system* of the County of Simcoe and
 - b) The natural heritage systems of the 16 *local municipalities* which may identify local natural features and areas in addition to the County's Greenlands designation.
- 3.8.10 The *County's natural heritage system* primarily includes the following *natural heritage features and areas*, wherever they occur in the *County*:

- a) *Habitat of endangered species and threatened species;*
- b) *significant wetlands, significant coastal wetlands, other coastal wetlands, and all Wetlands 2.0 ha or larger in area which have been determined to be locally significant, including but not limited to evaluated wetlands;*
- c) *Significant woodlands ;*
- d) *Significant valleylands ;*
- e) *Significant wildlife habitat;*
- f) *Significant Areas of natural and scientific interest (ANSIs);*
- g) *Regional Areas of natural and scientific interest (ANSIs);*
- h) *Fish Habitat;*
- i) *Linkage areas in accordance with Section 3.3.16; and,*
- j) *Public lands as defined in the Public Lands Act.*

The *County's natural heritage system* is generally identified as the Greenlands designation on Schedule 5.1.

3.8.11 The mapping of the Greenlands designation on Schedule 5.1 is approximate, and does not reflect certain features such as *habitat of endangered species and threatened species*, or new or more accurate information identifying *natural heritage features and areas*. Any minor adjustment to the Greenlands designation as determined through more detailed mapping, field surveys, the results of an *EIS*, information received from the Ministry of Natural Resources and Forestry or conservation authorities or *local municipal* official plans will not require an amendment to this *Plan*.

Despite anything else in Section 3.8, if any lands are demonstrated to be of a feature type listed in Section 3.8.10, even if they are not mapped in Schedules 5.1, those lands are to be protected in accordance with 3.3.15 and 3.3.16. With respect to *settlement areas* and expansions to *settlement areas*, the policies of 3.8.17 and 3.8.18 apply.

3.8.12 *Local municipal* official plans shall contain policies and mapping that implement the *County's* Greenlands and natural heritage policies.

3.8.13 *Local municipal* official plans may contain policies and mapping that implement local *natural heritage systems* that identify local natural heritage features and areas in addition to the *County's natural heritage system*. *Local municipal* official plans shall establish criteria for evaluating *development* and *site alteration* applications within these identified local natural features and areas.

Notwithstanding this policy, it is recognized that the *Provincial Policy Statement* directs that as much of the *mineral aggregate resources* as close to market as possible be made available. Therefore the official plans of *local municipalities* shall allow consideration of new or expanded *mineral aggregate operations* within *local natural heritage systems* and local natural heritage features and areas, subject to completion of a satisfactory *EIS* which demonstrates that impacts on any remaining components of the *natural heritage system* have been minimized and that the proposed rehabilitation includes elements intended to contribute to the local *natural heritage system*.

- 3.8.14** *Local municipal* official plans may contain policies and mapping that detail the criteria for determining *significant woodlands* in accordance with the definition of *significant woodlands* as defined by this *Plan*. *Significant woodlands* can also be determined through an *Environmental Impact Statement*.

Local municipalities shall determine whether a woodlot is a *significant woodland* within a *settlement area* based on criteria established within the local official plan.

Outside of a *settlement area* where a woodlot is determined not to be ecologically or economically important, its potential importance shall be determined by a minimum patch established in the *local municipal* official plan. In determining the minimum patch size in *local municipal* Official Plans, the following size criteria established by the Ontario Ministry of Natural Resources and Forestry will be used unless appropriate justification is provided to use different criteria:

- where woodland cover is less than 5% of the land cover in the *local municipality*, woodlands 2 ha in size or larger should be considered *significant*
- where woodland cover is 5-15% of the land cover in the *local municipality*, woodlands 4 ha in size or larger should be considered *significant*
- where woodland cover is 16-30% of the land cover in the *local municipality*, woodlands 20 ha in size or larger should be considered *significant*
- where woodland cover is 31-60% of the land cover in the *local municipality*, woodlands 50 ha in size or larger should be considered *significant*.

Development Control

- 3.8.15** Outside of *settlement areas*, and subject to Section 3.3.15 (other than for 3.8.15 vi which is subject to policy 4.4.1), the following uses may be permitted in the Greenlands Designation or on *adjacent lands* as described in Section 3.3.15:

- i. *Agricultural uses*;
- ii. *Agriculture-related uses*;
- iii. *On-farm diversified uses*;
- iv. Forestry on public lands or in *County* forests in accordance with an approved management plan and sustainable forest practices;
- v. Forestry on private lands as permitted by the *County's* Forest Conservation Bylaw

- vi. or by a *local municipality's* tree bylaw under the *Municipal Act, 2001*;
Mineral aggregate operations, if approved through a local Official Plan amendment;
- vii. Outdoor passive recreational uses; and
- viii. Subject to demonstrating that the lands are not within a *prime agricultural area*, residential dwelling units on lots which were approved prior to the approval date of this policy.

3.8.16 Legally existing uses within the Greenlands system will be recognized and can continue in accordance with Sections 3.3.15 and 4.11.6 of this *Plan* and the applicable policies of the *local municipal* official plan. The intent of the Greenlands designation on an active farm is not meant to restrict the use or to reduce the economic viability of the use.

3.8.17 Within *settlement areas*, all lands shall be deemed to be Settlement designation in this *Plan*. *Local municipal* official plans are required to identify and map *natural heritage features and areas* within *settlement areas* and provide policy direction in accordance with Section 3.3.15 i) and ii). *Local municipal* official plans may also map other *natural heritage systems* and provide policy direction related to those systems within *settlement areas*.

3.8.18 When considering a *settlement area* expansion within the Greenlands designation, and where expansion into the Rural designation is not a reasonable alternative, the location of the expansion shall be in accordance with the policies of Section 3.3.15 i) and ii). Policy 3.3.16 is not applicable to *settlement area* expansions.

NOTE: Approved policy 3.8.17 is renumbered as 3.8.19

3.8.20 If it is determined by the *County* at the pre-consultation stage in the planning application process, that the subject property does not contain any *natural heritage features and areas* on the subject or *adjacent lands* which could be impacted by the proposed *development* and that the lands are not required as a connection, linkage or providing an *ecological function* to the *natural heritage system*, no *EIS* would be required to be submitted.

3.8.21 When considering planning applications in the Greenlands designation, more detailed mapping, field surveys, the results of an *EIS*, information received from the Ministry of Natural Resources and Forestry or conservation authorities or *local municipal* official plans may be used to determine more precise boundaries of the Greenlands designation or individual *natural heritage features and areas*.

Any minor adjustment to the Greenlands designation as determined by this information will not require an amendment to this *Plan*.

Where a refinement or adjustment to the Greenlands designation is facilitated without an amendment to this *Plan*, the land use designation abutting that portion of the Greenlands designation shall apply. A change to any other designation is subject to the policies of

this *Plan* and shall require an amendment to this *Plan* if required by the applicable policies.

3.8.22 Proposals to re-designate lands in the Greenlands designation shall not be permitted unless an *EIS* is submitted to the satisfaction of the *County* demonstrating that the policies of Section 3.3.15, 3.3.16, 3.8.15, 3.8.16 or 4.4.1 as applicable, and the relevant policies of the *local municipal* official plan are satisfied. Policies 3.3.15 iii to vi) and 3.3.16 are not applicable to *settlement area* expansions.

3.8.23 Proposals to re-designate lands in the Greenlands designation are required to demonstrate if the lands are within a *prime agricultural area*. Re-designation proposals for lands within a *prime agricultural area* shall only be permitted to the Agricultural designation.

Implementation

3.8.24 The Greenlands designation does not imply that all lands within it are completely restricted from *development* and *site alteration*, or that a public agency must or will purchase any such land on which a planning application is refused or modified not to the applicant's satisfaction.

NOTE: approved policy 3.8.24 is renumbered as 3.8.25

4.5 Resource Conservation

4.5.3 Proposals for *major growth* and *major development* shall be reviewed on a *watershed management* basis where applicable and appropriate to ensure the watershed is maintained in an environmentally sustainable fashion.

4.5.7 *Local municipalities* shall ensure that stormwater management practices match pre development stormwater flow rates and where possible, minimize flow rates, minimize containment loads, and where feasible maintain or increase the extent of vegetative and pervious surfaces.

4.5.8 For those lands where York Region's wellhead protections areas extend into the County of Simcoe, the County recognizes that York Region comments must be obtained prior to approval being considered.

Conservation Authority Jurisdiction

4.5.24 For the portion of the *County* under the jurisdiction of a Conservation Authority, regulations made under the *Conservation Authorities Act* apply to *development* or *site alteration* activities unless the activity is exempt in accordance with the *Conservation Authorities Act*.

Where appropriate, detailed delineation of the Conservation Authority regulated areas should be identified on schedules of *local municipal* plans.

For areas outside Conservation Authority jurisdiction, *development* applicants should consult *local municipalities*.

4.5.27 Where waterfront or shoreline *development* is proposed, the preservation of existing public accesses to publicly owned shorelines shall be maintained and the creation of new opportunities for public ownership of and access to shorelines in new *developments* may be obtained where appropriate. Open space corridors linking shorelines with upland areas should be provided where appropriate.

4.5.28 *Development* in shoreline areas must address, among other matters: the protection of water quality and quantity; the prevention of erosion resulting from surface water runoff and structural *development* or fill; the conservation of, and where appropriate the enhancement of *linkages* between the water bodies and upland areas; opportunities to naturalize the shoreline; and opportunities to conserve, and where appropriate to improve, public access to the shorelines.

For the purposes of this policy, shoreline areas include the land that is physically and functionally connected to rivers, streams and lakes, and may be defined by prominent topographic and man-made features, the depth of the existing development oriented to the shoreline, and/or the presence of *natural heritage features and areas* and functions directly linked to the shoreline.

Woodlands

4.5.35 *Significant woodlands* shall be subject to the policies of Section 3.3.15 and 3.8. *Woodlands* within the County of Simcoe shall continue to be protected in accordance with the County of Simcoe Forest Conservation Bylaw.

4.5.39 The *County* encourages measures, in accordance with the policies of this *Plan*, including but not limited to Section 3.8, which will result in an increase in the overall forest cover within the *County*.

4.5.40 Where the policies of this *Plan* require, or an *EIS* recommends, any *development* setback or area of environmental constraint on the shoreline of any water body, the *County* will, where appropriate, encourage re-vegetation or forest restoration with native species within the required setback.

Landform Conservation

4.5.41 *Local municipalities* should prohibit the disruption and destruction of regionally significant landform features by mass grading and other extensive land alteration unless an acceptable assessment has demonstrated no *negative impacts* on the landform features, with the exception of *mineral aggregate operations*.

Definitions:

ADJACENT LANDS for purposes of cultural heritage and archaeology means those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan. For the purposes of *natural heritage features and areas* means those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development or site alteration* would have a *negative impact* on the feature or area. In determining the general extent of the *adjacent lands* the policies of 3.3.15 vi shall apply.

SIGNIFICANT means:

- (a) In regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- (b) In regard to all other features and areas referred to in both this *Plan* and the *Provincial Policy Statement*, as those features and areas are defined in the *Provincial Policy Statement* unless otherwise defined in this *Plan*;
- (c) In regard to local natural heritage systems, features and ecological functions as defined in municipal official plans; and

NOTE: sub-section (e) already approved by OMB Order and is renumbered as (d)

- (d) 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.

SIGNIFICANT WOODLANDS means an area which is:

- a) ecologically important in terms of features such as species composition, age of trees and stand history;
- b) 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
- c) economically important due to site quality, species composition, or past management history.

These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.

Local municipalities may map *significant woodlands* in local official plans. *Significant woodlands* can also be determined through an *Environmental Impact Statement*.

Local municipalities shall determine whether a woodlot is a *significant woodland* within a *settlement area* based on criteria established within the local official plan.

Outside of a *settlement area*, where a woodlot is determined not to be ecologically or economically important, its potential importance shall be determined by a minimum patch established in the *local municipal* official plans. In determining the minimum patch size in *local municipal* official plans, the following size criteria established by the Ministry of Natural Resources and Forestry will be used unless appropriate justification is provided to use different criteria:

- where woodland cover is less than 5% of the land cover in the *local municipality*, woodlands 2 ha in size or larger should be considered *significant*;
- where woodland cover is 5 – 15% of the land cover in the *local municipality*, woodlands 4 ha in size or larger should be considered *significant*;
- where woodland cover is 16 – 30% of the land cover in the *local municipality*, woodlands 20 ha in size or larger should be considered *significant*;
- where woodland cover is 31 – 60% of the land cover in the *local municipality*, woodlands 50 ha in size or larger should be considered *significant*.

For the purposes of this definition:

- A patch is a distinct, separate area of contiguous *woodlands*. The edge of a patch is delineated by the outermost dripline.
- *Woodlands* remain contiguous even if interrupted by natural clearings, or clearings for *agricultural uses*, other *rural* land uses, or *infrastructure*, provided the clearing is not more than 20 metres wide, edge to edge.
- Patch size is not deemed to terminate if the *woodland* crosses municipal, county, or regional boundaries.

ONTARIO MUNICIPAL BOARD

**MOTION RECORD
(PHASE 4a #3 – GREENLANDS AND
RESOURCE CONSERVATION)**

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