

INITIAL STAFF REPORT

**PROPOSED NIAGARA ESCARPMENT
PLAN AMENDMENT**

PD 151 04

THE GOLDMAN GROUP

MAY 15, 2008

May 15, 2008

INITIAL STAFF REPORT

**RE: NIAGARA ESCARPMENT PLAN AMENDMENT PN 151 04
THE GOLDMAN GROUP
PT. LOT 8, CONCESSION 4 EHS
TOWN OF MONO, COUNTY OF DUFFERIN**

DATE RECEIVED: April 28, 2008 (Original application received April 8, 2004)

APPLICANT: The Goldman Group

AGENT: Ron Webb

PLANNER : McKibbon Wakefield Inc.

PROPOSAL:

To change a portion of the lands designated Escarpment Protection Area to Escarpment Natural Area and to set out site specific permitted uses and development policies for the Hockley Highlands Centre (the former Ontario Hydro Training Centre) on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, as shown on Map 4 of the Niagara Escarpment Plan.

SUMMARY RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) circulate the proposed Amendment as required under Sections 7 and 10 of the *Niagara Escarpment Planning and Development Act (NEPDA)*.

PURPOSE OF THIS REPORT:

The purpose of this report is to advise the Niagara Escarpment Commission (NEC) of the changes that are being proposed to this Amendment and to recommend to the NEC that the changed Amendment be circulated for further comment.

All amendments must be considered against the Purposes and Objectives of the NEPDA and the objectives and provisions of the Niagara Escarpment Plan (NEP) and be consistent with other Provincial policies.

THE PROPOSED AMENDMENT:

As shown on Schedule A, the applicant proposes to change a portion of the lands designated Escarpment Protection Area to Escarpment Natural Area and to set out site specific permitted uses and development policies for the Hockley Highlands Centre (the former Ontario Hydro Training Centre). (See the proposed Amendment in bold on Page 3.)

When the applicant made his original proposal, he requested that the portion of this site which was already developed be designated Escarpment Recreation Area and that a variety of uses be permitted on this site. Since 2004, when staff circulated the proposed amendment, staff has been in discussions with the applicant regarding the extent of development and the type of uses which could be developed on the site. The Initial Staff Report (March 2005) included the following recommendation:

2. *That the applicants be asked to provide additional material to establish landscape, design and environmental guidelines for the future development of the site considering the proposed permitted uses that are identified in the amendment and the purpose and objectives of the Niagara Escarpment Planning and Development Act.*

And as requested, the applicant did provide additional information on the landscaping design, etc. At several points in these discussions, NEC staff was prepared to recommend a modified amendment to the NEC based on the Inn and Conference Centre use and detailed development criteria developed to respond to particular proposals for this site. However, during this time, the proposals for actual development on the site changed. Now, the Inn and Conference Centre is not operating and the applicant would like the opportunity to have one or two different uses in addition to the Inn and Conference Centre on the site. However, the applicant has not been able to finalize agreements for any one use on the site.

Staffs' reaction to this proposal was that while the Inn and Conference Centre was related to an Escarpment Recreation Area designation, the uses now proposed for the site (i.e. health facilities or educational facilities), are not related to an Escarpment Recreation designation. Therefore, NEC staff encouraged the change of the proposed amendment to a site specific exception to the Escarpment Protection designation. The proposed amendment will permit an Inn

and Conference Centre and/or institutional uses such as public and/or private educational and medical uses, religious uses and recreational uses accessory to those named permitted uses. The proposed amendment specifies that no more than three different uses may be developed on the site at one time and the Amendment includes a definition of “institutional use” for the purposes of this site only.

The proposed Amendment specifies that no new lots shall be created on the Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin.

The proposed Amendment provides that the overall built floor area on the site will not be increased by providing that should new buildings be built, the existing trades buildings will be removed. Site specific development criteria are contained in this Amendment to ensure that the visibility of any new buildings will be minimized and any new development will not adversely affect the environment.

Development Permits will be required for any change of use or new building(s) proposed on the site. These Development Permits will consider the details of future development on the site. This proposed NEP Amendment sets out the general parameters of those future permits.

The Amendment

The Niagara Escarpment Plan is amended as follows:

- 1. Map 4 of the Niagara Escarpment Plan is amended on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, to change a portion of the lands designated Escarpment Protection Area to Escarpment Natural Area as shown on Schedule A, attached hereto.**
- 2. To add the following Section 21 to the Permitted Uses of Part 1.3, the Escarpment Natural Area:**
 - 21. Notwithstanding the Permitted Uses outlined above in Part 1.3, within the area designated Escarpment Natural Area on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, the only uses permitted in this area shall be the conservation and protection of these lands, passive recreation such as nature studies and the development of the Bruce Trail.**
- 3. To add the following Section 28 to the Permitted Uses of Part 1.4, the Escarpment Protection Area:**

- 28. Notwithstanding the Permitted Uses outlined above in Part 1.4 and the Existing Uses policies of Part 2.3, only the following uses subject to the Development Criteria in Part 2 of this Plan shall be permitted within the area designated Escarpment Protection Area on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin:**

 - a) An Inn and Conference Centre and/or an institutional use, and recreational uses accessory to those uses but not including a golf course, downhill ski facilities or residential development;**
 - b) Notwithstanding the above, no more than three different uses may be developed in this area at one time;**
 - c) For the purpose of Section 28 an “institutional use” is defined as including only a public or private school, college or university; a public or private hospital, medical clinic, long term care, convalescent or health rehabilitation facility; or a religious place of worship and accommodation associated with the institutional use, but shall not include a private club, military or paramilitary training centre, correctional facility or residential use; and,**
- 4. To add the following Section 9 to the New Lots policies of Part 1.4 Escarpment Protection Area:**

 - 9. Notwithstanding that three different uses may be permitted within the area designated Escarpment Protection Area on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, no new lots shall be created in this area.**
- 5. To add the following Special Provisions to Part 2.2 General Development Criteria:**

 - 18. New buildings may only be constructed, and the existing buildings on Part of Lot 8, Concession 4, EHS Town of Mono, County of Dufferin, may only be expanded, in accordance with Permitted Use Section 28 in Part 1.4 of this Plan, the Development Criteria in Part 2 and the following additional provisions:**

 - a) The provisions of Part 2.3 (Existing Uses) regarding expansion, enlargement or change in use shall not apply to this property.**

- b) A building or buildings (including an expansion) of up to 4552 square meters (49,000 square feet) may be constructed if Trades 1 and 2 buildings comprising 4552 square meters (49,000 square feet) are either removed from the property or guarantees are secured such that their removal will take place.**
- c) Any application for development including a change of use shall be accompanied by servicing studies that demonstrate that the existing water and private sewage services are adequate, or the feasibility of expanding the usage/services is acceptable for the proposed use and will not impact the environment, wells or water supplies on adjacent properties and that such services will meet the Ministry of the Environment's environmental and health regulations and/or the standards of other authorities having jurisdiction.**
- d) Any application for the development of new buildings (including an expansion) shall be accompanied by a Visual Assessment Study that demonstrates that the visibility of any new buildings will be minimized.**
- e) Any application for the development for new buildings (including an expansion) shall be accompanied by an Environmental Impact Assessment that demonstrates that the proposed development will not adversely affect the environment of the site or the surrounding properties.**
- f) For new buildings and the expansion of existing buildings, the building materials, including the roofing material, should be selected to be compatible with the area's natural setting and property's open landscape character. Any roof material shall be earth-toned and non-reflective and the building material shall be earth-toned and predominantly wood, stone, stucco or clay brick.**
- g) Any expansion, new buildings, services, lighting, roads, parking areas or other accessory facilities will be screened and landscaped in accordance with a comprehensive landscape and grading plan, prepared by a landscape architect.**

The original Amendment proposed by the applicant was:

1. Part 1.8 Escarpment Recreation Area Permitted Uses is amended by adding the following:

8) In Part of Lot 8, Concession 4, Town of Mono, County of Dufferin, (See Map 4 – Amendment 151), the existing Inn and Conference Centre is recognized as a permitted use. In addition, future site developments may include accessory uses for private and public use such as:

- an indoor/hard court arena and seating for public/private hockey, figure skating, curling, lacrosse, basketball and other recreational sports;
- outdoor baseball, tennis and fitness facilities and other outdoor recreational sports including training pole field facilities;
- a hospitality and greeting centre;
- trails and trail activities including the Bruce Trail;
- indoor/outdoor theatre and accessory facilities for the performing arts;
- indoor/outdoor aquatic centre;
- school and training centre;
- accessory residences; and,
- additional inn and conference facilities.

subject to meeting the applicable standards and policies and obtaining the necessary permits and licences.

This designation does not provide for a golf course, downhill ski facilities or residential development.

2. That Map 4 of the Niagara Escarpment Plan is amended to change the designations to Escarpment Natural Area and Escarpment Recreation Area as shown on Schedule A and to add the term “Amendment 151” to the 78 hectares (192.4 acres) property located at Part Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin.

A. PLANNING DOCUMENTS AND PROVINCIAL POLICY

THE NIAGARA ESCARPMENT PLAN

The Ontario Hydro’s Glen Cross Conference and Training Centre was originally developed in the 1950’s and 1960’s. The most recent buildings were constructed

in the early 1990's. The Niagara Escarpment Plan recognized the facility as an existing use and the developed lands are designated Escarpment Protection Area. The Criteria for Designation was "Escarpment slopes and related landforms where existing land uses have significantly altered the natural environment (e.g., agricultural lands or residential development)".

The now forested Escarpment slopes on the site west of the developed area were not recognized as forested lands at the time the Plan was prepared. They were also designated Escarpment Protection area. In addition to satisfying the criteria noted above, they also satisfied the criteria of Regionally Significant Areas of Natural and Scientific Interest (Life Science).

The relevant objectives of the Escarpment Protection Area are:

1. *To maintain and enhance the open landscape character of Escarpment features.*
2. *To provide a buffer to prominent Escarpment features.*
3. *To maintain natural areas of regional significance and cultural heritage features.*
4. *To encourage agriculture, forestry and recreation.*

The stream valleys and the forested slopes of the eastern half of the subject property are designated Escarpment Natural Area. These lands include Escarpment features which are in a relatively natural state and associated stream valleys, wetlands and forests which are relatively undisturbed. The objectives of this designation are:

1. *To maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and associated cultural heritage features.*
2. *To encourage compatible recreation, conservation and educational activities.*
3. *To maintain and enhance the landscape quality of Escarpment features.*

The Niagara Escarpment Plan recognizes **existing uses and generally the policies are intended not to disrupt existing uses.** Part II of the Plan, Section 2.3 has the following relevant policies:

1. *An existing use, building or structure may expand or change in use, or be replaced when it can be sufficiently demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met.*

2. *Where an existing use has a substantial ecological or visual impact, the property owner shall be encouraged to bring the use into closer conformity with the objectives of the applicable designation of the Niagara Escarpment Plan (e.g., erect a fence around a wrecking yard or install manure storage facilities).*
4. *An expansion or enlargement shall be minor in proportion to the size and scale of the building or use at the date of approval (June 12, 1985) of the original Niagara Escarpment Plan and shall not result in an intensification of the use.*
5. *An existing use may change to a similar use or more compatible use provided it can be sufficiently demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met.*

MUNICIPAL PLANNING DOCUMENTS

Town of Mono Official Plan

The Town of Mono's Official Plan is in conformity with the Niagara Escarpment Plan because the Town's Official Plan incorporates the Niagara Escarpment Plan designations and polices into its document. Niagara Escarpment Plan Amendments can be incorporated into the Official Plan by Council Resolution.

PROVINCIAL POLICY STATEMENT (PPS), 2005

The Provincial Policy Statement (PPS) is intended to provide direction on matters of provincial interest related to land use and planning. All agencies, including the NEC, must have regard for the policies of the PPS; however, the PPS cannot be interpreted in a manner which would conflict with the Niagara Escarpment Plan. Part 4.0 IMPLEMENTATION AND INTERPRETATION of the PPS states:

Provincial Plans shall take precedence over policies in the Provincial Policy Statement to the extent of any conflict. Examples of these are plans created under the Niagara Escarpment Planning and Development Act, and the Oak Ridges Moraine Conservation Act, 2001.

The PPS does not directly speak to this application except with regard to Natural Heritage Features. There are no areas of "significant" or provincially recognized features on this site; however, Section 2.1.2 states:

The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved recognizing

linkages between and among natural heritage features and areas, surface water features and ground water features.

The existence of the Canning Falls Provincially Significant Area of Natural and Scientific Interest (ANSI), across the valley from this site suggests that the NEC should recognize the importance of the connectiveness of these areas and ensure that these are maintained. The proposed application would not interfere with this connectivity and the designation of Escarpment Natural Area designation on the area of the Regional ANSI will support this connectivity and the policies in the site specific designation that the lands designated Escarpment Natural Area can only be used for conservation and protection, passive recreation such as nature studies and the development of the Bruce Trail, will further support the maintenance of this linkage area.

GREENBELT ACT, 2005

The *Greenbelt Act* provides that no person or public body shall make an application or request to amend the Niagara Escarpment Plan if the application or request seeks to redesignate the land to the land use designation of Minor Urban Centre, Urban Area or Escarpment Recreation Area of the NEP; or make any other amendment to permit urban uses.

It was a similar provision in the *Greenbelt Protection Act* which resulted in this application being “stayed” until the Act was repealed. This section was repealed when the *Greenbelt Act, 2005*, became law, February 24, 2005.

The *Greenbelt Act* under the heading **Transition** Section 29, provides that any matter, appeal, application, referral procedure or hearing stayed by subsection 8(1) of the *Greenbelt Protection Act, 2004*, is continued as if that section had never been enacted.

While there is a clear intent in the *Greenbelt Act* that amendments for Escarpment Recreation Areas, Urban Area, Minor Urban Centre and other urban uses shall not be made except during Plan Reviews, the application before us was made on April 8, 2004 and therefore must be judged on the basis of the policies that existed at the time the application was made.

B. RELATED NIAGARA ESCARPMENT PLAN AMENDMENT APPLICATIONS

This proposed Amendment involves first amending the designation of lands designated Escarpment Protection Area to Escarpment Natural Area to recognize that the escarpment slopes are forested lands. There have been

four NEP Amendment Applications that proposed the redesignation of land where the Criteria for Development were found to be no longer applicable. They are:

Duff - 28/H/87: This application proposed the redesignation of land in the Town of Halton Hills from Mineral Resource Extraction Area to Escarpment Natural and Protection, and to allow the construction of one additional lot. The redesignation was approved but not the permission for an additional lot.

Günter and Ising - 43/H/88: This application proposed to change land designated Escarpment Protection and Escarpment Rural in the Town of Milton to Escarpment Natural and Escarpment Protection Area to reflect the appropriate Criteria for Designation under the Niagara Escarpment Plan. The Amendment was approved in 1992.

Fisher - 73/H/90: This application proposed the redesignation of land in the City of Burlington from Mineral Resource Extraction Area to Escarpment Natural, Escarpment Rural and Minor Urban Centre. The lands were no longer licensed. The Amendment was approved in 1999.

Douglas C. Matthews - PG/111/96: This application which proposed to amend lands designated Escarpment Protection Area to Escarpment Natural Area was approved by Cabinet in 2000. This site specific application was made to recognize the extensive rehabilitation, regeneration and naturalization that had occurred on the particular property in the Town of Blue Mountains.

This Amendment now proposes to make a site specific amendment to the Escarpment Protection Area designation. There have been 18 such amendments proposed to the NEP. Twelve of those amendments proposed to create lots in addition to the number permitted by the Plan. All of those amendments were either closed by the applicant, refused as not in the public interest by the Minister prior to circulation or refused. There have been six other site specific amendments; three of those were approved, one refused, one closed by the applicant and one has not been decided. Two of the three applications that were approved involved changing the permitted use of existing dwellings.

Patterson - 54/D/89: This application was made to permit commercial uses in an existing single family dwelling.

Fred Lambert - PW 137 01: This application was made to allow a privately operated educational facility in a building formerly used as a single detached dwelling.

The third was the amendment that permitted the County of Grey Heritage facility and complex.

The application **Niagara Land Co. (John Howard) PN/120/97** for a site specific amendment to permit a New World Culinary Centre and a 56 guest units accessory to a proposed winery was refused by Cabinet.

C. RELATED FILES (Subject Property)

There were nine Development Permit Applications issued to Ontario Hydro for this site since 1981. They were primarily for the expansion of the trades training facilities; although, they did include the construction of a new Trades Office Building of 9000 sq. ft. in 1992.

One Development Permit (D/L/00-01/254) was issued to the Goldman Group to build an addition of a 1 storey, 30 sq. m (325 sq. ft.) sunroom and enclosure for a hot tub. This addition has not been built.

D. SITE DESCRIPTION AND SURROUNDING LAND USES

Site Description

The entire site is 78 hectares (192.4 acres). It is located on the south slope of the Hockley Valley, a major re-entrant valley along the Niagara Escarpment.

There are five sets of buildings located in the centre of the site. The Valley facility includes approximately 83 bedrooms and 12 conference rooms, as well as, a reception area, dining room, auditorium, indoor pool and games room, two licensed lounges and a sun deck. This grey board and batten building is built into the escarpment slope so that it has the appearance of a one storey building although the centre area has multiple levels. The gross floor area is approximately 5,950 sq. m. (64,000 sq. ft.).

The Peaks facility has 93 bedrooms, 3 conference rooms, a dining hall, games room and classrooms. The gross floor area is approximately 4,900 sq. m. (53,000 sq. ft.). This grey board and batten facility is also located on the escarpment slope but higher than the Valley facility.

The Pavilion facility provides five conference rooms and an auditorium on two levels. The building is located on the level ground at the top of the escarpment slope and is flat roofed with glass windows on three sides. This is the most recent building, built on the site in 1992. It has a gross floor area of approximately 830 sq. m. (9000 sq. ft.).

The two Trade facilities that were used by Ontario Hydro for training and various out buildings have a gross floor area of 4552 sq. m. (49,000 sq. ft.). These two massive two storey buildings are painted green and sit on the level ground at the highest point on this property. The total gross floor area for all the facilities is approximately 15,900 sq. m. (171,000 sq. ft.). There is a small parking area adjacent to the Valley facility and a large parking area in the centre of the developed portion of the site for approximately 300 cars. In addition, the land adjacent to the Trades building is paved.

The existing recreational uses on the site include a baseball diamond, climbing wall, indoor pool and games and fitness room, facilities rented to a local theatre group and the Bruce Trail. The Bruce Trail crosses the property from east to west with a short side trail (the Peter Beecham Side Trail), on the eastern half of the property forming a loop to the 4th Line.

The developed portion of the site which will be left designated Escarpment Protection Area is approximately 22.10 ha (54.6 ac). A small portion of the developed area of the site has been maintained as forested slopes but for the most part the site is kept as manicured lawns.

The eastern portion of the site is dominated by the one major and two minor stream valleys draining north to the Nottawasaga River. The Glen Cross Upland Forest, a regionally designated Life Science ANSI¹, covers the undeveloped portion of this site except for two small areas in the southern corners of the lot. (See Map 2.) Sugar maple forests with white ash dominate the tablelands and upper slopes of the site. Hemlocks and mixed forests predominate on the lower slopes while the bottomlands of the site have mixed forests dominated by white cedar. For a small site, the Glen Cross Upland Forest has a high diversity of 20 vegetative community types with a number of regionally rare species. The forests on the southern two-thirds of the site are intermediate-aged in good to very good condition with no evidence of recent logging.

Adjacent Area

The access to the Inn and Conference Centre is from 3rd Side Road. Immediately across the road is the golf course and the ski runs of the Hockley Valley Inn and Conference Centre which is also accessed from the 3rd Side Road. There are a number of residences located both across the road and north of the subject property. On the east side of the property the alignment of the 4th Line detours around the slopes of the forested stream valley. Immediately south of the property, the lands appear to be actively farmed on the east half of Lot 7. The west half has not been recently farmed. The lands to the south are forested

¹ J. L. Riley, J. V. Jalava and S. Varga. 1996. Ecological Survey of the Niagara Escarpment Biosphere Reserve. Volume I. Significant Natural Areas. Ontario Ministry of Natural Resources, Southcentral Region, Peterborough, Ontario.

with numerous residential developments associated with the Hockley Valley Road (Dufferin County Road 7) which runs along the Nottawasaga River through the valley.

In addition to the Hockley Valley Inn and Conference Centre, there are two other ski areas designated Escarpment Recreation along the south side of the Hockley Valley.

Niagara Escarpment and Land in Its Vicinity

The subject property sits on the southern slope of the Hockley Valley, a major re-entrant valley that cuts through the Niagara Escarpment. The rolling slopes of the valley are mantled with deep ice-contact stratified drift consisting of mainly sand and gravel. At this site, these soils mantle the Manitoulin Formation on the upper slopes and the shales of the Queenston Formation on the lower slopes.²

The headwaters of a tributary to the Nottawasaga River occur to the south and east of the site. Groundwater seepage areas are prevalent along the lower edge of the slopes. The Nottawasaga River is a cold water stream.

The Hockley Valley, the lands to the north to Mono Centre and the lands south to the Orangeville Reservoir, form a continuous natural corridor approximately 18 km long and covering roughly 23 square km. The Glen Cross Upland Forest, Canning Falls Life Science ANSI, the Hockley Valley Nature Reserve, the Nottawasaga River North Life Science ANSI and the Mono Cliffs Life Science ANSI (the Mono Cliffs Provincial Park) contribute to the continuous forested corridor that maintains viable wildlife populations.

Landscape Analysis

During the review of the Amendment previously proposed, a viewshed analysis was done of the property. It revealed that the existing Trades buildings were visible from the south east of the property and from two locations on the Bruce Trail and from the 3rd Line on the northern slope of the valley. These locations provide significant views of the southern valley slope including the subject property.

E. JUSTIFICATION

Section 6.1(2) of the NEPDA requires that applications for each plan amendment must include a statement of justification and supporting material. Section 1.2.1

² Ibid., p.283

Plan Amendments of the Niagara Escarpment Plan provides that the plan may be amended if:

- justification for the amendment is provided;
- the purpose and objectives of the NEPDA and the NEP are met; and,
- it can be demonstrated that the proposed amendment and the expected impacts resulting from the proposed amendment do not adversely affect the purpose and objectives of the NEPDA.

Before recommending that an application should be initiated and circulated, the Niagara Escarpment Commission must determine if the application is justified and not frivolous. Justification for a proposed amendment means the rationale for the amendment, including the reasons, arguments or evidence in support of the change to the Plan proposed by the amendment. It must be demonstrated that the proposed amendment and the expected impacts resulting from the proposed Amendment do not adversely affect the purpose and objectives of the NEPDA and that they are consistent with the NEP and relevant Provincial Policies.

ISSUE 1: Has Justification Been Provided?

The applicant provided justification for this application, prepared for the Goldman Group by McKibbin Wakefield Inc., April 2, 2004. An April 21, 2008 version of the justification has been provided. The Niagara Escarpment Commission decided when it initiated this Amendment on March 17, 2005, that there was sufficient justification provided for the amendment to be circulated.

ISSUE 2: Does the Proposed Amendment Satisfy the Purpose and Objectives of the NEP?

This Amendment proposes to redesignate a portion of the subject lands to Escarpment Natural Area from Escarpment Protection Area. This portion of the Amendment satisfies the purpose of the NEPDA and the NEP:

“To provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with the natural environment.”

The second portion of the Amendment is to permit site specific amendments on the portion of the site that is now designated Escarpment Protection Area. The proposed site specific details will have to be considered in terms of the Purpose and Objectives of the NEP. Particularly, that “only such development occurs as is compatible with the natural environment”. This is mirrored in the statement of objectives:

(d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;

(e) to ensure that all new development is compatible with the purpose of the Plan;

Since the proposed amendment will not allow any additional building development on the property without the removal of the Trades buildings which are the most visible buildings on the property, and since the proposed amendment provides specific guidance on the type of development which will be permitted on the property, it is concluded that the Amendment does not offend the purpose and objectives of the NEP.

The proposal does comply with the objectives:

(c) to provide adequate opportunities for outdoor recreation;

(f) to provide for adequate public access to the Niagara Escarpment;

ISSUE 3: Does the Proposed Designation Satisfy the Niagara Escarpment Plan Designations Criteria?

There is no question that the forested area around the Inn and Conference Centre has matured since the designations were applied and that what was previously identified as Escarpment Protection Area because of its open landscape qualities, is now more appropriately designated Escarpment Natural Area.

Criteria for Designation

- 1. Escarpment slopes and related landforms associated with the underlying bedrock which is in a relatively natural state.*

This proposed change supports the purpose and objectives of the NEP "...to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with the natural environment."

There are, however, many instances where the lands once identified as Escarpment Protection Area because of their visual prominence, are now some twenty-five years later more appropriately designated Escarpment Natural Area. This would not be sufficient justification for proceeding with a site specific amendment on these lands given that this argument could be applied to a large portion of the lands within the NEP area.

Staff is of the opinion that the most appropriate designation for the developed portion of this property is Escarpment Protection Area. The lands satisfy the following designation criteria:

Criteria for Designation

1. *Escarpment slopes and related landforms where existing land uses have significantly altered the natural environment (e.g. agricultural lands or residential development).*

The extent of development on this site is already much greater than would be permitted under the existing NEP provisions. And while the proposed amendment sets out additional uses which may be developed on this site, it does at the same time restrict the extent of development on the site to the existing level by providing that no new lots can be created and by the wording of the amendment which states that:

- f) A building or buildings (including an expansion) of up to 4552 square meters (49,000 square feet) may be constructed if Trades 1 and 2 buildings comprising 4552 square meters (49,000 square feet) are either removed from the property or guarantees are secured such that their removal will take place.

This Amendment extends the range of institutional uses permitted on the site but states clearly that a golf course, downhill ski facility and residential development as well as a private club, military, paramilitary training centre or correctional facility, shall not be permitted on the site.

The Existing Uses policies of the NEP will not apply to the subject lands. Those policies state that an existing use may expand or change in use. While this proposed Amendment allows changes of use, the focus is on not increasing the footprint of the existing development. Further, through the requirements of the Amendment and the specific requirements for Development Permits, it will ensure that the nature of the development will be more compatible with the Escarpment environment and landscape than the development that is proposed to be removed.

ISSUE 4: Do the Expected Impacts of the Proposed Amendment Adversely Affect the Purpose and Objectives of the NEPDA and the NEP?

The special provisions of the proposed Amendment provide that any application for development including change of use on the subject lands, will require a servicing study [See Provision 18 (c)] and it provides that any application which includes new development of buildings or expansions will be accompanied by a

Visual Assessment Study, Environmental Impact Study and a Landscape and Grading Plan. It further provides that the building and roof materials will be earth toned and non-reflective.

ISSUE 5: Is the Amendment Consistent With Provincial Policy?

The *Greenbelt Act, 2005*, and the consequential changes to the NEPDA do not permit applications to amend the NEP to permit urban uses; however, this application must be judged on the basis of policies which existed prior to the adoption of the changes to the NEPDA.

In addition, given that this application recognizes an existing use and that the existing use predates the approval of the NEP, it would be inappropriate to use this Amendment as precedence for future amendment applications to permit urban uses. The history of this application makes it unique in this respect.

F. CONCLUSIONS AND RECOMMENDATIONS

The NEC decided to circulate this amendment in 2005; however, since that time the Amendment has been changed substantially; therefore, staff is recommending that the Amendment be recirculated to municipalities, agencies and the public and that a new notice be put into the local paper(s) and that another Public Interest Advisory Committee be appointed and invited to make comments. Staff recommends:

1. That the Niagara Escarpment Commission undertake the public and agency notice, circulation and consultation required under Sections 7 and 10 of the *Niagara Escarpment Planning and Development Act* of the attached Amendment
2. That the County of Dufferin and the Town of Mono be circulated and that an advertisement be placed in the Orangeville Citizen and the Orangeville Banner.

Prepared by:

**Kathryn Pounder, MA MCIP, RPP
Senior Strategic Advisor (Acting)**

List of Schedules and Accompanying Maps:

Map 1: Location

Map 2: Air Photo

**PROPOSED AMENDMENT PD 151 04
TO THE NIAGARA ESCARPMENT PLAN**

THE GOLDMAN GROUP

**(HOCKLEY HIGHLANDS INN AND
CONFERENCE CENTRE)**

MAY 15, 2008

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PART A – The Preamble

PURPOSE:

To change a portion of the lands designated Escarpment Protection Area to Escarpment Natural Area and to set out site specific permitted uses and development policies for the Hockley Highlands Centre (the former Ontario Hydro Training Centre) on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, as shown on Map 4 of the Niagara Escarpment Plan.

LOCATION: Part Lot 8, Concession 4 EHS
Town of Mono, County of Dufferin

LAND AREA: 78 hectares (192.4 acres)

AGENT: Ron Webb

PLANNER: McKibbon Wakefield Inc.

BASIS:

The lands subject to this Amendment are presently designated Escarpment Natural Area and Escarpment Protection Area. These designations were based on recognizing the forested Escarpment slopes which were identified as Escarpment Natural Area, the designation of the Regionally Significant Life Science Area of Natural and Scientific Interest (ANSI) and the developed portion of the site which was used as the former Ontario Hydro Training Centre as Escarpment Protection Area.

The proposed Amendment would designate the entire forested area on the Escarpment slopes, including the Regional ANSI, as Escarpment Natural Area and the cleared and developed portion of the site as Escarpment Protection Area with site specific permitted uses and development policies. The Amendment will permit an Inn and Conference Centre and/or institutional uses such as public and/or private educational and medical uses, religious uses and recreational uses accessory to those named permitted uses. The Amendment provides that the overall built floor area on the site will not be increased by providing that should new buildings be built, existing buildings will be removed. Site specific development criteria are contained in this Amendment to ensure that the visibility of any new buildings will be minimized and that any new development will not adversely affect the environment.

Section 6.1(2) of the *Niagara Escarpment Planning and Development Act* (NEPDA) provides that:

An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission and application may be made to the Commission by any person or public body requesting an amendment to the Plan.

Part B - The Amendment

The Niagara Escarpment Plan is amended as follows:

1. Map 4 of the Niagara Escarpment Plan is amended on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, to change a portion of the lands designated Escarpment Protection Area to Escarpment Natural Area as shown on Schedule A, attached hereto.
2. To add the following Section 21 to the Permitted Uses of Part 1.3, the Escarpment Natural Area:
 21. Notwithstanding the Permitted Uses outlined above in Part 1.3, within the area designated Escarpment Natural Area on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, the only uses permitted in this area shall be the conservation and protection of these lands, passive recreation such as nature studies and the development of the Bruce Trail.
3. To add the following Section 28 to the Permitted Uses of Part 1.4, the Escarpment Protection Area:
 28. Notwithstanding the Permitted Uses outlined above in Part 1.4 and the Existing Uses policies of Part 2.3, only the following uses subject to the Development Criteria in Part 2 of this Plan shall be permitted within the area designated Escarpment Protection Area on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin:
 - a) An Inn and Conference Centre and/or an institutional use, and recreational uses accessory to those uses but not including a golf course, downhill ski facilities or residential development;
 - b) Notwithstanding the above, no more than three different uses may be developed in this area at one time;

- c) For the purpose of Section 28, an “institutional use” is defined as including only a public or private school, college or university; a public or private hospital, medical clinic, long term care, convalescent or health rehabilitation facility; or a religious place of worship and accommodation associated with the institutional use, but shall not include a private club, military or paramilitary training centre, correctional facility or residential use; and,
- 4. To add the following Section 9 to the New Lots policies of Part 1.4 Escarpment Protection Area:
 - 9. Notwithstanding that three different uses may be permitted within the area designated Escarpment Protection Area on Part of Lot 8, Concession 4 EHS, Town of Mono, County of Dufferin, no new lots shall be created in this area.
- 5. To add the following Special Provisions to Part 2.2 General Development Criteria:
 - 18. New buildings may only be constructed, and the existing buildings on Part of Lot 8, Concession 4, EHS Town of Mono, County of Dufferin, may only be expanded, in accordance with Permitted Use Section 28 in Part 1.4 of this Plan, the Development Criteria in Part 2 and the following additional provisions:
 - a) The provisions of Part 2.3 (Existing Uses) regarding expansion, enlargement or change in use shall not apply to this property.
 - b) A building or buildings (including an expansion) of up to 4552 square meters (49,000 square feet) may be constructed if Trades 1 and 2 buildings comprising 4552 square meters (49,000 square feet) are either removed from the property or guarantees are secured such that their removal will take place.
 - c) Any application for development including a change of use shall be accompanied by servicing studies that demonstrate that the existing water and private sewage services are adequate, or the feasibility of expanding the usage/services is acceptable for the proposed use and will not impact the environment, wells or water supplies on adjacent properties and that such services will meet the Ministry of the Environment’s environmental and health regulations and/or the standards of other authorities having jurisdiction.

- d) Any application for the development of new buildings (including an expansion) shall be accompanied by a Visual Assessment Study that demonstrates that the visibility of any new buildings will be minimized.
- e) Any application for the development for new buildings (including an expansion) shall be accompanied by an Environmental Impact Assessment that demonstrates that the proposed development will not adversely affect the environment of the site or the surrounding properties.
- f) For new buildings and the expansion of existing buildings, the building materials, including the roofing material, should be selected to be compatible with the area's natural setting and property's open landscape character. Any roof material shall be earth-toned and non-reflective and the building material shall be earth-toned and predominantly wood, stone, stucco or clay brick.
- g) Any expansion, new buildings, services, lighting, roads, parking areas or other accessory facilities will be screened and landscaped in accordance with a comprehensive landscape and grading plan, prepared by a landscape architect.