

Niagara Escarpment Commission

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Niagara Escarpment Commission
An agency of the Government of Ontario

November 17, 2021

INITIAL STAFF REPORT

**RE: PROPOSED Niagara Escarpment Plan Amendment PP 223 21 (Pinchin Pit)
Part Lots 13 & 14 Concession 5 WHS
Town of Caledon, Region of Peel**

APPLICANT¹/ OWNER: Credit Valley Conservation (CVC)

AGENT: n/a

DATE RECEIVED: August 9, 2021

NEP DESIGNATIONS: Mineral Resource Extraction Area

PROPOSAL SUMMARY:

To re-designate the portion of the former Pinchin Pit lands approximately 48.8 ha in size from Mineral Resource Extraction Area (MREA) to a combination of Escarpment Rural Area and Escarpment Natural Area, and to include the lands owned by the Credit Valley Conservation Authority (CVC) in the Niagara Escarpment Parks and Open Space System (NEPOSS).

PURPOSE OF THIS REPORT

The purpose of this report is for the Niagara Escarpment Commission (NEC) to determine whether the application for amendment to the NEP should be initiated and circulated under Section 7 and Section 10 of the *Niagara Escarpment Planning and Development Act* (NEPDA), or, under Section 6.1(3) of the NEPDA, whether the NEC should recommend to the Minister that the application not be considered on the basis

¹ Note that the NEC is initiating the amendment for the 4.8 ha (12 ac) parcel that is still owned by AECON.

that the proposal does not disclose a planning justification for the amendment and/or is not in the public interest.

STAFF SUMMARY RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) instruct staff to process the proposed Amendment PP 223 21 (Pinchin Pit) for circulation and notification pursuant to Section 6.1(2) of the NEPDA and the recommendations of this Initial Staff Report.

A. BACKGROUND/OVERVIEW

The subject property, known as the Pinchin Pit, is located on the west side of Mississauga Road, south of Cataract Road (Wellington Road 124), north of the Cataract Trail, in the Town of Caledon, Region of Peel (see Maps 1 and 2). The entire site is approximately 66 hectares (165 acres) in size. The southern 44 ha (108.7 ac) of the former Pinchin Pit lands are in the NEP Area. AECON Construction Ltd transferred approximately 61.2 ha (153 ac) to the CVC in September 2013, and a remnant lot of approximately 4.8 ha (12 ac) was retained by the pit owner (AECON). Although the remnant 4.8 ha (12 ac) lot is not included in the CVC amendment application (given that they do not own the lands), NEC staff is proposing that these lands also be considered for re-designation through the same amendment. AECON Construction has received written notification of the amendment proposal.

As noted, the lands are currently designated MREA in the NEP (Map 1), in conjunction with the sand and gravel extraction that operated for approximately 15 years. The extraction activities have ceased, and the *Aggregate Resources Act* (ARA) licence (# 21666) has been surrendered, as confirmed by the Integrated Aggregates Operations Section of the Ministry of Northern Development Mines Natural Resources and Forestry (MNDMNRF) on September 22, 2017. The subject property has been rehabilitated to the satisfaction of the MNDMNRF (MNRF at the time of licence surrender).

The Consolidated Joint Board approved an application by Ambro Material & Construction Limited (now AECON) in April 1996, to re-designate the subject lands from Escarpment Rural Area to Mineral Resource Extraction Area, to permit approximately 4 million tonnes of aggregate (sand and gravel) in an area of approximately 53 ha on the 66 ha property. Approximately 48.8 ha of the subject property is located within the NEP Area, with the remaining portion to the north situated outside the NEP Area, in the Protected Countryside of the Greenbelt Plan Area. The Joint Board decision was petitioned to Cabinet and referred to the Board for finalization. NEP Amendment 64 concluded in December 1999 and, in accordance with the Minutes of Settlement, a NEC Development Permit was issued in September 2000 to permit the development and operation of sand and gravel pit.

Proposed NEP Amendment PC 197 13 was initiated by the NEC in 2013. This previous amendment proposed that in addition to the re-designation of the portion of the lands in the NEP Area to Escarpment Rural Area and Escarpment Natural Area, the northern 17 ha portion of Pinchin Pit which is outside of the NEP Area, be added to the NEP Area and designated accordingly. However, inclusion of the lands from the Greenbelt Plan Protected Countryside into the NEP Area requires a regulation change (Regulation 59/05), which was out of scope during the 2017 Coordinated Review. As such, NEC and CVC withdrew proposed Amendment PC 197 13 in September 2019.

C. SITE DESCRIPTION AND SURROUNDING LAND USES

Pinchin Pit is located on the west side of Mississauga Road, south of Cataract Road (Wellington Road 124), north of the Elora-Cataract Trailway, in the Town of Caledon, Region of Peel. The entire site is approximately 61 hectares (153 acres). The southern 48.8 ha (120 ac) of the subject lands are in the NEPA and are designated MREA. The northern 17 ha (42 ac) of the former pit are outside of the NEP Area and identified as Protected Countryside in the Greenbelt Plan.

Five wetland features (kettle ponds), identified as the Provincially Significant Cataract Southwest Wetland Complex (PSW), traverse the property. A series of small pocket wetlands (marsh) have also formed on site due to groundwater table interception during extraction. In addition, a woodlot is located along the western boundary of the property (outside the NEP Area).

The subject property neighbours the Brimstone Gorge Environmentally Sensitive Area (ESA) to the east, and the Dufferin Lake ESA, Dufferin Lake Life Science Area of Natural and Scientific Interest (ANSI) and Caledon Meltwater Deposits Earth Science ANSI to the south (see Map 3). The Forks of the Credit Provincial Park is found approximately half a kilometre to the southeast of the property.

The approximately 4.8 ha parcel still owned by AECON contains an old drive shed associated with the former farmstead and a small wooded plantation that is predominantly comprised of Scots Pine and Norway Spruce. While these lands were included in the licenced area, they remained outside of the limit of extraction.

The subject lands are located approximately 450 metres west of the brow of the Niagara Escarpment (Map 6), where it is characterized as the pre-glacial steep gorge of the Credit River Valley. Approximately 600 metres south of the property, the Escarpment brow crosses Mississauga Road, where the Escarpment bedrock has been mantled and is characterized by a height of land associated with the glacial meltwater deposits of north Earth Science ANSI. This meltwater channel consists of sand and gravel glaciofluvial deposits, laid down at the front of the Paris Moraine. This has resulted in

extensive outwash deposits in the area and serves as a major source of sand and gravel. The kettle lakes are the result of large ice deposits being trapped under the glacial outwash deposits and, upon melting, form basins in the depressions. It should be noted that these wetlands / kettle ponds were specifically protected under the Aggregate licence and not mined, as they were deemed to be significant.

Vegetation communities were identified by the CVC through field surveys and classified through the application of the southern Ecological Land Classification (ELC) System (Map 7). The inventory is documented in the Shaw's Creek - Charleston North Natural Areas Inventory (April 2015). The majority of the subject lands have succeeded into meadow habitat.

The Elora-Cataract Trailway forms the southern boundary of Pinchin Pit lands and is also currently designated as MREA. The trailway is proposed to be included in the amendment proposing re-designation.

An active sand and gravel operation (still designed MREA) neighbours the subject site to the south. Once the operation ceases and the licence surrendered, these lands may serve as a logical extension to the proposed NEPOSS park, should the CVC have the opportunity to ultimately acquire the lands.

D. PLANNING DOCUMENTS

1. *Niagara Escarpment Planning and Development Act (NEPDA)*

Sections 6.1(2.2) of the NEPDA identifies that no person or public body shall make an application or request to amend the NEP if the application or request relates to land that is within the land use designation of Escarpment Natural Area, Escarpment Protection Area, Mineral Resource Extraction Area or Escarpment Rural Area of the NEP and the application or request seeks to, a) re-designate the land to the land use designation of Minor Urban Centre, Urban Area or Escarpment Recreation Area of the Niagara Escarpment Plan; or b) make any other amendment to permit urban uses, unless it is during the time of a Plan Review.

The proposal to re-designate lands which are no longer licensed, to a more appropriate designation(s) through the application of the NEP Land Use Designation Objectives and Criteria does not meet the prohibition of urban uses and urban designations under the NEPDA, since the lands are not being proposed for designation as Escarpment Urban Area, Escarpment Recreation Area or Minor Urban Centre (the NEPDA specifies these designations to be "urban designations"), nor is the proposal seeking an urban use. Therefore, Section 6.1 (2.2) of the NEPDA allows for the Commission to consider and initiate this proposed amendment to the NEP outside the time of a Plan Review.

The lands subject of the amendment are currently within the area of Development Control.

2. Niagara Escarpment Plan (NEP)

The NEP Part 1.2.1 identifies that planning policies and land use designations may be changed by amendment to the Plan, provided that the proposed amendment is consistent with the Purpose and Objectives of the NEPDA and the NEP. The Development Criteria set out in Part 2 of the NEP are to be considered in the assessment of any amendment to the NEP. The Part 2 Development Criteria are not applicable in this instance, given that the amendment is only seeking a change to the designation, and is not seeking any associated development or policy exceptions. Permitted Uses on the subject lands will be informed by the new designation(s), once approved, and would require a subsequent Development Permit Application.

Part 1.9 of the NEP outlines the objectives and criterion for designation for Mineral Resource Extraction Areas (MREA). The MREA designation includes pits and quarries licensed pursuant to the *Aggregate Resources Act* and areas where mineral resource extraction may be permitted subject to the policies of the NEP.

The Criterion for Designation of a Mineral Resource Extraction Area is:

- *Licensed pits and quarries producing more than 20,000 tonnes annually.*

Areas designated Mineral Resource Extraction are intended to be interim in nature and once the aggregate resource has been exhausted, the lands are to be re-evaluated for more appropriate designation. The above-noted Criterion is no longer applicable to the subject lands following the completion of the aggregate extraction activities and surrender of the ARA licence.

The Objectives of NEP Part 1.9 Mineral Resource Extraction Area designation specifically state that after uses and rehabilitation should:

- *Encourage rehabilitated mineral aggregate operations to be restored to a state that is of equal or greater ecological or agricultural value than the original characteristics of the site.*
- *Ensure that, after a licence is surrendered, the land is re-designated to a land use designation that is compatible with the rehabilitation of the site, the designation criteria of adjacent lands, the surrounding Escarpment environment and existing land uses in the area.*
- *Encourage, wherever possible, the rehabilitated after uses of pits and quarries to be integrated into the Niagara Escarpment Parks and Open Space System.*

The Permitted Uses within MREAs are limited, except for those directly related to aggregate extraction and subsequent rehabilitation, and generally reflect the interim nature of pits and quarries.

NEP Part 1.9.5 After Uses identifies that following the surrender of the licence, an amendment is required to change the land use designation of the lot from MREA to a land use designation that has designation criteria consistent with the rehabilitation completed on the property and be processed in accordance with NEP Part 1.2.1.

3. Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS 2020) is intended to provide direction on matters of provincial interest related to land use and planning. The PPS is issued under Section 3 of the Planning Act and the current PPS came into effect May 1, 2020. All land use planning decisions, including those of the NEC, must be consistent with the policies of the PPS; however, the PPS states that Provincial Plans take precedence over policies in the PPS to the extent of any conflict. The NEP builds upon the policy foundation provided by the PPS and provides additional land use planning policies in support of the Purpose and Objectives.

Section 2.0 of the PPS identifies the Province's objectives respecting the long-term protection of natural heritage, water resources and cultural heritage and archaeological resources for their economic, environmental, and social benefits. Part 2.1 requires that natural features and areas shall be protected for the long-term and Part 2.1.2 identifies that 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 PPS provides direction for the rehabilitation and after use of mineral aggregate resource sites in Section 2.5.3 Rehabilitation. Section 2.5.3.1 states that progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. Further, Part 2.5.3.2 identifies that comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations

The proposed re-designation of the lands is consistent with the PPS (2020).

4. Greenbelt Plan (2017)

The Greenbelt Act authorized the preparation of the Greenbelt Plan, which was approved in February 2005 and updated in 2017 through the 2015 Co-ordinated Land Use Plan Review. The Greenbelt Plan is intended to be a broad band of permanently protected land around the Greater Golden Horseshoe (GGH) where urbanization should not occur. The Plan includes the agricultural land base and natural heritage and water resource systems. Permitted development within the Greenbelt is generally associated with activities related to the rural land base and includes agriculture, tourism, recreation and resource activities.

The Greenbelt Plan Area includes all the NEP Area. The southern half of the Pinchin Pit property (Map 1), is identified as within the Niagara Escarpment Plan Area on Greenbelt Plan mapping. The policies of the NEP are the policies of the Greenbelt Plan for the NEP Area except for the Open Space and Trails Policies set out in Section 3.3 of the Greenbelt Plan. The planning, construction, and maintenance of parkland, open space, and trails in the NEP Area must also comply with the policies in Section 3.3 of the Greenbelt Plan. Further, Section 5.6 identifies that amendments to the NEP remain governed by, and are to be dealt in accordance with, the provisions of the NEPDA.

The northern half of the Pinchin Pit property is identified as part of the Greenbelt Plan's "Protected Countryside" on Greenbelt Plan mapping. Appendix 1 of the Greenbelt Plan shows those portions of the lands which are considered key elements of the Natural Heritage System within the Protected Countryside. As it relates to the NEP, Escarpment Natural and Protection Areas are considered key natural connections within the Greenbelt Plan area.

5. Growth Plan for the Greater Golden Horseshoe

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Office Consolidation, 2020) (the "Growth Plan") applies to lands within the Greater Golden Horseshoe (GGH), which includes the Town of Caledon, and provides direction on how to manage growth. Emphasis is placed on intensification and redevelopment in existing settlements and built-up areas rather than sprawl or haphazard expansion that requires new municipal services (e.g., sewers and water). The Growth Plan on its Map Schedules also identifies Urban Growth Centres within existing built-up areas. The subject lands are not identified as being part of an Urban Growth Centre or Built-up Area as designated in the Growth Plan.

The Growth Plan and Greenbelt Plan are intended to work together. Areas to be protected in the GGH were established first (in the Greenbelt Plan) and then areas where development could be considered were identified second (the Growth Plan).

Both the Growth Plan (Section 1.4) and its enabling legislation (*Places to Grow Act, 2005*), indicate that in considering the Growth Plan in relation to other Provincial Plans and Policies (e.g., the NEP), the planning direction to be followed is the one that *“provides more protection to the natural environment or human health”*. In considering the hierarchy of Provincial Plans and policies governing this area and the provisions within those documents, the greatest protection to the natural environment and human health (particularly the natural environment), is accomplished most effectively through the policies and appropriate land use designations of the NEP.

The proposal to re-designate the subject lands and ultimately restore and develop Pinchin Pit into a publicly accessible greenspace supports several policies outlined in the Growth Plan.

Section 4.2.5 identifies policies for Public Open Space in Ontario:

Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly accessible parkland, open space, and trails, including in shoreline areas, within the GGH that:

- a. clearly demarcates where public access is and is not permitted,*
- b. is based on a coordinated approach to trail planning and development, and*
- c. is based on good land stewardship practices for public and private lands.*

While the policies of the Growth Plan are primarily directed to guiding development within settlement areas, it specifically encourages conservation authorities to develop a system of publicly accessible open space and trails based on good land stewardship.

The subject lands and surrounding lands are within the identified Prime Agricultural Area of the Growth Plan.

6. Regional and Local Planning Context

Region of Peel Official Plan

The Region of Peel’s Official Plan (Office Consolidation, 2018) is the long-term policy framework for decision making in Peel Region. The Region’s Official Plan (OP) sets the Regional context for planning activities and provides direction for initiatives aimed at improving the environment.

The OP includes policies that support the NEP (2.2.8.1.1.) and requires the Town of Caledon’s Official Plan policies to conform with the NEP (2.2.8.1.2).

The Provincially Significant Wetlands on the subject property are identified as part of the Core Areas of the Greenlands System (Schedule A Core Areas of the Greenlands

System in Peel). The subject lands are also identified on Schedule C High Potential Mineral Aggregate Resource Areas.

Section 3.5 of the Regional OP identifies the Region's recreation policies. These policies support conservation authorities as recreation providers and specifically identifies the NEPOSS:

- Section 3.5.2.1 Acknowledge and support, as appropriate, the role of the area municipalities, conservation authorities, provincial agencies and the Niagara Escarpment Commission, as the primary agencies responsible for coordinating the provision of recreational facilities and services (including parkland, open space trails and water-based activities) within Peel,
- Section 3.5.2.2 Consider, in partnership with other agencies, opportunities to provide passive outdoor recreational amenities that serve regional needs, including small-scale structures for recreational uses consistent with the requirements of the Greenbelt Plan and consistent with the development criteria and related policies of the NEP, including Part 3, The Niagara Escarpment Parks and Open Space System, where applicable,
- Section 3.5.2.3 Support the Niagara Escarpment Parks and Open Space System within Peel and recognize the Bruce Trail as an essential component of the recreation system of the Niagara Escarpment, which is recognized internationally as a World Biosphere Reserve,
- Section 3.5.2.4 Support the conservation authorities which own and maintain conservation areas on a region-wide basis, and;
- Section 3.5.2.6 Support initiatives to establish trail systems on the Oak Ridges Moraine and in the Greenbelt as well as the Culham Trail, Cataract/Elora Trail, the Caledon Trail, Credit Valley Trail, equestrian trails and other trails in the region.

Town of Caledon Official Plan

The Pinchin Pit subject lands are currently designated as an Extractive Industrial Area in the Town of Caledon's Official Plan (OP), through OP Amendment 122. Section 5.11.2.1.8 of the OP states that:

Lands which have been previously licenced, which have been substantially mined out, which have been rehabilitated, and for which the license has been surrendered shall be excluded from the Caledon High Potential Mineral Aggregate Resource Areas (CHPMARA) through an Amendment to Schedule L.

An OP Amendment is required to change Pinchin Pit to a more appropriate municipal zone, such as Open Space and Recreation. The CVC provides that the future proposed

enhanced restoration and designation of Pinchin Pit as part of the NEPOSS, would support several of Caledon's Open Space and Recreation policies, including:

Section 5.8.2.1: To develop and maintain in system of parks and publicly accessible open spaces which provide for a diversity of recreational and leisure opportunities for a range of ages and interest groups,

Section 5.8.3.5: The Town recognizes the significance of existing national, interprovincial and inter-regional trail and open space/parks systems such as the Trans-Canada Trail, the Bruce Trail, the Humber Valley Heritage Trail, the Caledon Trailway, the Cataract-Elora Trailway and Niagara Escarpment Parks and Open Space system and shall endeavour to preserve and protect these trail networks and open space systems where feasible,

Section 5.8.3.6: The Town will support and participate in, as appropriate, the initiatives of other agencies and interest groups to expand interconnect existing linear passive trail systems. Emphasis shall be placed on linking recreational opportunities between the Oak Ridges Moraine, the Niagara Escarpment and the Humber and Credit river watersheds.

Town of Caledon Rehabilitation Master Plan: Belfountain and Caledon Sand and Gravel Resources – Concepts & Implementation Report (October 2020)

The Town of Caledon's 2018 OP requires Rehabilitation Master Plans (RMP) to be prepared for 10 areas of concentrated aggregate resources across the Town's land base. The aim of the Plan is to integrate the existing Site Plans and rehabilitation requirements for licensed aggregate pits in Caledon Village and Alton sand and gravel resource areas to create a balanced landscape-scale plan consisting of various land uses, environmental features, recreational and tourism opportunities and linkages. The RMP will consider how to restore and repurpose lands with many aggregate pits that border each other and that are within a geographical area for future development while taking community interests into account.

A future vision and proposed land uses are identified for each active or retired pit or quarry in this area. The RMP recommends streamlining processes to support property owners and the realization of the final vision for the study area. Table 10 of the "Concepts and Implementation Report" (April 2020), identifies "A Vision Plan" and potential interim and Vision Plan uses for a number of aggregate extraction sites, including the Pinchin Pit. Interim and future vision plan for the Pinchin Pit is identified as "Rural and Recreation" and "Natural Heritage" (associated with the existing kettle

ponds), and identify uses including Conservation Area, trail connections, recreation, and an Indigenous wayfinding art installation. Proposed future land uses identified by the CVC appear to align with the Town's Vision Plan.

Proposed uses on Natural Heritage lands includes:

- Environmental protection, restoration and enhancement work,
- *Forest, fish, and wildlife management*,
- Conservation and flood erosion projects,
- Passive recreation which does not include motorized uses.

Relevant proposed uses on Rural & Recreation lands (in the NEP Area) includes:

- *Uses permitted on Natural Heritage Lands (above),*
- *Recreational uses*

Section 5.3.2 of the RMP identifies interim plan implementation, including policy changes required pertaining to aggregate sites both inside and outside of the NEP Area (Table 8). It identifies the following relevant implementation steps relevant to the Pinchin Pit subject lands:

- *Prior to rezoning aggregate sites an Official Plan designation amendment may be required. In some cases, a Regional official plan amendment may be required prior to a Local Official Plan Amendment,*
- *For lands within the NEP Area: following ARA licence surrender an amendment to the NEP is required to change the NEP Land Use Designation from Mineral Resource Extraction*
- *Section 5.3.2 Table 8 (8) Following completion & adoption of Town excess soil policy, producers to apply to import excess soil to aggregate sites (Outcome: to import excess soil for rehabilitation purposes, improved land contouring for after uses, ecological restoration).*

Once finalized, it is understood that the RMP will be officially adopted or integrated into the Town of Caledon's Official Plan. Recent discussions with CVC staff have indicated that there may be alternatives to the Official Plan and zoning bylaw amendments that would typically be required (for the re-designation and future land use proposals). Alternative options being considered include including zoning revisions within the context of the ongoing Official Plan review, in conjunction with the RMP. CVC is working closely with the Town of Caledon to determine the planning requirements for Pinchin Pit.

7. Conservation Authority Regulation

Credit Valley Conservation Watershed Planning and Regulation Policies

CVC regulates all PSWs, as well as the associated adjacent lands, pursuant to Ontario Regulation 160/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). In this case, the CVC regulates the lands 120 metres from the limit of the wetlands on the subject property. As per CVC policies, development and site alteration within, or interference with, PSWs is not permitted. New development must be setback a minimum of 10 metres from the limit of a wetland. However, CVC aspires to greater development setbacks for works on conservation authority owned lands. CVC also has general policies that speak to the importance of maintaining a buffer adjacent to natural features/areas in order to provide provisions for access and maintenance, attenuate pollutants, maintain existing ecological functions and hydrological functions, address external and unpredictable factors, and to provide areas for future potential enhancements.

It should be noted that given that the CVC is the landowner, they would not require Ontario Regulation 160/06 permits for works within the regulated limit on their lands, however, it is expected that buffers for the protection of the wetland features will be implemented.

E. RELATED NIAGARA ESCARPMENT PLAN AMENDMENT & DEVELOPMENT PERMIT APPLICATIONS

The files listed below are previous NEP amendments which were processed for re-designation of former Mineral Resource Extraction Areas where the licence had been surrendered. In addition to the files identified below, there are various other amendment files pertaining to re-designations which were dealt with as housekeeping items through the previous Plan Reviews.

NEP Amendment 64 was finalized on December 1, 1999 by the Joint Board in accordance with the Minutes of Settlement agreed to by all parties. The Consolidated Joint Board dealt with an application by Armbro Inc. to redesignate the Escarpment Rural Area to Mineral Resource Extraction Area in the area of the NEP to permit the mining of approximately 4 million tonnes of aggregate (sand and gravel) in an area of 53 hectares on a 67 hectare property. About 2/3 of the lands (township lots 13 and 14 - approximately 44 hectares) lie inside the NEP Area.

Associated with the Amendment to the NEP were applications under the *Planning Act* for changes to the local Official Plan and By-law, the *Aggregate Resources Act* for the aggregate licence, and Section 24 and 25 of the NEPDA for the issuance of the

Development Permit to accommodate the introduction of the extraction operation in that portion of the lands covered by the NEP.

NEC Development Permit 7057/P/E/1990-1991/162 was issued in September 2000 to permit the development and operation of the sand and gravel pit.

Niagara Escarpment Amendment Application PC 197 13 was initiated by the NEC in 2013. In addition to proposing a change to the land use designation from Mineral Resource Extraction Area to Escarpment Rural Area and Escarpment Natural Area, the amendment proposed that the northern 17 ha of the pit, which is outside of the Niagara Escarpment Plan Area (NEPA) (in the Greenbelt Plan Area), be added to the NEPA. Inclusion of a portion of the lands into the NEPA requires provincial regulation changes (Reg 59/05). Such regulation change was not in the scope of the 2017 Coordinated Plan Review. As such, the NEC, in agreement with the CVC, withdrew proposed Amendment PC 197 13 in September 2019.

28/H/87 J.C. Duff Ltd. – The amendment proposed a re-designation from MREA on another property, to Escarpment Natural and Escarpment Protection as well as an exception to the New Lots Policy of the Escarpment Protection Area. The additional lot creation was refused by Cabinet, but the re-designation was approved.

PH 191 11 Former Lafarge Pit Lands – In January 2014, the Minister approved the amendment re-designating the MREA designation on the former Lafarge Pit lands to Escarpment Natural Area and Escarpment Protection Area, to reflect the surrender of the ARA licence which once covered the 81.66 hectare (204.15 acre) property.

PH 186 10 – Milton and Hanson Brick Quarries- In March 2013, the Minister approved the amendment to the NEP to re-designate portions of the Milton Limestone/Kelso Quarry Park (71.6 hectares) and Hanson Brick properties (90.1 hectares) from MREA to Escarpment Natural Area and Escarpment Protection Area to reflect the surrender of the ARA licences on these lands.

PW 195 12 Coverdale – In September 2014, the Minister approved the amendment to the NEP to re-designate lands from MREA on the former gravel pit portion (“Coverdale Pit”) to a combination of Escarpment Natural Area and Escarpment Rural Area to reflect the surrender of the ARA licence which once covered portions of the 36.9 hectare (91.2 acre) property.

PS 198 13 MacDonald – In September 2014, the Minister approved the amendment to the NEP to re-designate lands from MREA on a former gravel pit in Clearview Township to Escarpment Protection Area to reflect the surrender of the ARA licence which once covered a 1.8 hectare portion of the 31 hectare (77 acre) property.

PH 192 11 J.C. Duff Pit Lands – In February 2012, the Minister approved the amendment to the NEP to re-designate lands from MREA to Escarpment Natural, Escarpment Protection and Escarpment Rural Area; as it relates to the surrender of the ARA licence on the former J.C. Duff Limited pit. The Escarpment Rural Area and Escarpment Protection Area designations on the subject property were also amended to Escarpment Natural Area, in order to reflect the natural features consistent with the appropriate NEP Land Use Designation criteria and objectives.

PD 204 14 Doug’s Haulage – In April 2017, the Minister approved the amendment to the NEP to re-designate the subject lands from MREA to Escarpment Protection Area; as it relates to the surrender of the ARA licence on the former gravel pit.

PB 208 15 Rabicki and the Municipality of Northern Bruce Peninsula – In September 2020, the Minister approved the amendment to the NEP to allow for a site-specific change to the land use designation from MREA to Escarpment Natural Area and Escarpment Rural Area, as it relates to the surrender of the ARA licence on a former gravel pit that had been operated by the municipality.

PH 222 21 3475 Campbellville “North Pit” – In July 2021 the Commission initiated the proposed amendment to re-designate the subject lands from MREA to Escarpment Protection Area, following the surrender of the ARA licence (# 5479).

PH 221 21 4000 Campbellville “South Pit” – In July 2021 the Commission initiated the proposed amendment to re-designate the subject lands from MREA to Escarpment Protection Area and Escarpment Natural Area, following the surrender of the ARA licence (# 5478).

F. ANALYSIS / AMENDMENT CONSIDERATIONS

JUSTIFICATION FOR THE AMENDMENT

Subsection 6.1 (2.1) of the NEPDA requires that justification be given as part of each amendment. However, even if the proposed amendment is justified at this stage, this is not an endorsement of the eventual approval of the amendment in whole or in part.

The Planning Justification Report (Credit Valley Conservation, July 2021) submitted in support of the proposed amendment application provides the following justification:

1. The application is consistent with PPS 2020, conforms to the Provincial Growth Plan and is not in conflict with the NEP or the Greenbelt Plan.
2. The application is a direction of Section 1.9.5 of the NEP, which identifies the need for an NEP amendment to a site’s land use designation following the surrender of an ARA license. It supports the protection and restoration of the Niagara Escarpment as

well as objectives related to recreation and public access.

3. The application conforms to the policies of the Region of Peel's Official Plan. It directly supports policies related to recreation and provision of parkland and trail systems in the region.
4. The application conforms to the policies of the Town of Caledon's Official Plan. It supports policies related to protection and stewardship of ecosystems within the municipality, as well as objectives related to the creation and provision of greenspace, trails, and recreation opportunities.
5. The application is compatible with adjacent land uses. It will result in an enhanced natural heritage system and directly connect NEPOSS properties (i.e. Pinchin and Forks of the Credit Provincial Park via the Elora-Cataract Trailway).

The NEPDA & the NEP

The purpose of the Act is, *"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 objectives of the Act and the Plan are:

- To protect unique ecologic and historic areas;
- To maintain and enhance the quality and character of natural streams and water supplies;
- To provide adequate opportunities for outdoor recreation;
- 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;
- To ensure that all new development is compatible with the purpose of the Act;
- To provide for adequate public access to the Niagara Escarpment; and,
- To support municipalities, within the Niagara Escarpment Plan Area, in their exercise of the planning functions conferred upon them by the *Planning Act*.

The subject lands, which are already situated within the NEP Area, buffer adjacent Escarpment related natural heritage, water resources and scenic landscape components and are therefore environmentally and visually part of the Niagara Escarpment and land in its vicinity. The surrounding lands are ranked as "Average" in the Landscape Evaluation Study (Map 4). The subject lands also have recreational and public access potential through their ultimate inclusion in the NEPOSS. Studies at the regional and provincial levels have identified portions of the subject lands and adjacent

to have significant natural heritage features (PSWs, ESAs, ANSI), and are therefore considered to be unique ecologic areas in the context of the NEPDA and NEP Objectives.

Given the above, the re-designation of the subject property to the appropriate NEP designations supports the Purpose and Objectives of the NEPDA.

The re-designation of the subject property to the appropriate NEP designations supports the Purpose and Objectives of the NEPDA.

The Niagara Escarpment Plan

The Purpose and Objectives of the NEP are those of the *NEPDA*. The maintenance and protection of these lands would reflect the Purpose and Objectives of the Plan and the Act.

The subject lands are being proposed to be re-designated to Escarpment Natural, and Escarpment Rural Area. The NEP has established Designation Criteria for lands within the NEP. The merits of the subject property in meeting the criteria and objectives of the relevant NEP designations are discussed under the NEP Designations section of this report below.

NEP Land Use Designation and Designation Criteria

Escarpment Natural Area

The Escarpment Natural Area designations include the most significant Escarpment features that are in a relatively natural, undisturbed state. The objective is to maintain and enhance these natural features.

NEP Part 1.3 includes the following Objectives for the Escarpment Natural Areas:

1. To recognize, protect and where possible enhance the natural heritage and hydrological systems associated with the Niagara Escarpment Plan area.
2. To protect the most natural Escarpment features, valleylands, wetlands and related significant natural areas.
3. To conserve cultural heritage resources, including features and areas of interest to First Nations and Métis communities.
4. To encourage compatible recreation, conservation and educational activities.
5. To maintain and enhance the scenic resources and open landscape character of the Escarpment.

Part 1.3.2 Criteria for Designation:

1. Escarpment slopes and Escarpment related landforms associated with the underlying bedrock that are in a relatively natural state.
2. Where woodlands abut the Escarpment, the designation includes the woodlands 300 metres back from the brow of the Escarpment slopes.
3. Provincially Significant Areas of Natural and Scientific Interest (Life Science).
4. Significant Valleylands, provincially significant wetlands and wetlands greater than 20 ha in size.

The applicant is proposing that the Escarpment Natural Area designation be applied to the wetland features plus a 30 metre buffer around the wetlands, to ensure that future active recreation and restoration activities will be sufficiently setback from the features.

Staff comment: An assessment of the subject lands suggests that the PSWs on the site qualify as Escarpment Natural Area, meeting Designation Criterion 4. The CVC proposes the inclusion of a 30 m buffer around the wetlands within the Escarpment Natural Area designation. Staff notes that the methodology used in the application of the Escarpment Natural Area Land Use Designation Criterion 4 does not typically include a buffer to the wetland feature. The identification of Provincially Significant Wetlands (PSWs) is undertaken using the science-based Ontario Wetland Evaluation System (OWES). The MNDMNRF is responsible for the final approval of wetlands identified as PSWs using the OWES.

Criterion 4 is mapped based on the wetland boundary as confirmed by the MNDMNRF, which derived from the Land Information Ontario (LIO) database and defines wetlands as: *lands that are seasonally or permanently flooded by shallow water as well as lands where the water table is close to the surface*. In either case, the presence of abundant water causes the formation of moist soils and favours the dominance of water tolerant plants (note this definition is consistent with the current NEP definition for wetlands).

Further, staff provides that the CVC's wetland policies as well as the NEP and PPS policies respecting key natural heritage and key hydrologic features, support the establishment of buffers or development setbacks from (all) wetlands in order to ensure that the features and functions of the wetland are protected. Any future development / activities proposed adjacent to the wetland features (including recreation and restoration activities), would be required to be evaluated and an appropriate setback to the wetlands established, regardless of the land use designation.

The application of the Escarpment Natural Area on the lands are also supported by the following:

- The lands are part of a larger natural heritage system that serves important ecological function, high diversity of native plant species, habitat for significant species, interior forest habitat and wildlife corridors. Provincially Significant Earth and Life Science ANSIs, ESAs, woodlands, valleys, and watercourses are all within close proximity to the site.
- Wooded areas around the PSWs appear to be in a natural state and are contiguous with larger forested areas to the west of the property.
- The Region of Peel's OP mapping identify the wetlands as part of the Core Areas of the Greenlands System. Further, the Peel OP encourages the restoration and enhancement of degraded components of the ecosystem by extending the network of natural areas where ecologically beneficial.

Escarpment Rural Area

Escarpment Rural Areas are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They provide a buffer to the more ecologically sensitive areas of the Escarpment.

The Objectives of the Escarpment Rural Area are as follows:

1. To maintain the scenic resources of lands in the vicinity of the Escarpment and the open landscape character of the Escarpment.
2. To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.
3. To encourage forest management and recreation.
4. To provide for compatible rural land uses.
5. To encourage agriculture and protect agricultural lands and prime agricultural areas.
6. To provide a buffer for ecologically sensitive areas of the Escarpment.
7. To provide for the consideration of new Mineral Resource Extraction Areas which can be accommodated by an amendment to this Plan.

Objective 7 above no longer applies to the subject lands as extraction has ceased and the licence surrendered. Objectives 1, 2, 3 and 4 are applicable as rehabilitation has been undertaken and the former extraction lands buffer a number of surrounding natural heritage features and areas including woodlands and PSWs, ANSIs and ESAs.

The inclusion of land within the NEP as Escarpment Rural Area must meet at least one the following criteria:

1.5.2 Criteria for Designation

1. Minor Escarpment slopes and Escarpment Related Landforms.
2. Lands in the vicinity of the Escarpment necessary to provide an open landscape character.
3. Lands in the vicinity of the Escarpment which are of ecological importance to the Escarpment environment.
4. Lands that have potential for enhanced ecological values through natural succession processes or due to their proximity to other ecologically sensitive lands, areas or features.

Some Escarpment Rural Areas may be “remnant” lands in the vicinity of the Escarpment or lands which are recognized as valuable buffers, but do not contain the more identifiable features or functions of the Escarpment Natural Area or Protection Area. These areas are still considered a very key part of the Escarpment environment, often functioning as corridors, linkages and/or buffer areas to adjacent natural features and landscapes.

An example of such areas can be identified in former pit and quarry lands. Typically the extracted portion of the lands are re-designated back to the former Escarpment Rural Area designation, meeting Criterion 2, lands in the vicinity of the Escarpment necessary to provide an open landscape and/or are of ecological importance to the environment of the Escarpment. However, the application of this Criterion to such lands is at times a best fit default, given the rehabilitated lands may not strictly meet the Escarpment Rural Area Criteria, but also do not fit the Objectives and Criteria of the more restrictive Plan designations.

If rehabilitation of these lands is undertaken beyond simply the minimum standards, and the rehabilitation is successfully managed, these areas have potential over the long-term, to become more ecologically significant and progress to a true buffer or environmental component of the adjacent more sensitive designations of the Plan. Staff notes that this is more often in the case of a previously extracted pit, rather than a below water table quarry, which post-extraction is most likely to become a large man-made lake with steep cliffs and some limited opportunities for shoreline diversity. Escarpment Rural Area Designation Criterion 4 was added to the NEP through the 2017 Coordinated Land Use Plan Review to better recognize these areas and the opportunities they present post-extraction in meeting the NEP Objectives.

An assessment of the subject lands supports that the remaining portions of the site (including the parcel owned by AECON), best qualify as Escarpment Rural Area on the basis that the lands meet Designation Criterion 3: *Lands in the vicinity of the Escarpment which are of ecological importance to the Escarpment environment* and Criterion 4: *Lands that have potential for enhanced ecological values through natural succession processes or due to their proximity to other ecologically sensitive lands, areas or features*. Although the site has been previously disturbed, it supports nearby natural systems, and should the enhanced ecological restoration take place and be successful, the subject lands have the potential to further contribute to surrounding ecological features and support the broader natural heritage system, over the long-term.

The applicable Designation Criteria are supported by the following evidence relating to the subject lands:

- The lands are in close proximity to Escarpment slopes and landforms.
- Provincially Significant Earth and Life Science ANSIs, ESAs, PSWs, woodlands, valleys, and watercourses are all within close proximity to the subject lands.
- The lands contribute to the Escarpment's open landscape visually and environmentally and function as buffers to the more significant lands identified as Escarpment Natural Area and Escarpment Protection Area.

Niagara Escarpment Parks and Open Space System (NEPOSS)

Part 3 of the NEP sets out policies for the Niagara Escarpment Parks and Open Space System (NEPOSS). The System is "based on public lands acquired to protect distinctive features and significant areas along the Escarpment".

The NEP identifies several objectives for the NEPOSS. The addition of Pinchin Pit within the System supports the following NEPOSS objectives as identified in NEP Part 3.1:

- *To protect the Niagara Escarpment's natural heritage resources and conserve its cultural heritage resources,*
- *To provide opportunities for outdoor education and recreation, To provide for public access to the Niagara Escarpment, To complete a public system of major parks and open spaces through land acquisition and Master/Management planning, To protect and enhance the natural environment of the Niagara Escarpment, including the protection of natural heritage and hydrologic features and functions,*
- *To support tourism by providing opportunities on public land for discovery and enjoyment by Ontario's residents and visitors,*

- *To provide a common understanding and appreciation of the Niagara Escarpment, and*
- *To show leadership in supporting and promoting the principles of the Niagara Escarpment's UNESCO World Biosphere Reserve designation through sustainable park planning, ecological management, community involvement, environmental monitoring, research and education.*

Land acquisition to grow the NEPOSS relies on the continuous efforts of NEPOSS agencies. NEP Part 3.5 identifies that new parks or open space areas may be added to the NEP and the Plan maps without requiring a NEP amendment, provided the MNDMNRF and the NEC are satisfied that such an addition would satisfy the NEPOSS Objectives in Part 3.1.1 (outlined above). The managing agency must agree to the addition and be prepared to manage the land in accordance with Part 3. A Management Plan will be developed for the Pinchin Pit lands in accordance with Part 3 of the NEP.

Parks and Open Spaces in the NEPOSS are assigned one of six park and open space classes based on the predominant characteristics of the property. The classifications are intended to provide guidance for the management and use of the park or open space area. The six park and open space classes are: Nature Reserve, Natural Environment, Recreation, Historical, Escarpment Access, Resource Management Area

In the interim period prior to the development and approval of a Management Plan/Master Plan, the CVC is proposing that the most appropriate park classification to be assigned to the lands is Escarpment Access. Escarpment Access areas complement the larger, and in some cases, more developed parks or open space areas, by providing opportunities for public access to the Niagara Escarpment at appropriate points along the Escarpment. These areas are normally small and may provide modest facilities to support day use activities at viewpoints, rest areas, trailheads, picnic sites, scenic areas, fishing areas, beaches, or other points of interest.

Although Staff notes that the subject lands are not described as “small” in size, this classification best represents a “holding zone”, until such time that the park Management/Master plan process has been completed. During the Master/Management planning process, the CVC may submit a Plan that provides satisfactory justification for a change to the park classification (note: this would not require an amendment to the Niagara Escarpment Plan). The MNDMNRF would provide further input on this matter during consultation on the proposed amendment.

The proposal is that the CVC lands be identified with the Public Land (Parks and Open Space System) overlay and the future park identified, classified, and described in Appendix 1 of the Plan. Map 10 of the NEP will also need to be modified to add those

lands into the NEPOSS.

Landscape Evaluation Study (NEC, 1976)

The Landscape Evaluation Study (1976) was prepared as background for the NEP in determining its coverage and associated Land Use Designations. The Landscape Evaluation assigns the lands as being included in the 'Average' ranking (Map 4). It should be noted that the rating (which was determined in 1976), while it took in a much larger landscape unit, did factor in the impact of the gravel extraction operation(s) that were present at the time.

FUTURE PROPOSED USES

CVC's Strategic Plan (Our Future Taking Shape: Strategic Plan 2020 – 2022) prioritizes restoration and the development of a park management plan for Pinchin Pit as follows:

Goal 1 Direction 9: Complete management plans for Island Lake Conservation Area, Pinchin Pit and Charles Sauriol Conservation Area, incorporating protection, management and visitor experience.

Goal 3 Direction 8: Manage, enhance, or restore natural features in existing and new conservation lands, including projects at Pinchin Pit, Terra Cotta and Silver Creek.

Although the rehabilitation of the Pinchin Pit has been deemed complete by the MNDRF for the purposes of surrendering the ARA licence, the CVC is interested in pursuing enhanced rehabilitation of the site and is currently in the process of developing a "Restoration Feasibility Study" to determine the feasibility of bringing in a large quantity of excess soil to support enhanced restoration efforts. The CVC proposes that the placement of this restoration material on site will facilitate tree planting, help maintain stable slopes and support native grassland management.

Pinchin Pit is also identified as a Credit Valley Park in CVC's Conservation Areas Master Strategy (2018). The intention is for the site to eventually provide a variety of year-round active and passive nature-based recreation opportunities. While the final vision for Pinchin Pit will be developed in conjunction with agencies, the public, stakeholders, and Indigenous communities, the CVC anticipates that it will be transformed into a publicly accessible conservation area featuring a restored landscape with unique interpretation, recreation and visitor experiences.

The CVC has proposed a number of conceptual ideas for future park use that may be achieved through the future proposed restoration activities, including as mentioned above, facilitating tree planting and native grassland enhancement, enhancing and

potentially expanding anthropogenic wetland features, to ultimately support trails and trail amenities, educational programming and outdoor events space within what will eventually be a NEPOSS park.

NEC staff notes that future proposed land uses as envisioned by the CVC are not determining factors to be considered in proposing and assigning the final updated Land Use Designations. Enhanced rehabilitation and the future desired use(s) of the subject land is not being considered as part of the current NEP amendment proposal, and again, is not determinant in assigning the new land use designation for the lands. The amendment proposal being considered is only for the re-designation of the lands from MREA to more appropriate designations (Escarpment Natural Area and Rural Area). As discussed previously, a NEPOSS Master/Management Plan will ultimately be prepared.

CVC staff have been in discussions with NEC staff respecting the process for considering the proposed enhanced rehabilitation activities requiring the importation of a large quantity of fill. Given that it is estimated that the Restoration Feasibility Study will take a minimum of 18 months to complete, it was the CVC's preference to move forward with the amendment for re-designation of the lands (in advance of considering the proposal for enhanced restoration), and to consider the enhanced restoration activities through a Phase 2 of the proposal. The amendment to re-designate the lands will enable activities to be undertaken (subject to the Development Permit Application process), that will address existing land management needs that are not currently permitted under the MREA designation. Processing the amendment for the land use re-designation will also enable project planning to continue should the results of the Restoration Feasibility Study indicate there are constraints to the project (e.g. additional study required, not feasible).

NEC staff have advised CVC staff that a second application for an NEP amendment to address the fill component of the proposed restoration may be required. This is still under review by NEC staff.

G. CONCLUSIONS

NEC Staff is generally in agreement with the CVC's justification for the proposed Land Use Designations of Escarpment Natural Area and Escarpment Rural Area. NEC staff provides that as discussed earlier, although the technical application of the Designation Criterion respecting PSWs does not typically include a 30 metre buffer from the wetland feature, argument could be made to apply the Escarpment Natural Area for lands 30 metres from the limit of the PSW boundary given that the Designation Criteria serve to meet the broader Objectives of the NEPDA and NEP, and the Escarpment Natural Area, as the most restrictive designation, ultimately provides for the best protection of

these natural features and their functions. Regardless of the Designation applied, the NEP and PPS contain policy provisions that protect the wetland feature and its functions from incompatible development, and any development proposed adjacent would require an appropriate buffer be implemented.

Staff finds that the proposed amendment for the re-designation of the subject lands from MREA to Escarpment Natural Area and Escarpment Rural (Schedule A) is justified and should be circulated for comment and further consideration on the following basis:

- The extraction activities have ceased and the MNDMNR has accepted the surrender of the ARA licence, determining the rehabilitation of the site to be acceptable in meeting the conditions of the Site Plans applicable at that time.
- The proposed amendment is consistent with the provisions and policies of the NEP that promote the re-designation of MREAs reflective of surrounding land uses and Land Use Designations once the aggregate extraction operation is complete and rehabilitation has taken place.
- The application has provided adequate planning justification through an analysis of how the proposal satisfies the Objectives of the NEPDA and the NEP. Although a full evaluation of the proposed land use designations still needs to occur, it cannot be said that the application is without merit.
- The proposed amendment is consistent with and supports the municipal Official Plans, which include objectives for the rehabilitation and re-designation of lands that are no longer licensed.
- The proposed amendment is consistent with the policies of the PPS (2020), which considers extractive operations as an interim use and requires that once extraction is complete proper rehabilitation and re-designation to accommodate subsequent land uses.
- The Amendment maintains and supports the overall environmental objectives of the NEP, the Greenbelt Plan, the Growth Plan, the PPS and the municipal Official Plans to maintain and enhance the open rural landscape and preserve the rural land base.
- As the agency that administers the NEP, the NEC has the responsibility to ensure that the NEP Objectives are being achieved and that the Plan is kept current and that mapping reflects the most accurate and appropriate land use designations, based on an assessment of the features on the ground against the NEP's Designation Criteria and Objectives.

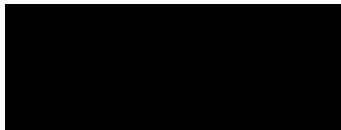
RECOMMENDATION

That the Niagara Escarpment Commission instruct staff, in accordance with this Report, to prepare the proposed Amendment **PP 223 21** for circulation and notification pursuant to Subsection 6.1 (2) of the *Niagara Escarpment Planning and Development Act*.

Attachments

Map 1	Amendment Location Map/Existing NEP Designations
Map 2	Orthophoto
Map 3	Natural Heritage Features
Map 4	Landscape Evaluation Study
Map 5	Soils
Map 6	Slope
Map 7	Ecological Land Classification (ELC) Communities (prepared by CVC)
Schedule A	Proposed Amendment Document
Appendix 2	Circulation and Notification

Prepared By:



Lisa Grbinicek, RPP, MCIP
Senior Strategic Advisor

Approved by:













Debbie Ramsay, RPP, MCIP
Director

Map 1 Amendment Location and the

Niagara Escarpment Plan

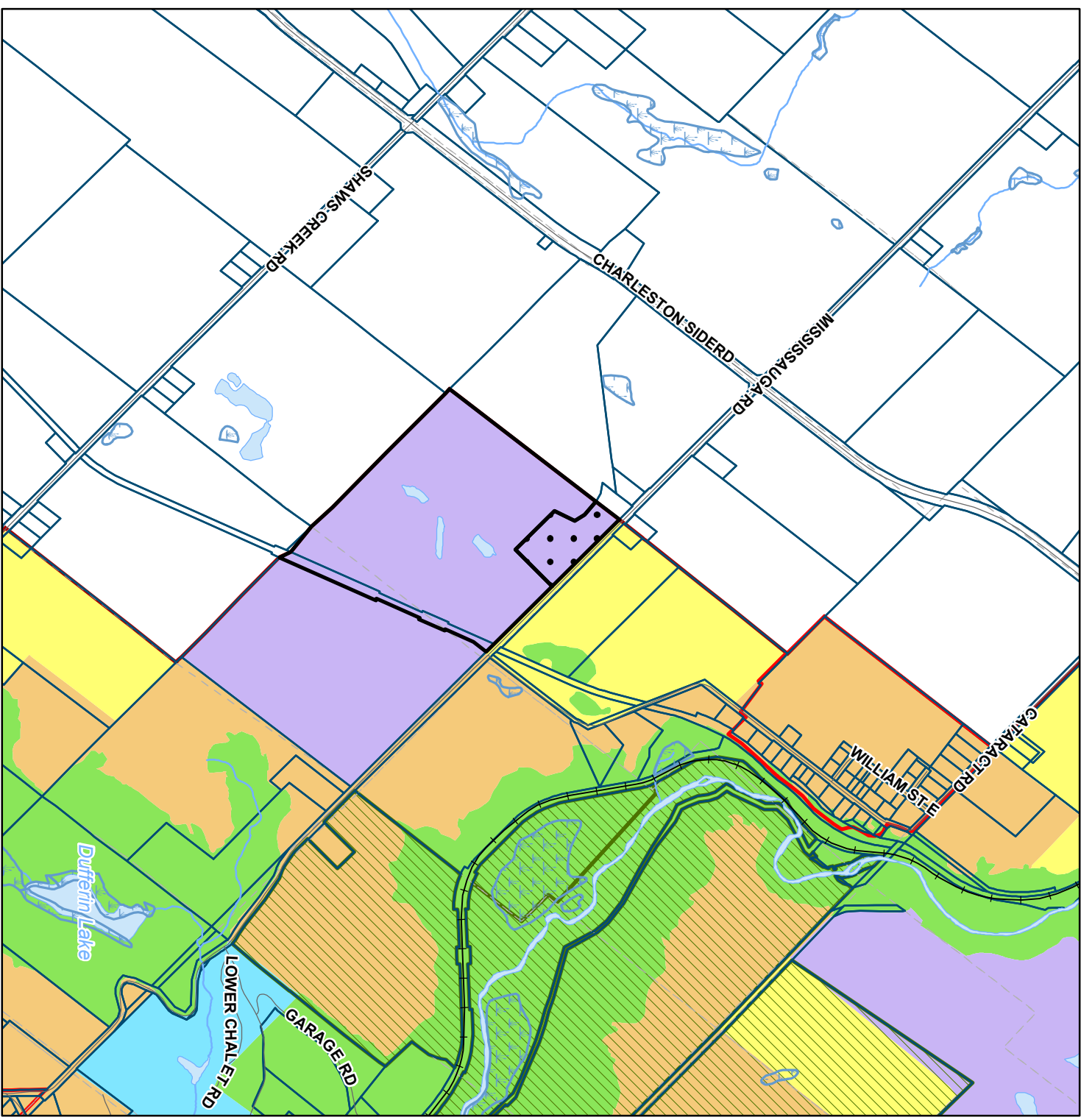
PP 223 21 Pinchin Pit
Lots 13 & 14, Con 5
Town of Caledon
Region of Peel

-  Proposed Amendment Boundary (AECOM owned lands)
-  Proposed Amendment Boundary (Credit Valley Conservation owned lands)
-  Niagara Escarpment Plan Area
- Plan Designations**
-  Escarpment Natural Area
-  Escarpment Protection Area
-  Escarpment Rural Area
-  Escarpment Recreation Area
-  Mineral Resource Extraction Area
-  Minor Urban Centre
-  Niagara Escarpment Parks and Open Space System

NOTE: The Niagara Escarpment Plan Designation boundaries shown on this map are approximate and subject to confirmation through site inspection and the Niagara Escarpment Plan.

Scale 1:18,000

0 150 300 450 600
Metres



Map 2

Orthophoto - 2020

PP 223 21 Pinchin Pit
Lots 13 & 14, Con 5
Town of Caledon
Region of Peel

- Proposed Amendment boundary
(AECON owned lands)
- Proposed Amendment boundary
(Credit Valley Conservation owned
lands)
- Roads
- Railway - Operational
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary

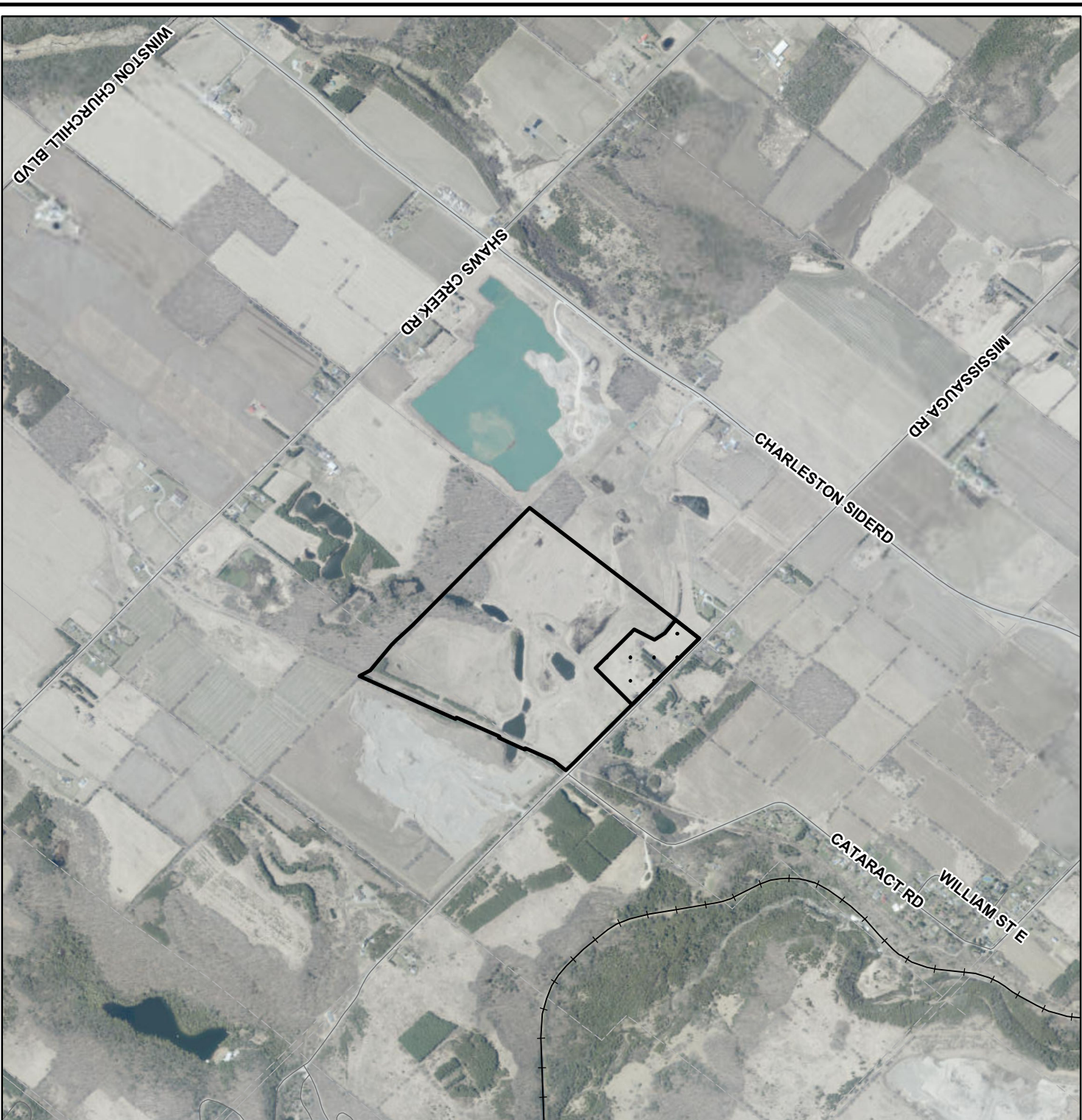
Orthophoto Date: 2020

Scale 1:18,000
0 150 300 450 600
Metres

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This map is illustrative only. Do not rely on it as being a precise indicator of routes,
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Map of the Region of Peel
(GIS) Department of the Niagara Escarpment Commission
Ministry of Natural Resources



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Map 3

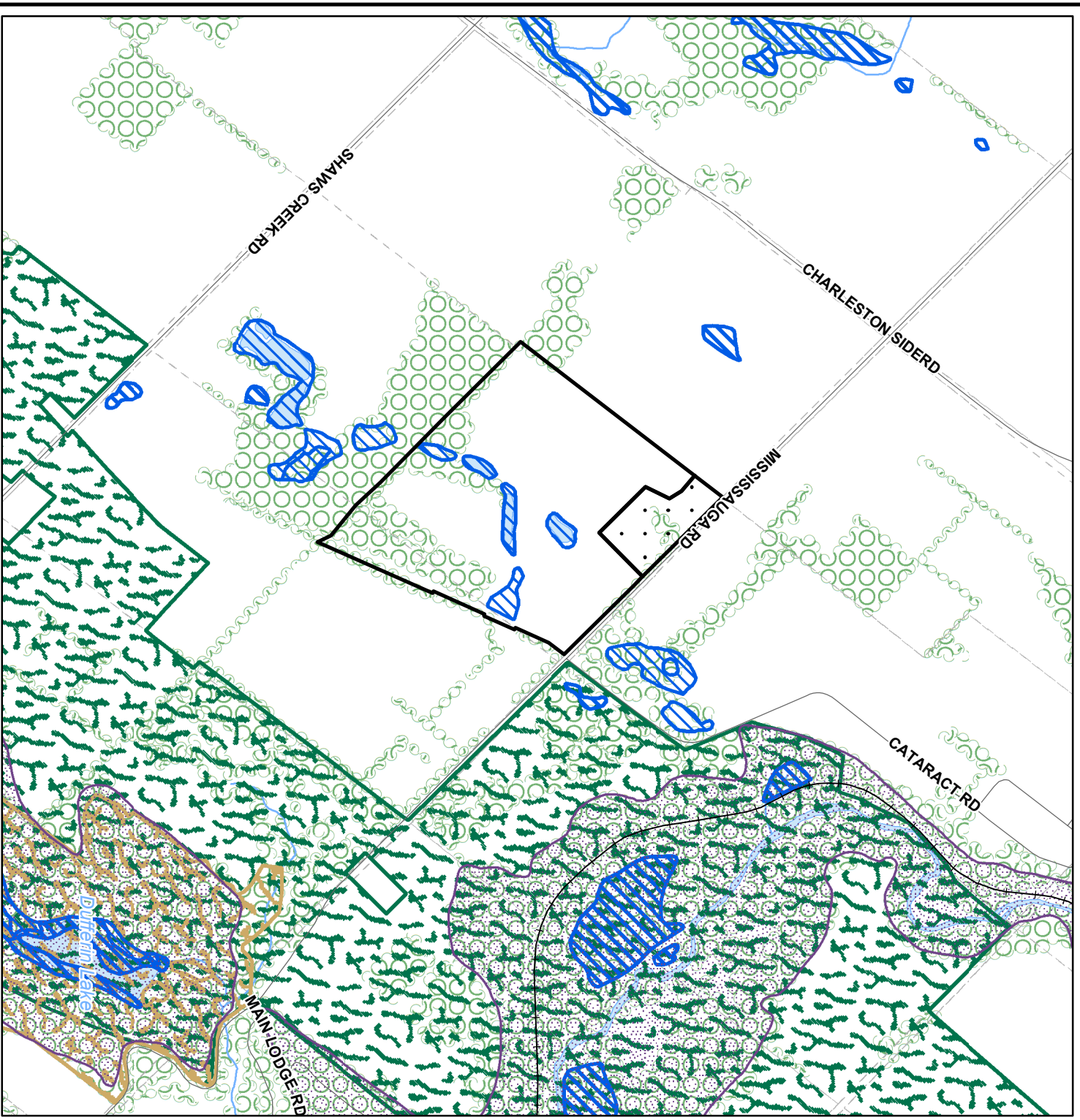
Natural Heritage Features

PP 223 21 Pinchin Pit
 Lots 13 & 14, Con 5
 Town of Caledon
 Region of Peel

- Proposed Amendment boundary (AECOM owned lands)
- Proposed Amendment boundary (Credit Valley Conservation owned lands)
- Roads
- Railway - Operational
- Wetlands
- Waterbodies
- Watercourse
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Wooded Area
- ESA - Peel
- ANSI - Life Science
- Life Science, Provincial
- ANSI - Earth Science
- Earth Science, Provincial

Scale 1:15,000
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 Metres

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 Natural Heritage Features Data Source: Ontario's Ministry of Natural Resources - Natural Resource Values and Information System (NRVIS).
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 Ministry of Natural Resources
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Map 4 Landscape Evaluation Study

PP 223 21 Pinchin Pit
Lots 13 & 14, Con 5
Town of Caledon
Region of Peel

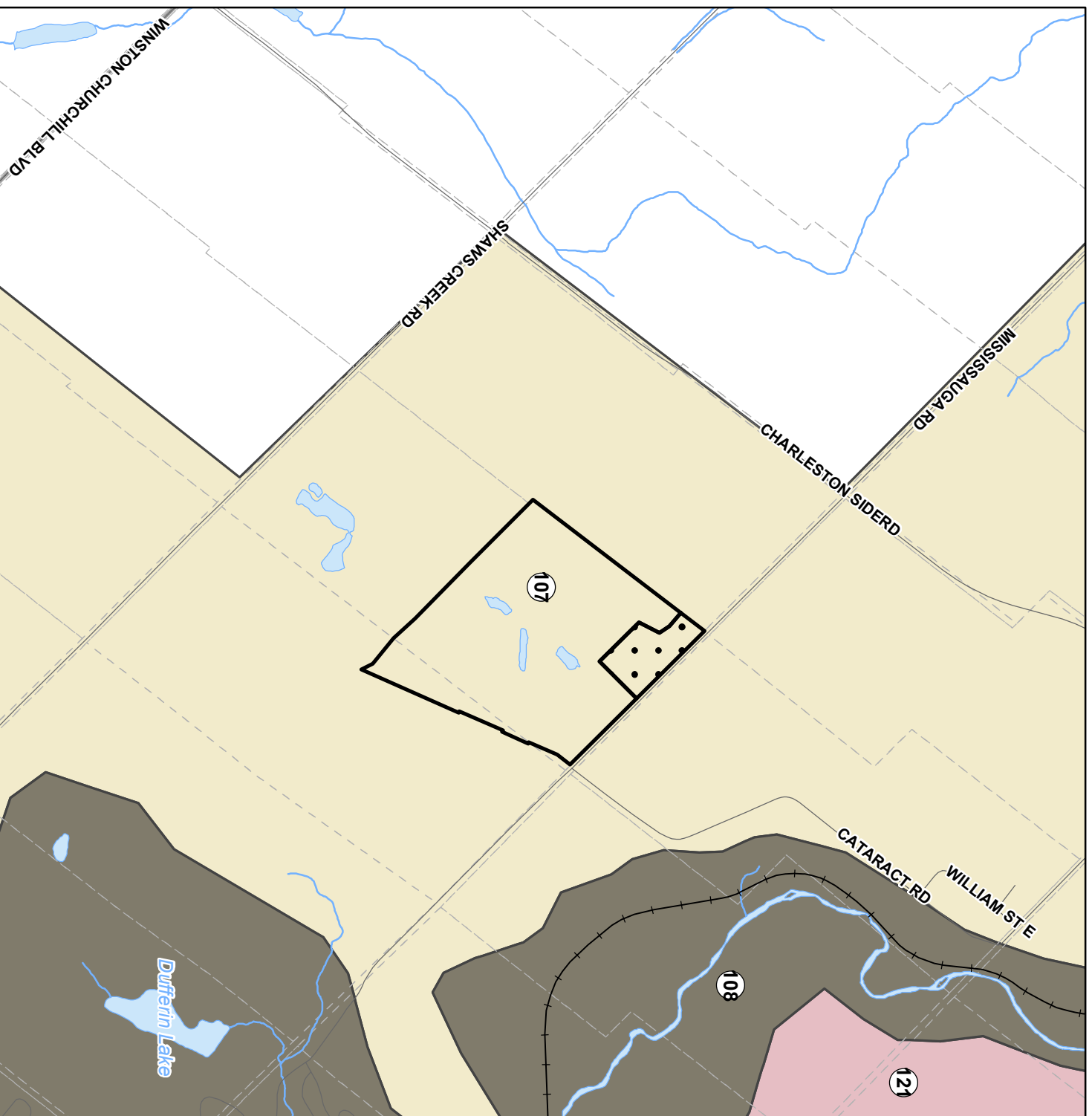
- Proposed Amendment boundary
(AECOM owned lands)
- Proposed Amendment boundary
(Credit Valley Conservation owned
lands)

- ## Landscape Evaluation Study
- Outstanding
 - Average
 - Low
 - Roads
 - Railway - Operational
 - Waterbodies
 - Watercourse
 - Upper Tier Municipality
 - Lower/Single Tier Municipality
 - Lot and Concession Boundary

NOTE: The Niagara Escarpment Plan Designation boundaries shown on this map are approximate and subject to confirmation through Site Inspection and the application of the "Interpretation of Boundaries" section of the Niagara Escarpment Plan.


Scale 1:18,000
0 150 300 450 600
Metres

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Map 5 Soils


PP 223 21 Pinchin Pit
Lots 13 & 14, Con 5
Town of Caledon
Region of Peel


 Proposed Amendment boundary
(AECON owned lands)


 Proposed Amendment boundary
(Credit Valley Conservation owned
lands)


 Roads

 Railway - Operational


 Waterbodies

 Watercourse

 Upper Tier Municipality

 Lower/Single Tier Municipality

 Lot and Concession Boundary

 Soils - Canada Land Inventory

Class

 2

 5

 6


Soils - Hydrological Soil Group


Class

 A

Soils - Drainage

Class

 Poorly Drained

 Well Drained

Scale: Canada Land Inventory, Ontario Ministry of Agriculture and Food
This soil complex database contains other descriptive information including slope
class, Soil - Canada Land Inventory (CLI) ranking, stoniness, drainage class,
texture etc. The CLI components of the data layer is generally intended to be
used as a tool for broad land use planning decision making, and not necessarily
for detailed mapping.

Scale 1:10,000

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Metres

Printed on Oct 21st, 2021

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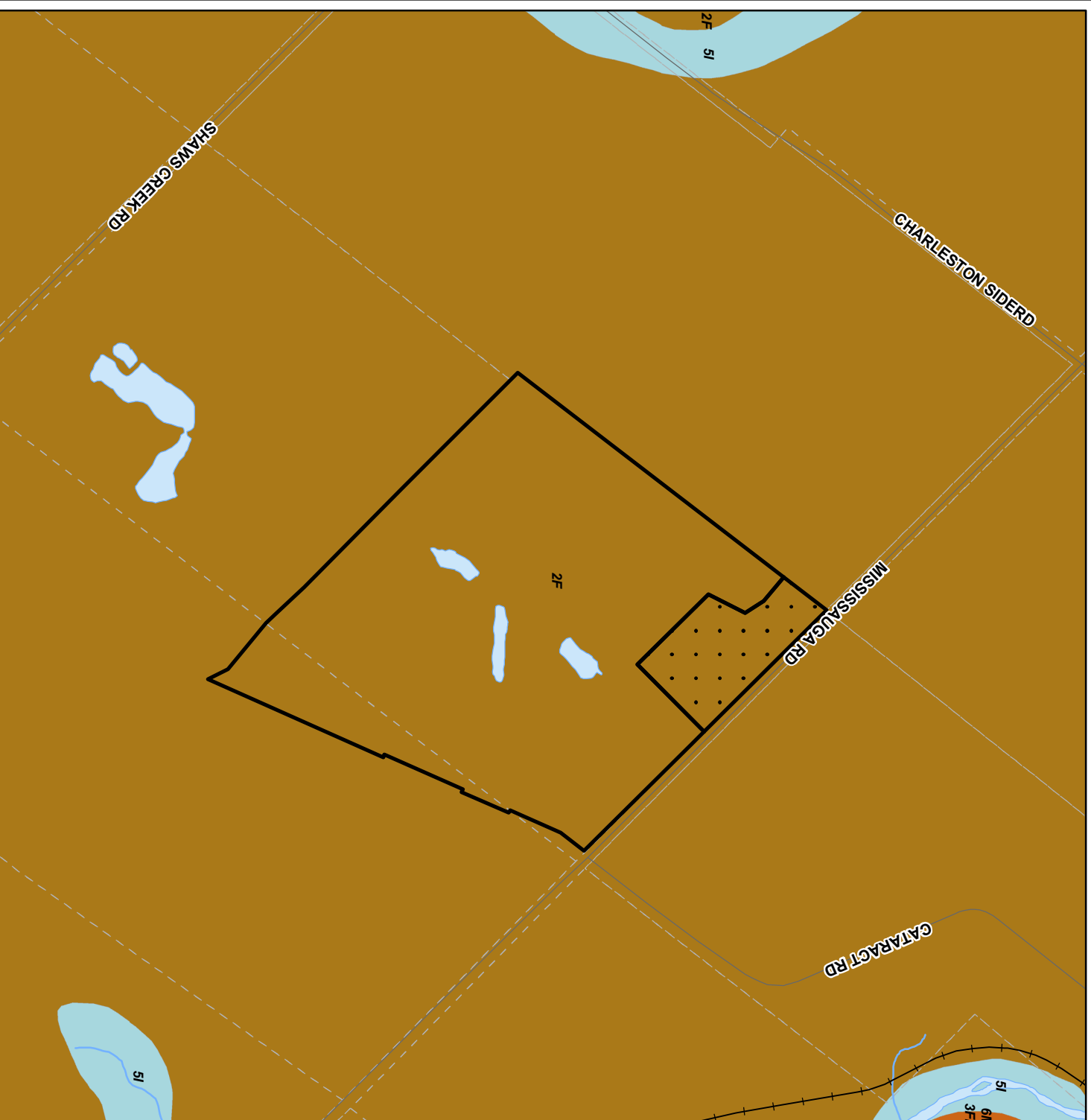
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Ministry of Natural Resources

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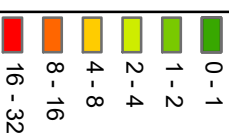
Map 6 Slope

Pinchin Pit
Lots 13 & 14, Con 5
Town of Caledon
Region of Peel

Proposed Amendment boundary
(AECOM owned lands)

Proposed Amendment boundary
(Credit Valley Conservation owned lands)

Slope



Escarpment Brow

Roads

Railway - Operational

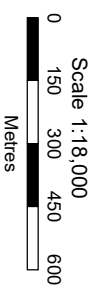
Waterbodies

Watercourse

Upper Tier Municipality

Lower/Single Tier Municipality

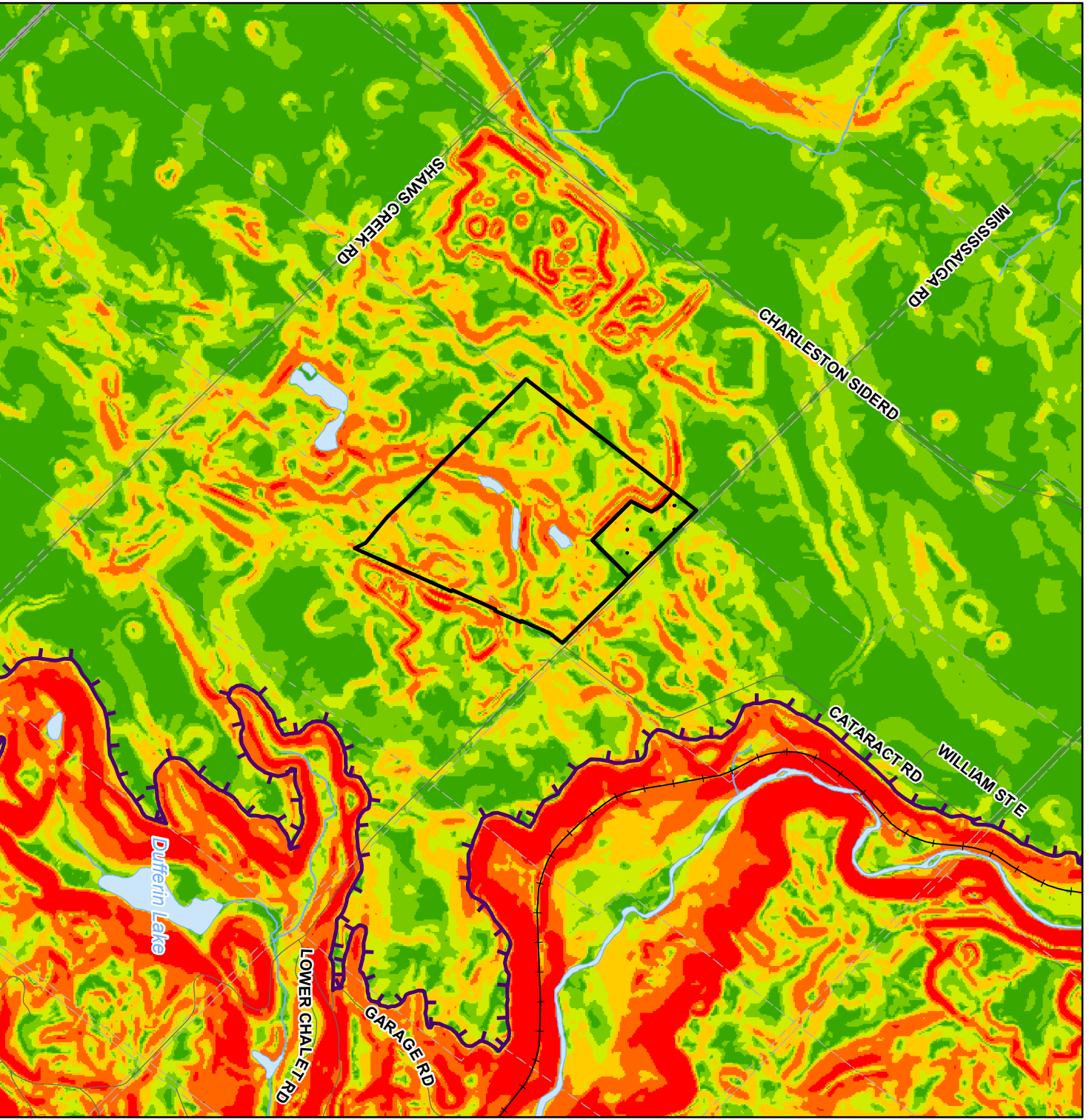
Lot and Concession Boundary



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Map 7: Ecological Land Classification

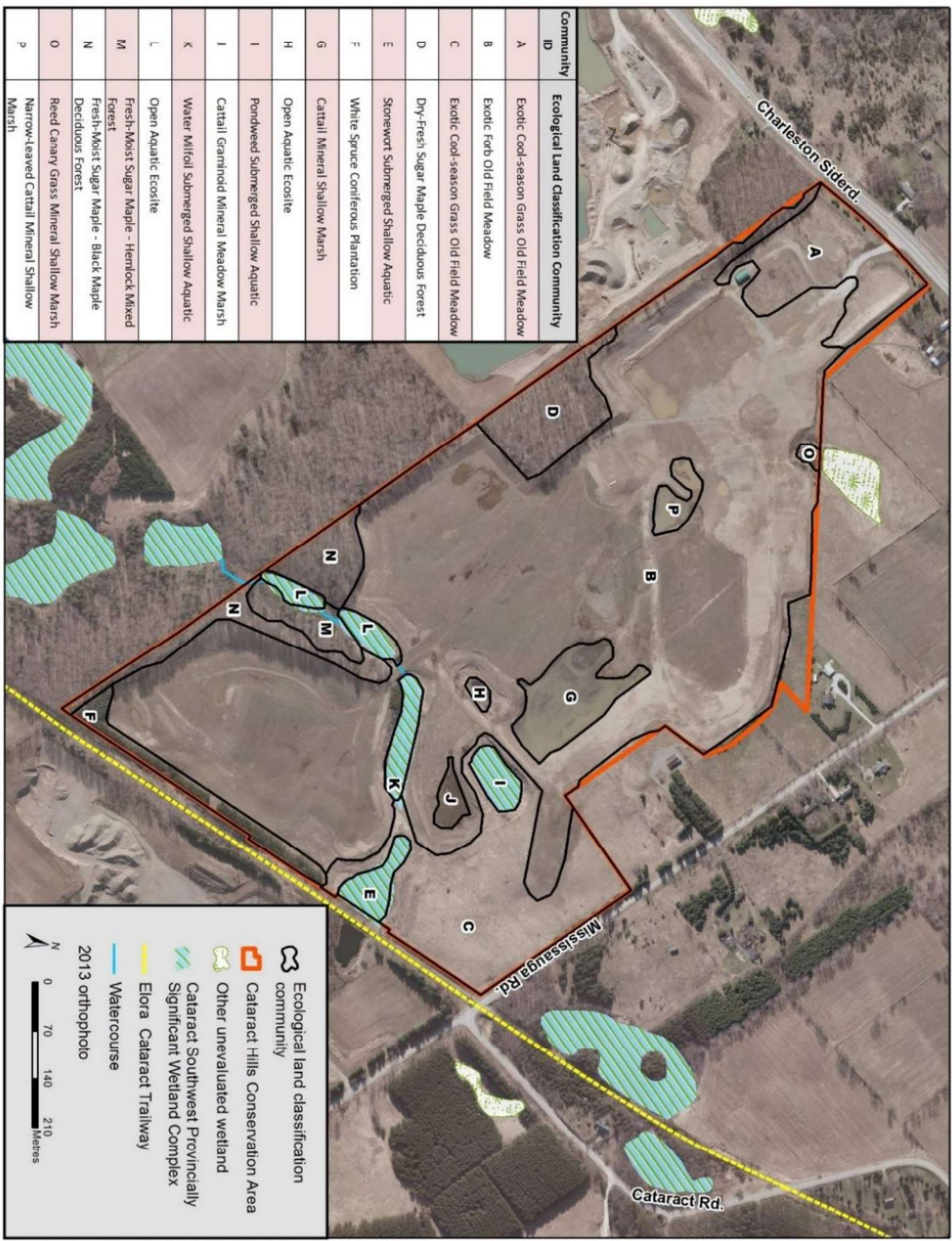


Figure 7. Pinchin Pit Ecological Land Classification

APPENDIX 1

Niagara Escarpment Commission

232 Guelph St.
Georgetown, ON L7G 4B1
Tel: 905-877-5191
www.escarpment.org



Niagara Escarpment Commission
An agency of the Government of Ontario

November 17, 2021

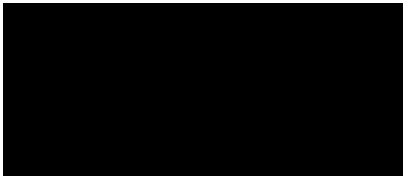
AMENDMENT

**RE: Proposed Niagara Escarpment Plan Amendment PP 223 21
Pinchin Pit
Part Lots 13 & 14 Concession 5 WHS
Town of Caledon, Region of Peel**

Recommendation:

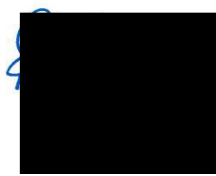
That the Niagara Escarpment Commission circulate the attached Amendment as the Proposed Amendment for PP 223 21, Pinchin Pit.

Prepared by:



**Lisa Grbinicek, RPP, MCIP
Senior Strategic Advisor**

Approved by:



**Debbie Ramsay, RPP, MCIP
Director**

**PROPOSED NIAGARA ESCARPMENT PLAN
AMENDMENT PP 223 21**

(Pinchin Pit)

November 17, 2021

TABLE OF CONTENTS

PART A – The Preamble

PART B – The Amendment

PART C – Schedule “A”

Part A – The Preamble

PURPOSE:

The purpose of the proposed amendment affecting the lands identified on Schedule A, attached hereto, is to amend the Niagara Escarpment Plan (NEP) to re-designate the subject lands (formerly known as “Pinchin Pit”), from Mineral Resource Extraction Area, to Escarpment Natural Area and Escarpment Rural Area, to reflect the surrender of the *Aggregate Resources Act* (ARA) licence.

AREA:

The lands subject to the proposed Plan amendment consist of an area of approximately 48.8 ha (120 ac).

LOCATION:

Part Lots 13 & 14 Concession 5 WHS
Region of Peel, Town of Caledon

APPLICANT/ OWNERSHIP:

¹Applicant: Credit Valley Conservation

Owner: Credit Valley Conservation / AECON Construction Ltd.

BASIS:

Under Section 6.1(2) of the *Niagara Escarpment Planning and Development Act*, an amendment to the Niagara Escarpment Plan “*may be initiated by the Minister or the Commission, and application may be made to the Commission by any person or public body requesting an amendment to the Plan.*”

Part 1.2.1 of the NEP sets out provisions for an amendment to the NEP and this application satisfies Section 1.2.1.

Section 6.1 (2.1) of the Niagara Escarpment Planning and Development Act requires that an application to amend the NEP be supported by a “statement of justification” and Section 8 sets out the objectives to be addressed in consideration of an amendment to the NEP. The applicant has provided a Planning Justification Report (CVC, August

¹ The amendment to redesignate 4.8 ha (12 ac) portion of the subject lands still owned by ACEON is being initiated by the NEC.

2021), which satisfies the threshold justification requirements of the *Niagara Escarpment Planning and Development Act*.

The Amendment proposes to change the existing Designation of Mineral Resource Extraction Area to Escarpment Natural Area and Escarpment Rural Area, the Applicant proposes that these designations satisfy the applicable Objectives and Designation Criteria of the NEP.

The subject lands constitute the Escarpment and lands in its vicinity which fulfil the Purpose and Objectives of the NEPDA and therefore such lands should be properly designated within the NEP given that the land is no longer licensed under the ARA. The lands have been rehabilitated to the satisfaction of the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) and the surrender of the license has been accepted.

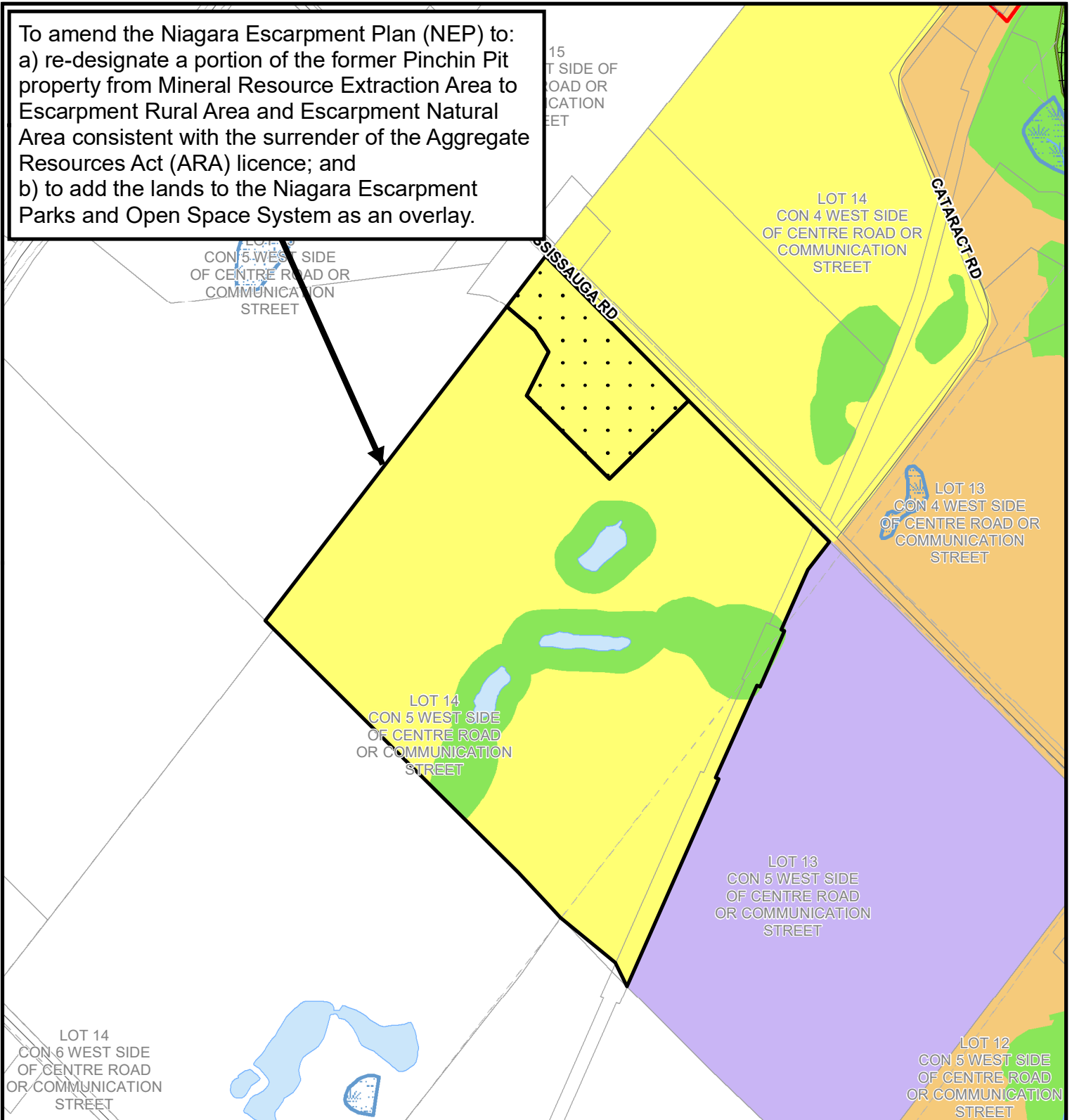
The Amendment is consistent with the Provincial Policy Statement and supports Municipal Official Plans.

PART B – The Amendment

The Niagara Escarpment Plan is modified as follows:

Map 3 of the Niagara Escarpment Plan is amended as shown on Schedule A.

To amend the Niagara Escarpment Plan (NEP) to:
a) re-designate a portion of the former Pinchin Pit property from Mineral Resource Extraction Area to Escarpment Rural Area and Escarpment Natural Area consistent with the surrender of the Aggregate Resources Act (ARA) licence; and
b) to add the lands to the Niagara Escarpment Parks and Open Space System as an overlay.



SCHEDULE A

MAP SHOWING AMENDMENT PP 223 21 Pinchin Pit

- Proposed Amendment boundary (AECON owned lands)
- Proposed Amendment boundary (Credit Valley Conservation owned lands) and Escarpment Natural Area
- Waterbodies
- Watercourse

- Minor Urban Centre
- Niagara Escarpment Parks and Open Space System
- Unevaluated Wetlands

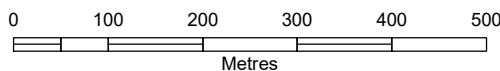
Plan Designations

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Mineral Resource Extraction Area

The Niagara Escarpment Plan Designations shown on this map are approximate and subject to confirmation through site inspection and the application of the "Interpretation of Boundaries" section of the Niagara Escarpment Plan.

This map is not a legal document and may contain errors or omissions

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Oct 22nd, 2021



SOURCE:
Base derived from the Ontario Digital Topographic Database, Scale 1:10000

Map Compiled and Produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources and Forestry

November 17, 2021

Niagara Escarpment Commission
CIRCULATION AND NOTICE

RE: NIAGARA ESCARPMENT PLAN AMENDMENT PP 223 21
Pinchin Pit: Proposed Land Use Re-designation
Part Lots 13 & 14 Concession 5 WHS
Town of Caledon, Region of Peel

BACKGROUND:

1. Section 7 and 10 (1) of the *Niagara Escarpment Planning and Development Act (NEPDA)* require that the Niagara Escarpment Commission (NEC) furnish each affected ministry and municipality, within or partially within the Niagara Escarpment Planning Area, with a copy of the proposed Amendment to the Niagara Escarpment Plan and invite the ministries and municipalities to make comments on the amendment to the Commission.
2. Section 10(1) (b) of the *NEPDA* requires that notice of the proposed Amendment be published in such newspapers having general circulation in the Niagara Escarpment Planning Area as the Commission considers appropriate.
3. The NEC is also required to post the Amendment on the Environmental Bill of Rights Registry (ER) for public notice and comment.
4. Although not legislatively required, the NEC as a matter of practice also circulates to landowners within 120m of the subject property, other public agencies and stakeholders where the Commission believes there may be an interest.

The notice period under the *NEPDA* is 60 days; however, the NEC may extend the time if, in the Commission's opinion additional time for commenting becomes necessary.

PURPOSE:

The purpose of this Report is for the Commission to approve the recommended circulation and notification list for the Niagara Escarpment Plan Amendment PP 223 21.

RECOMMENDATION:

That the NEC instruct staff, pursuant to the NEPDA, to circulate the proposed amendment to ministries and municipalities, provide notice in newspapers and on the NEC web site and have the amendment posted on the Environmental Registry (ER). Staff will also circulate agencies and stakeholders that may have an interest or have indicated an interest in the amendment, including property owners or their agents. The specified comment period will be 60 days.

Staff will also circulate agencies, and stakeholders who may have an interest or have indicated an interest in the proposed Amendment, including property owners or their agents.

Required circulation and notice follows:

1. Municipalities and Ministries

Region of Peel
Town of Caledon
Ministry of Northern Development, Mines, Natural Resources and Forestry
Ministry of Municipal Affairs and Housing
Credit Valley Conservation

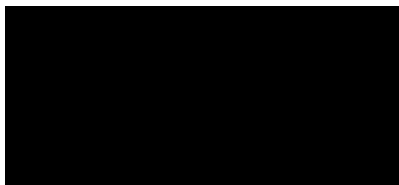
2. Others

Landowners within 120 metres of the proposed amendment area

3. Newspapers

Caledon Enterprise

Prepared By:



Lisa Grbinicek, RPP, MCIP
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Approved by:



Debbie Ramsay, RPP, MCIP
Director