



## Sierra Club Ontario: Niagara Report

By Dr. John Bacher (PhD)

### 1. Unlike the rest of Ontario, Niagara is not threatened by Government proposing removals from the Greenbelt

Among the regions of Ontario's Greenbelt, Niagara is distinctive insofar that there aren't any proposals to remove lands from it. This arises out of the fact that the provincial government, without officially saying so, has in effect reaffirmed the provision of the [Greenbelt Plan](#) that sees the protection of specialty crop lands as "permanent." (the same decision was made for the much smaller area of tender fruit growing in the City of Hamilton).

Outside of Niagara, the Niagara Escarpment, and the tiny fruit growing areas of Hamilton, the entire Greenbelt is at risk, with the exception of large, provincially significant forests and other restrictive environmental features such as river valleys and floodplains. In such a situation, farmlands are vulnerable to being paved over. This is because urban boundaries in all other areas, including the [Oak Ridges Moraine](#), will become subject to urban boundary expansions every five years through municipal comprehensive reviews. This has the danger to create a "Swiss Cheese Greenbelt", the risk of which may be increased through changes in government infrastructure policy.

In addition to standing firm against Greenbelt removals in Niagara, the government has put forward two significant proposals for expansions, one of which is in the St. Catharines-Thorold area. This proposed expansion would protect the Twelve Mile Creek valley in urban St. Catharines and an important natural corridor between the Short Hills Provincial Park and Lake Gibson. The other is in the area south of Grimsby. This area currently is heavily utilized for grape and hardier fruit crops.

The fact that the government is standing firm on the Greenbelt in Niagara - in contrast to the situation in the rest of the province - is being used by opponents who want to weaken it. The Mayor of Grimsby has complained about this as part of his town's efforts to remove all of the remaining Greenbelt lands that protect the unique grape and tender fruit growing area.

Although the government is now proposing improvements to the Niagara Greenbelt, these changes have not yet been secured. Grimsby's arguments put at risk the old growth 26-acre Irish Grove Woodlot, by a road expansion. It is being justified on the basis of future growth planned for the area proposed for removal from the Greenbelt.

## **2. Recent decisions by court and [Niagara Escarpment Commission \(NEC\)](#) show the need to expand Escarpment Plan area**

A recent court decision upholding an [Ontario Municipal Board \(OMB\)](#) decision to restrict the urban boundaries of Niagara Falls in the vicinity of the Niagara Escarpment and the shadow fruit belt illustrates the need for the plan area for the Niagara Escarpment Plan to be expanded. The court reaffirmed a decision by OMB to turn down a 187-acre urban expansion in the City of Niagara Falls. This decision however, was the good culmination of a torturous and expensive process involving paid experts, lawyers and a long OMB hearing stretching back 13 years to 2004. In vivid contrast the NEC turned down two much larger applications for expansion during a one-year period, based on simple exchanges of correspondence.

Following the advice of its planning staff the NEC rejected all the urban expansions which were being considered as part of the government's [Coordinated review of 4 provincial plans](#).

The very different processes regarding urban expansions on both sides of the Mountain Road in Niagara Falls illustrate the need for the former proposal by the NEC to expand the [Niagara Escarpment Plan](#) from its current 194,000 hectares by another 46,677 hectares. On November 17, 2016 this proposal was withdrawn by the NEC. This was done on basis of the criticism of the expansion in the report, "[Planning for Health, Prosperity and Growth, Greater Golden Horseshoe, 2015-2041.](#)" (popularly known as the Crombie Report)

The negative proposals to create a Swiss Cheese Greenbelt show that inclusion of the proposed NEC expansion areas in the Greenbelt instead of the Niagara Escarpment Plan is a poor substitute. The proposed NEC expansion can be still implemented through the Coordinated Review, if there is support from the public demonstrated through for instance, letters.

A campaign regarding the extension of the Escarpment Plan area has the opportunity to make more people aware of the benefits of provincial land use planning. Site plan control and the issuance of restoration orders is a more effective land use planning system than exists under the Planning Act. One of the significant failures of the Crombie report was its opposition to the extension of this type of provincially administered system to the Oak Ridges Moraine.

One of the benefits of the NEC system of development control has been expanding forest cover. Through this system tree planting is frequently a condition of development approval. This has boosted forest cover to around 45 per cent, making the Escarpment an ecologically healthy forested island in a deforested region. One of the leading critics of the expansion of the NEC plan area, Dufferin County, has itself repealed its tree by-laws. This means that any regulation of tree cutting on private land in Dufferin County is confined to the part of it that is within the NEC plan area.

## **3. Province continues to debate wetland offsetting and changes to Conservation Authorities Act.**

During 2015 I was warned by inside sources in the public service about dangerous changes to both the [Conservation Authorities Act](#) and the province's wetland protection system. The warning was that changes were being made in order to open up for development large areas of now protected provincially significant wetlands. The vulnerable areas for these changes were near the proposed mid-Niagara Peninsula Expressway, (rejected by the current government but still supported by the

opposition Conservatives), the Queen Elizabeth Highway in Niagara Falls and Fort Erie, and the predominately old growth forested wetland known as the Thundering Waters Forest. These changes resulted in considerable protests in Niagara - especially after February 2016 - when the Thundering Waters Forest was proposed as a “pilot study” in wetland offsetting. The protests were supported ultimately by objections from the bi-national Iroquois Environmental Task Force.

The formal public consultation periods for the conservation authorities act and the wetland review are now closed. It appears that the province will not make the negative changes that triggered the review, but the outcome is still uncertain.

*John Bacher is veteran conservationist in Niagara, Ontario and long-time member of the citizen group, [Preservation of Agricultural Lands Society](#). He has been a champion of strong provincial land use planning for four decades going back to the formation of the Niagara Escarpment Plan in 1985.*

*[Sierra Club Ontario](#)'s work mainly focuses on protecting the Great Lakes ecosystem, growing and protecting the Greenbelt, fighting nuclear expansion, and supporting Green Energy adoption in Ontario. Sierra Club Ontario also works on very local issues, in coordination with smaller communities in Ontario.*

**If you have any questions or comments on topics raised in the report, or about Sierra Club Ontario's Greenbelt Campaign work, please contact us at: [ontariochapter@sierraclub.ca](mailto:ontariochapter@sierraclub.ca).**