



County of  
**Essex**

## **OFFICIAL PLAN**



Prepared By:



Adopted February 19, 2014  
Approved by MMAH April 28, 2014

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## SECTION 1 - INTRODUCTION

### 1.1 PURPOSE OF THE PLAN

The purpose of the Essex County Official Plan is to establish a policy framework for managing growth, protecting resources and providing direction on land use decisions during the planning period to 2031. This is the second generation of the Official Plan, the first being adopted in 2002 and approved on July 19, 2005. This Plan will:

- a) implement the Provincial Policy Statement at the County level;
- b) provide a policy framework that will provide guidance and direction to the seven *local municipalities* in their preparation and future interpretation of updated local Official Plans, Official Plan amendments and Zoning By-laws;
- c) establish a policy framework for coordination and cooperation between municipalities, both internal and external to the County, on planning, *development*, resources and inter-municipal servicing issues that cross municipal boundaries.

This Plan provides the fundamental policy framework from which more detailed land use planning can be continued by the *local municipalities*. Local Official Plans will implement and be in conformity with this County Official Plan by providing more detailed strategies, policies, and land use designations for planning and *development* at the local level.

### 1.2 BASIS OF THE PLAN

The basis for this Official Plan is as follows:

- a) This Plan represents the second generation of the County Official Plan. The first generation of the County Official Plan was adopted by County *Council* in 2002 and approved in 2005.
- b) The County of Essex Official Plan has been prepared in accordance with the Planning Act, which prescribes the contents of an Official Plan and authorizes the County to prepare an Official Plan which establishes the goals, objectives, and policies to manage and direct physical change and the effects on the social, economic, cultural heritage, and natural environments of the County.
- c) The Plan implements the Provincial Policy Statement, 2005, and the policy framework contained herein will support the creation of strong communities, the wise use and management of resources, and the protection of public health and safety.

- d) This Plan is based on the Population and Employment Foundations Report completed in August 2011 and presented to County *Council* in September 2011. This report contains information on the Regional Context, Population, Household and Employment Characteristics and Projections, Residential and Employment Land Needs and Supply.
- e) The policy updates in this Plan have been based on the information and options presented in the Background Report for the County of Essex Official Plan Review. The Background Report contains information on Provincial Planning, Population and Employment, Healthy County Implementation, Transportation, Cultural Heritage, Natural Heritage, *Source Water Protection*, Agriculture and Definitions. The Report was completed in November 2012 and presented to County *Council* in December 2012.

## 1.3 COUNTY PROFILE

The County of Essex is comprised of approximately 167,000 hectares of land and a 2011 population of 177,720 people. It is governed by a *Council* that consists of 14 members being the Mayor and Deputy Mayor of each of the 7 member municipalities. One of the 14 County Councillors is elected as Warden by the members of County *Council*. The seven *local municipalities* that comprise the County of Essex include the Town of Amherstburg, the Town of Essex, the Town of Kingsville, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington and the Town of Tecumseh (see Map 1). Prior to the County restructuring that occurred in the late 1990s, Essex County had been comprised of 21 municipalities. The separated City of Windsor and the Township of Pelee as well as the restructured Municipality of Chatham-Kent are the immediate neighbours of Essex County.

Essex County agriculture and industry are major contributors to the economic vitality of the area. The County's location in the context of South-western Ontario, South-eastern Michigan, Northern Ohio, Lake Erie and Lake St. Clair has proven to be advantageous in relation to matters of tourism, economic development and transportation. Essex County industries include food processing, auto parts manufacturing, tool and die operations, plastic injection moulding and metal stamping. The County of Essex benefits from a diversified agricultural economy which includes a high concentration of greenhouses.

### 1.3.1 Local Municipal Profile

The most recent population, household and land area data for each of the seven County municipalities are presented in the following table. The 2011 population of the City of Windsor was reported to be 210,891 and the 2011 population for the Township of Pelee was reported to be 171. Both of these are single tier municipalities which are not part of the County of Essex.

**Table 1: Population, Household and Land Area Data**

<b>Municipality</b>	<b>2011 Population</b>	<b>2011 Households</b>	<b>2011 Persons Per Household</b>	<b>Land Area</b>	<b>Vacant Land Designated for Urban Purposes</b>
Amherstburg	21,556	8,120	2.65	18 796 ha	835 ha
Essex	19,600	7,790	2.51	28 734 ha	367 ha
Kingsville	21,362	7,715	2.76	24 464 ha	352 ha
Lakeshore	34,546	12,330	2.80	52 841 ha	1,439 ha
LaSalle	28,643	9,905	2.89	6 561 ha	947 ha
Leamington	28,403	9,865	2.87	26 440 ha	681 ha
Tecumseh	23,610	8,655	2.72	9,469 ha	782 ha
<b>Essex County</b>	<b>177,720</b>	<b>64,380</b>	<b>2.76</b>	<b>167,305 ha</b>	<b>5,403 ha</b>

Source: Information compiled from statistics contained within a variety of Census Canada documentation and the Population and Employment Foundation Report.

*Settlement areas* within the County are diverse and varied in terms of built form, structure, size, services and amenities. Each *local municipality* has a *Primary Settlement Area* in addition to a number of other *settlement areas* comprising small towns, villages, and hamlets.

### **1.3.2 Agricultural Areas**

Agriculture is one of the predominant features distinguishing the landscape and economy of Essex County from other areas in Ontario. Over 80 percent of the land area in the County is farm land. Flat terrain, a mild climate, good quality soils and a long growing season all combine to provide a good opportunity for successful and diversified farming activities. The volume of production and diversity of product from the farming community makes Essex County an important “food land” area whose economy is directly related to agriculture. The long term success of Essex County will be directly related to its ability to properly manage, protect and enhance its important agricultural resource.

The following observations are important when considering how to best manage, protect and enhance the agricultural resource:



- a) Approximately 90 percent of the land within Essex County is considered, by Provincial definition, as *prime agricultural land* (*specialty crop areas* and/or Class 1, 2 and 3 soils in the Canada Land Inventory system).
- b) The trend towards fewer farmers owning larger and a greater number of farms is expected to continue as farming technology and less labour intensive methods continue to evolve affording farmers a greater opportunity to manage larger holdings.
- c) Average farm sizes in Essex County are characteristically smaller than in other areas of the Province. Possible explanations contributing to this fact include the original land survey system, historically permissive severance policies, relatively high productivity levels, advanced technology and accordingly higher required capital investment and higher land prices.
- d) The type of farming in Essex County is quite varied. It includes field crop farming, fruit crops, vineyards and greenhouse farming including the growing of flowers, tomatoes, cucumbers, peppers and bedding plants. Essex County has considerably less livestock farming than other parts of the Province.
- e) Off-farm employment (a second job off the farm) is higher in Essex County than in other parts of the Province. This trend is expected to continue.

### 1.3.3 Natural Heritage System

In 2002 The Essex Region Biodiversity Conservation Strategy was prepared by the Essex Region Conservation Authority. This Strategy was the first attempt at completing a comprehensive spatial analysis of all natural areas within the Essex region which includes the County of Essex, the City of Windsor and the Township of Pelee.

As part of the background work in support of this second generation County Official Plan, the Essex Region Conservation Authority prepared an update to the strategy, referred to as the Essex Region Natural Heritage System Strategy (ERNHSS). The purpose of this updated strategy was to accurately map existing *natural heritage features* as well as to prioritize habitat restoration opportunities within the Essex region. The *natural heritage system* mapping contained in the updated Strategy forms the basis of the *natural heritage system* shown on Schedules “A1”, and “B1-B3”.

There are a *significant* number of plant and animal species considered to be species at risk which includes *endangered*, *threatened* and special concern species that are known to occur in Essex County. With its mild climate, Carolinian *woodlands*, prairie habitat and lush *wetlands*, this area is one of the most biologically diverse regions in Canada. This region has over 200 kilometres of shoreline on Lake St. Clair, Lake Erie and the Detroit River. An extensive network

of natural inland watercourses and municipal drains provide the drainage required to support the area's productive agricultural industry. Over time, many of the areas with *significant* natural features have been drained and cleared to make them available for crop production. Although good for farming, these past practices have resulted in limited habitat, few natural linkages between natural features and impaired water quality. As a result, it is increasingly important to work with private property owners in their efforts to preserve these remaining areas and enhance their effectiveness through promoting the development or preservation of natural linkages between the areas and increasing the amount of core natural area.

#### 1.3.4 Cultural Heritage

The County of Essex has a rich cultural history that includes pre-european and First Nations settlements and activities, French/Jesuit settlements, military history, rail activities and ship building, shoreline development, the Underground Railway, pioneer settlements, agriculture, the rise of industry and commerce and development of urban *settlement areas*.

The County of Essex contains *archaeological resources*, *built heritage resources* and *cultural heritage landscapes*. The County and *local municipalities* will continue to identify, conserve, protect, restore, maintain, and enhance these resources.

### 1.4 PLANNING PERIOD

The designation of land and the population and employment projections contained within this Plan are based on the 20 year planning period from 2011 to 2031. Actual population and employment increases will be monitored on an ongoing basis with the projections being updated in conjunction with each five year review of this Plan. Notwithstanding the 20 year planning period, this Plan establishes a policy framework to address issues beyond 20 years in an effort to optimize *infrastructure*, to preserve agricultural lands and other *significant* natural features for future generations.

### 1.5 GOALS FOR A HEALTHY COUNTY

The long-term prosperity and social well-being of the County depends on maintaining strong, *sustainable* and resilient communities, a clean and healthy environment and a strong economy. To this end, the policies of this Plan have been developed to achieve the following goals for a healthy County of Essex:

- a) To protect and enhance the *natural heritage system* by increasing the amount of core natural area and natural buffers where possible, particularly through restoration efforts.

- b) To protect *prime agricultural areas* and encourage a broad range of *agricultural, agriculture-related* and *secondary uses* to ensure that the agricultural industry can continue to thrive and innovate.
- c) To direct the majority of growth (including *intensification* and *affordable housing*), and investment (*infrastructure* and community services and facilities) to the County's *Primary Settlement Areas*. These *Primary Settlement Areas* will serve as focal points for civic, commercial, entertainment and cultural activities.
- d) To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and *transportation systems* that create more *sustainable*, efficient, healthy, and liveable communities.
- e) To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- g) To prohibit urban forms of *development* outside of designated “*Settlement Areas*” and discouraging urban *development* in areas with partial municipal services.
- h) To create and maintain an improved balance between residential and employment growth in each of the *Primary Settlement Areas*, as detailed in Section 3.2 of this Plan, by increasing employment opportunities closer to where people live.
- i) To maintain and attract manufacturing, agribusinesses and tourism related businesses and activities that can provide well-paying employment opportunities to existing and future residents.
- j) To promote and invest in a region-wide *transportation system* that connects urban areas with each other and with communities outside this area by providing a highly interconnected road network and accessible *transportation system* that is designed and built for pedestrians, cyclists, transit and automobiles.
- k) To link *wildlife habitat* and *natural heritage areas* to each other, human settlements to other human settlements and people to nature.
- l) To accommodate future job creation and employment opportunities in an environmentally *sustainable* and cost effective manner, i.e., Low Impact Development, enhancing natural features.

- m) To provide co-operative inter-municipal consultation and co-ordination of those services based on inter-municipal considerations.
- n) To encourage *local municipalities* to prepare, where possible, multi-year Sewage and Water Servicing Plans and Master Storm Water Management Plans.
- o) To ensure that *petroleum, minerals, and mineral aggregate resources* are available for future use and that extraction operations are protected from activities that would hinder their expansion or continued use.
- p) To protect and enhance the *quality and quantity* of ground and surface water and the function of *sensitive* ground water recharge/discharge areas, *highly vulnerable aquifers*, headwaters and *Intake Protection Zones*.
- q) To protect life and property by directing *development* away from natural and human-made hazards.
- r) To ensure that Lake Erie, Lake St. Clair and the Detroit River are noted as *significant* areas for fishing and hunting and that future land use decisions are made with regard to maintaining access to these resources.
- s) To support the creation of interesting and accessible public places to generate activity and vitality and attract people and business to Essex County communities.
- t) To recognize the importance of cultural heritage resources within the County by encouraging their identification, conservation, protection, restoration, maintenance, and enhancement.

## SECTION 2 - PLANNING FRAMEWORK & GENERAL POLICIES

### 2.1 PLANNING CONTEXT

This document is the second generation Official Plan for the County of Essex. It updates the County's first Official Plan that was approved in 2005. The County of Essex was restructured in the late 1990s which reduced twenty-one local municipalities to seven. The policies contained within this Official Plan primarily focus on effectively managing growth and protecting the County's natural and cultural resources.

### 2.2 GROWTH MANAGEMENT

As noted within the Population and Employment Foundation Report, the County of Essex will continue to experience population and employment growth over the planning period ending in 2031. The rate of population, household and employment growth is expected to be below past levels with most growth occurring in the mid-to-long term. Housing growth is expected to remain largely dominated by low density units, with a modest increase in medium density units, while employment growth will favour industrial related over population related employment. In terms of land supply, a surplus exists County-wide to accommodate all of the projected residential and employment growth.

The health of the County requires that long-range land use planning and *infrastructure* investment is properly managed in a way that will:

- a) Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- b) Protect and enhance the County's *natural heritage system*, cultural features and heritage resources (including resources in and under water), and *minerals, petroleum, and mineral aggregate resources*.
- c) Minimize *adverse effects* on agricultural lands and operations and be phased in accordance with the availability of appropriate types and levels of services.
- d) Implement the Goals for a Healthy County contained within subsection 1.5 of this Plan.

It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

The boundaries of the "*Settlement Areas*" within the County are depicted on Schedules "A1" and "A2" of this Plan. Although the boundaries were depicted

conceptually in the first generation of this Official Plan, the extent of the boundaries has been specifically identified in this updated Plan. Alterations to a “*Settlement Area*” boundary will require an amendment to this Plan. Future growth is directed to these “*Settlement Areas*”, and specifically the *Primary Settlement Areas* identified on Schedule “A2”.

Population projections for the County of Essex and the seven *local municipalities* are included in the Table below. The existing inventory of residentially designated land is sufficient to accommodate the projected 20 year demand for additional housing units. Accordingly, sufficient land has been designated within local Official Plans to accommodate the projected residential land use needs of the County of Essex.

**Table 2: 20 Year Population Projections to 2031**

<i>Local Municipality</i>	2011 Census Population	Projected 2031 Population	Allocated Growth
Amherstburg	21,556	25,860	12%
Essex	19,600	22,150	7%
Kingsville	21,362	24,400	9%
Lakeshore	34,546	41,000	18%
LaSalle	28,643	35,470	20%
Leamington	28,403	33,490	15%
Tecumseh	23,610	30,140	19%
<b>Total Essex County</b>	<b>177,720</b>	<b>212,510</b>	<b>100%</b>

It is recognized that the County of Essex and the City of Windsor estimates of the share of population growth in the Windsor-Essex region differ. The split is larger at the start of the planning period; however, it is estimated that the projections of the City and County will be more in line at the end of the twenty year planning period. The County and City will continue to consult with one another to coordinate population, housing and employment projections in the Windsor-Essex Region, and consult on matters of mutual interest and concern.

## 2.3 MANAGEMENT OF MINERAL RESOURCES

In accordance with the Provincial Policy Statement, it is the policy of this Plan that mineral resources, including *mineral aggregates*, *minerals* and *petroleum resources*,

as generally depicted on Schedule “E1” of this Plan, will be protected for long-term use. In that regard, it is the policy of this Plan that local Official Plans shall include policies that ensure the following policy direction is realized.

### 2.3.1 Petroleum Resources

Throughout Essex County there is a potential for the exploration, discovery and production of petroleum deposits. A number of areas of petroleum production also exist as depicted on Schedule “E1” of this Plan. While activities associated with *petroleum resources* rarely involve Planning Act controls, the policies of this Plan address the issue of new *development* encroaching on known deposits and existing producing well areas.

In areas of known *petroleum resources* and *significant* areas of petroleum potential, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or *development* serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

New *development* shall be setback a minimum of 75 metres from existing wells. This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing *development*.

*Petroleum resource operations*, exploration and drilling under the Oil, Gas and Salt Resources Act will be permitted within the “Agricultural” designation provided the site is rehabilitated to *agricultural use* and, will minimize impacts by following Provincial Operating Standards, Provincial regulations and local planning requirements. Should the policies of Section 3.4 of this Plan, regarding *development* within “Natural Environment” areas, affect potential petroleum activities, the Province shall be consulted regarding mechanisms to evaluate the value of competing resources and ensure that if drilling occurs, there is minimal policy conflict.

### 2.3.2 Mineral Aggregate Resources

It is the policy of this Plan that as much of the *mineral aggregate resources* as is realistically possible will be made available to supply *mineral* resource needs as close to markets as possible. To that end, *mineral aggregate operations* will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* will be permitted to



continue without the need for an Official Plan amendment or Zoning By-law amendment under the Planning Act. In areas adjacent to or in known deposits of *mineral aggregate resources*, shown on Schedule “E1” and including salt deposits, agricultural development will be permitted however, *development* which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land uses or *development* serves a greater long term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

As established in the policies contained within this Plan for lands designated “Agricultural”, extraction of *mineral aggregate resources* will be permitted in *prime agricultural areas* in those areas shown as “Mineral Aggregate Resources” on Schedule “E1” without an amendment to this Plan provided the site is rehabilitated in accordance with Section 3.3.3.6 of this Plan. Final rehabilitation shall take surrounding land and approved land use designations into consideration.

The establishment of new extractive operations outside of the areas identified as “Mineral Aggregate Resources” on Schedule “E1”, or on lands designated as “Settlement Areas” or “Natural Environment” on Schedule “A1” will require an amendment to this Plan.

### **2.3.3 Mineral Resources**

*Mineral* resources will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. In areas adjacent to known *mineral* resources, *development* which would preclude or hinder the establishment of new operations or access to the resource will only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land uses or *development* serves a greater long term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

Rehabilitation will be required after extraction and other related activities have ceased. Progressive rehabilitation will be undertaken where feasible. As established in the policies contained within this Plan for lands designated “Agricultural”, extraction will be permitted in *prime agricultural areas* provided the



site is rehabilitated to *agricultural use*. Final rehabilitation shall take surrounding land and approved land use designations into consideration.

### **2.3.4 Wayside Pits and Quarries and Portable Asphalt Plants**

*Wayside Pits and Quarries, Portable Asphalt Plants, and Portable Concrete Plants* used on public authority contracts will be permitted, without the need for an Official Plan amendment or Zoning By-law amendment under the Planning Act in all areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities as identified in local Official Plans. All areas used for either *wayside pits, quarries or portable asphalt plants* shall be rehabilitated to *agricultural use*.

## **2.4 FLOODING AND EROSION (NATURAL HAZARDS)**

It is the policy of this Plan that local Official Plans direct *development* to areas outside of areas susceptible to flood or other hazards as depicted on Schedule “C1” of this Plan. Local Official Plans and Zoning By-laws shall distinguish between the *floodway* and the floodprone areas and shall establish the regulations pertaining to each in accordance with the policy direction contained within this Plan and Provincial Policy.

The delineation of areas susceptible to flood and/or erosion as depicted on Schedule “C1” of this Plan are subject to change based on local implementation of the Conservation Authorities Act regulations and policies. Local Official Plans and Zoning By-laws shall contain the most current and detailed descriptions of the Limit of Regulated Areas, based on information provided by and in consultation with the *Conservation Authorities*. An amendment to this plan is not required to adjust the flooding limits on Schedule “C1” provided the adjustment is minor, and approved by both the County and the applicable *Conservation Authority*.

### **2.4.1 Lake St. Clair, Detroit River and Lake Erie**

- a) It is a policy of this Plan to identify the Lake St. Clair, Detroit River and Lake Erie floodprone areas as being susceptible to *flooding* and *erosion hazards*. The regulatory flood standard for *flood plains* will be the one in one hundred year (1:100) or maximum observed flood condition for the Essex Region *watersheds* and the one in one hundred year (1:100) or maximum observed flood condition which is the two hundred and fifty year (1:250) flood condition affecting the Thames River and its tributaries for the Lower Thames Valley *watersheds*.
- b) *Local municipalities* will identify areas susceptible to flood and/or erosion along areas of Lake St. Clair, Detroit River and Lake Erie in consultation with local *Conservation Authorities*. It is the policy of this Plan that *local municipalities* establish policies in local Official Plans that direct *development*

outside of areas susceptible to flooding and/or erosion and identify these areas in local Zoning By-laws.

- c) *Development and site alteration* shall only be permitted in areas identified as being susceptible to flooding and/or erosion if:
- i. The hazard can be safely addressed.
  - ii. New hazards are not created and existing hazards are not aggravated.
  - iii. No adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required).
  - iv. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies.
  - v. The *development* does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*.
  - vi. Within the South East Leamington Floodprone Area, all issues affecting new development within the *hazard lands* adjacent to the shoreline of Lake Erie which are impacted on by flooding or erosion and/or *dynamic beach hazards* are addressed satisfying current Provincial Policy and as approved to the satisfaction of the *ERCA* and the Municipality of Leamington.
- d) *Local municipalities* will identify dynamic beaches in local Official Plans in consultation with local *Conservation Authorities*, to conserve and safeguard the natural ecosystem, tourism potential, adjacent land uses and related public safety. *Development* will not be permitted within defined portions of the dynamic beaches except for situations of existing *development*.
- e) For development fronting on Lake St. Clair, Detroit River and Lake Erie shoreline, *local municipalities* will establish policies and regulations that provide development setbacks, elevations and shoreline protection measures.
- f) Development setbacks are encouraged as the preferred method for protecting new *development* as opposed to relying on structural or non-structural protection measures that require maintenance and upgrading over time. *Local municipalities* are encouraged to develop policies that address existing development in areas susceptible to flood and/or erosion along areas of the Lake St. Clair, Detroit River and Lake Erie Shorelines and provide options to address the issues of building repair and maintenance,

minor building additions and interior alterations and the maintenance and repair of appropriate shore protection.

- g) The County will explore opportunities for longer term solutions to recurring flooding where existing development exists within shoreline floodprone areas.
- h) The County will support the preparation of detailed studies to identify and define natural hazard areas for streams, rivers, lakefronts and connecting channels in cooperation with local *Conservation Authorities* and *local municipalities*. These studies will be undertaken to conserve *natural heritage features* and the *natural heritage system*, capitalize on tourism potential, protect adjacent land uses, and enhance public safety.

#### 2.4.2 Inland Watercourses

Local Official Plans will identify areas susceptible to flooding due to 1:100 year or maximum observed flood conditions based on information provided by the local *Conservation Authorities*. It is the policy of this Plan that local Official Plans direct *development* to areas outside of areas susceptible to flooding and/or erosion.

Local Official Plans and Zoning By-laws will distinguish between the *floodway* and the *flood fringe* areas. *Development* will not be permitted in the *floodway*. *Development* and *site alteration* shall only be permitted in *flood fringe* areas if:

- a) The hazard can be safely addressed.
- b) New hazards are not created and existing hazards are not aggravated.
- c) No adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required).
- d) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies.
- e) The *development* does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*.

### 2.5 WATER RESOURCE MANAGEMENT

The County and *local municipalities* shall protect, improve or restore the *quality and quantity of water* by:

- a) Using the *watershed* as the ecologically meaningful scale for planning.

- b) Minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts.
- c) Identifying *surface water features*, *ground water features*, hydrologic functions and *natural heritage features and areas* which are necessary for the ecological and hydrological integrity of the *watershed*.
- d) The County implementing necessary restrictions on *development* and *site alteration* to:
  - i) protect all municipal drinking water supplies and designated *vulnerable* areas; and
  - ii) protect, improve or restore *vulnerable* surface and groundwater, *sensitive surface water features* and *sensitive ground water features*, and their hydrologic functions.
- e) Maintain linkages and related functions among *surface water features*.
- f) Promoting efficient and *sustainable* use of water resources, including practices for water conservation and sustaining water quality.
- g) Ensuring stormwater management practices do not adversely affect stormwater flows or volume, minimize contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.
- h) Promoting the use of Low Impact Development stormwater strategies and practices.
- i) The County shall support the development and implementation of *watershed* and subwatershed plans for the *Primary Settlement Areas* focusing first on areas where pressure for *development* or intensive uses exist, where *significant* environmental concerns are identified, and/or where funding permits.
- j) The preparation of *watershed* and subwatershed studies that may include the following components:
  - i) A water budget.
  - ii) Determination of subwatershed boundaries.
  - iii) Identification of the location, extent, sensitivity and significance of *natural heritage features*, and habitats and surface and groundwater systems.
  - iv) Land and water linkages and processes.

- v) Factors influencing the viability of the identified resources.
- vi) Identification of land and water use and management strategies.
- vii) Criteria to protect water *quality and quantity* and the functions of hydrological features.
- viii) Goals and objectives for public health and safety, aquatic life, resource management, *flood plain* management, and land uses.
- ix) Identification of areas requiring protection, rehabilitation and/or enhancement.
- x) Strategies to achieve protection, rehabilitation and/or enhancement.
- xi) Water resource management practices and protection measures such as well decommissioning, pesticide best practices and road salt management.
- xii) Establishing a framework for implementation, which includes more detailed plans covering smaller areas.
- xiii) An implementation plan and monitoring program.

### 2.5.1 Source Water Protection

Within Essex County two Source Protection Plans have been prepared in compliance with the Clean Water Act, 2006. These plans are the Thames-Sydenham and Region Source Protection Plan and the Essex Region Source Protection Plan. Both plans have been submitted to the Ministry of the Environment for approval and readers should refer to these plans for specific policies and for specific policies that may apply to the *vulnerable* areas which may restrict or prohibit certain land uses or activities.

The Source Protection Plans and associated technical studies (Assessment Report) look at the current and future sources of municipal residential drinking water, identify the potential threats to these sources and include policies for actions and programs to reduce or eliminate these risks. Once the Source Protection Plans and Assessment Reports are approved, as amended from time to time, all municipal decisions under the Planning Act shall conform to the *significant* threat policies and have regard for other policies. The policies apply to '*vulnerable* areas' identified in the technical studies (Assessment Report) for the Source Protection Plan, including '*Intake Protection Zones*' (IPZs), '*Highly Vulnerable Aquifers*' (HVAs) and '*Significant Groundwater Recharge Areas*' (SGRAs). Mapping of each of these features is found in Schedules "C3", "C4" and "C5" of this Plan.

According to the Source Protection Plans, the most prevalent type of *Significant Drinking Water Threat* in the Essex Region is the storage, handling, or transportation of large volumes of liquid fuels.

### 2.5.1.1 Intake Protection Zones (IPZs)

*Intake Protection Zones* are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the *source water* at the municipal drinking water intakes. Schedule “C3” maps the three *Intake Protection Zones* within and surrounding the County.

*Intake Protection Zone 1 (IPZ-1)* is the area immediately surrounding the intake crib, defined for Type A (Lake Erie) and D (Lake St. Clair) intakes by a one kilometre radius centered on the crib of the intake, and for Type B (Detroit River) intakes, by a semi-circle within a one kilometre radius upstream from the centre of the intake crib and 100 metres downstream of the same point. Where the IPZ-1 abuts land it shall only include a setback on the land that is the area of land that drains into the surface water body measured from the high water mark and is not more than 120m or a *Conservation Authority Regulation Limit* whichever is greater.

*Intake Protection Zone 2 (IPZ-2)* is the area of water and land that is outside IPZ-1 and accounts for the influence of nearby *watersheds*, where runoff may pick up pollutants and affect water quality in the near-shore water at municipal intakes. IPZ-2 areas generally encompass areas within a few kilometres of the intakes and are based on a two-hour time of travel for the flow of water along the shores and in the tributary *watersheds*.

*Intake Protection Zone 3 (IPZ-3)* extends outward from IPZ-2, and covers larger *watershed* areas generally within a specific time of travel related to the transport of specific contaminants reaching the intake. IPZ-3 includes all rivers and tributaries where modelling demonstrates that contaminant spills may reach the intake during an extreme rainfall or wind storm event.

All IPZs also include lands within 120 metres of the top-of-bank of the subject waterways, or the *flood plain* regulated area, whichever is greater.

Reference must be made to the Source Protection Plan and accompanying Assessment Report for more complete details and explanations regarding these IPZs, the threats to drinking water sources, and associated policies.

The Clean Water Act requires that all decisions under the Planning Act or Condominium Act made by municipal planning authorities must conform to *significant* threat policies and have regard for other policies in an approved Source Protection Plan. Within areas identified in an approved Source Protection Plan any use or activity that is, or would be, a *significant* drinking water threat is required to conform to all applicable Source Protection Plan policies and, as such, may be prohibited, regulated or otherwise restricted by those Source Protection Plan



policies. Where required by policies in an approved Source Protection Plan, the *local municipalities* shall circulate all *development* applications or proposed land use changes proposing fuel storage, fuel transportation or industrial uses to the Risk Management Official (RMO). Where the Source Protection Plan does not require an RMO notice, the *local municipality* should be satisfied that the proposal will not include activities which would be a *significant* threat in the location proposed.

### 2.5.2 Groundwater

The protection, conservation and careful management of groundwater resources is necessary to meet both the present and future needs of residents, businesses and the natural environment. As groundwater and aquifer contamination is extremely difficult and costly to rectify, prevention of contamination is the most realistic strategy. Aquifers need to be protected across the County to ensure a clean groundwater supply for private water systems, as well as to provide baseflow for creeks and streams, and water sources for ponds and *wetlands*.

Schedules “C4” and “C5” map the *Highly Vulnerable Aquifers* (HVA) and *Significant Groundwater Recharge Areas* (SGRA) within the County and the following policies apply:

- a) The County will support initiatives of the Ministry of the Environment, the *Conservation Authorities*, the City of Windsor, the Municipality of Chatham-Kent, and other agencies, including the implementation of the Essex Region/Chatham-Kent Regional Groundwater Study in identifying strategies to protect groundwater resources.
- b) *Development* and *site alteration* that may be a *significant* threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no *negative impact* on the HVA or SGRA.
- c) Where a *local municipality* contains *Highly Vulnerable Aquifers* or *Significant Groundwater Recharge Areas*, as part of the update of their Official Plan, an assessment of the appropriate list of permitted uses shall be undertaken to ensure that no *negative impact* will occur on a HVA or SGRA.

### 2.5.3 Stormwater Quality and Quantity

Stormwater management reports/plans, acceptable to the County, *local municipalities*, local *Conservation Authorities*, and the Ministry of the Environment will generally be required in advance of draft approval of applications involving lot creation and/or *development* or *redevelopment*. Stormwater Management plans and reports must be reviewed and approved by the Ministry of Transportation, for those developments located adjacent to or in the vicinity of a Provincial Highway.

Pre-consultation with the local *Conservation Authorities* and the Ministry of the Environment on matters concerning stormwater management works pursuant to Section 53 of the Ontario Water Resources Act is encouraged. Ministry of the Environment pre-consultation should occur with the Southwestern Region Water Resources Unit, through the Ministry of the Environment Southwestern Regional Environmental Assessment Coordinator, on applications for plans of subdivision, master stormwater management reports, *watershed* and subwatershed plans. The preparation of stormwater management plans on a *watershed* or subwatershed basis is encouraged.

Stormwater management reports and plans shall be prepared in accordance with the 2003 Ministry of the Environment Stormwater Management Guidelines, as amended, and other resource materials.

## 2.6 HUMAN-MADE HAZARDS

Local Official Plans shall include policies to establish that *development* on, abutting or adjacent to lands affected by former *mineral resource operations* and *petroleum resource operations* will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed. It is the policy of this Plan that contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*. In particular, local Official Plans shall include policies relating to the following for any known human made hazards:

- a) include policy direction relevant for the specific type of hazard known to exist; and
- b) include policy direction for the re-use of contaminated and *hazardous sites* and adjacent lands specifically including:
  - i) the need to document past and present uses prior to the approval of an Official Plan amendment, Zoning By-law amendment, plan of subdivision or condominium and consent;
  - ii) the possible need to restore the site prior to approvals being granted or prior to *development* occurring;
  - iii) the requirement that site restoration is to occur in accordance with Ontario Regulation 153/04 Record of Site Condition – PART XV.1 of the Environmental Protection Act as may be amended from time to time; and
  - iv) where contamination has been identified, the requirement for a letter from the Ministry of the Environment acknowledging receipt of a “Record of Site Condition” prior to *development* approvals being granted.



As a condition of approving *development*, the *local municipality* will require that improperly abandoned wells that are known or discovered on the lands during *development* will be properly plugged in accordance with Provincial regulations.

In locations or areas of known historic salt solution mining activity, proponents are required to submit with any *development* application, a geo-technical study, completed by a qualified engineer that concludes the site is safe for the proposed *development*. Any associated wells shall be plugged according to Provincial regulations and standards.

## 2.7 Cultural Heritage and Archaeological Resources

It is the policy of this Plan that the County will identify, recognize, and conserve *archaeological and built heritage resources*, and *cultural heritage landscapes*. To achieve these goals, and to encourage the restoration, protection and maintenance of the County's heritage resources, all new *development* or *redevelopment* shall be consistent with the Provincial Policy Statement on cultural heritage resources. Cultural heritage resources include archaeological sites and/or *areas of archaeological potential*, buildings, structures, and landscapes of cultural heritage value or interest.

- a) Local Official Plans shall include policies to implement the identification, recognition and conservation of *built heritage resources* and *cultural heritage landscapes* of cultural heritage value or interest.
- b) Where practical, those heritage resources that contribute to the identity and character of the County may be protected through heritage designations, planning policies, easements or incentives to convert and restore. The County will encourage restoration and enhancement of buildings, structures, areas or sites that are considered to be of cultural heritage value or interest. The County will encourage new *development*, *redevelopment* and public works to be sensitive to and in harmony with cultural heritage resources. The County will encourage *local municipalities* to establish Municipal Heritage Committees that can then develop inventories of cultural heritage resources and advise *local municipalities* on how best to conserve *significant* heritage resources.
- c) *Development* and *site alteration* may be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if *significant archaeological resources* have been *conserved* by removal and documentation or preservation on site. Where *significant archaeological resources* must be preserved on site, only *development* and *site alteration* which maintain the heritage integrity or the site, as outlined in the assessment, will be permitted.

- d) Marked and unmarked private family burial plots, where known, should be registered with the Provincial Cemeteries Registrar and with *local municipalities* and identified in the local Official Plans.
- e) The appropriate First Nations shall be provided notification with regard to the identification of burial sites and *significant archaeological resources* relating to the activities of their ancestors. If the County initiates the preparation of an archaeological master plan, the appropriate First Nations shall be notified and invited to participate in the process.
- f) The County may prepare a Cultural Heritage Management Plan, in consultation with First Nations, to assist in identifying sensitive cultural heritage resources, including cemeteries and burial sites. This Plan would provide comprehensive inventories of *significant* heritage buildings, heritage districts, *cultural heritage landscapes*, archaeological sites, and *areas of archaeological potential*. The Cultural Heritage Management Plan would include:
  - i) Comprehensive cultural heritage resource mapping, archaeological potential mapping and inventories.
  - ii) Identification and evaluation of cultural heritage resources, cultural facilities and organizations.
  - iii) Strategies for conserving and enhancing these identified resources.
  - iv) Programs to foster interpretation and promotion.
  - v) Education and public participation in cultural heritage conservation.

### **2.7.1 Canadian Heritage River Designation**

The Canadian Heritage River System identifies and celebrates unique rivers within our country that best reflect Canadian history, recreation and environment. Established in 1984, this cooperative Federal-Provincial-Territorial program was developed to help preserve the future of *significant* national rivers through community efforts. As part of the nomination and designation process, a Management Strategy was prepared by a community based committee consisting of representation along the Detroit River Corridor. This strategy was supported by a number of signatories including mayors from each of the municipalities along the Detroit River.

It is the policy of this Plan to support the natural heritage, human heritage and recreational initiatives as described in the Management Strategy dated June 21, 2001 for the Detroit River as a designated Canadian Heritage River. Local Official Plans are encouraged to include policies which the initiatives described in the Management Strategy.

The Thames River is also designated a Canadian Heritage River and local Official Plans are encouraged to include policies recognizing this designation and any applicable Management Strategy.

## 2.8 TRANSPORTATION

The County's transportation network consists of Provincial, County and local roads in addition to railway lines, water ferries, harbours, marinas, a commercial *airport*, some private air strips and a planned *active transportation* system including pedestrian and bicycle paths. The County shall encourage the identification of historic transportation routes as heritage roads and the protection of their respective *heritage attributes*, where feasible and appropriate. When considering servicing and *development* proposals, including road improvements such as realignments or widenings, the County will encourage measures to help mitigate any negative impacts to heritage roads, where feasible and appropriate. *Development* proposals will be considered in the context of all forms of transportation subject to the following objectives and policies:

- a) To facilitate the safe, energy efficient and economical movement of people and goods throughout the County.
- b) To develop a hierarchy of roads throughout the County through the regular updating of a Transportation Master Plan.
- c) To ensure that appropriate right-of-way widths for all existing and proposed roads are provided in accordance with the Planning Act.
- d) To promote the continual development and improvement of the *active transportation* system.
- e) To encourage the development of convenient and efficient public transit services throughout the County.
- f) To plan for and protect corridors for transportation, transit and *infrastructure*.
- g) To support the continuation and improvement of the railway system.
- h) To support the provision of air services for both passengers and goods.
- i) To restrict *development* on private roads.

## 2.8.1 Roads

This Plan acknowledges the strong relationship between roads, their function, land use and *development*. Schedule “D1” of this Plan identifies Provincial Highways and County Roads.

Provincial Highways are under the jurisdiction of the Ministry of Transportation and are subject to permit control and approval under the Public Transportation and Highway Improvement Act. In addition to all municipal requirements under the Planning Act, Ministry of Transportation permits are required for access to Provincial Highways where permitted and for the construction of buildings, structures and signs in proximity to the Provincial Highways. All applicants proposing new *development* or changes to existing development on lands adjacent to a Provincial Highway are advised to consult with the Ministry of Transportation prior to making formal applications under the Planning Act.

In December 2004, the draft Essex-Windsor Regional Transportation Master Plan was completed. The Plan was prepared using the Master Planning Process from the “Municipal Class Environmental Assessment Process” and was intended to provide a comprehensive regional transportation master plan with policies and implementation strategies that would serve the needs of the region for 20 years. The Plan identified roadway capacity enhancements, evaluated the levels of service, and recommended a new roadway classification system. Unfortunately, the Plan was prepared based on population projections that have not been achieved. As a result, the recommendations contained in the Plan require review and the County intends on updating the Transportation Master Plan, and implementing it by way of a future amendment to this Plan.

When considering matters of land use planning, the County shall:

- a) Take into consideration the need to improve regional traffic flow in the vicinity of the City of Windsor.
- b) Consider whether resources are available to ensure the *transportation system* meets the needs of the road users and the growth policies of the County.
- c) Identify measures to optimize roadway network capacity through roadway access management and intersection optimization.
- d) Identify measures to reduce transportation needs such as managing the appropriate type and scale of growth, the use of alternative transportation choices, and the development of an *active transportation* system.
- e) Strive to minimize conflict between local and non-local traffic by protecting the County Road system depicted on Schedule “D1”. The County shall

discourage new *development* that would adversely impact traffic movement along the County Road system unless road improvements can be undertaken to eliminate the adverse impact. New *development* proposing access onto County Roads outside of “*Settlement Areas*” shall be managed according to the County’s access policies.

- f) Encourage integration of transportation facilities provided by *local municipalities*, adjacent municipalities and the Province.
- g) Review road corridors, in consultation with *local municipalities* and the Province, to determine if a change in classification is necessary. Transfer of road jurisdiction to or from the County shall not require an amendment to this Plan.
- h) Encourage safe, convenient and visually appealing pedestrian facilities, where appropriate, along the Provincial and County Road systems.
- i) Ensure that *development* proposals that are likely to generate *significant* traffic are accompanied by a traffic impact study addressing the potential impact on the Provincial and County Road systems and the surrounding land uses and how to minimize any identified negative impact.
- j) Address the matter of cross boundary traffic with adjacent municipalities and establish a planned network of roads which considers and coordinates the road hierarchy across municipal boundaries.
- k) Maintain a Best Management Practice which establishes required right-of-way widths, setback requirements, access requirements, lighting requirements and other related matters. Noise attenuation measures where deemed necessary should also be established.
- l) While the provision of public transit is encouraged as an alternate means of transportation, this Plan acknowledges that the provision of public transit is a local matter.
- m) Restrict new *development* on private roads to Plans of Condominium.

### **2.8.1.1 Right-of-Way Widths and Road Widening**

The appropriate right-of-way widths are included in the County’s Best Management Practice documents. The need for road widenings are included in the Transportation Master Plan (which will be updated by amendment to this Plan) as well as being identified in local Official Plans.

Notwithstanding the above, Environmental Assessments have been completed on the following roadways and have identified the need for future widening requirements as follows:

- a) Lauzon Parkway Extension from Highway 401 to Highway No. 3 (new 50m ROW roadway alignment proposed).
- b) County Road 42 Widening to 4-lanes from:
  - City/County Boundary to County Road 43 from 24m ROW to 40m ROW.
  - County Road 43 to Shiff Drive from 26m ROW to 35m ROW.
  - Shiff Drive to St. Alphonse Avenue from 27m ROW to 30m ROW.
  - St. Alphonse Avenue to County Road 19 from 25m ROW to 35m ROW.
  - County Road 19 to W. Puce Road from 30m ROW to 36m ROW.
  - W. Puce Road to Puce River Bridge from 30m ROW to 36m ROW.
- c) County Road 43 – widen to four lanes from:
  - City Boundary at CPR tracks to Shields Avenue from 30m ROW to 50m ROW.
  - Shields Avenue to County Road 42 – new 50m ROW.
  - County Road 42 to 760m south of CR42 from 20m ROW to 50m ROW.
- d) County Road 19 – widen to 4 lanes from CPR south to Highway No. 3 from 20-30m ROW to 40m ROW.
- e) County Road 22 – 4 lanes from CR 25 to West Belle River Road from 20m ROW to 36m ROW.
- f) County Road 3 – 5 lanes from Todd Lane to Cahill Drain from 20m ROW to 30m ROW.
- g) County Road 3 – 3 lanes from Cahill Drain to Meagan Drive from 20m ROW to 23m ROW.
- h) County Road 7 – 4 lanes from Cousineau Road to Sandwich W. Parkway from 28m ROW to 35m ROW.

As a condition of a *development* approval, land for road widenings or daylight triangles shall be conveyed at no expense to the County in accordance with the provisions of the Planning Act.

## 2.8.2 Airports

In addition to the Windsor *Airport*, there are a number of private air strips located within the County of Essex. To protect *airports* from incompatible *development*:

- a) Planning for land uses in the vicinity of *airports* shall be undertaken so that:
  - i) The long-term operation and economic role of *airports* is protected; and
  - ii) *Airports* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise and other contaminants.
- b) *Airports* shall be protected from incompatible land uses and *development* by:
  - i) Prohibiting new residential *development* and other *sensitive land uses* in areas near *airports* above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada;
  - ii) Considering *redevelopment* of existing residential uses and other *sensitive land uses* or infilling of residential and other *sensitive land uses* in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
  - iii) Discouraging land uses which may cause a potential aviation safety hazard.

## 2.8.3 Rail

Existing operating rail lines within Essex County are shown on Schedule “D1” and the following policies apply:

- a) *Local municipalities* are encouraged to develop policies that take into consideration safe and reasonable pedestrian movement between residential development and commercial uses and other services across the tracks. Other requirements pertaining to *development* proposed in proximity to rail lines is contained in subsection 2.12 Noise and Vibration of this Plan.
- b) County *Council* acknowledges the importance of the rail *infrastructure* and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods and people. *Council* shall ensure the continued viability and ultimate capacity of the rail corridors and yards (if applicable) is protected and shall identify and support strategic *infrastructure* improvements such as targeted grade separations, where feasible.



- c) *Sensitive land uses* will not be encouraged adjacent or in proximity to rail facilities.
- d) All proposed residential or other sensitive use *development* within 300 metres of a railway right-of-way will be required to undertake noise studies, to the satisfaction of the *local municipality* in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any *adverse effects* from noise that were identified. All available options, including alternative site layouts and/or attenuation measures, will be thoroughly investigated and implemented if practicable to ensure appropriate sound levels are achieved, particularly with respect to the 55 dBA outdoor living area criterion.
- e) All proposed residential or other sensitive use *development* within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the *local municipality* in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any *adverse effects* from vibration that were identified.
- f) All proposed *development* adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the *local municipality* in consultation with the appropriate railway. Where applicable, the *local municipality* will ensure that sightline requirements of Transport Canada and the railways are addressed.
- g) Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the *local municipality* and the appropriate railway.
- h) New residential *development* or other *sensitive land uses* will not be permitted within 300 metres of a rail yard (if applicable).
- i) All residential *development* or other *sensitive land uses* located between 300 metres and 1000 metres of a rail yard will be required to undertake noise studies, to the satisfaction of the *local municipality* and the appropriate railway, to support its feasibility of *development* and, if feasible, shall undertake appropriate measures to mitigate any *adverse effects* from noise that were identified.

#### 2.8.4 Active Transportation

In 2012 County *Council* approved the County Wide Active Transportation (CWAT) Master Plan. The CWAT Master Plan is a 20 year Plan to guide the County and *local municipalities* in implementing a County-wide network of cycling and



pedestrian facilities. Schedule “D2” contains the County of Essex *Active Transportation System* as outlined in detail in the CWAT Master Plan.

The vision for the CWAT Master Plan is as follows:

“The County of Essex and its seven local area municipalities support *active transportation* (walking and cycling) and in association with the Essex Region Conservation Authority, City of Windsor, and Municipality of Chatham-Kent and other partners, are working together to foster a safe, comfortable bicycle and pedestrian friendly environment by encouraging people of all ages and abilities to engage in non-motorized activities for everyday transportation and recreation. Residents and visitors are able to travel and experience the urban and rural areas of the County by way of a connected network of on and off-road pedestrian cycling facilities.”

The primary tool to implement and enhance the *Active Transportation System* is through the master planning exercise for County and municipal *infrastructure* projects, i.e., road improvements, and through the review of *development* applications.

- a) All County and local municipal roads, shall be considered accessible for *active transportation* unless otherwise designated, and that a vehicular approach to cycling be adopted that recognizes the bicycle as a vehicle which operates on public roadways or within road rights-of-way with the same rights and responsibilities as motor vehicles.
- b) The County’s *Active Transportation System* will continue to evolve over time through the addition of missing links and the incorporation of additional linkages such as the use of unopened right-of-ways, hydro right-of-ways, existing or abandoned rail corridors, open green-space and future roadway improvements. Amendments to this Plan are not required for route or facility type revisions, provided the continuity and functionality of the network is maintained in the same general location and/or is consistent with the route selection principles contained within the CWAT Master Plan.
- c) At the time of the review or update of local Official Plans as well as during the *development* review process, the County encourages *active transportation* friendly (pedestrian and cyclist) streetscaping, urban design and *active transportation* oriented land *development*.
- d) Mixed use *development* and higher densities are encouraged within the *Primary Settlement Areas* to promote/facilitate increased vitality and quality of life.
- e) During the review of *development* applications, *local municipalities* will require the integration of pedestrian and cycling linkages to commercial,

transit, schools, trails, parks and municipal facilities, where feasible and appropriate. In addition, the designs of new local roads shall have shorter block lengths that are generally less than 250 metres to encourage walking and cycling.

- f) The County encourages the use of best practices when planning, designing, constructing, maintaining and operating *active transportation* facilities. Specific consideration and reference should be made to the following:
  - i) The Institute of Transportation Engineers recommended practices for the application of site design guidelines that promote *sustainable* transportation through site design.
  - ii) Essex County Transportation Advisory Committee Bikeway Traffic Control Guideline.
  - iii) Ontario Ministry of Transportation Bikeway Planning and Design Guidelines.
  - iv) Any other relevant documents released from time-to-time.
- g) The County will coordinate the implementation of the *Active Transportation Network* with the County's Transportation Services Department Five-Year Road Rehabilitation planning process.
- h) Local municipal Zoning By-laws, or other local planning instruments, shall establish standards for bicycle parking that is adequate to meet demands. The County encourages bicycle parking to be secure, illuminated, highly visible, sheltered and convenient.

## 2.9 SOLID WASTE MANAGEMENT

The Essex/Windsor Regional Landfill site and two recently closed County landfill sites are shown on Schedule "E1". In addition, a list of areas thought to be former landfill sites is attached as Appendix Two. *Local municipalities* are encouraged to identify these former landfill sites in their local Official Plans. This Plan encourages the continuation of policies in local Official Plans that limit *development* in areas surrounding these landfill sites.

There may be a need during the planning period of this Plan to establish new waste management related facilities, such as transfer stations, within the County of Essex. This Plan supports the development of such facilities, when required, provided all applicable statutory approvals from the Ministry of the Environment are obtained, and the facilities are located in accordance with the land use policies contained within this Plan and the local Official Plan, or amendments are obtained where necessary.

The County of Essex has a partnership with the City of Windsor regarding solid waste management. In 1993 the County of Essex adopted the Essex-Windsor Solid Waste Management Master Plan, and it has been reviewed and updated on a number of occasions, the most recent in 2011/2012. The Plan is the primary guide for all waste management matters in the County and the City.

In accordance with the policy direction of the Solid Waste Management Master Plan, this Plan supports the following:

- a) The County will undertake programs to reduce, reuse and recycle waste at the source provided the programs and facilities are environmentally, socially, economically and technically sound.
- b) The recycling program is recognized as a key effort in reducing the waste going to the landfill site.
- c) Any *development* that requires an application under the Planning Act on or within 500 metres of the perimeter of the Essex-Windsor Regional Landfill site or on or within 500 metres of the perimeter of any active or closed waste disposal site is discouraged and will be subject to consultation with the County and the Ministry of the Environment. As a minimum, a study will be required that evaluates the presence and impact of environmental contaminants including, but not necessarily limited to, methane gas and leachate. The study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, *development* will be restricted and/or refused.
- d) *Development* applications for a change in land use for lands formerly used for the disposal of waste must first satisfy the requirements of the Ministry of the Environment and obtain an approval pursuant to Section 46 of the Environmental Protection Act, if applicable, prior to the issuance of necessary Planning Act approvals and building permits.
- e) The Essex-Windsor Solid Waste Authority may periodically update the Solid Waste Management Master Plan, as necessary.
- f) The County's full participation in waste management master plan initiatives and its investigation of the full range of waste management options.

## 2.10 SEWAGE AND WATER SYSTEMS

The County of Essex does not fund or maintain sanitary sewers or water systems, and the provision of those services is the responsibility of the *local municipalities*. However, the County does promote efficient and environmentally responsible *development* which is supportable on the basis of appropriate types and levels of water supply and sewage disposal consistent with the Provincial Policy Statement.

The County encourages new *development* to proceed on the basis of full municipal sewage services and municipal water services and *local municipalities* are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.

The following servicing policies apply:

- a) Full municipal sewage services and municipal water services are the preferred form of servicing for all *settlement areas*.
- b) The use of private communal sewage services and private communal water services or individual on-site sewage services and individual on-site water services must be consistent with the Provincial Policy Statement, and shall only be used when municipal sewage and municipal water services are not available.
- c) The use of partial services shall only be used where necessary to address failed individual on-site sewage services and individual on-site water services in existing development, within *settlement areas*, to allow for infilling and rounding out of existing development on partial services provided the following is met:
  - i) the development is within the reserve *sewage and water system* capacity; and
  - ii) site conditions are suitable for the long-term provision of such services.
- d) Public or private investment in upgrading or expanding municipal sewage services or municipal water services should be focused within the *Primary Settlement Areas* identified on Schedule "A2" of this Plan. The County recognizes that circumstances may warrant *infrastructure* investment in *Secondary Settlement Areas*.
- e) *Local municipalities* will encourage monitoring and proper maintenance of private sewage treatment systems in the County in order to protect water resources and the *natural heritage system*.

The *local municipality* must confirm the availability of the required servicing capacity prior to *development* being approved. For those *developments* that purchase services, in accordance with inter-municipal servicing agreements, from an abutting municipality, the *local municipality* must confirm that the required capacity is provided for in the agreement. Ministry of the Environment guidelines shall be used when determining the remaining uncommitted reserve capacity for municipal water services and municipal sewage services.

*Local municipalities* are encouraged to prepare comprehensive master servicing plans for the planning, expansion and on-going operation of sanitary sewage treatment and water treatment facilities, pumping stations, force mains and trunk distribution and collection systems. Where appropriate, joint servicing plans are encouraged to ensure that *infrastructure* is built and maintained in a cost effective, environmentally sound and co-ordinated manner that meets the long-term needs of the communities affected. *Local municipalities* shall map the locations of all municipal/communal sewage treatment plants in their Official Plans and reference the appropriate Ministry of the Environment Guideline for compatibility to *sensitive land uses*.

## 2.11 UTILITY CORRIDORS

It is the policy of this Plan to ensure that *utility corridors*, including communication corridors and transmission facilities, are designed in a manner that minimizes potentially *negative impacts* where possible. Generally, when determining the most appropriate location for future *utility corridors*, agriculturally designated land and the *natural heritage system* will be protected and preserved to the greatest extent possible. Also, such corridors shall be located in a manner that minimizes their impact on *settlement areas*. More specifically, the following policies apply:

- a) This Plan recognizes that *utility corridors* must exist in order to properly and efficiently serve the public.
- b) It is acknowledged that the *utility corridor* policies of this Plan, in some circumstances, must be considered in conjunction with or may be superseded by, other legislative requirements.
- c) Preferred routes for *utility corridors* are those that:
  - i) Follow existing rights-of-way, property lines and fence lines.
  - ii) Avoid built-up areas and heavily populated areas if they cannot be accommodated within existing rights-of-way.
  - iii) Do not infringe upon environmentally *significant* areas including natural heritage corridors.
- d) Minimizing the impact on agricultural lands and the *natural heritage system* is a high priority.
- e) Measures to mitigate impacts on agriculture during and after construction will be required including such things as:
  - i) Replacement of soils with top soil layers in their original condition and order.
  - ii) Timing of construction to minimize crop losses.

- iii) Stripping, treatment and disposal of surplus materials from trenching in an acceptable manner.
- iv) The repair of all damage.
- f) Access points to existing roads will be reviewed with the proper road authority.
- g) Design, construction, site restoration and maintenance should be carried out in accordance with relevant environmental guidelines regarding watercourses, sedimentation control, environmentally *significant* areas, natural heritage corridors and agricultural lands.
- h) Consideration will be given to ensuring that above-ground facilities or structures are aesthetically pleasing and visually harmonious with the surrounding area.
- i) The design, planning and maintenance of the corridor will consider the effects on the *natural heritage system* and will implement restoration techniques consistent with natural heritage policies.
- j) The utility company will maintain and be ultimately responsible for the corridor and the decommissioning and/or removal of facilities upon the abandonment of the utility line.

## 2.12 NOISE, VIBRATION AND SAFETY

Prior to permitting *development* that may be affected by noise, vibration and/or safety, a study may be required to assess the impact of the noise, vibration and safety on proposed residential or other *sensitive land uses*. Noise, vibration and/or safety attenuation measures will be implemented to reduce the impact to levels recommended by the Ministry of the Environment. Local Official Plans are also encouraged to include specific policies to address requirements where *development* of a *sensitive land use* is proposed in proximity to rail lines and other sources of noise, vibration and/or safety, and those policies shall include:

- a) Prior to the approval of any applications for Official Plan amendments, Zoning By-law amendments, plans of subdivision or condominium, land division, committee of adjustment approval or any *development* that is subject to site plan control on lands that are within 100 metres of a railway line right-of-way, Provincial Highway, or stationary sources of noise, a noise feasibility study shall be completed and submitted to the appropriate agencies and appropriate railway companies for review and comment. Appropriate measures to mitigate any adverse impacts from noise and or vibration that were identified shall be undertaken.



- b) Prior to the approval of any applications for Official Plan amendments, Zoning By-law amendments, plans of subdivision or condominium, land division, committee of adjustment approval or any *development* that is subject to site plan control on lands that are within 500 metres of a Principal Main Railway Line right-of-way, Provincial Highway, or stationary sources or where the projected noise exceeds the Ministry of the Environment recommended noise criteria by more than 5 dBA, a noise and vibration and impact mitigating study shall be completed and submitted to the appropriate agencies and appropriate railway companies for review and comment. Appropriate measures to mitigate any adverse impacts from noise and or vibration that were identified shall be undertaken.
- c) Setbacks, berming, fencing or other safety measures may be required to the satisfaction of the Approval Authority, Ministry of Transportation, and/or *local municipality* in consultation with the appropriate rail company. The conclusions and recommendations of the above policies shall be incorporated as conditions of approval in all development agreements.

## 2.13 ENERGY, AIR QUALITY & GREEN INFRASTRUCTURE

It is a policy of this Plan to support energy efficiency, improved air quality, and the use of green *infrastructure* by considering the following during planning and *development* review functions:

- a) Whether the proposal promotes *active transportation* as outlined in Section 2.8 of this Plan, and in particular, provides enhanced walking and cycling opportunities.
- b) Whether the proposal locates land uses in such a manner that reduces the distance and number of vehicle trips.
- c) Whether the proposal protects and improves trees and natural areas and offers/incorporates multi-functional green space.
- d) Whether the design incorporates compact form, efficiently uses land and where appropriate, a mixture of uses and housing types.
- e) Whether the design and orientation maximizes the use of alternative or renewable energy.
- f) Whether the design incorporates green *infrastructure* components that reduce the stress on traditional sanitary, water, stormwater and road *infrastructure*. Examples include the use of permeable pavements, Low Impact Development, rain gardens and bioretention systems, and constructed *wetlands* for the management of stormwater runoff.

The County of Essex has a Smog Action Plan in place. *Local municipalities* are encouraged to adopt similar smog action plans for their individual community.

## SECTION 3 - LAND USE POLICIES

### 3.1 INTRODUCTION

This section of the Official Plan identifies the general directive, goals and policies for the “*Settlement Areas*”, “Agricultural” and “Natural Environment” designations as shown on Schedule “A1”. The “Natural Environment” designation is further detailed on Schedule “B1” along with overlay Schedules “B2” and “B3”. Local Official Plans provide additional policy direction.

### 3.2 SETTLEMENT AREAS

The following sections contain the general directive, goals and policies for lands designated “*Settlement Areas*” on Schedule “A1” of this Plan. The policies in subsection 3.4 Natural Environment of this Plan may also pertain to some of the lands designated “*Settlement Areas*”.

#### 3.2.1 General Directive

Schedule “A1” of this Plan identifies the location and precise boundaries of the “*Settlement Areas*” within the County. Schedule “A2” details the structure of the “*Settlement Areas*”, by differentiating between Primary and Secondary.

It is the vision and purpose of this Plan to direct the majority of future growth and *development* into the *Primary Settlement Areas* in order to strengthen the County’s settlement structure, focus public and private investment in fewer areas and to preserve the lands designated “Agricultural” and “Natural Environment” for the purposes outlined in the policies of this Plan. Local Official Plans will detail where within the “*Settlement Areas*” designations various types of land uses will be located; however, healthy community principles shall be incorporated into the long-range planning and *development* review process.

#### 3.2.2 Goals

The following goals are established for those lands designated as “*Settlement Areas*” on Schedule “A1”:

- a) Support and promote public and private re-investment in the *Primary Settlement Areas*.
- b) To support and promote healthy, diverse and vibrant *settlement areas* within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.



- c) To promote *development* within *Primary Settlement Areas* that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- d) To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- f) To increase the opportunity for job creation within each *local municipality* by attracting and maintaining industries and businesses closer to where County residents live.
- g) To support long term economic prosperity by providing *infrastructure* and *public service facilities* to accommodate projected growth.
- h) To provide locations where natural habitat restoration can be accommodated to ensure an increase in the amount of core natural area and linkages amongst natural areas.
- i) Promote *residential intensification* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- j) Promote *affordable housing* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- k) Encourage each *local municipality* to undertake a Local Comprehensive Review of their “*Settlement Areas*” with the goal of re-allocating growth to the most appropriate locations that meet the intent of this Plan. The County encourages the Local Comprehensive Review to be undertaken at the time of the five-year review of the local Official Plan; however, *local municipalities* may initiate a Local Comprehensive Review at any time.
- l) Encourage employment opportunities on lands within “*Settlement Areas*” that are in proximity to rail corridors.

### 3.2.3 Settlement Structure Policies

The following sections detail policies for those lands shown as “*Settlement Areas*” on Schedules “A1” and “A2”.

The County's Settlement Structure Plan is contained in Schedule "A2". This Schedule further defines the "Settlement Areas" designation shown on Schedule "A1" as *Primary Settlement Areas* and *Secondary Settlement Areas*.

The "Settlement Areas" contain sufficient land for the County as a whole, and each *local municipality*, to accommodate all employment and residential growth during the planning period to 2031. The Official Plan Review exercise indicates that the County does not have growth projections to support the identification of new or expanded *settlement areas* during the planning period.

### 3.2.3.1 Local Comprehensive Review

Expansions to the aggregate amount of land within the "Settlement Areas" is not permitted. However, the County encourages each *local municipality* to undertake a Local Comprehensive Review (LCR) of its "Settlement Areas" that would identify the most and least appropriate locations for growth. A LCR is distinguished from a *comprehensive review*, as defined in this Plan and the Provincial Policy Statement.

A LCR may recommend alterations to one or more "Settlement Area" boundary provided such adjustment would maintain or reduce the aggregate amount of land within the "Settlement Areas" in the municipality.

The preparation of a Local Comprehensive Review shall follow, at a minimum, the requirements listed below:

- a) Pre-consult with the County to establish the appropriate methodology, analysis and level of detail to be undertaken to sufficiently qualify the conclusions of the Local Comprehensive Review. The County will recognize methodology established in a local Official Plan dealing with the transfer of a designation, provided the requirements of 3.2.3.1 b) to h) are met.
- b) A LCR may focus on residential or employment land transfer, or both. Where the focus is only on either residential or employment, the LCR shall consider whether there are lands suitable for conversion to a different land use. For example, if the LCR is focused on employment land transfer, then the merits of converting residential lands within the existing "Settlement Areas" to employment should also form part of the LCR.
- c) Compile the aggregate amount of employment and/or residential land, depending on the focus of the review, including vacant, built, *brownfield* and other land within each "Settlement Area".
- d) Identify and assess the extent of primary and secondary constraints to build-out of each "Settlement Area". Primary constraints may include such factors as environmental, hazards, lack of services, soil types, topography and traffic. Secondary constraints may include isolated locations, contamination,

fragmented ownership, and incompatible surrounding land uses. *Local municipalities* may identify additional constraints.

- e) Determine the population and/or employment, depending on the focus of the review, that could be accommodated in each “*Settlement Area*” under existing conditions given the site and area characteristics and constraints.
- f) Identify and analyze the *intensification* opportunities within the built-up and greenfield areas of each “*Settlement Area*”.
- g) Prepare a Master Servicing Report outlining the method of servicing available and planned for all “*Settlement Areas*”. This Report must include an analysis of costs and efficiencies associated with expanding any *Primary Settlement Area*.
- h) In the event that the review concludes that one or more “*Settlement Area*” boundaries should be altered, then any adjustment must meet the following tests:
  - i) That there are no reasonable alternatives which avoid *prime agricultural areas*.
  - ii) There are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*.
  - iii) The lands do not comprise *specialty crop areas*.
  - iv) The expansion of any area shall be limited to only *Primary Settlement Areas*.
  - v) The aggregate amount of land within all “*Settlement Areas*” shall be maintained or reduced as a result of the “*Settlement Areas*” boundary adjustment(s). For example, if a *Primary Settlement Area* is recommended for expansion, then the corresponding area within an existing *Secondary Settlement Area* shall be reduced. The areas removed from the *Secondary Settlement Area(s)* shall be redesignated to “Agriculture” in this Plan and the local Official Plan.
  - vi) That the *Primary Settlement Area(s)* to be expanded are fully serviced with municipal water services, municipal sewage services and stormwater management facilities subject to policy 3.2.4.1 d).
  - vii) The *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long-term and protect public health and safety.

- viii) The *negative impacts* from expansions to a *Primary Settlement Area* boundary on agricultural operations which are near or adjacent to the *Primary Settlement Area* are mitigated to the extent feasible. Specific policy shall be established in local Official Plans for criteria promoting the establishment of buffers, berms and subdivision design that reduce the impact on surrounding agricultural land, operations and *infrastructure*. The approval authority may also require the erection of fencing as a condition of approval to reduce trespass on adjacent agricultural land.
- ix) In determining the most appropriate direction for an expansion to the boundaries of a *Primary Settlement Area*, the County shall ensure consistency with Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety of the Provincial Policy Statement.
- i) The recommendations of the LCR will not be finalized until the County and Local Official Plans have been amended to incorporate any proposed “*Settlement Area*” boundary alterations.

### 3.2.4 Primary Settlement Areas

*Primary Settlement Areas* are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

The locations and boundaries of the *Primary Settlement Areas* within the County have been identified on Schedule “A2”, and include the following:

- a) Urban area of Amherstburg (Town of Amherstburg)
- b) Essex Centre (Town of Essex)
- c) Harrow (Town of Essex)
- d) Kingsville (Town of Kingsville)
- e) The Former Town of Leamington (Municipality of Leamington)
- f) Tecumseh (Town of Tecumseh, Village of St. Clair Beach and Tecumseh Hamlet)
- g) LaSalle (Town of LaSalle)
- h) Maidstone/Belle River Urban Area and Wallace Woods (Town of Lakeshore)

The identification of Wallace Woods reflects its status as a new Primary Node, and the focus of growth, in Lakeshore's Official Plan that was approved by the Ontario Municipal Board. The inclusion of Wallace Woods as a *Primary Settlement Area* in this Plan is subject to the policy and modifications contained in the memorandum of oral decision of the OMB dated December 8, 2010 (Case No. PL100211), which is Sections 3.3.12 and 3.4.4 of the Town of Lakeshore Official Plan. New *development* is subject to a future Secondary Plan, which can be approved without amendment to this Plan, provided the intent of this Plan is maintained.

i) Oldcastle Hamlet (Town of Tecumseh)

Oldcastle Hamlet has historically been the focus of manufacturing due in part to its proximity to the City of Windsor. The recent investment in sanitary services and the existing forms of development make it an ideal location to focus employment growth subject to the following policies:

- i) Oldcastle Hamlet shall be primarily developed with employment uses, while recognizing that limited opportunities may exist to expand upon the few existing residential clusters that are situated in the area. The local Official Plan will more specifically designate the lands in appropriate land use designations.
- ii) A mixture of lot sizes shall be provided, including large lots that would be suitable to employment uses that may not be appropriately located within other nearby *Primary Settlement Areas* due to their size or impacts.
- iii) The local Official Plan shall contain policies to ensure orderly and appropriate *development*.
- iv) All new *development* shall be on full municipal sewage services and municipal water services.
- v) Cost effective *development* patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

### 3.2.4.1 Policies

The following policies apply to *Primary Settlement Areas*:

- a) *Primary Settlement Areas* shall be the focus of growth and public/private investment in each municipality.

- b) *Primary Settlement Areas* shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including *affordable housing* options and alternative housing forms for *special needs* groups, and be designed to be walkable communities with public transit options (or long-term plans for same).
- c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan.
- d) All new *development* within *Primary Settlement Areas* shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.
- e) Expansions of the boundaries of a *Primary Settlement Area* shall only occur in accordance with the Local Comprehensive Review policies in Section 3.2.3.1 of this Plan. An amendment to this Plan and the local Plan shall be required to alter the boundary of any “*Settlement Area*”.
- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use *development* and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.
- g) The County encourages the redevelopment of *brownfield* properties.
- h) All types of land use are permitted within the “*Settlement Areas*” designation subject to the specific land use policies of the local Official Plans.
- i) Cost effective *development* patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
- j) The County supports universal physical access and encourages the building industry to incorporate such features into new structures.

### 3.2.5 Secondary Settlement Areas

The *Secondary Settlement Areas* shown on Schedule “A2” represent more than 40 small hamlet, village, employment based, or other site specific settlements or developments that have historically been identified in local Official Plans and were conceptually carried forward into the first version of the County Official Plan.

*Secondary Settlement Areas* do not meet the criteria outlined above for *Primary Settlement Areas*; however, they do have varying levels of community investment

such as full or partial services or public buildings. These communities do not have public transit, and have few housing options or *public services facilities*.

The majority of *Secondary Settlement Areas* in the County are residential in nature, such as the shoreline areas in the Towns of Essex and Kingsville and the Municipality of Leamington. There are also several employment based *Secondary Settlement Areas* such as Smith Industrial Park in the Town of Amherstburg and Ruthven in the Town of Kingsville. Further still, there are examples of *Secondary Settlement Areas* that contain a mixture of uses such as the Hamlet of Cottam in the Town of Kingsville and the Hamlet of McGregor in the Towns of Amherstburg and Essex.

The County recognizes the diversity among the many different *Secondary Settlements Areas* and accordingly has established the following policy framework that recognizes this diversity:

- a) New *development* will be permitted to the boundaries of the *Secondary Settlement Areas* as shown on Schedule “A2” provided such *development* is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.
- b) The *local municipalities* will be responsible for determining the hierarchy of *Secondary Settlement Areas*.
- c) New *development* is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.
- d) Expansions to the boundaries of a *Secondary Settlement Area* are not permitted. However, the County encourages *local municipalities* to undertake a Local Comprehensive Review in accordance with Section 3.2.3.1 that may result in the reduction of the boundaries in conjunction with the corresponding expansion of a *Primary Settlement Area* boundary. An amendment to this Plan and the local Plan shall be required to alter the boundary of any “*Settlement Area*”.
- e) All types of land uses are permitted within the *Secondary Settlement Areas* designation subject to the specific land use policies of the local Official Plans.
- f) In some cases *Secondary Settlement Areas* are unnamed and do not contain the basic elements that comprise a *settlement area* as defined by the PPS. The County encourages *local municipalities* to remove these areas from the land use schedule or permit no new *development*.



- g) *Secondary Settlement Areas*, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:
  - i) They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these *Secondary Settlement Areas*, provided the *Primary Settlement Area(s)* in the municipality remains the focus of growth.
  - ii) New *development* will generally be limited to infilling, *redevelopment* on existing lots of records, and limited *residential intensification*.
  - iii) *Residential intensification*, outside of infilling, shall only occur on full municipal sewage services and municipal water services.
  
- h) *Secondary Settlement Areas*, or portions thereof, that generally consist of employment uses are subject to the following additional policies:
  - i) Cost effective *development* patterns and those which reduce servicing costs are encouraged.
  - ii) Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.
  - iii) New *development* shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.
  - iv) New *development* on private or partial sewage services and water services shall generally be limited to dry industrial uses.
  - v) Local Official Plan policies will ensure the orderly and appropriate development of these areas.
  
- i) Cost effective development patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

### 3.2.6 General Settlement Area Policies

The following policies apply to all “*Settlement Areas*” identified on Schedule “A1” of this Plan:

- a) Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial,

residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. Residential growth projections for *local municipalities* are to be in accordance with the population projections contained within this Plan.

- b) The County supports residential *intensification* within *Primary Settlement Areas*.
- c) The County supports the provision of housing which is affordable to *low and moderate income households*.
- d) Local Official Plans are encouraged to establish land requirement needs based on densities which meet the following:
  - i) Efficiently use land, resources, *infrastructure* and *public service facilities*.
  - ii) Avoid the need for unnecessary and/or uneconomical expansion of *infrastructure*.
  - iii) Support the use of public transit where available or where it can be provided in future years.
  - iv) Are appropriate to the type of *sewage and water systems* which are planned or available.
- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the *regional market area* as outlined below:
  - i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification, redevelopment* and if necessary, lands which are *designated and available* as defined by Provincial Policy.
  - ii) Maintaining at all times, where new *development* is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.
  - iii) Permitting and facilitating all forms of housing, including *special needs* housing, required to meet the social, health and well-being requirements of current and future residents.

- f) Local Official Plans are encouraged to provide opportunities for *redevelopment, intensification* and revitalization in areas that have sufficient existing or planned *infrastructure*.
- g) It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:
  - i) Make provision such that *infrastructure* and *public service facilities* will be available to accommodate projected growth.
  - ii) Provide a supply of land to meet long term requirements.
  - iii) Provide for an efficient, cost effective, reliable, *multi-modal transportation system* that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth.
  - iv) Conserve energy and water by providing for energy and water efficiency.
  - v) Maintain the well-being of downtowns and mainstreets.
  - vi) Optimize the long term availability, viability and use of agricultural and other resources.
  - vii) Plan so that major facilities such as transportation corridors, sewage treatment facilities, *waste management systems*, industries and *mineral aggregate resource* activities and *sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise and other contaminants.
- h) Local Official Plans are encouraged to develop growth management strategies as part of their Official Plans and to establish the type, amount, location and timing of growth and *development* including a servicing strategy that is in keeping with the servicing and growth projection policies contained within this Plan.
- i) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated “*Settlement Areas*”.

### 3.2.7 Intensification & Redevelopment

The County encourages well-planned *intensification development* projects in the “*Settlement Areas*” to encourage more efficient use of land and municipal *infrastructure*, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages *residential intensification* and *redevelopment* within *Primary Settlement Areas* in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of *infrastructure* and *public service facilities*.

The County requires that 15 percent of all new residential *development* within each *local municipality* occur by way of *residential intensification* and *redevelopment*. Implementation and annual reporting to the County on meeting this target will be the responsibility of the *local municipalities*.

The County will permit *intensification* and *redevelopment* within *Secondary Settlement Areas* to assist in meeting the target provided it occurs on full municipal sewage services and municipal water services.

Where possible, new *development* in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

### **3.2.8 Affordable Housing**

The County supports the provision of *affordable housing* for *low and moderate income households* through the following policies:

- a) The County requires that each *local municipality* achieve a minimum *affordable housing* target of 20 percent of all new *development*.
- b) *Affordable housing* should be focused within *Primary Settlement Areas* which offer residents easy access to existing services, facilities and *infrastructure*.
- c) The County encourages *local municipalities* to waive (in full or in part) municipal fees to encourage the development of *affordable housing*.
- d) The County encourages each *local municipality* to prepare a housing strategy that outlines opportunities to increase the supply of *affordable housing* consistent with the Windsor Essex Housing and Homelessness Plan.
- e) The County discourages the demolition or conversion of affordable rental housing in order to maintain the rental housing stock.
- f) The County generally permits *second dwelling units* within all single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an ancillary structure to those house types on the property. If the principle residential dwelling on the property contains only a single residential unit, then an accessory structure may contain the *second dwelling unit* on the property.

Local municipal Official Plans and implementing Zoning By-laws, will contain detailed policies and provisions relating to *second dwelling units* which generally support their creation, including but not limited to the following:

- i) Areas of the municipality where *second dwelling units* would be inappropriate such as floodprone areas or areas with inadequate servicing.
- ii) Minimum unit size, access and parking requirements.
- iii) Whether *second dwelling units* will be phased into new *developments*, at the time of *development/design/construction*.
- iv) The health and safety requirements for *second dwelling units* to be contained within an accessory structure.
- v) Garden suites.

### 3.3 AGRICULTURAL

This section contains the general directive, goals and policies for lands designated “Agricultural” on Schedule “A1” of this Plan. The “Agricultural” designation pertains to all of the lands that are not otherwise designated as “*Settlement Areas*” or “Natural Environment”. In addition, the policies in Section 3.4 of this Plan may also pertain to some of the lands designated “Agricultural”.

#### 3.3.1 General Directive

The vision for lands designated “Agricultural” is one which includes a viable agricultural community comprised of many types of agriculture such as cash crop farming, greenhouse farming, orchard farming, vineyard farming, mushroom farming and livestock farming. Essex County offers one of the most complex and technologically advanced agricultural areas in Ontario, and it is the intent of this Plan to protect this important resource for the long-term.

All lands outside of those designated as “*Settlement Areas*” and “Natural Environment” are considered the County’s *prime agricultural area* in accordance with Provincial Policy. The County promotes a diverse, innovative and economically strong agricultural industry and *settlement area* expansions, lot creation and the establishment of new uses will be carefully managed, and where necessary, restricted.

Because this County is rich in natural resources, it is also acknowledged that there is a need to permit other types of land use in the “Agricultural” designation such as the extraction of gas and oil and the extraction of mineral aggregate. These extractive uses are also permitted in accordance with Provincial Policy as interim

uses and agricultural rehabilitation is required, in accordance with Section 3.3.3.6 of this Plan.

The County's southern location provides the longest growing season for the entire Province. In addition to this, the mitigating effect of the Lake Erie and Lake St. Clair shorelines provide an overall climatic advantage for the growing of specialty crops. These climatic conditions, coupled with the high quality soils found here, means that the County has a high potential for a diverse variety of specialty crops to be grown equally in both greenhouses as well as in the field. Evidence of specialty crop production in the County is obvious, and necessary supporting *infrastructure* such as natural gas, hydro, irrigation and processors are constantly improving. Consequently, the County may identify *specialty crop areas* in consultation with the Province. If *specialty crop areas* are identified, this Plan will be amended to incorporate appropriate mapping and policies.

### 3.3.2 Goals

The following goals are established for those lands designated as "Agricultural" on Schedule "A1":

- a) To protect *prime agricultural areas* for agricultural purposes to ensure the continued long-term availability of this resource.
- b) To promote and protect *agricultural uses* and normal farm practices on lands within the "Agricultural" designation.
- c) To allow and encourage farm operators to engage in a wide range of agricultural activities.
- d) To restrict the type and amount of non-farm *development* in the "Agricultural" designation by encouraging non-farm uses to locate in the existing "Settlement Areas" identified on Schedule "A1".
- e) To only permit the expansions of existing *Primary Settlement Areas* onto lands designated "Agricultural" where demonstrated need for such an expansion has been justified either through a Local Comprehensive Review or a *comprehensive review*.
- f) To discourage lot creation in the "Agricultural" designation and establish a County-wide minimum farm parcel size that protects the agricultural land base from fragmentation. The minimum farm parcel size shall ensure that the size of new agricultural lots are appropriate for the type of *agricultural use(s)* common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operation.
- g) To ensure new farm and non-farm uses comply with the *Minimum Distance Separation Formulae*, as amended by the Province from time to time.

- h) To encourage the retention of woodlots as integral components of the farm operation for agroforestry and the other benefits *woodlands* provide.

### 3.3.3 Specific Agricultural Policies

The following specific policies are established for those lands shown as “Agricultural” on Schedule “A1”:

#### 3.3.3.1 Permitted Uses

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

- a) *Agricultural Uses, Secondary Uses and Agriculture-Related Uses.*
- b) Forestry, conservation uses, wildlife and fisheries management.
- c) *Watershed* management and flood and erosion control projects carried out or supervised by a public agency.
- d) A single detached dwelling in conjunction with an *agricultural use*, on an existing lot of record, and on a newly created lot approved as a *residence surplus to a farming operation*.
- e) Accessory farm accommodation, in accordance with Section 3.3.3.5 of this Plan.
- f) Passive recreational uses such as pedestrian trails.

#### 3.3.3.2 Secondary Uses

*Secondary uses* are secondary to the principal use of a property and may include, but are not limited to home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. The following policies apply to *secondary uses*:

- a) Local municipal Official Plans shall contain criteria for the establishment of *secondary uses* that ensure the following:
  - i) The use shall not hinder surrounding *agricultural uses*.
  - ii) The amount of land and size of the building devoted to the use is limited in proportion to the principal use and buildings on the property such that the use is clearly secondary to the principal use on the lot.
  - iii) Limits are established on the total number of employees, as well as the number of outside employees that do not reside on the property.



- iv) That the zoning or sign by-law regulate signage.
  - v) That the use does not change the agricultural character of the area.
  - vi) That the use does not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions.
  - vii) Limits on outdoor storage.
- b) Home industry uses are occupations, trades, businesses, professions, or crafts that are secondary to the *agricultural use* or *agriculture-related use* or residential use on the property.

Home industry uses shall generally be confined to an outbuilding within the existing farm-building cluster and include but are not limited to small engine repair, woodworking and metal working.

Home industry uses shall generally not exceed 90 square metres; however, local Official Plans may provide for larger home industry uses subject to the establishment of policies that:

- i) Demonstrate that the increased size of the use is not more appropriately located within a *settlement area*.
- ii) Balance the needs of the home industry with the needs of other businesses in the community that contribute to the vitality and mixture of uses within *settlement areas* and bear the financial risks of site specific operations that are not shared by the relatively insulated home industry.
- iii) Ensure compatibility with adjacent or nearby uses by preventing *adverse effects*.

### **3.3.3.3 Agriculture-Related Uses**

*Agriculture-related uses* are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:

- a) Seed, pesticide, fertilizer storage (including distribution).
- b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.

- c) Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal *agricultural use* on the property.
- d) Wineries, breweries and associated uses, which are secondary and directly related to the principal *agricultural use* on the property.

Local municipal Official Plans shall contain policies for *agriculture-related uses*.

#### **3.3.3.4 Lot Creation**

The County shall undertake an Agricultural Lot Size Study to determine the minimum parcel size for all types of agricultural lots, including, but not limited to, new lots for *agricultural uses*, *specialty crop areas*, and *agriculture-related uses*. Until such time as this Study is approved by County *Council* and implemented by amendment to this Plan, existing agricultural lot creation policies at the local level shall remain in effect.

However, lot creation in the “Agricultural” designation is discouraged and will only be permitted in accordance with Provincial Policy, local Official Plan policies and the following:

- a) Lot creation to accommodate an *agricultural use* shall only be considered where the lots proposed are of a size appropriate for the type of *agricultural uses* common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. These agricultural lots shall also comply with the *Minimum Distance Separation Formulae*.
- b) Lot creation to accommodate an *agriculture-related use* shall only be considered where the use is compatible with surrounding agricultural operations and the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services. These agriculture-related lots shall also comply with the *Minimum Distance Separation Formulae*.
- c) Lot creation to accommodate a habitable *residence surplus to a farming operation* as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance.

In order to maintain County-wide consistency in the implementation of this policy, farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations.

*Local municipalities* may establish a minimum lot size for the remnant farm parcel in accordance with this Policy.

- d) Lot creation to permit new *infrastructure* uses is permitted where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- e) Lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are also permitted.

In order to maintain County-wide consistency in the implementation of this policy, lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels.

### 3.3.3.5 Accessory Farm Accommodation

Accessory farm accommodation is permitted for full time or seasonal farm help where:

- a) The size and/or nature of the farm operations makes the employment of such help necessary.
- b) Such additional dwellings do not have a *significant* effect on the tillable area of the farm or its viability.
- c) Permitted in the local Official Plan.
- d) The lands are appropriately zoned.

The preferred method for accommodating accessory farm accommodation is within temporary structures such as garden suites. In addition, future severances of the lands that are the site of accessory farm accommodation shall not be permitted.

### 3.3.3.6 Mineral Resources

The extraction of mineral resources (including non-metallic *mineral* resources, *petroleum resources* and *mineral aggregate resources*) is also permitted on lands within the “Agricultural” designation, in the general locations shown on Schedule “E1”, as an interim land use provided rehabilitation of the site will be carried out whereby substantially the same area and the same average soil quality for agriculture are restored. Complete agricultural rehabilitation is not required if:

- a) There is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible.
- b) Other alternative locations have been considered and found unsuitable. The consideration of other alternative locations shall include *mineral* resources on land with Canada Land Inventory Class 4 to 7 soils, *mineral* resources on

lands identified as designated growth areas, and *mineral* resources on Class 1 to 3 lands where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Classes 1, 2 and 3.

- c) Agricultural rehabilitation in remaining areas will be maximized.

### 3.3.4 General Agricultural Policies

The following general policies are established for those lands shown as “Agricultural” on Schedule “A1”:

- a) All *development* within the “Agricultural” designation shall be in accordance with the *Minimum Distance Separation Formulae* as established in Provincial Policy. However, in accordance with the Formulae, it is the policy of this Plan that local municipal Official Plans will establish local approaches to handling the options available under the Formulae for the following:
  - i) The application of MDS I to *development* on existing lots of record.
  - ii) Application of MDS I to surplus farm dwelling severances.
  - iii) Application of MDS I after a catastrophe.
  - iv) Application of MDS I within *settlement areas*.
  - v) Application of MDS II within *settlement areas*.
  - vi) Application of MDS II after a catastrophe.
  - vii) Application of MDS II to closed cemeteries or cemeteries which receive a low level of visitation.
- b) In *prime agricultural areas*, *agricultural uses* and normal farm practices will be promoted and protected.
- c) The removal of land from the “Agricultural” designation shall only be considered for expansions, or identification of *settlement areas* and limited non-residential uses, provided that the following conditions are met:
  - i) the land does not comprise a *specialty crop area*;
  - ii) there is a demonstrated need within the planning horizon for additional agricultural land to be designated to accommodate the proposed use;
  - iii) there are no reasonable alternative locations which avoid the “Agricultural” designation;

- iv) there are no reasonable alternative locations in the “Agricultural” designation with a lower priority Canada Land Inventory soils classification; and
  - v) impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands should be mitigated to the extent feasible.
- d) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated “Agricultural”.
  - e) Normal farm practices, including but not limited to, agroforestry and spraying, are permitted on all lands designated “Agricultural”. If tree harvesting is to occur it should be based on acceptable forest management practices. Advice from a qualified specialist and the use of woodlot management plans by landowners are recommended.

### 3.4 NATURAL ENVIRONMENT

This section contains the general directive, goals and policies for the County of Essex *natural heritage system*. The components of the *natural heritage system* are listed in Table 3, and where appropriate, mapped on the Schedules to this Plan. For ease of review, the *natural heritage system* is found on the following Schedules to this Plan:

- a) Lands designated “Natural Environment” are mapped on Schedule “A1”, while Schedule “B1” contains a breakdown of the features within this designation. Lands designated “Natural Environment” are a Provincially *significant wetland* or are *significant* terrestrial features that are designated as a *natural heritage feature* in a local Official Plan, or meet 5 out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.
- b) Schedule “B2” contains an overlay of secondary priority *natural heritage features* in the County that meet 1 to 4 of the 11 criteria outlined in the ERNHSS report.
- c) Schedule “B3” contains an overlay of Restoration Opportunities including priority and secondary restoration lands that meet either 3 to 5 (Priority) or 1-2 (Secondary) of the 11 criteria outlined in the ERNHSS report.

**Table 3: Natural Environment Types**

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
1	<i>Significant wetlands and significant coastal wetlands</i>	MNR	Delineating <i>wetlands</i> or reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System.	High Priority Existing Feature within the “Natural Environment” designation on Schedule “A1” and Provincially <i>significant wetlands</i> designation on Schedule “B1”.	<i>Development and site alteration shall not be permitted.</i>
2	<i>Significant habitat of endangered species and threatened species</i>	MNR	Delineating/ describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable	Not specifically mapped on Schedules.	<i>Development and site alteration shall not be permitted.</i>
3	<i>Lands adjacent to significant wetlands and significant coastal wetlands and significant habitat of endangered species and threatened species</i>	County of Essex or local municipalities	A 120 metre <i>adjacent lands</i> width is identified from the extent of the identified feature.	Not specifically mapped on Schedules.	<i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</i>
4	Lands designated in local Official Plans for natural	County of Essex	Identified in local Official Plans.	High Priority Existing Feature within the “Natural Environment”.	<i>Development and site alteration shall not be permitted.</i>

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
	heritage protection			designation on Schedule "A1" and within the <i>Significant Terrestrial Features</i> designation on Schedule "B1".	
5	Other High Priority Existing Natural Features	County of Essex through <i>ERCA</i> & <i>LTVCA</i>	Existing natural features that satisfied between 5 and 11 criteria in the Essex Region Natural Heritage System Strategy.	High Priority Existing Feature. Designated "Natural Environment" on Schedule "A1" and as categorized on Schedule "B1".	<i>Development and site alteration shall not be permitted.</i>
6	<i>Fish habitat</i>	Appropriate <i>Conservation Authority</i> and Fisheries and Oceans Canada	Identified through pre-consultation with appropriate <i>Conservation Authority</i> and Fisheries and Oceans Canada.	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1", "B2", and "B3".	Pre-consultation with local <i>Conservation Authority</i> based on approved criteria.
7	<i>Significant woodlands</i>	County of Essex through <i>ERCA</i> and <i>LTVCA</i>	All <i>woodlands</i> 2 hectares in size or larger using the size criteria recommended in the Natural Heritage Reference Manual (MNR, 2010) and as per the Essex Region Natural Heritage System Strategy. Smaller <i>woodlands</i> may be considered <i>significant</i> if they exhibit	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</i>



	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
			composition, age or quality that is uncommon in the municipality or the region.		
8	<i>Significant areas of natural and scientific interest</i>	MNR	In accordance with the <i>areas of natural and scientific interest</i> confirmation process. Policies apply to both Earth and Life science <i>areas of natural and scientific interest</i> .	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
9	<i>Significant wildlife habitat</i>	County of Essex through ERCA and LTVCA	Using criteria recommended in the Natural Heritage Reference Manual (MNR, 2010), the Significant Wildlife Habitat Technical Guide and the Eco-Region Criteria Schedules and using Ecological Land Classification.  <i>Significant wildlife habitat</i> has been divided into four broad categories (1) seasonal concentration areas, (2) rare vegetation communities or specialized habitats for wildlife, (3) habitat of species of conservation concern (excluding the habitat of <i>endangered</i> and <i>threatened species</i> ), and (4) animal movement corridors.	Not specifically mapped on Schedules.	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
10	<i>Significant valleylands</i>	County of Essex through ERCA and LTVCA	<p><i>Significant valleyland</i> features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNR, 2010) and are based on the following features:</p> <p>A) more or less continuous natural areas providing connections within the <i>watershed</i>;</p> <p>B) contains a diversity of native species, natural communities and landscapes;</p> <p>C) provides <i>ecological functions</i> such as habitat, passage, refuge, hydrological flow, and buffering from <i>adjacent</i> areas.</p>	High or Secondary Priority Existing Feature. Located within the designations on Schedules “A1”, “B1” or “B2”.	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
11	Identified <i>significant</i> existing <i>natural heritage feature</i>	County of Essex through ERCA and LTVCA	Existing natural feature that satisfied between 1 and 4 of 11 criteria in the Essex Region Natural Heritage System Strategy.	Secondary Priority Existing Feature. Located within designations on Schedule “B2”.	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
12	<i>Adjacent lands to significant woodlands, significant valleylands, Provincial and regional ANSIs,</i>	County of Essex through ERCA and LTVCA	A 120 metre <i>adjacent lands</i> width is identified and referenced for all <i>natural heritage features</i> with the exception of Earth Science ANSI which have a recommended 50 metre <i>adjacent lands</i> width.	Not specifically mapped on Schedules.	<i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage feature</i> and areas unless the <i>ecological function</i> of the <i>adjacent lands</i> has been evaluated and it has been demonstrated that there

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
	and <i>significant wildlife habitat</i> and lands designated in local Official Plans for natural heritage protection and other high priority existing natural features				will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i> .
13	Unevaluated <i>wetlands</i>	MNR	Unevaluated <i>wetlands</i> can be identified using ELC or OWES. Unevaluated <i>wetlands</i> can be identified through processes such as EIA's or candidate natural heritage studies. Once an unevaluated <i>wetland</i> is identified, the next step is to complete a <i>wetland</i> evaluation. The <i>wetland</i> evaluation will result in a determination of significance for the <i>wetland</i> , i.e., Provincially or locally <i>significant</i> . The methodology used to determine significance of <i>wetlands</i> is the Ontario Wetland Evaluation System. <i>Wetlands</i> can be identified and evaluated by MNR staff or other qualified professionals provided that they use the approved OWES	Not specifically mapped on Schedules.	<i>Development</i> and <i>site alteration</i> will not be permitted until the significance of the feature has been determined using OWES. For <i>wetlands</i> determined to be Provincially <i>significant</i> see Item #1 of this table for the policies that will apply. For <i>wetlands</i> that have been determined to be locally <i>significant</i> , <i>development</i> and <i>site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
			methodology and have received MNR training in the use of the Province's <i>wetland</i> evaluation system. All <i>wetland</i> evaluations must be sent to MNR regardless of the preliminary determination of significance. The MNR is responsible for reviewing and approving all <i>wetland</i> evaluations.		
14	Prioritized Restoration Opportunities	County of Essex through <i>ERCA</i> and <i>LTVCA</i>	Prioritized Restoration Opportunities that satisfied between 3 and 5 criteria in the Essex Region Natural Heritage System Strategy.	Prioritized Restoration Opportunity on Schedule "B3".	Provide for a focused approach towards the implementation of the <i>natural heritage system</i> .  Supported options may include focused land securement, stewardship activities, and volunteer restoration.
15	Prioritized Restoration Opportunities	County of Essex through <i>ERCA</i> and <i>LTVCA</i>	Prioritized Restoration Opportunities that satisfied 1 or 2 criteria in the Essex Region Natural Heritage System Strategy.	Prioritized Restoration Opportunity on Schedule "B3".	Provide for a focused approach towards the implementation of the <i>natural heritage system</i> .  Supported options may include focused land securement, stewardship activities, and volunteer restoration.

### 3.4.1 General Directive

This Plan acknowledges the importance of *natural heritage features* and considers them as integral parts of a healthy and vibrant community. Once destroyed, *natural heritage features* are difficult, if not impossible, to replace. The vision for lands designated “Natural Environment” and other areas with *natural heritage features* and lands *adjacent* to areas with *significant natural heritage features* is one which includes a strong commitment to protect, preserve and enhance those areas that exist within the County. Because many natural areas have been converted into farm land over the years (approximately six percent of the land in Essex County continues to contain *natural heritage features*) those areas that remain are relatively few in number. Accordingly, the protection of all *natural heritage features* and the consideration of priority and secondary restoration opportunity areas will enhance the ecological form and function of the County’s *natural heritage system*.

Lands identified as Provincially *significant wetlands*, *significant habitat of endangered and threatened species*, lands designated in local Official Plans for natural heritage protection, and other high priority existing *natural heritage features* meeting 5 of the 11 criteria in the County of Essex Natural Heritage System Strategy shall be designated as “Natural Environment” in this Plan as identified on Schedule “A1” and further detailed in Schedule “B1”. These lands shall also be identified in a comparable designation in local Official Plans and Zoning By-laws.

Existing Secondary Priority *natural heritage features* that meet between 1 to 4 of the 11 criteria in the Essex Region Natural Heritage System Strategy shall be identified in an overlay designation on Schedule “B2” of this Plan. Land uses follow the underlying designation; however, specific policies apply to these lands when subject to *development* review of a Planning Act application. These existing features, such as *woodlands/woodlots*, *areas of natural and scientific interest*, *valleylands* and *wildlife habitat* have, at a minimum, local or regional significance and they should be identified in local Official Plans. The County encourages *local municipalities* to undertake Candidate Natural Heritage Studies to identify additional Provincially, regionally and locally *significant natural heritage features* and to incorporate those areas into their Official Plan and Zoning By-law.

Priority and Secondary restoration opportunity areas have been identified in an overlay designation on Schedule “B3” of this Plan. The intent of this overlay designation is to promote opportunities to enhance the County’s *natural heritage system* through policy, stewardship and education.

The goals and policies below are considered the minimum standards necessary to protect the County’s *natural heritage features* and *natural heritage system*. *Local municipalities* are encouraged to go beyond the policies contained within this Plan and Provincial Policy to preserve, protect and enhance the natural environment of Essex County.

### 3.4.2 Goals

The County encourages and supports the enhancement of the *natural heritage system*. The *natural heritage system* contains potential linkages and corridors as well as expansions to the core existing *natural heritage features*. Further information on the County's *natural heritage system* can be found in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

The following goals apply to the County's *natural heritage system*:

- a) To facilitate and support the preservation, protection and enhancement of existing *natural heritage features*.
- b) To recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction towards the location and establishment of the County's *natural heritage system* as per 2005 Provincial Policy 2.1.2.
- c) To establish the framework with which the County and *local municipalities* will incorporate comprehensive and innovative policies in local Official Plans in an attempt to work with private property owners toward preserving and enhancing natural features. The County encourages *local municipalities* to develop implementation mechanisms to protect high priority restoration opportunity areas (as outlined in the Essex Region Natural Heritage System Strategy). The most appropriate implementation mechanism is the local Official Plan and Zoning By-law; however, other mechanisms include, but are not limited to, voluntary landowner stewardship policies, financial programs, bonusing policies, and attaching conditions to *development* approvals.
- d) To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked *natural heritage system* connecting *wildlife habitat* areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.
- e) Support partnerships with local *Conservation Authorities*, *local municipalities*, and other partners, that result in plans to appropriately manage ecologically *sensitive* lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.
- f) The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the *natural heritage system*.

- g) To recognize that vegetated buffers along municipal drains enhances the *natural heritage system* and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act that includes vegetated buffers for new municipal drains and updates that are within the “Restoration Opportunities Overlay” Schedule “B3”.
- h) The County supports the creation of new or expanded linkages between *natural heritage features*, where feasible. Corridors link isolated *natural heritage features* or enhance existing linkages, improve or enhance the *ecological functions* of designated *natural heritage features*, and strengthen the overall *natural heritage system*. Corridors and linkage areas will be identified in consultation with the *Conservation Authorities*, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects.

### 3.4.3 Natural Environment Policies

The following policies apply to those lands designated as “Natural Environment” on Schedule “A1” as further detailed on Schedule “B1” of this Plan.

- a) *Development and site alteration* is not permitted on lands designated “Natural Environment”.

These lands include Provincially *significant wetlands* and *significant* habitat of *endangered species* and *threatened species*, lands designated in local Official Plans, and high priority existing *natural heritage features* that meet five out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. Lands designated “Natural Environment” may also contain *fish habitat*, *significant woodlands*, *areas of natural and scientific interest*, *significant wildlife habitat*, and *significant valleylands*.

- b) Permitted uses on lands designated “Natural Environment” shall be limited to passive recreational uses, and activities that create or maintain *infrastructure* authorized under an environmental assessment process or work subject to the Drainage Act.
- c) Nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on lands within the “Natural Environment” designation as well as lands designated “Agricultural” and that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*. However, the construction of greenhouses and other agricultural buildings within areas designated “Natural Environment” is prohibited.



- d) Some natural environment areas may contain features and/or functions that result in the area meeting the qualifications of more than one of the classifications in Table 3. In those instances where an area qualifies as being in more than one of the classifications, the environmental impact assessment that requires the higher level of detail shall be required and the larger *adjacent lands* setback shall apply.
- e) The *significant* habitat of *endangered species* and *threatened species* is not shown on the Land Use Schedules; however, it can occur in *natural heritage features and areas* mapped on the Official Plan Schedules.

Species at Risk are identified as extirpated, *endangered*, *threatened* or species of special concern on the Species at Risk in Ontario List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNR is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement, 2005 (PPS). For the purposes of the PPS, MNR is responsible for approving the delineation of *significant* habitat of *endangered species* and *threatened species*.

Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of *endangered species* and *threatened species*.

The *significant* habitat of *endangered species* and *threatened species* will be based on a consideration of the following:

- i) Assessments reviewed and approved by the Ministry of Natural Resources regarding the extent of the species' habitat;
- ii) Habitats or areas delineated by MNR and/ or regulated under the ESA; and,
- iii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

#### **3.4.4 Natural Environment Overlay Policies**

The following policies apply to those lands identified as “Natural Environment Overlay” on Schedule “B2” of this Plan.

- a) *Development and site alteration* is not permitted on lands within the “Natural Environment Overlay” unless it has been demonstrated to the satisfaction of the approval authority and/or the *local municipality*, in consultation with the relevant *Conservation Authority*, that there will be no *negative impacts* on the natural features or their *ecological functions*.

These lands may be *adjacent* to lands designated “Natural Environment” and/or may contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, significant valleylands*, and secondary priority existing natural features that meet 1 to 4 of the 11 *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

*Adjacent lands* are defined as generally those lands within 120 metres of the “Natural Environment” designation and “Natural Environment Overlay”. Assessment of *negative impact* is to be determined by conducting an environmental impact assessment in accordance with Appendix Three to this Plan which will be required prior to consideration of any Planning Act application.

- b) Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.
- c) The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.
- d) Harrow Site Esker ANSI

Earth science features are the physical elements of the natural landscape created by geological processes. These features are classed into geological themes and the best representative sites, not occurring in Provincial Parks, are considered Provincially *significant areas of natural and scientific interest* (ANSI). The Harrow Site Esker ANSI occurs in Lot 11, Concession II and Lot 14, Gore Concession and contains ill-defined esker-like ridges. The exact relationships of these features are not fully known; however, they may represent the oldest in Ontario. Earth ANSI’s are generally less sensitive to disturbance than Life ANSI’s. *Ecological functions* do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features for which the area was identified. The approval authority will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.

### 3.4.5 Restoration Opportunity Overlay Policies

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule “B3” to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The “Restoration Opportunities Overlay” applies to lands that do not contain existing *natural heritage features*; however, they have been identified as potential areas to enhance the fragmented system in the County.

- a) Prior to the approval of any local Official Plans, Official Plan amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for *infrastructure*, an Environmental Impact Assessment shall be undertaken that evaluates the following:
  - i) Opportunities to restore and enhance the *natural heritage features* in the area, including the establishment of linkages.
  - ii) The incorporation of Low Impact Development elements into the project.
  - iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
  - iv) Opportunities to set aside strategic areas for restoration and enhancement.
  - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area’s *natural heritage system*.
  - vi) Public acquisition.
  - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the “Restoration Opportunities Overlay” as shown on Schedule “B3” of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the *natural heritage system*.

### 3.4.6 General Policies

The following general policies apply to those lands designated as “Natural Environment” on Schedule “A1” of this Plan as well as areas designated “Agricultural” and “Settlement Areas” and that have *significant natural heritage*

*features* or are *adjacent* to areas containing *significant natural heritage features* as shown on Schedules “B1” and “B2”.

a) Environmental Impact Assessments

- i) The purpose of an environmental impact assessment is to:
  - i. collect and evaluate information to provide a more complete understanding of the boundaries, attributes and functions of *natural heritage features* and associated ecological and hydrological functions that exist;
  - ii. determine whether there are any additional *natural heritage features* on the lands and *adjacent lands*; and,
  - iii. make an informed decision as to whether the proposed *development* and/or *site alteration* will have an impact on the *natural heritage features* and ecological and hydrological functions.
- ii) The preparation of all environmental impact assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The environmental impact assessment is to be prepared in accordance with the guidelines in Appendix 3 of this Plan and on the basis of the natural features or the *ecological function* for which the area has been identified in Table 3 and the Schedules to this Plan. For example, if this Plan identifies a site as an ANSI or a *significant woodland*, the environmental impact assessment shall be prepared on the basis of that environmental classification.
- iii) When conducting the environmental impact assessment, the environmental professional must acknowledge in the report any new information, such as findings of rare or *significant* species not previously known to exist on the site, and the impact which may result from any proposed *development*. The County, *local municipality* and/or other approval authority shall have regard to such new information in its decisions regarding planning applications. If, based on the new information, the approval authority, in consultation with the relevant *Conservation Authority*, concludes that the “Natural Environment” classification should be altered, this Official Plan and/or the local Official Plan depending on the significance of the change and its impact on the ability of the County to meet the goals of this Plan, will require amendment to implement the change.
- iv) Before *development* is approved in the area subject to the environmental impact assessment, the environmental impact

assessment shall demonstrate that the relevant policies of this Plan and the local Official Plan are met. The environmental impact assessment should also demonstrate that the *development* and *site alteration* will not have an impact on *significant natural heritage features* and related *ecological functions*.

- v) Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no *negative impacts* on the natural features or their *ecological functions*.
- vi) A site inspection may be needed where there is insufficient natural heritage data to determine whether an environmental impact assessment is triggered. The purpose of the site inspection is to identify potential *significant natural heritage features* and areas that may require further study and evaluation. Once the significance is determined, the appropriate policies of this Plan apply.
- vii) If a site is identified as having a higher or lower classification by the Province or relevant *Conservation Authority*, or by a *local municipality* through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as “Natural Environment” on Schedule “A1” of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with *natural heritage features* and/or functions.
- viii) Removal of a *natural heritage feature* for the purpose of lowering the “Natural Environment” classification in this Plan and/or otherwise affecting the Environmental Impact Assessment, will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the Environmental Impact Assessment.
- ix) In areas other than those designated “Natural Environment” on Schedule “A1” of this Plan, altering the state of the *natural heritage features* as a result of conducting permitted uses, i.e., clearing lands for *agricultural uses*, will not be considered negatively by the approval authority. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April

2000 and 2010 aerial photography as one of the tools to establish the alteration in relation to the enlargement or retraction of a feature.

- x) The extent and diversity of *natural heritage features* in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. *Local municipalities* are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.
- b) In addition to the above policies, *local municipalities* are also encouraged to undertake the following in consultation with the relevant *Conservation Authority*:
  - i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.
  - ii) Establish goals and strategies to increase the amount of *natural heritage area*. One way to achieve this is to have a “State of the Environment Report” prepared and presented to Council on a regular basis.
  - iii) Require that when considering *development* proposals, the approval authority may require the land owner to enter into an agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a *development* approval, the use of a variety of indigenous species of vegetation is encouraged.
- c) To recognize woodlots as viable components of farming operations.
- d) On lands designated “Agricultural” that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*, the construction of greenhouses and other agricultural buildings is strongly discouraged. In most instances the construction of greenhouses and large agricultural buildings within such areas will have *negative impact* and therefore would not be permitted. Other locations on the farm can be used for such purposes.

- e) The participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts, the Managed Forest Tax Incentive Program and the Conservation Land Tax Incentive Program will be encouraged.
- f) The natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by a *Conservation Authority* or any other conservation group or agency.
- g) The County will encourage the development of policies and programs to support *local municipalities* and partners to protect and enhance *natural heritage features* and *natural heritage systems*.
- h) During the preparation of local Official Plans, the County encourages additional refinement of the *natural heritage system* and the implementation of tools to enhance the system such as more detailed land use designations, overlay designations, promotion of stewardship and voluntary landowner actions.



## SECTION 4 - IMPLEMENTATION AND INTERPRETATION

### 4.1 GENERAL

The County Official Plan establishes a policy framework to guide the County's future growth and development. It is the intent of County *Council* that the County Official Plan provide general guidelines for the preparation and implementation of detailed planning documents by the *local municipalities*. The level of detail in the County Official Plan is intended to ensure the achievement of the Goals outlined in subsection 1.5 of this Plan.

This Plan shall be implemented by means of the statutory powers conferred upon County *Council* and other County officials by the Planning Act, the Municipal Act and such other statutes as may be applicable. In particular, this Plan shall be implemented by local municipal Official Plans and Zoning By-laws.

In accordance with Section 27 of the Planning Act, local municipal Official Plans and Section 34 By-laws under the Planning Act shall be amended where necessary to conform to this Plan.

#### 4.1.1 Interpretation

All policies and Schedules of this Plan are inter-related and as such, must be considered together to determine the full meaning of the policy direction contained herein. Schedules are to be considered in conjunction with corresponding text.

All of the text contained herein and the attached Schedules and Appendices constitute the Official Plan for the County of Essex. This Plan is a statement of policy intended to guide *Council*; however, some flexibility in interpretation may be permitted provided that the general intent is maintained. Words in italics are defined terms found within Appendix One of this Plan.

The boundaries between land use designations on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features and in these cases, are not open to interpretation.

The boundaries of the "*Settlement Areas*" identified on Schedule "A1" of this Plan have been accurately mapped to the greatest extent possible and are not subject to interpretation. Expansions or adjustment to the "*Settlement Area*" boundaries shall only occur in accordance with the policies of, and will require an amendment to, this Plan.

The boundaries of the *natural heritage system* may be imprecise and subject to change. The County, *local municipalities* and the *Conservation Authorities* will

determine the extent of the environmental areas on a site-by-site basis when considering *development* proposals.

The locations of roads as indicated on Schedule “D1” are approximate. Amendments to this Plan will not be required in order to make minor adjustments provided that the general intent of the Plan is maintained.

The County Official Plan recognizes existing and approved land uses. If there is a discrepancy between the Schedules and the text, the text takes precedence. Nothing in this Plan shall be interpreted as precluding the continuation of any use legally established prior to adoption of this Plan.

Minor grammatical or editorial changes that do not change intent of the Plan are permitted without amendment.

## **4.2 AMENDMENTS TO THE COUNTY OFFICIAL PLAN**

This Plan has been prepared to manage growth and land use changes until the year 2031. An amendment to this Plan is required to permit the establishment of uses not provided for in this Plan, for changes to the “*Settlement Area*” boundaries identified on Schedules “A1” and “A2” and for changes to the planning direction contained herein.

When submitting an application to amend this Plan, the applicant shall provide supporting documentation, to the satisfaction of *County Council*, which adequately addresses the following:

- a) Whether the amendment is consistent with the Provincial Policy Statement and any other Provincial Plans.
- b) If the amendment proposes a new *settlement area* or the expansion of a “*Settlement Area*” boundary, has it been justified as part of a *comprehensive review* or a Local Comprehensive Review?
- c) If the amendment proposes the conversion of lands within an employment area to non-employment uses, has it been justified as part of a *comprehensive review* that demonstrates that the land is not required for employment purposes over the long-term and that there is a need for the conversion?
- d) Whether the amendment is in keeping with the general intent or purpose of the policy direction of this Plan, including growth projections and targets.
- e) The benefit to the County including, but not limited to, social, environmental and financial benefits.
- f) The impact of the proposal on the County’s financial and human resources

- g) The impact of the proposal on the *local municipality* and if it is in keeping with the general intent or purpose of the policy direction contained in the local Official Plan.
- h) The impact of the proposal on the transportation network.
- i) The extent to which the amendment should be addressed as part of the five year review of this Plan.

### 4.3 MONITORING

This Official Plan is based on a set of assumptions, forecasts, values and objectives, which relate to future conditions. To ensure the continued relevance of the Official Plan in view of changing demographic, economic, technological, social and environmental conditions, it is important that the Plan be reviewed every five (5) years from the date of its approval. The purpose of the review will be to:

- a) Ensure the Plan conforms with Provincial Plans or does not conflict with them, has regard to matters of Provincial interest listed in Section 2 of the Planning Act, and is consistent with policy statements issued under Subsection 3(1) of the Planning Act.
- b) Prepare updated population, housing and employment projections in consultation and coordination with the City of Windsor and the *local municipalities*.
- c) Review the Plan's effectiveness at managing growth and the continued appropriateness of the Plan's goals, policies and designations.
- d) Consult with the approval authority and prescribed public bodies with respect to revisions, and hold a special meeting of *Council* that is open to the public in accordance with subsection 26(3) of the Planning Act.
- e) The number of draft approved and registered vacant lots in each *local municipality* will be monitored through the *development* approvals process. *Local municipalities* will prepare annual status reports on the number of vacant lots available and submit same to the County.
- f) Evaluate the quality/quantity and effectiveness of First Nations consultation.

### 4.4 LOCAL OFFICIAL PLANS

It is the intent of the County, and a requirement of the Planning Act, that all future amendments and new planning documents conform to the County Official Plan. Local planning documents will be one of the primary means of implementing the policies contained herein. It is recognized however, that some time may elapse between the adoption of this Plan and the modification of the local Official Plans.

The modifications may be part of the statutory review process although it is the policy of this Plan that local plans should be brought into conformity with the County Official Plan within two years of its approval date. In the event of a conflict between the policies of a local Official Plan and the policies of this Plan in the interim period, the policies of the County Official Plan shall prevail to the extent of that conflict, unless the proposal involves lands already designated in the local Plan to permit the proposed *development*. Any amendment to a local Official Plan must be in conformity with the policy direction contained within this Plan.

Nothing in this Plan shall prevent the *local municipalities* from adopting more restrictive policies or standards than those outlined herein.

The County encourages local Official Plans to contain policies promoting meaningful First Nations consultation.

## **4.5 DEVELOPMENT CHARGES**

The County will explore the establishment of a Development Charges By-law in order to finance growth related costs associated with the road network and contributing to the development of the *Active Transportation* System as depicted on Schedule "D2" of this Plan.

## **4.6 LOT CREATION**

The County is the approval authority for plans of subdivision/condominium, condominium conversions and part lot control exemption by-laws. Applications for consent to sever will continue to be the County delegated responsibility of *local municipalities*. When considering the appropriateness of future applications, the following policies shall be considered.

### **4.6.1 Plans Of Subdivision/Condominium**

The plan of subdivision process is required for lot creation where four or more new lots result from the application or where a service extension is required except where lot frontages for the new lots currently exist on a public road. Notwithstanding, in existing registered plans of subdivision, relotting can occur through the use of deeming by-laws in conjunction with the consent process.

It shall be the policy of the County to approve only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the County, can be supplied with adequate public utilities, power transmission and street lighting, and services such as water supply, sanitary sewage treatment and transmission and storm drainage facilities as required by this Plan. The County shall approve only those plans of subdivision or condominium which comply with the provisions of this Plan and the local municipal Official Plan.

Under conditions of approval attached to plans of subdivision or condominium pursuant to the Planning Act, the County shall require that the applicant enter into an agreement with the *local municipality* which may be registered against the title of the subject lands and which shall address such matters as services, financial requirements, County Road facilities, dedication of land for public uses and parks, warning clauses regarding the possibility of having children bussed to schools other than the closest school because of capacity issues, local roads, drainage, grading and landscaping, natural habitat restoration, sidewalks, school bus loading areas and other requirements to implement the provision of this Plan and the local Official Plan.

#### **4.6.2 Condominium Conversions**

The County of Essex discourages the conversion of rental units to condominium tenure in order to protect the existing stock of rental and *affordable housing*. The County will consider condominium conversions only where the applicant has demonstrated to the County's and *local municipality's* satisfaction that the supply of rental housing has not been reduced. In assessing applications for condominium conversion, the County shall consider the number of new rental units being constructed, as well as the existing supply of *affordable housing*. The County of Essex shall prepare a procedural manual outlining the process that it will follow for the processing of applications for condominium conversion.

#### **4.6.3 Part Lot Control Exemption By-Laws**

The County of Essex shall prepare a procedural manual outlining the process that it will follow for the approval of locally adopted Part Lot Control Exemption By-laws.

#### **4.6.4 Consent To Sever**

The County has delegated approval authority for consent applications to the *local municipalities*.

Applications to create lots through the consent to sever process will continue to be the responsibility of *local municipalities* in accordance with the policies contained in local Official Plans which are required to be in conformity with the policies contained herein and Provincial Policy. The County may comment on consent applications particularly those that involve lands abutting County Roads. Consents shall not be granted if the application is contrary to the policies of this Plan or local Official Plans. Appeals may be lodged by the County for approved consent applications that are contrary to the policies of this Plan.

### **4.7 SITE PLAN CONTROL**

This Plan encourages the use of site plan control by *local municipalities*. Provisions for site plan control shall be detailed in the local Official Plans and shall include urban and architectural design guidelines that enhance the development of the *local*

*municipality*. Those *developments* that propose to obtain access from a County Road are required to consult with the County regarding access requirements, setbacks and possible road improvements.

## **4.8 MUNICIPAL PLAN (ONE WINDOW) REVIEW**

The Ministry of Municipal Affairs and Housing is the approval authority for this Plan and any amendments hereto. The Ministry will be consulted prior to the approval of any Plan or Amendment.

The County of Essex is the approval authority for local Official Plans and amendments, as well as plans of subdivision and condominium, as well as part lot control applications. The *local municipality* and/or the applicant shall consult with the County, and where appropriate, the Ministry of Municipal Affairs and Housing, and appropriate agencies. The County will work with the *local municipality* to facilitate pre-consultation between applicants and the relevant Provincial agencies and the *Conservation Authorities* to ensure that all legislative requirements related to any given *development* proposal are identified and understood at the outset of the planning approval process.

Where this Plan requires an evaluation, demonstration or other action “to the satisfaction of” one or more of the Provincial Ministries, the policy should generally be interpreted to mean that it is the responsibility of the County and/or the Ministry of Municipal Affairs and Housing to ensure consistency with Provincial policies, standards or guidelines.

## **4.9 PUBLIC, FIRST NATIONS & METIS CONSULTATION**

County *Council* and local municipal Councils shall actively encourage meaningful public participation by seeking the opinions and the advice of First Nations, Metis, individuals, and community and stakeholder groups in the on-going task of implementing, monitoring and reviewing this Plan.

County *Council* and the local municipal Councils shall ensure that the public is adequately notified and consulted. The measures utilized to facilitate public participation will be consistent with the scope and nature of the planning matter being addressed. Prior to making decisions related to planning matters, County *Council* and the local municipal Councils will encourage appropriate steps to be taken to resolve conflicting issues associated with the proposal. Where conflicting issues remain unresolved, these issues and the measures taken to respond to these issues shall be identified as part of any planning report prepared. Measures such as peer review and Alternate Dispute Resolution will be used when determined to be appropriate.

## 4.10 ADJACENT MUNICIPALITIES

The County of Essex is bordered by the City of Windsor to the northwest, the Detroit River to the west, the Municipality of Chatham-Kent to the east, Lake St. Clair to the north and Lake Erie and Pelee Island to the south. The County recognizes the need to manage growth to contribute to the long-term health and prosperity of the region.

County *Council* shall, and *local municipalities* will, consult with abutting municipalities on matters of mutual interest and concern. There is an established history of service sharing between adjacent municipalities. The provision of these core services was facilitated through legal agreements and made possible in many instances through considerable senior level government assistance. Similar funding assistance is no longer available nor expected in the future. There is a need, therefore, to establish equitable funding strategies, coordinated planning and engineering, and plans of action to foster effective and efficient growth and settlement.

The following policy framework provides direction for the continued coordination of inter-municipal *infrastructure* and *development*:

- a) The County shall, in conjunction with its *local municipalities*, establish and maintain a formal protocol for on-going liaison on matters of mutual interest and concern.
- b) The County will work in a comprehensive, timely and equitable manner to achieve on-going co-operation and resolution of inter-municipal issues including, but not limited to the following:
  - i) Growth management.
  - ii) Transportation and physical service coordination.
  - iii) Natural area conservation and *watershed* management.
  - iv) Economic development.
  - v) Public transit.
  - vi) *Active transportation*.
  - vii) Co-ordination of overall planning activities.
  - viii) Cultural heritage resources.
- c) The County will, in conjunction with its *local municipalities* and municipalities in the area including those in south-eastern Michigan, promote an effective



and efficient system of *infrastructure* through the support and participation of regional, Provincial and international *infrastructure* master plans.

- d) The County encourages its *local municipalities* to co-operate with and invite affected adjacent municipalities to participate in Municipal Class Environmental Assessments for municipal *infrastructure* projects including roads, water and wastewater projects. The County also encourages its *local municipalities* to participate in the preparation of Municipal Class Environmental Assessments within adjacent municipalities when the *local municipalities* are identified through the consultation requirements of the Environmental Assessment as potentially being affected by the subject undertaking.
- e) The County shall promote the achievement of a *sustainable*, efficient and effective regional *transportation system* that meets the economic, social and environmental needs of the area through the following:
  - i) Having County and local municipal participation in the regular review, monitoring and updating of the Essex-Windsor Transportation Master Plan.
  - ii) Implementation of the County Wide *Active Transportation* Study.
  - iii) Supporting the preparation of traffic impact analysis and studies for major developments that are proposed in the area including an assessment of required regional *transportation system* improvements and equitable cost-sharing formulas.
  - iv) Identifying, co-ordinating and implementing fair and equitable funding sources for sharing capital and operating costs of region-wide *transportation system* improvements.

## 4.11 OTHER LEGISLATION

Nothing in this Official Plan precludes any *development* proposal from satisfying all legislative requirements either existing at the time of adoption of this Plan or introduced after the adoption of this Plan.

## 4.12 PROVINCIAL POLICY

The goals and policies contained within this Official Plan were developed and adopted by County *Council* to be consistent with Provincial Policy.

## 4.13 PRE-CONSULTATION

Prior to the submission of an application for a County or local Official Plan amendment, plan of subdivision/condominium, condominium conversion, or part lot control, applicants are required to meet with the County and *local municipality* to determine what studies, plans and other information will be required. The purpose of the pre-consultation is to determine the scale and scope of any required study or plan relative to the size and complexity of the proposal and potential impacts on adjacent uses and the County or *local municipality*.

## 4.14 COMPLETE APPLICATIONS

The County may refuse to accept any request to amend its Official Plan or an application for plan of subdivision/condominium approval or an application for condominium conversion, or part lot control unless it is supported by:

- a) Confirmation that pre-consultation with County and local planning staff and appropriate commenting agency staff has occurred. Pre-consultation with other department staff from the County or *local municipality*, i.e., engineering, transportation, parks, will be determined based on the scale and complexity of the proposal.
- b) The prescribed information and material as required under the Planning Act.
- c) Information and material including support studies deemed necessary by the County and *local municipality* for the evaluation of a particular application request. The information and material deemed necessary by the County will be:
  - i) Determined during pre-consultation with County, municipal and agency staff; and
  - ii) Consistent with the goals and policies of this Plan, and the local Official Plan.

The County shall, after receiving an application for which it is the approval authority, provide notice to the applicant that the application is complete or indicate what additional information and material is required in accordance with the Planning Act.

## 4.15 SUPPORTING STUDIES

The following represents a list of supporting studies that the County and/or *local municipality* may require as part of the *development* and *infrastructure* approval process:

- *Affordable Housing* Report

- Agricultural Impact Assessment, which may include, but would not be limited to: MDS analysis, impacts on soil quality, drainage impacts, mitigation efforts, i.e., berming or vegetative screening, analysis to develop on lower priority agricultural land, etc.
- Archaeological Assessment
- Cost/Benefit Analysis Study
- Cultural Heritage Evaluation Report
- D-4 Landfill Study
- Environmental Impact Study
- Financial Impact Study
- Fisheries Impact/Marina Impact Study
- Flooding, Erosion, Slope Stability Reports including Coastal Engineering Studies
- Functional Servicing Report
- Geotechnical/Soil Stability Study
- Heritage Impact Assessment
- Hydrogeological Study/Hydrology Study
- Illumination Study
- Market Impact Assessment
- Master Drainage Plan/Site Specific Grading & Drainage Plan
- Master Servicing Study
- *Mineral Aggregate Resource* Potential Assessment and/or *Mineral Aggregate Resource* License Compatibility Assessment
- *Mineral Aggregate Resource* Studies (related to/and in compliance with the requirements of the Ministry of Natural Resources license, for new and expansion to existing pits and quarries)
- Noise and/or Vibration Study
- Odour/Dust/Nuisance Impact Analysis Study
- Overshadowing Study/Plan
- Planning Justification Report
- Resource Management Report
- Servicing Options Report
- Stormwater Management Report and Plan

- Traffic Impact Study
- Tree Inventory and Preservation Report and Plan
- Urban Design Study
- Water Conservation Plan
- *Watershed/Subwatershed* Plan
- Wellhead Protection Area – Risk Assessment Report
- Any other studies required by the County which are not reflected in the above list.

The following policies provide guidance for some of the supporting studies that may be required:

- a) Supporting studies may be required as part of the *development* and *infrastructure* approval process or as a part of a more detailed planning study. The need and the timing of support studies will be determined by the *local municipality* at the pre-consultation meeting on a site or area specific basis.
- b) Where a supporting study is required, such a study shall be prepared having regard to other provisions of this Plan, the local Official Plan, and Federal and Provincial legislation, policies and appropriate guidelines.
- c) All supporting studies shall be prepared by qualified professionals to the satisfaction of the County and/or *local municipality*, and where appropriate, in consultation with relevant public agencies and affected parties.
- d) A public participation program may be established as part of the preparation of a support study to allow interested or affected parties to participate in the process.
- e) All mitigation recommendations included in a support study that are approved by the County and *local municipality* shall be considered as a condition of approval to be implemented by the proponent of a *development*.

## 4.16 NON-CONFORMING USES

Certain lands within the County have been developed for a use other than that which is permitted within the applicable designation. The County policy on these uses is as follows:

- a) Nothing in this Plan will affect the continuance of uses legally existing on the date this Plan was adopted by *Council*.
- b) *Local municipalities*, in co-operation with residents will attempt to reduce the

number of non-conforming uses whenever and wherever possible according to the policies of this Plan.

- c) An application for the enlargement or extension of an existing use will be judged as follows:
  - i) The proposed expansion does not significantly increase the size of the existing use.
  - ii) The proposed expansion does not require an adjustment to the boundary between two areas of different land use.
  - iii) The proposed expansion does not increase its incompatibility with the surrounding area.
  - iv) Conditions that may minimize any potential nuisances can be imposed including but not limited to, landscaping, screening, and setbacks; and factors such as traffic safety, parking, loading, and municipal services are not adversely affected.
- d) Existing uses destroyed by fire or natural disaster may be rebuilt provided that the dimensions of the building or structure are not significantly increased.
- e) Existing uses which may still be in operation or may have ceased to exist leaving substantial vacant buildings, most commonly commercial or industrial in nature (both those with legally existing uses and those with vacant buildings) may be zoned in the Zoning By-law to permit the existing uses, if there is one, or the previous use if the buildings are presently vacant provided:
  - i) The buildings lawfully existed prior to the date of adoption of this Plan.
  - ii) It is not the intention of the County that the use cease to exist in time.
  - iii) The use to be permitted does not interfere with the desirable development or enjoyment of neighbouring properties.
  - iv) The use does not constitute a danger to surrounding uses and persons because of its hazardous nature or traffic generated.
  - v) The by-law reasonably limits the amount of expansion that is to be permitted to ensure that the use does not become larger than would be appropriate for the area.

Applications to amend the Zoning By-law to permit a use that is as, or more compatible with, the surrounding area may also be approved by the *local municipality* without an amendment to this Plan provided the proposed use

satisfies the above criteria. Also, there are a number of parcels with current zoning that is not in conformity with this Plan. The current zoning can be carried forward in the Zoning By-law without requiring an amendment to this Plan.

*Local municipalities* may permit the severance of uses that existed prior to the approval of this Plan, provided the application is consistent with Section 2.3.5 of the Provincial Policy Statement.

## APPENDIX ONE

### GLOSSARY OF TERMS

**Active transportation** is defined as any form of human powered travel such as walking, cycling on in-line skating used for utilitarian and/or recreational purposes. *Active transportation* can provide residents with a safe, convenient and comfortable means of getting to and from their destinations and is a form of exercise and recreation.

**Adjacent lands** means those lands, contiguous to a specific *natural heritage feature* or area, where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives.

**Adverse effects** as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant and animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety on any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable housing** means:

- a) in the case of ownership housing, the least expensive of:
  - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*.
- b) in the case of rental housing, the least expensive of:



- i) a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
- ii) a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural uses** means the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-related uses** means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airport(s)** means all Ontario *airports*, including designated lands for future *airports*, with Noise Exposure Forecast (NEF)/Noise Exposure Protection (NEP) mapping.

**Archaeological resources** means artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork in accordance with the Ontario Heritage Act.

**Areas of archaeological potential** means areas with the likelihood to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of mineral potential** means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

**Areas of Natural and Scientific Interest (ANSI)** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

**Arterial road system** means a system of roads that form the main traffic routes within the County. They are intended to provide fast, efficient vehicular connections from one part of the County to another. Generally, direct access from arterial roads is restricted.

**Brownfield site** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resources** means one or more *significant* buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic,

or military history, and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, County, Provincial or Federal jurisdictions.

**Coastal wetland** means

- a) any *wetland* that is located on Lake Erie, Lake St. Clair or the Detroit River;  
or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus *wave uprush*) of the large water body to which the tributary is connected.

**Comprehensive review** means an Official Plan review which is initiated by a planning authority, or an Official Plan amendment which is initiated or adopted by a planning authority, which:

- a) is based on a review of population and growth projections and which reflect projections and allocations contained in this Plan and considers alternative directions for growth; and determines how best to accommodate this growth while protecting Provincial interests;
- b) utilizes opportunities to accommodate projected growth through *intensification* and *redevelopment*;
- c) confirms that the lands to be developed do not comprise *specialty crop areas*;
- d) is integrated with planning for *infrastructure* and *public service facilities*; and
- e) considers cross-jurisdictional issues.

**Conserved** means the identification, protection, use and/or management of cultural heritage and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Conservation Authority/Authorities** means the Essex Region Conservation Authority or the Lower Thames Valley Conservation Authority.

**Council** means the *Council* of the Corporation of the County of Essex.

**Cultural heritage landscape** means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a

grouping(s) of individual heritage features such as structures, spaces, archeological sites and natural elements, which together establish a *significant* type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to heritage conservation districts designated under the Ontario Heritage Act, and villages, parks, gardens, battlefields, mainstreets, and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Defined portions of the one hundred year flood level along connecting channels** means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Clair and Detroit Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregates** means an area of identified *mineral aggregate resources* as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available** means designated in this Official Plan for urban residential use.

**Development** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain *infrastructure* authorized under an environmental assessment process; or works subject to the Drainage Act.

**Dynamic beach hazard** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes-St. Lawrence River System* and *large inland lakes*, as identified by Provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

**Ecological function** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment Area** means those areas designated in this Plan or local Official Plans for clusters of business economic activities including, but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities.

**Environmentally Sensitive Areas** are areas supporting fragile ecosystems susceptible, prone or *vulnerable* to human impact and/or *development* pressures.

**Endangered species** means any species that is listed or categorized as an “*Endangered Species*” on the Ontario Ministry of Natural Resources’ Species at Risk in Ontario (SARO) list, as updated from time to time.

**ERCA** means the Essex Region Conservation Authority.

**Erosion hazards** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Fish** means *fish*, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes *fish*, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat** as defined in the Fisheries Act, c.F-14, means the spawning grounds and nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

**Flood fringe (for river, stream and small inland lake systems)** means the outer portion of the *flood plain* between the *floodway* and *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the *flood fringe* than those experienced in the *floodway*.

**Flood plain (for river, stream and small inland lake systems)** means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

**Flooding hazard** means the inundation, under the conditions specified below, of areas *adjacent* to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the *Great Lakes-St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and other water-related hazards.
- b) Along river, stream, and small inland lake systems, the *flooding hazard* limit is the greater of:
  - i) the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins Storm (1961), transposed over a specific *watershed* and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  - ii) the one hundred year flood; or
  - iii) a flood which is greater than i) or ii) which was actually experienced in a particular *watershed* or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources.

Except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific *watershed* (where the past history of flooding supports the lowering of the standard).

**Floodway (for river, stream and small inland lake systems)** means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*. Where the two zone concept is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

**Great Lakes - St. Lawrence River System** means the major water systems consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Ground water feature** refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Hazardous lands** means property or lands that could be unsafe for *development* due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along *river and stream systems and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard* or *erosion hazard* limits.

**Hazardous sites** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes** means the principle features, characteristics, context and appearance that contribute to the cultural heritage significance of a *protected heritage property*.

**Highly Vulnerable Aquifer** means an aquifer that can be easily changed or affected by contamination from both human activities and natural process as a result of: a) its intrinsic susceptibility, as a function of the thickness and permeability of overlaying layers, or; b) by preferential pathways to the aquifer.

**Infrastructure** means physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: *sewage and water systems*, septage treatment systems, *waste management systems*, electric power generation and transmission, communication/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Intake Protection Zone (IPZ)** means a zone established around a *surface water* intake of drinking water as prescribed in the Technical Rules: Clean Water Act, 2006.

**Intensification** means the *development* of a property, site or area at a higher density than currently exists through:

- a) *Redevelopment*, including the reuse of *brownfield sites*;
- b) The *development* of vacant and/or underutilized lots within previously developed areas;
- c) *Infill development*; and
- d) The expansion or conversion of existing buildings.

**Large inland lakes** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Local municipality/municipalities** refers to any of the seven lower-tier municipalities within the County of Essex.

**Low and moderate income households** means:

- a) In the case of ownership housing, households with incomes in the lowest 60% of the income distribution for the *regional market area*; or
- b) In the case of rental housing, households with incomes in the lowest 60% of the income distribution for renter households for the *regional market area*.

**LTVCA** means the Lower Thames Valley Conservation Authority.

**Mine hazards** means any feature of a mine as defined under the Mining Act or any related disturbance of the ground that has not been rehabilitated.



**Mineral aggregate resources** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resource Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mineral deposits** means areas of identified *minerals* that have sufficient quantity or quality based on specific geological evidence to warrant present or future extraction.

**Mineral aggregate operation** means:

- a) lands under license or permit, other than for *wayside pits or quarries*, issued in accordance with the Aggregate Resource Act, or successors thereto;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal Zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources*, and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral mining operation** means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Mineral(s)** means metallic *minerals* and non-metallic *minerals* as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*. Metallic *minerals* means those *minerals* from which metals (e.g. copper, nickel, gold) are derived. Non-metallic *minerals* means those *minerals* that are of value for intrinsic properties of the *minerals* themselves and not as a source of metal. They are generally synonymous with industrial *minerals* (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Minimum Distance Separation Formulae** means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal transportation system** means a *transportation system* which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Natural heritage features and areas** means features and areas, including *significant wetlands*, *significant coastal wetlands*, *fish habitat*, *significant woodlands*, *significant*



*valleylands, significant habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.*

**Natural heritage system** is defined as a system made up of *natural heritage features and areas*, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative impacts** means:

- a) degradation to the *quality and quantity of water, sensitive surface water features* and *sensitive ground water features*, and their related hydrologic functions, due to single, multiple or successive *development* or *site alteration* activities;
- b) in regard to *fish habitat*, the harmful alteration, disruption or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

**One hundred year flood level** means:

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Clair, Detroit River) the peak instantaneous stillwater level which has 1% chance of being equalled or exceeded in any given year; and
- c) for *large inland lakes*, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the *one hundred year flood level* is based on the highest known water level and wind setups.

**Other water related hazard** means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship generated waves, ice piling and ice jamming.

**Petroleum resource operations** means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources** means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Portable asphalt plant** means a facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Primary Settlement Area** means “*Settlement Areas*” identified on Schedule “A2” of this Plan that are focal areas of public investment as well as a concentration of commercial, recreational, cultural and entertainment uses that accommodate a *significant* share of population and employment growth. Urban growth centres have compact built form, transit *infrastructure* and serve as high density major employment centres.

**Prime agricultural area** means areas where *prime agricultural lands* predominate. This includes: areas of *prime agricultural lands* and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural lands* may be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land** means land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2 and 3 soils in this order of priority for protection.

**Protected heritage property** means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

**Public service facilities** means land, buildings and structures for the provision of public services, of programs and services provided or subsidized by a government or other body,

such as social assistance, recreation, policy and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

**Quality and quantity (of water)** is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and, hazardous contaminants, and hydrologic regime.

**Redevelopment** means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

**Regional market area** refers to an area, generally broader than a lower tier municipality, that has a high degree of social and economic interaction. The County of Essex and the City of Windsor serve as the *regional market area*.

**Residence surplus to a farming operation** means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification** means *intensification* of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *Redevelopment*, including the *redevelopment* of *brownfield sites*;
- b) The *development* of vacant or underutilized lots within previously developed areas;
- c) *Infill development*;
- d) The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**River, stream and small inland lake systems** means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Second dwelling unit** — also known as accessory or basement apartment, secondary suite and an in-law flat — means a self-contained residential unit with kitchen and bathroom facilities within a dwelling or, where expressly permitted within this Plan or a local municipal Official Plan, within structures accessory to a dwelling (such as above laneway garages). A *second dwelling unit* must comply with any applicable laws and standards. This includes the Building Code, the Fire Code and property standards bylaws.

**Secondary Settlement Area** means “*Settlement Areas*” identified on Schedule “A2” of this Plan that are intended to develop within their existing boundaries as of the date of approval of this Plan.

**Secondary uses** means uses secondary to the principal use of the property, including but not limited to home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

**Sensitive** in regard to *surface water features* and ground water features means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement area(s)** means *Primary Settlement Areas* and *Secondary Settlement Areas* as depicted on Schedules “A1” and “A2” of this Plan (such as cities, towns, villages and hamlets) that are:

- a) Built-up areas where *development* is concentrated and which have a mix of land uses; and
- b) Lands which have been designated in an Official Plan for *development* over the long term planning horizon. In cases where land in designated growth areas is not available, the “*Settlement Area*” may be no larger than the area where *development* is concentrated.

**Sewage and water systems** includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services and partial services as further defined by the Provincial Policy Statement.

**Significant** means:

- a) in regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as Provincially *significant* by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.
- b) in regard to the habitat of *endangered species* and *threatened species*, means the habitat, as approved by the Ontario Ministry of Natural resources, that is necessary for the maintenance, survival, and /or the recovery of

naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

- c) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features and areas in Section 3.4, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- e) in regard to *mineral* potential, means an area identified as Provincially *significant* through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially *Significant* Mineral Potential Index;
- f) in regard to potential for *petroleum resources*, means an area identified as Provincially *significant* through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time;
- g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.
- h) in regard to other matters, important in terms of amount, content, representation or effect.
- i) While some *significant* resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Significant Groundwater Recharge Area** means an area in which: (a) there is a high volume of water moving from the surface into the ground and (b) groundwater serves either as *source water* or the water that supplies a coldwater ecosystem such as a brook trout stream.

**Site alteration** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

**Special needs** means any housing, including dedicated facilities, in whole or in part, that is used by people who have *special needs* beyond economic needs, including but not limited to, needs such as mobility requirements or support facilities required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

**Special policy area** means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the *significant* social and economic hardships to the community that would result from strict adherence to Provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

**Specialty crop area** means areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions or a combination of both; and/or
- b) a combination of farmers skilled in the production of specialty crops and of capital investment in related facilities and services to produce, store or process specialty crops.

**Source water** means untreated water in streams, rivers, lakes or underground aquifers which is used for the supply of raw water for drinking water systems.

**Source water protection** means action taken to prevent the pollution and overuse of municipal drinking water sources, including groundwater, lakes, rivers and streams. *Source water protection* involves developing and implementing a plan to manage land uses and potential contaminants.

**Surface water** means water collecting in a stream, river, lake, and wetland. It is the source for drinking water from the intakes in the Great Lakes.

**Surface water feature** means water-related features on the earth's surface including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands* and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Sustainable** means activities that meet present needs without compromising the ability of future generations to meet their own needs.



**Temporary residential unit** is defined as a dwelling erected in such a way as to allow for its removal at a later date without leaving a foundation or other permanent services and/or facilities.

**Threatened species** means a species that is listed or categorized as a “*Threatened Species*” on the Ontario Ministry of Natural Resources’ Species at Risk in Ontario (SARO) list, as updated and amended from time to time.

**Transit supportive** when referring to *development*, means compact, mixed-use *development* that has a high level of employment and residential densities to support frequent transit service. When used in reference to urban design, it refers to design principles that make *development* more accessible for transit users, such as roads laid out in a grid network rather than a discontinuous network; pedestrian-friendly built environment along roads to encourage walking to transit; reduced setbacks and placing parking at the sides/rear of buildings; and improved access between arterial roads and interior blocks in residential areas.

**Transportation system(s)** means a system consisting of corridors and rights-of-way for the movement of people and goods and associated transportation facilities including transit stops and stations, cycle lands, bus lanes, high occupancy vehicle lanes, rail facilities, park’n’ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours and associated facilities such as storage and maintenance.

**Utility corridors** means routes for the transmission of oil and natural gas, hydroelectric power transmission lines and transformer facilities, storm drainage systems, sanitary sewer pipelines, water pipe lines and telephone and other communications trunk cables, etc.

**Valleylands** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable** means surface or groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Waste management system** means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

**Watershed** means an area that is drained by a river and its tributaries.

**Wave uprush** means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of *wave uprush* is the point of furthest landward rush of water onto the shoreline.



**Wayside pits and quarries** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetlands** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit *wetland* characteristics are not considered to be *wetlands* for the purposes of this definition.

**Wildlife habitat** means areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a *vulnerable* point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, and provision of clean air and the long-term storage of carbon, provision of *wildlife habitat*, outdoor recreational opportunities and the *sustainable* harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and Provincial levels.

## APPENDIX TWO

### OPEN & CLOSED LANDFILL SITES

<b>MINISTRY</b>	<b>APPROXIMATE LOCATION</b>	<b>YEAR</b>
<b>SITE No.</b>	<b>(DESCRIBED BY FORMER MUNICIPALITY)</b>	<b>CLOSED</b>
2046	Belle River, CPR and South Street	1973
2047	Essex, Forest Street	1965
2048	Tecumseh, Clarice Road	1960
2049	St. Clair Beach, Manning and St. Gregory	1946
2050	Maidstone, Lot 15, Concession 4	1971
2051	Maidstone, West Pike Creek Road	?
2052	Sandwich West, Brunet Park	1971
2053	Sandwich West, Front Road	1968
2054	Sandwich South, Shaunee and County Road 42	1965
2055	Sandwich South, Highway No. 3 and Sexton Sideroad	1966
2056	Tilbury North, Lot 21, Concession 6	?
2057	Tilbury North, Lot 12, Concession 2	1971
2058	Tilbury West, Ford Street in Comber	1971
2060	Tilbury	?
5088	Mersea,	?
5089	Mersea, Lot 17, Concession 6	1970
5090	Mersea, Lots 1 and 2, Concession 5	1970
5091	Mersea, Lot 1, Concession 2	1969

<b>MINISTRY</b>	<b>APPROXIMATE LOCATION</b>	<b>YEAR</b>
<b>SITE No.</b>	<b>(DESCRIBED BY FORMER MUNICIPALITY)</b>	<b>CLOSED</b>
5092	Kingsville, Palmer Drive and Prince Albert	1969
5093	Kingsville, Heritage Road	1959
5094	Anderdon, Lot 14, Concession 4	1969
5095	Anderdon, Lot 14, Concession 4	1957
5096	Anderdon, Lot 6, Concession 3	1946
5097	Amherstburg, Pickering Street	1960
5098	Malden, County Road 22 and 3rd Con.	1970
5099	Point Pelee National Park	1960
5100	Colchester South, Lot 12, Con. 4	1969
5101	Colchester South, Lot 71, Con. 1	1969
5102	Colchester South, Gore 11 and 12	1969
5103	Anderdon, County Road 20	1969
5104	Anderdon, County Road 20	1969
5105	Colchester North, Lot 9, Con. S.M.R.	1969
6055	Windsor (Tecumseh Road)	1973
A010102	Windsor (north of Tecumseh Road)	Open
A010201	Amherstburg, Pt 2-3, Con. 2	Open
A010203	Amherstburg	Open
A011002	Anderdon, Pt 5 & 6, Con. 1	Open
A011101	Colchester, North, Pt Lot 14 S1/2, Con. 7	Open
A011401	Gosfield, South, Pt Lot 12-13, Con. 2 ED	Open
A011501	Maidstone, Pt lot 13-15, Con 4	Open

<b>MINISTRY</b>	<b>APPROXIMATE LOCATION</b>	<b>YEAR</b>
<b>SITE No.</b>	<b>(DESCRIBED BY FORMER MUNICIPALITY)</b>	<b>CLOSED</b>
A011502	Maidstone Lot 14015, Con. 4	Open
A012001	Sandwich South, Lot 304, RP 5994	Open
A012003	Sandwich South, NW Corner of Hwy 3 & CR 19	Open
A012102	Sandwich West, Lot 351-480, RP 660	Open
A020601	Tilbury (now Chatham-Kent)	Open
A021202	Wheatley (now Chatham-Kent)	Open

## APPENDIX THREE

### GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENTS

Natural Environment Classification Type  (Coincides with Table 3)	Amendments to Official Plans/ Zoning  By-laws, Subdivisions, Multi Lot Consents, Condominiums	Site Plan Control Applications Including Greenhouses and Large Agricultural Buildings	Consents	Minor Variances	Building Permits
Provincially <i>significant wetlands</i> and <i>significant habitat of endangered and threatened species</i>	<i>Development</i> Not Permitted	<i>Development</i> Not Permitted	<i>Development</i> Not Permitted	<i>Development</i> Not Permitted	<i>Development</i> Not Permitted
Lands <i>adjacent</i> to Provincially <i>significant wetlands</i> and <i>significant habitat of endangered or threatened species</i>	Full	Full	Scoped	Scoped See Note 2 Below	Scoped See Note 2 Below
<i>Fish habitat</i>	Most <i>development</i> not permitted, requires <i>fish habitat</i> study.	Most <i>development</i> not permitted, requires <i>fish habitat</i> study.	Most <i>development</i> not permitted, requires <i>fish habitat</i> study.	Most <i>development</i> not permitted, requires <i>fish habitat</i> study.	Most <i>development</i> not permitted, requires <i>fish habitat</i> study.
Lands <i>adjacent</i> to <i>fish habitat</i> (Normally within 30 metres)	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Fisheries and Oceans Canada	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Department of Fisheries + Oceans
ANSI's, <i>significant woodlands, wildlife habitat</i> and <i>valleylands</i> and lands designated in Local Official Plans for natural heritage protection.	Full	Full	Scoped	Scoped	Scoped See Notes 5 & 6 below

Natural Environment Classification Type	Amendments to Official Plans/ Zoning	Site Plan Control Applications Including Greenhouses and Large Agricultural Buildings	Consents	Minor Variances	Building Permits
(Coincides with Table 3)	By-laws, Subdivisions, Multi Lot Consents, Condominiums				
Lands <i>adjacent</i> to ANSI's, <i>significant woodlands, wildlife habitat</i> and <i>valleylands</i> and lands designated in Local Official Plans for natural heritage protection.	Full	Full (often scoped) See note 2 below	Scoped See Note 2 Below	Scoped See Note 2 Below	Checklist See Notes 2 and 5 Below

## Notes

1. Environmental Impact Assessments (EIA's) should be based on ground field work, and relevant aerial photography, including at a minimum, the use of April 2000 and 2010 years.
2. Where barriers exist such as roads, EIA's may not be required for building permits and other small scale *development* applications on *adjacent lands*.
3. Normally the guidelines in this Appendix are appropriate; however, the *local municipality* may require a greater or lesser level of EIA, in consultation with the *Conservation Authority*. Some local Official Plans require a greater level of Environmental Impact Assessment. The guidelines for completion of an EIA are subject to review and update by the local *Conservation Authority* and other appropriate guidance materials such as the Natural Heritage Reference Manual (MNR 2010) or other guidance materials as appropriate.
4. When a site is identified as having more than one type of feature, the impacts on each type will need to be addressed and the *adjacent land* measurement corresponding to each type of feature will be measured from the boundary of that feature.
5. Except as specifically required in the policies of this Plan (see subsection 2.4), applications for building permits where no planning applications are required and the land is within the "Agricultural" designation, scoped EIA's will be encouraged (voluntary) for the purpose of providing information to the owner.

6. Proponent shall be required to circulate reports in electronic format for ease of review, i.e., GIS format in shape files, and submission of reports including submission of rare species and rare vegetation communities in a format conducive for circulation to appropriate Provincial ministries, i.e., NHIC spreadsheet, [http://nhic.mnr.gov.on.ca/MNR/nhic/species/species\\_report.cfm](http://nhic.mnr.gov.on.ca/MNR/nhic/species/species_report.cfm) Species Observation Spreadsheet. Record of submission of NHIC spreadsheet should have a record of circulation to NHIC, the appropriate *Conservation Authority*, *local municipality* (if required/requested) and Aylmer District MNR office. Rationale: this will ease reviews, allow for data submission to relevant Provincial agencies in a format that is conducive to their review and incorporation, and allows the appropriate *Conservation Authority* and the *local municipality* to quickly and easily circulate this information without changing the content of information.
7. The EIA guidelines contained in this Appendix are subject to periodic updates and changes as approved by the County, local *Conservation Authority* and *local municipalities* and will not require an amendment to this Plan.
8. New *development* proposed within 120 metres of an adjacent municipal boundary will include a review of applicable planning documents and field verification of *natural heritage features*.



## ITEMS TO BE ADDRESSED IN A FULL ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

### A. PROCEDURE

1. Carried out by qualified professionals in the field of ecology, terrestrial and/or aquatic biology, environmental planning, and/or relevant earth sciences.
2. Early consultation with the relevant *Conservation Authority* to obtain input and relevant information. Where features are Provincially *significant*, consultation with the Ministry of Natural Resources (MNR) will also be necessary.

### B. Description

1. Proponent name and full contact information.
2. Purpose of the proposal.
3. Statement of rationale for the undertaking.
4. Alternative forms that the *development* might take.
5. Subject property location description (municipality, lot concession, etc) and maps.
6. Identification of all *significant* natural heritage designations or identifications: Environmentally *Significant Area* (ESA), *area of natural and scientific interest* (ANSI), Provincially *significant wetland* (PSW), etc.).
7. Site plans (including representations of alternative methods of *development*).
8. Existing land uses.
9. Existing ownership patterns.
10. Existing Official Plan designations and zoning.
11. Proposed Official Plan designations and zoning.
12. Description of alternative *developments* for subject lands.

### C. Natural Features/Ecological Functions

1. Complete biological description of natural area:
  - a) Complete plant species inventory spanning the appropriate number of seasons based on recommendations from the relevant *Conservation Authority* and MNR. (taxonomy consistent with Natural Heritage Information Centre (NHIC) database).
  - b) Vegetation community description and mapping (consistent with Ontario Ministry of Natural Resources Ecological Land Classification (ELC) protocols) to the vegetation type level.
  - c) Complete faunal inventory (taxonomy consistent with Natural Heritage Information Centre ((NHIC) database).
    - birds
    - mammals
    - reptiles
    - amphibians
    - *fish*

- d) Documentation of rare flora, fauna, and vegetation communities (rarity status as per Natural Heritage Information Centre (NHIC) database) including a detailed map of the location and distribution of these communities.
- e) Description of soil type(s) for the subject property to the standard of the ELC using Ontario Institute of Pedology (1985) and Ontario Centre for Soil Resource Evaluation (1993) information or other more recent guidelines as recommended by the *Conservation Authority* or Ministry of Natural Resources.
- f) Description of hydrological functions of the natural area:
  - groundwater recharge/discharge
  - flood attenuation
  - upstream flood detention
  - water improvement (pollution update, nutrient trap)
- g) Documentation of social and economic uses of the natural area (including hunting, trapping, fishing, education, nature appreciation, and research studies).

## **D. Impacts**

1. An explanation of the methods used to determine the effects of the proposed *development* on the natural features or *ecological functions* for which the area is identified.
2. Possible aerial extent of the natural area to be affected by the *development* (indirectly or directly).
3. Possible environmental effects of the *development*, with the emphasis on the natural features or *ecological functions* for which the area is identified.
4. Evaluation of possible future impacts of the proposed *development*, including subsequent demand that may be generated by approval of this proposal.
5. Potential conflicts with existing site-specific habitat management practices.
6. A description of the opportunities on-site to replace/restore/create natural features and functions.
7. Actions necessary to prevent, change, mitigate or remedy the effects of:
  - the *development*
  - the alternative methods to carry out *development*, (such as scheduling the project at a different time of year)
  - the alternatives to the form of the proposed *development*.

## **E. Summary**

1. Potential impacts in relation to criteria outlined above.
2. Potential advantages and disadvantages of the preferred *development*.
3. Alternative methods of carrying out the proposed *development*.
4. Mitigation measures.
5. *Development* approval measures necessary to secure advantages and minimize disadvantages of the proposed *development*.

## ITEMS TO BE ADDRESSED IN A SCOPED ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The following guidelines are recommended to assist in the preparation of a Scoped Environmental Impact Assessment:

Scoped Environmental Impact Assessments should differ from Full EIA's in that they evaluate the expected impacts of the specific proposal and would not necessarily look at the entire natural area. They assume feasibility of specific types of *development* and address the appropriate manner for the *development* to occur. Full EIA's evaluate the feasibility of the proposal and possible negative surrounding impacts.

Early consultation with the respective *Conservation Authority* is recommended in order to determine the scale of the EIA recommended, available information, concerns, etc.

Qualified professionals in the field of ecology, terrestrial and/or aquatic biology, environmental planning, and/or relevant earth sciences, should carry out the Scoped Environmental Impact Assessment.

Scoped EIA's should typically include the following information:

- 1) Proponent Name and Address
- 2) Location
- 3) Type of Proposal (e.g. planning application, building permit.)
- 4) Type of Natural Area, i.e., regionally *significant woodland*, ANSI, Candidate Natural Heritage Site, etc., and whether the proposal is within or on *adjacent lands*.
- 5) Identify and comment on the existing *significant* natural features, linkages, and *ecological functions* in the vicinity and potential impacts by the proposed *development*, which may include the need for fieldwork, review of aerial photography, and analysis to ensure the test of *negative impact* has been met.
- 6) Evaluate the potential impacts of the proposed *development* on the existing *significant* natural functions and features for which the site has been identified.
- 7) The maximum cleared area to conform with the Scoped EIA would typically not exceed ½ acre = 21,800 s.f. or 0.2 ha = 2,000 m<sup>2</sup>. Determine the most appropriate location/configuration for the proposed cleared areas in order to prevent impacts on the *significant* features. Describe the size, location and configuration of all buildings/structures proposed within this area. A location map should be included which identifies the proposed location of the structure(s).
- 8) Describe what size specific mitigation is required in addition to the measures identified in Table 3.

## ITEMS TO BE ADDRESSED IN A CHECKLIST TYPE ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

It is intended that for certain applications of *adjacent lands* (as generally outlined in Table 3), the *local municipality*, in consultation with the *Conservation Authority* may determine that a checklist can be used as an alternative to, or as part of, a scoped EIA. In these situations, the checklist would be used as part of the building permit to ensure that the *development* will have no *negative impacts*.

Early consultation with the respective *Conservation Authority* is recommended to ensure the optimal approach is taken.

The checklist should be used by the property owner or their expert in consultation with the Municipal Building Official.

The Checklist should include the following items:

1. A minimum of 5 m buffer area should include native trees, shrubs or unmanicured ground cover.  
(alternative to a substantial fence.)  
Please check this box if the requirement has been fulfilled  
Describe the width of the provided buffer area:  
Describe fence if any:
2. If a buffer area is created, an optional cleared trail access of a maximum of 5m can be maintained.  
Please check this box if this option is desired  
Describe the trail width:
3. The minimum sideyard or rearyard setback for all buildings/structures should be 10m from the *adjacent* natural area. (15 metres preferred/recommended).  
Please check this box if this option has been fulfilled.  
Describe the setbacks maintained:
4. A swale (outside the naturalized buffer if any, and above the natural grade, ) to be constructed prior to any *site alteration* and permanently maintained; directed to,  
Select one of the following:
  - a) An existing ditch
  - b) A new outlet at a minimum of 50m from the area of natural significance.Describe the outlet:
5. All components of the septic system should also be located outside the 10m setback unless special measures have been taken.  
Please check this box if the setback has been maintained  
If the setback has not been maintained, describe the provisions taken to intercept surface and sub-surface water: