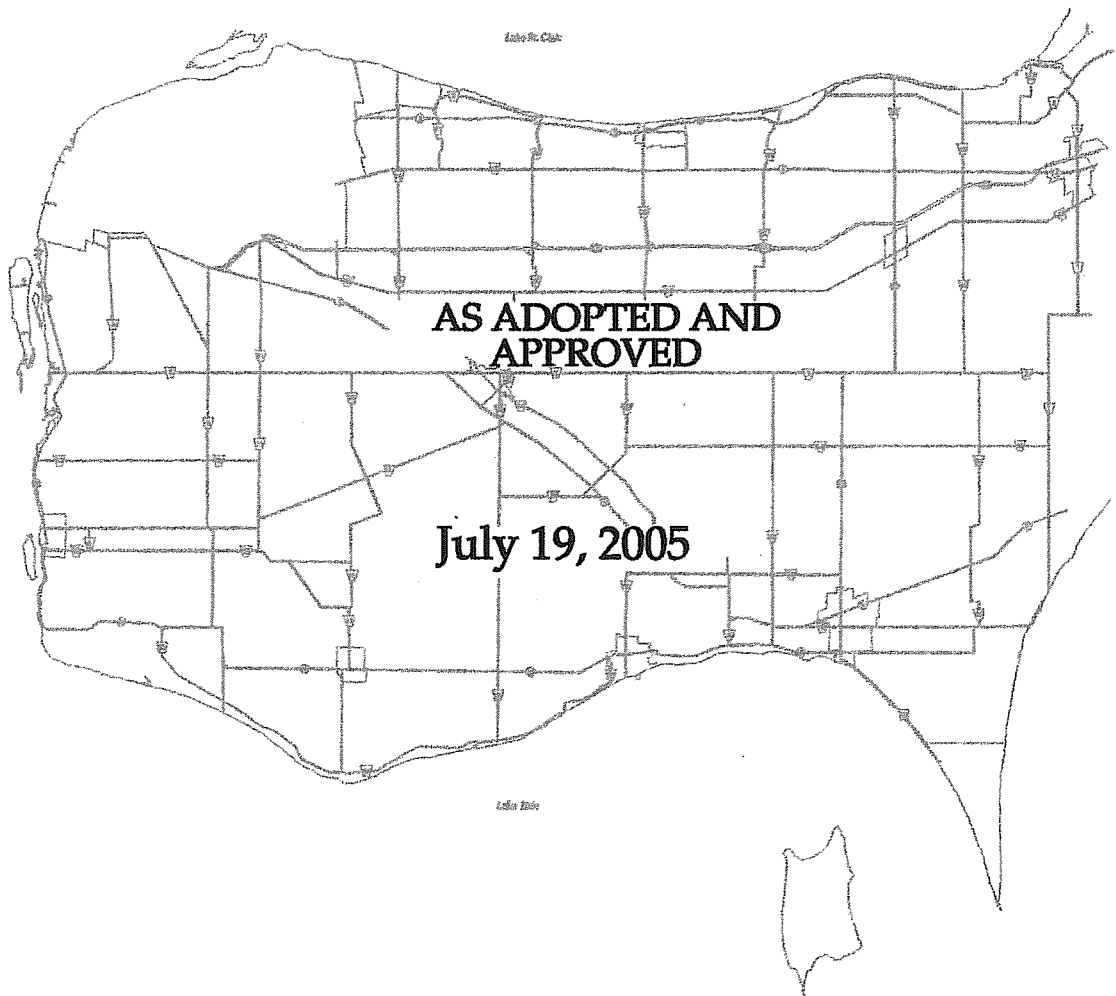


COUNTY OF ESSEX OFFICIAL PLAN



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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 broad policy framework from which to realize the County's long term planning strategy as outlined in subsection 1.5. This Plan offers fundamental broad based guidance and direction to the County and its municipalities on land use planning matters. This Plan will:

- a) implement Provincial Policy at the County level;
- b) provide a policy framework that will provide direction to the seven local municipalities in their preparation and future interpretation of updated local Official Plans and Official Plan amendments;
- 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 recognizes and respects the planning powers and authorities currently vested in the local municipalities. It does not attempt to address in detail those planning matters which are currently being addressed by local municipalities. It is intended that local Official Plans will complement 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. It is the purpose of this Plan to provide the fundamental policy framework from which more detailed land use planning can be continued by the local municipalities.

1.2 BASIS OF THE PLAN

This Plan has been prepared based on input from County Council, the Project Steering Committee, local Councils, the Technical Advisory Committee, the City/County Liaison Committee, Provincial Ministry representatives and the public. In addition, a compilation of technical background information contained within three Technical Background Reports was also relied upon. The three Background Reports are entitled:

- a) Discussion Paper No. 1 Regional Context, Population, Household and Employment Characteristics and Projections, Public Consultation prepared in December of 1998
- b) Discussion Paper No. 2 Future Land Requirements, Transportation, Infrastructure, Agricultural and Natural Resources, Natural Heritage Features prepared in February of 1999
- c) Discussion Paper No. 3 Growth Management, Planning Principles and Goal Statements prepared in February, 1999.

1.3 COUNTY PROFILE

The County of Essex is comprised of approximately 175,000 hectares of land and a 1996 population of 152,635 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 1.1). Prior to the County restructuring that occurred during 1998 and 1999, 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 Southwestern Ontario, Southeastern 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 enjoys a very diversified agricultural economy which includes a high concentration of greenhouses. Other important features of Essex County that were considered when preparing this Plan are described in the following subsections which correspond with the land use designations depicted on Schedule "A".

1.3.1 Settlement Areas

The most recent population, household and land area data for each of the seven County municipalities are presented in the following table. The 1996 population of the City of Windsor was reported to be 197,694 and the 1996 population for the Township of Pelee was reported to be 283. Both of these municipalities are separated municipalities within the area.

Municipality	1996 Population	1996 Households	1996 Persons Per Household	Land Area	Land Designated for Urban Purposes
Amherstburg	19,273	6,772	2.85	18 796 ha	2 894 ha (15%)
Essex	19,437	7,036	2.76	28 734 ha	3 061 ha (11%)
Kingsville	18,409	6,429	2.86	24 464 ha	1 680 ha (7%)
Lakeshore	26,127	9,322	2.80	52 841 ha	3 646 ha (7%)
LaSalle	20,566	6,573	3.13	6 561 ha	2 750 ha (42%)
Leamington	25,389	8,763	2.90	26 440 ha	1 734 ha (7%)
Tecumseh	23,151	7,432	3.12	12 013 ha	2 854 ha (24%)
Essex County	152,635	52,465	2.91	174 575 ha	18 619 ha (13.2%)

Source: Information compiled from statistics contained within a variety of Census Canada documentation and local Official Plans.

Settlement areas within the County are diverse and varied in terms of built form, structure, size, services and amenities. Within each Essex County municipality are a number of towns, villages, hamlets and small settlement areas.

The County of Essex also has adopted population and employment projections that assume population growth will continue in a fashion similar to what has been experienced historically and activity rates for employment are predicted to increase by one percent every five years during the 20 years between 1996 and 2016. If employment activity rates increase by the projected one percent, the total number of jobs in the County is projected to be in the range of 59,780 to 68,739.

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 (Class I, II, III and Specialty Crop Land in the Canada Land Inventory);
- 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 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 (the County produces 20 percent of the Province’s soybeans and 25 percent of the Province’s seed corn), fruit crops, vineyards and greenhouse farming including the growing of flowers, tomatoes, cucumbers, peppers and bedding plants (over 400 hectares of greenhouses in production). 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 Environment Areas

More than 500 species of plants and animals that are considered endangered and threatened can be found within 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 manufactured 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 green linkages between natural features and poorer 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.

1.4 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 1996 to 2016. Actual population and employment increases will be monitored on an ongoing basis with the projections being redefined, as necessary, in conjunction with the five year review of the Plan. Notwithstanding the 20 year planning period, this Plan establishes a policy framework to address issues beyond 20 years in an effort to preserve agricultural lands and significant natural features for future generations.

1.5 COUNTY LONG TERM PLANNING STRATEGY

The County's strategy with respect to matters of land use planning is contained within the following list of planning principles which resulted to a large extent from public consultation sessions held in advance of formulating this document. It is important to note that these planning principles are inter-related and it is not expected that any one principle is to be considered independent of the others. To ensure that these principles are implemented, this Plan contains policy direction in subsequent sections, indicating how these principles are to be realized both at the County level and locally.

Planning Principles

- a) to create more compact development within designated and fully serviced urban settlement areas;
- b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;
- c) to discourage urban type development outside of designated settlement areas and in areas which only have partial municipal services;

- d) to create and maintain an improved balance between residential and employment growth in each of the existing communities situated within Essex County by increasing employment opportunities closer to where people live;
- e) to maintain and enhance the town centres located within each of the seven newly restructured Essex County municipalities as focal points for their respective communities where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed use environment;
- f) to maintain and attract manufacturing, agribusinesses and tourism related businesses and activities that can provide well paying employment opportunities to existing and future residents;
- g) wherever possible, to provide a break in the pattern of continuous urban land use by using natural boundary features such as woodlots and agricultural lands and linear facilities and corridors such as watercourses, highways and utility corridors to maintain and enhance recognizable demarcation lines between existing and planned future urban and rural communities;
- h) to connect urban areas with each other and with communities outside this area by providing space for the efficient, cost effective and safe movement of people, goods, energy and information without disrupting community integrity and function;
- i) to protect prime agricultural areas for agricultural uses, remaining natural heritage features and other natural resources that are provincially and regionally significant;
- j) to increase the amount of core natural area and natural buffers where possible, particularly through restoration efforts;
- k) to link wildlife habitat and natural heritage areas to each other, human settlements to other human settlements and people to nature;
- l) to provide land reserves or corridors for future linear transportation and utility facilities and services;
- m) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;
- n) to formulate and adopt a growth management policy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to vibrant and desirable settlement areas;
- o) to provide cost effective and environmentally sound municipal service;
- p) to provide co-operative inter-municipal consultation and co-ordination of those services that have inter-municipal considerations;

- q) to encourage local municipalities to prepare, where possible, Multi-Year Sewage and Water Servicing Plans and Master Storm Water Management Plans;
- r) to ensure that petroleum, non-metallic mineral resources and aggregate resources are available for future use and that extraction operations are protected from activities that would hinder their expansion or continued use;
- s) to protect and enhance the quality and quantity of groundwater and surface water and the function of sensitive ground water recharge/discharge areas, aquifers and headwaters;
- t) wherever possible, to protect life and property from natural and human made hazards; and
- u) 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.

SECTION 2 - PLANNING FRAMEWORK AND GENERAL POLICIES

2.1 PLANNING HISTORY

This document is the first Official Plan for the County of Essex. Although the County's local municipalities have had Provincially approved Official Plans in effect for more than twenty five years, this Plan is the first official planning document to establish county wide planning direction. The restructured County of Essex, now comprised of seven larger municipalities resulting from the amalgamation of its previous twenty one municipalities, has prepared this county wide document to provide the policy direction needed to achieve its fundamental goal of improved land use planning. The policies contained within this Official Plan require the effective management of growth and the protection of resources. The policies contained within this second section pertain to all lands within the County of Essex.

2.2 GROWTH MANAGEMENT

It is anticipated that Essex County will continue to experience population and employment growth over the planning period of this Plan. This growth is important to the residents and to the future of the County and its constituent municipalities. However, it is the policy of this Plan that growth must be managed in a way that will:

- a) minimize adverse impacts on agricultural and natural heritage features;
- b) be phased in accordance with the availability of appropriate types and levels of services;
- c) implement the Planning Principles 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 make efficient use of existing infrastructure and to enhancing that infrastructure. The amount, location and timing of development shall be dictated by the nature and availability of services necessary to support that development as well as the policies of this Plan and local Official Plans.

The Settlement Areas designation is represented conceptually on Schedule "A" of the Official Plan. The detailed extent of these settlement areas is further identified in the local official plans. Future growth is directed to these Settlement Areas identified on Schedule "A" and encouraged by the policies of this Plan.

Population projections for the County of Essex and the seven individual 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 2.1
20 Year Population Projections
Year 2016

RESTRUCTURED MUNICIPALITIES	1996 POPULATION	PERCENTAGE OF GROWTH ALLOCATED	2016 LOW SCENARIO	2016 MEDIUM SCENARIO	2016 HIGH SCENARIO
Amherstburg	19,273	11 percent	23,523	24,076	26,671
Essex	19,437	8 percent	22,528	22,931	24,818
Kingsville	18,409	9 percent	21,887	22,339	24,461
Lakeshore	26,127	20 percent	33,855	34,861	39,579
LaSalle	20,566	21 percent	28,680	29,737	34,691
Leamington	25,389	13 percent	30,413	31,066	34,133
Tecumseh	23,151	18 percent	30,106	31,295	35,259
Total Essex County	152,352	100 percent	190,992	196,305	219,612

The County of Essex will continue to monitor the residential growth activity to ensure the accuracy of the above-noted projections and allocations. Part of the five year review of this Plan will include a comparison of the residential growth projected in the above table to that which actually occurred.

2.3 MANAGEMENT OF MINERAL RESOURCES

It is the policy of this Plan that mineral resources, including mineral aggregates, minerals and petroleum resources, as generally depicted on Schedule “B” 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. 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.

New development shall be setback a minimum of 75 metres from existing wells. The 75 metre setback is the same as the setback required under the Oil, Gas and Salt Resources Act for new wells in proximity to existing development. Lesser setbacks for development may be considered upon

consultation with the Province and local approval. Where development is proposed adjacent to or above pools or deposits, shown on Schedule “B” as “Petroleum Resources”, the Province shall be consulted regarding alternatives for ensuring future access for resource production purposes.

Petroleum resource operations, exploration and drilling under the Oil, Gas and Salt Resources Act will be permitted in any land use zone, subject to Provincial regulations and local planning requirements minimizing possible impacts. 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. Extraction of petroleum resources is permitted in prime agricultural areas provided that the site is rehabilitated to agricultural use.

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 aggregates, shown on Schedule “B” 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 “B” without an amendment to this Plan provided the site is rehabilitated to agricultural use. The establishment of new extractive operations outside of the areas identified as “Mineral Aggregate Resources on Schedule “B” will require an amendment to this Plan.

2.3.3 Mineral Mining

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.

2.3.4 Wayside Pits and Quarries and Portable Asphalt Plants

Wayside pits and quarries and portable asphalt 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 and/or erosion as depicted on Schedule “C” 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.

2.4.1 Lake St. Clair and Lake Erie/Detroit River System

Local municipalities will identify areas susceptible to flood and/or erosion along areas of Lake St. Clair and Lake Erie and the Detroit River in consultation with the Essex Region Conservation Authority. 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.

Development and site alteration shall only be permitted in areas identified as being susceptible to flooding and/or erosion if:

- a) the hazard can be safely addressed; and
- b) new hazards are not created and existing hazards are not aggravated; and
- c) no adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required); and

- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies; and
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Local municipalities will identify dynamic beaches in local Official Plans 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.

For development fronting on Lake St. Clair, Lake Erie or the Detroit River shoreline, local municipalities will establish policies and regulations that provide development setbacks, elevations and shoreline protection measures.

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, Lake Erie and the Detroit River 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.

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 floodfringe areas. Development will not be permitted in the floodway. Development and site alteration shall only be permitted in floodfringe areas if:

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

2.5 NATURAL HERITAGE/WATERSHED MANAGEMENT

It is the policy of this Plan to encourage local municipalities to support the implementation of ecosystem based studies such as watershed plans, biodiversity strategies, natural area inventories and shoreline management plans to assist with the identification, protection and restoration of natural features, habitats, linkages and watershed functions. The purpose of this policy is to encourage a watershed systems-based approach in support of the Natural Heritage and other environmental policies of this Plan. The local Conservation Authorities can provide information and assistance with the preparation of studies of this nature.

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 will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. It is the policy of this Plan that contaminated sites shall be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. 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 Ministry of the Environment “Guidelines for Use at Contaminated Sites in Ontario, Revised February 1997, as may be revised 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 (severances and plans of subdivision), the local municipality will require that improperly abandoned wells that are known or discovered on the lands during development will be properly plugged, capped or otherwise made safe 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 STORM WATER QUALITY AND QUANTITY

It is the policy of this Plan that local Official Plans must include policies that address the protection and enhancement of surface and ground water quality and quantity as well as the function of sensitive ground water recharge/discharge areas, aquifers and headwaters. Storm water management plans, acceptable to the local Conservation Authorities and the Ministry of the Environment, will be required in advance of draft plan approval of all subdivisions or applications involving significant lot creation and/or development. Pre-submission consultation with the Ministry of the Environment staff on matters of stormwater management works pursuant to Section 53 of the Ontario Water Resources Act is encouraged. The preparation of stormwater management plans on a watershed or subwatershed basis is encouraged.

2.8 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

It is the policy of this Plan that significant built heritage resources and cultural heritage landscapes be identified, recognized and conserved. To that end and to encourage the restoration, protection and maintenance of the County's heritage resources which may include buildings, structures and landscapes of historical and/or architectural value, all new development or redevelopment permitted by the policies in local Official Plans shall have regard to heritage resources. Where practical, those heritage resources that contribute in a significant way to the identity and character of the County will 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 significant architectural, historical or archaeological value. The County will encourage new development, redevelopment and public works to be sensitive to and in harmony with such identified heritage resources. The County will encourage local municipalities to establish Local Architectural Conservancy Advisory Committees that can then develop inventories of built heritage resources and advise municipalities on how best to conserve locally significant heritage resources.

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.

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.

2.9 ROADS AND OTHER TRANSPORTATION SERVICES

2.9.1 Roads

This Plan acknowledges the strong relationship between roads, their function, land use and development. Schedule “D” 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 Roads 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.

Historically, County Roads have not been formally identified as being either arterial or collector in function. Notwithstanding, an Arterial and Collector County Road System has been identified on Schedule “D”. Generally, arterial roads are either two or four lanes in width and serve the purpose of moving moderate to high volumes of passenger and commercial vehicles between municipalities. The collector roads are generally two lanes in width and move moderate volumes of primarily passenger, and to a lesser extent commercial, vehicle traffic between local roads and arterial roads.

The County has directed that a detailed study be completed to establish future regional road classifications and relevant policies. The goal of the study is to provide adequate direction with respect to the regional transportation needs and issues to be addressed over the planning horizon of this Plan. Because the study is to be regional in nature, the City of Windsor will be invited to have meaningful participation in this study. It is anticipated that once the transportation study is complete, an amendment to this Plan, replacing this section and Schedule “D”, will be required. In the interim, the following policies shall apply.

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

- i) take into consideration the need to improve regional traffic flow in the vicinity of the City of Windsor. In that regard, there are three corridor improvement areas that have been identified and are conceptually depicted on Schedule “D”. The general location of the line is conceptual and is intended to only identify the general location. An Environmental Assessment is currently being conducted for the purpose of establishing the specific alignment for the “Southwest Connector”. A similar process for the “Highway 401 West Connector” and the “Highway 401 East Connector” has not yet begun. The purpose of the “Highway 401 West Connector” is to improve the existing connection between Highway 401 and Huron Church Road. The purpose of the “Highway 401 East Connector” is to link the

E.C. Row Expressway with Highway 401. Further regional study, taking into consideration environmental impacts, roadway network operations, land use patterns and implementation costs, is required before the specific alignment of any of these connectors is determined. This policy is not intended to interfere with previously approved land use designations and zoning;

- ii) strive to minimize conflict between local and non-local traffic by protecting the Arterial Road System depicted on Schedule “D”. The County shall discourage development that would inhibit traffic movement along the arterial road system. The cumulative impact of individual private accesses to the arterial road system, outside of urban development areas, compromises the underlying function of this transportation network. The utilization of internal road systems or service roads may be required. The nature of road traffic along these roads will have an impact on adjacent land uses. The volumes, speeds and types of traffic can be a nuisance especially in residential areas. On the identified arterial road system, access shall be strictly controlled and where such roads abut residential areas, reverse frontage is encouraged. Agricultural, industrial, commercial, institutional and open space land uses are considered to be appropriate land uses adjacent to the identified arterial roads provided access is properly located and designed;
- iii) consider whether resources are available to ensure the transportation system meets the needs of the road users and the growth policies of the County;
- iv) encourage integration of transportation facilities provided by local municipalities, adjacent municipalities and the Province;
- v) 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;
- vi) encourage safe, convenient and visually appealing pedestrian facilities, where appropriate, along the arterial and collector road systems;
- vii) minimize direct access and limit access to the identified arterial roads where access is available by a local road;
- viii) ensure that development proposals that are likely to generate significant traffic are accompanied by a traffic impact study addressing the potential impact on the arterial and collector road systems and the surrounding land uses and how to minimize any identified negative impact;
- ix) 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;

- x) prepare a County Roads Policy Manual which will establish 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;
- xi) 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.

2.9.2 International Crossing

The County recognizes and acknowledges that a Bi-National Transportation Study is currently being prepared. The purpose of the study is to determine the need for and the preferred location of additional border crossing capacity in the connecting roadways in the Windsor-Detroit area. The study area affects portions of the City of Windsor, the Town of LaSalle, the Town of Tecumseh, the Town of Amherstburg, and the Town of Lakeshore and lands outside of Essex County. In the event that the study and the environmental assessment process results in a preferred alternative that involves lands in the County of Essex, additional planning policies may be necessary and this Official Plan may require amendment. Consultation with the local host municipality for any such proposal will occur through the legislative Environmental Assessment process.

2.9.3 Other Transportation Services

In addition to roads, the County of Essex also has transportation services and facilities in the form of railway lines, water ferries, harbours, marinas, a commercial airport, some private air strips and pedestrian and bicycle paths. Development proposals will be considered in the context of these other forms of transportation when deemed appropriate and in accordance with the following policies. Detailed planning policies regarding these other forms of transportation are contained within local Official Plans.

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) new residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set out on maps approved by Transport Canada; but
- b) redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.

Pedestrian and Bicycle Policies

The Chrysler Canada Greenway, also part of the Trans Canada Trail, is shown on Schedule “D” of this Plan. Local municipalities are encouraged to consider the development of pedestrian walkways and bicycle paths as part of development proposals and park development to provide for the safe and convenient movement of cyclists and pedestrians.

Local municipalities are encouraged to plan new pedestrian and bicycle paths in a manner that ensures their interconnectivity, where possible, with existing and proposed paths including the paths within the City of Windsor. Pedestrian and bicycle crossings of major barriers, such as railways and expressways, should be comprehensively planned and integrated where possible with street crossings. Any proposed pedestrian and bicycle crossings of a provincial highway requires the prior approval of the Ministry of Transportation or the appropriate road authority.

Rail Policies

Existing operating rail lines within Essex County are shown on Schedule “D”. 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 2.13 Noise and Vibration of this Plan.

2.10 SOLID WASTE MANAGEMENT

The Essex/Windsor Regional Landfill site is shown on Schedule “A”. The two recently closed County landfill sites are also shown on Schedule “A”. 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 the 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 they are located in accordance with the land use policies contained within this Plan and the local Official Plan or amendment are obtained where necessary.

The County of Essex has a partnership with the City of Windsor regarding solid waste management. The County of Essex has adopted the Essex-Windsor Solid Waste Management Master Plan, dated October, 1993 and amended August 5, 1999, which 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:

- i) 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;
- ii) the recycling program is recognized as a key effort in reducing the waste going to the landfill site;
- iii) any development that requires an application under the Planning Act, within 500 metres of the perimeter of the Essex-Windsor Regional Landfill site or any closed landfill 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;

- iv) 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 prior to the issuance of necessary planning approvals;
- v) the Essex-Windsor Solid Waste Authority may periodically update the Solid Waste Management Master Plan, as necessary;
- vi) the County's full participation in waste management master plan initiatives and its investigation of the full range of waste management options.

2.11 SANITARY SEWERS AND WATER

The provision of potable water and sanitary sewage treatment is within the mandate of the local municipalities and as such the County is not responsible for overseeing these servicing issues. However, the County of Essex does promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal in accordance with Provincial Policy. Local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of potable water and sanitary sewage treatment through the preparation of an overall servicing strategy. This Plan encourages local municipalities to prepare a servicing strategy regarding the provision of sanitary sewage and potable water services in accordance with the following policies for all development other than single lots in the Agricultural Areas:

- a) full municipal sewage and water services are the preferred form of servicing for urban areas and rural settlement areas. In areas serviced by full municipal sewage and water services, lot creation will be permitted only if sufficient uncommitted reserve water and sewage plant capacity will be available to accommodate it;
- b) communal services are the preferred means of servicing multiple lots/units in areas where the land is designated for development in the local Official Plan and full municipal sewage or water services are not or cannot be provided and where site conditions are suitable over the long term;
- c) lot/unit creation may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term; but
- d) partial services will be discouraged except where necessary to address failed services, or because of physical constraints.

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 piped water and sanitary sewage treatment.

County 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.

2.12 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, Agricultural and Natural Environment Areas 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 cannot be accommodated in existing rights-of-way; and
 - iii) do not infringe upon environmentally significant areas including natural heritage corridors;
- d) minimizing the impact on agricultural lands and the natural environment 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; and
 - 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 Environment Areas 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.

2.13 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 is proposed in proximity to rail lines and other sources of noise, vibration and/or safety. 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, Highway 401 and stationary sources of noise, a noise feasibility study shall be completed and submitted to the appropriate ministries, 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 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, Highway 401 and 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 ministries, 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 and other safety measures may be required to the satisfaction of the Approval Authority and/or 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.

2.14 AIR QUALITY

It is the policy of this Plan to attempt to reduce air pollution by having regard to the following when reviewing development proposals:

- a) whether the proposal includes opportunities for non-automotive forms of transportation such as walking and cycling;
- b) whether the proposal has the potential to increase air pollution and if so what remedial measures are proposed;
- c) locating various land uses in such a manner that reduces the distance and number of vehicle trips;
- d) whether the proposal protects and improves trees and natural areas.

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.

2.15 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.

SECTION 3 - LAND USE POLICIES

3.1 INTRODUCTION

Schedule “A” of this Plan identifies three land use designations for Essex County. The three land use designations include Settlement Areas, Agricultural Areas and Natural Environment Areas. In addition to all of the other policies contained within this Plan, the following additional goals and policies shall pertain to the lands within the specified designations.

3.2 SETTLEMENT AREAS

This section contains the general directive, goals and policies for lands designated Settlement Areas on Schedule “A” of this Plan. The more specific extent of these areas is identified in local Official Plans. In addition, the policies in subsection 3.4 Natural Environment Areas of this Plan may also pertain to some of the lands designated Settlement Areas.

3.2.1 General Directive

This Official Plan conceptually depicts the location of existing urban settlement areas including towns, villages, hamlets and other residential and industrial areas and designates them Settlement Areas. In one instance, which was approved prior to the adoption of this Plan, the Settlement Areas designation is a recognition of a stand alone, travel plaza. The approval for this site was based on specific locational criteria and the area is not considered to be an appropriate location for future settlement area growth beyond that approved.

Local Official Plans, as amended, more explicitly detail the boundaries of the Settlement Areas designations. It is the vision and purpose of this Plan to direct future growth and development into these Settlement Areas and preserve the lands designated Agricultural Areas and Natural Environment Areas 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. Those areas designated as “Settlement Areas” on Schedule “A” either have full municipal services or require the completion of a servicing strategy outlining how and when full municipal services are going to be provided. Growth is encouraged in the Settlement Areas designation. All development must provide an appropriate level of servicing in accordance with the various servicing policies contained within this Plan.

3.2.2 Goals

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

- a) 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 such as seniors and physically and/or mentally challenged individuals, can live, work and enjoy recreational opportunities;
- b) to encourage compact, mixed-use development within County settlement areas where a broad range of services and amenities are available to meet the evolving needs of the broader community in a cost-effective, environmentally sound and efficient manner;
- c) to create built forms and settlement patterns which strengthen and enhance community identities and that are capable of promoting greater social interaction and healthier lifestyles;
- d) to ensure 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;
- e) to increase the opportunity for job creation within each County municipality by attracting and maintaining industries and businesses closer to where County residents live;
- f) to provide locations where non-farm growth and development can be accommodated to ensure the protection and preservation of agricultural and natural heritage resources;
- g) to strengthen, preserve and promote the cultural attributes and heritage resources of existing urban and rural settlement;
- h) to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- i) 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.

3.2.3 Policies

The following policies are established for those lands shown as Settlement Areas on Schedule “A”:

- a) future growth and development is encouraged to locate within the Settlement Areas designation conceptually identified on Schedule “A”. Detailed depictions of the boundaries of the various Settlement Areas are contained within the various local Official Plans;
- b) all types of land use are permitted within the Settlement Areas designation subject to the specific land use policies of the local Official Plans;

- c) 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 will be avoided;
- d) 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;
- e) local Official Plans are encouraged to establish land requirement needs based on densities which:
 - 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; and
 - iv) are appropriate to the type of sewage and water systems which are planned or available;
- 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; and
 - vii) plan so that major facilities such as transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate 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 provide for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market by:
- i) maintaining at all times at least a 10 year supply of land designated and available for new residential development and residential intensification;
 - ii) maintaining at all times, where new development is to occur, at least a 3 year supply of draft approved or registered residential lots with servicing capacity;
 - iii) encourage housing forms and densities designed to be affordable to moderate and lower income households and that are specially designed to meet the needs of special interest groups and special needs individuals such as seniors and mentally and/or physically challenged individuals;
 - iv) encourage all forms of residential intensification in parts of built up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification; and
 - v) establish cost effective development standards for new residential development and redevelopment to reduce the cost of housing;
- i) 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;
- j) some of the policies contained within Section 3.4, Natural Environment Areas, of this Plan may also pertain to lands designated Settlement Areas.

3.3 AGRICULTURAL AREAS

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

3.3.1 General Directive

The vision for lands designated “Agricultural Areas” 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. It is the purpose of the goals and policies of this subsection to protect this important resource for the long term. Prime agricultural areas will be protected for agricultural uses. However, with over 90 percent of the County’s land within the Provincial definition of prime agricultural area, and with much of that area designated Agricultural Areas in this Official Plan, it is expected that there will be some pressure to permit development within the Agricultural Areas designation. Any such development proposals will only be allowed if adequate justification based on the growth management policies of this Plan are provided and if the proposed development is in accordance with Provincial Policy and if in accordance with the policies of this Plan. Only those non-farm developments that are proven to be necessary, properly located, properly serviced and in accordance with the policies of this Plan will be permitted.

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 Areas 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.

3.3.2 Goals

The following goals are established for those lands designated as Agricultural Areas on Schedule “A”:

- 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 Areas designation;
- c) to allow and encourage farm operators to engage in a wide range of agricultural activities;
- d) to permit the extraction of mineral resources in the Agricultural Areas designation as an interim land use in accordance with the policies of this Plan and Provincial Policy;
- e) to reduce the type and amount of non-farm development in the Agricultural Areas designation by encouraging the location of non-farm activities within the Settlement Areas identified on Schedule “A”;
- f) to ensure that expansions of existing Settlement Areas onto lands designated Agricultural Areas will only be considered if they are to be on full municipal services and in accordance with the policies of this Plan and Provincial Policy;
- g) to discourage lot creation in the Agricultural Areas and protect the agricultural land base in parcels that are appropriate for the type of agricultural use(s) common in the area and which

are sufficiently large to maintain flexibility for future changes in the type and size of agricultural operation;

- h) to ensure new farm and non-farm uses are situated in accordance with the Minimum Distance Separation Formula;
- i) to ensure that the level of servicing provided in the Agricultural Areas is appropriate for the development that is permitted and the land uses that are existing;
- j) to encourage the retention of woodlots as integral components of the farm operation for agroforestry and the other benefits woodlands provide.

3.3.3 Policies

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

- a) the predominant use of land shall be agricultural and associated uses including the growing of crops (including nursery and horticultural crops) the raising of livestock (including poultry and fish), forestry and conservation uses;
- b) although encouraged to locate within Settlement Areas where possible, other permitted uses in the Agricultural Areas designation include those farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required to be in close proximity to the farm operation;
- c) uses secondary to the principal use of the property, including home occupations, home industries and uses that produce value-added agricultural products from the farm operation on the same property are also permitted;
- d) the extraction of mineral resources (including non-metallic mineral resources, petroleum resources and mineral aggregate resources) is also permitted on lands within the Agricultural Areas designation, in the general locations shown on Schedule “B”, 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:
 - i) there is a substantial quantity of mineral aggregate below the water table warranting extraction; or
 - ii) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
 - iii) other alternatives have been considered and found unsuitable; and
 - iv) agricultural rehabilitation in remaining areas will be maximized;

- e) amendments to local Official Plans to permit minor expansions of built up areas into the Agricultural Areas designation, without an amendment to this Plan, shall only be permitted if:
 - i) existing designated areas within the local municipality do not have sufficient land supply to accommodate the growth projected for the municipality (land requirements will be determined in local Official Plans in accordance with the population projections and policies of this Plan and Provincial Policy); and
 - ii) there are no reasonable alternatives within the local municipality which avoid prime agricultural areas; and
 - iii) there are no reasonable alternatives with lower priority agricultural lands in the municipality; and
 - iv) the proposed expansion will be on full municipal services; and
 - v) direction of any such expansion is logical when considering the location of resources and matters of public health and safety as described in Provincial Policy; and
 - vi) the Minimum Distance Separation requirements are met;

- f) lot creation in the Agricultural Areas designation is discouraged and will only be permitted in accordance with policies contained in local Official Plans. In accordance with Provincial Policy, local Official Plans can permit lot creation for the following reasons only (or can be more restrictive):
 - i) new lots for agricultural uses may be permitted provided they 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 operation (as established in the local Official Plan and Zoning By-law);
 - ii) new lots may be permitted for agriculture-related uses; and
 - iii) new lots for residential uses may be permitted for:
 - 1. a farm retirement lot;
 - 2. a surplus dwelling; and
 - 3. residential infilling.

Any new lot for residential uses will be limited to a minimum size needed to accommodate the residence and an appropriate sewage and water system. Local municipalities are encouraged to consider the use of a “cap” in an attempt to limit the number of residential use lots created in the Agricultural Areas. The County will monitor the nature and amount of lot creation resulting from the consent process to ensure that the implementation of the land division policies is not negatively impacting the agricultural land base or agricultural

operations. This will occur on an annual basis and the policies will be reviewed to ensure impact on the agricultural land base and/or operations is minimized;

- g) limited non-residential uses may be permitted in prime agricultural area provided that:
 - i) there is a demonstrated need for additional land to be designated to accommodate the proposed use;
 - ii) there are no reasonable alternative locations which avoid prime agricultural areas; and
 - iii) there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural areas with lower priority agricultural lands;
 - iv) the Minimum Distance Separation requirements are met;
- h) all development within the Agricultural Areas designation shall be in accordance with the Minimum Distance Separation as established in Provincial Policy;
- i) it is the policy of this Plan to ensure that an appropriate level of servicing exists for the form of development that is both proposed and existing in accordance with the policies of this Plan;
- j) in prime agricultural areas, agricultural uses and normal farm practices will be promoted and protected;
- k) some of the policies contained within Section 3.4, Natural Environment Areas, of this Plan may also pertain to lands designated Agricultural Areas.

3.4 NATURAL ENVIRONMENT AREAS

This section contains the general directive, goals and policies for lands designated “Natural Environment Areas” on Schedule “A” of this Plan as well as areas that are designated “Agricultural Areas” and “Settlements Areas” but have significant natural heritage features or are adjacent to areas with significant natural heritage features. In effect, there are eight classifications of land for which this subsection contains goals and policies. The eight classifications and their descriptions are as outlined in Table 3.1 below.

**Table 3.1
Natural Environment Area Types**

Area Type	Description
1. Provincially Significant Wetlands and Significant Portions of the Habitat of Endangered and Threatened Species and Lands Designated in Local Official Plans	Designated Natural Environment Areas on Schedule “A”.
2. Lands Adjacent to Provincially Significant Wetlands and Significant Portions of the Habitat of Endangered or Threatened Species	A 120 metre area around the Natural Environment Areas which are designated on Schedule “A”. For exceptions see policy 3.4.3 b).
3. Fish Habitat	Preconsultation with Appropriate Conservation Authority based on approved criteria
4. Lands Adjacent to Fish Habitat	A 30 metre area from the high water edge of an aquatic habitat or as defined by an EIA process.
5. Many ANSI’s, Regionally Significant Woodlands and those Locally Significant Sites Designated for Protection in Local Official Plans	The underlying designation on Schedule “A” is applicable for the purposes of this Plan.
6. Lands Adjacent to ANSI’s, Regionally Significant Woodlands and Locally Significant Sites Designated in Local Official Plans	Generally a 50 metre area around the overlay area.
7. Other Significant Woodlands, Wildlife Habitat, Valleylands	A natural woodlot 2 hectares or larger in size as shown on the April, 2000 aerial photography and other areas identified in local Official Plans.
8. Lands Adjacent to Other Significant Woodlands, Wildlife Habitat, Valleylands	Generally a 50 metre area around the Other Significant Woodlands, Wildlife Habitat, Valleylands.

3.4.1 General Directive

Once destroyed, natural heritage features are difficult, if not impossible, to replace. The vision for lands designated “Natural Environment Areas” and other areas with natural heritage features and lands adjacent to areas with significant natural heritage features (areas 2 through 8 inclusive in the table above) is one which includes a strong commitment to protect, preserve and enhance those areas that exist within the County while respecting and maintaining, where in keeping with Provincial Policy, individual property rights. 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 areas and the creation of new areas to increase the amount of core natural area and linkages between them is encouraged.

This Plan acknowledges the importance of natural heritage features and considers them as integral parts of a healthy and vibrant community. It also respects individual property rights and attempts to balance the two interests while having regard to Provincial Policy. Accordingly, development within the Natural Environment Areas designation and on other lands affected by this subsection will only be permitted if in accordance with Provincial Policy and the policies of this Plan. All identified Provincially Significant Wetlands and Significant Portions of the Habitat of Endangered and Threatened Species, as well as some lands currently designated in local Official Plans are designated as Natural Environment Areas on Schedule “A” of this Plan and shall be designated in a comparable designation in the local Official Plans. Those identified ANSI’s, Regionally Significant Woodlands and Locally Significant Sites that are not designated for protection in local Official Plans, are depicted as an overlay on Schedule “A” of this Plan.

Local municipalities are encouraged to designate Regionally Significant Woodlands and ANSI’s in an appropriate natural heritage type designation in local Official Plans. ANSI’s and Regionally Significant Woodlands can be designated in accordance with the underlying Agricultural Areas designation. Development and site alteration within these areas may only occur in accordance with the policies contained within Provincial Policy and this subsection.

Local municipalities are also encouraged to designate Other Significant Woodlands, Wildlife Habitat and Valleylands in an appropriate natural heritage protection type designation in local Official Plans. Development and site alteration within these areas may only occur in accordance with the policies contained within Provincial Policy and this subsection. Development and site alteration on lands adjacent to the areas described above shall only be permitted if in accordance with Provincial Policy and the following goals and policies.

The policies below are considered the minimum and local municipalities are encouraged to go beyond the policies contained within this Plan and Provincial Policy to preserve, protect and enhance the natural heritage areas of Essex County.

3.4.2 Goals

The following goals are established for those lands designated as “Natural Environment Areas” on Schedule “A” as well as areas designated “Agricultural Areas” and “Settlements Areas” and have significant natural heritage features or are adjacent to areas with significant natural features (for a more specific depiction of the specific extent of these areas, refer to local Official Plans and Zoning By-laws):

- a) to facilitate and support the preservation, protection and enhancement of remaining areas with significant natural heritage features;
- b) to protect natural heritage features and areas from incompatible development;
- c) to prohibit development and site alteration on those lands designated as “Natural Environment Areas” on Schedule “A” of this Plan;
- d) to protect lands **within** and **adjacent to** areas with significant natural heritage features and fish habitat areas from incompatible land uses so as not to adversely affect the sustainability of these areas;
- e) to only allow development and site alteration **within** and **adjacent to** Fish Habitat, ANSI’s, Regionally Significant Woodlands, those Locally Significant Sites Designated for Protection in Local Official Plans, Significant Woodlands, Wildlife Habitat and Valleylands if it is established through an environmental impact assessment that the development and/or site alteration will result in no negative impacts on the natural features or the ecological functions for which the area is identified;
- f) 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;
- g) to increase the size of core natural areas and to create and protect important natural area linkages and corridors as part of linked greenway systems, connecting wildlife habitat areas to each other, human settlements to human settlements and people to nature. Intermunicipal co-ordination to accomplish this goal is encouraged.

3.4.3 Policies

The following policies are established for those lands designated as “Natural Environment Areas” on Schedule “A” of this Plan as well as areas designated “Agricultural Areas” and “Settlement Areas” and that have significant natural heritage features or are adjacent to areas with significant natural features:

a) **Lands Designated Natural Environment Areas**

Development and site alteration will not be permitted **within** those areas designated as “**Natural Environment Areas**”. The lands so designated include Provincially Significant Wetlands and significant portions of the habitat of endangered and threatened species as well as some lands currently designated in local Official Plans. An exception to the preceding policy is that activities that create or maintain infrastructure authorized under an environmental assessment process or work subject to the Drainage Act are not to be considered development or site alteration. However, where possible these activities should occur outside of areas designated “Natural Environment Areas”;

b) **Lands Adjacent to Lands Designated Natural Environment Areas**

Development and site alteration may be permitted on lands **adjacent to** areas designated as “**Natural Environment Areas**”, in accordance with the underlying land use designation, if it has been demonstrated to the satisfaction of the approval authority and/or the municipality, in consultation with the Ministry of Natural Resources and relevant Conservation Authority, that there will be no negative impacts on the natural features or the ecological functions for which the area was identified. Adjacent lands are defined as generally those lands within 120 metres of the “Natural Environment Areas” designation. Lands designated “Natural Environment Areas” on Schedule “A” include some sites in the Town of LaSalle which are Regionally Significant Woodlands or ANSI’s and are not Provincially Significant Wetlands nor significant portions of the habitat of endangered and threatened species. For these sites, adjacent lands are generally defined as lands within 50 metres of the designation. Refer to the local Official Plan for specific locations. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three which will normally be required prior to consideration of any Planning Act application or the issuance of any building permit;

c) **Lands Designated for Protection in Local Official Plans**

Many ANSI’s, **Regionally Significant Woodlands and those Locally Significant Sites that are Designated for Protection in local Official Plans** in a natural heritage preservation type designation. It is the policy of this Plan that these natural heritage preservation type designations and the corresponding policy direction be maintained;

d) **Fish Habitat**

Development and site alteration may be permitted **within** areas of **fish habitat** if it has been demonstrated to the satisfaction of the approval authority, in consultation with the Department of Fisheries and Oceans and relevant Conservation Authority, that there will be no negative impacts on the fish habitat. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three and Provincial guidelines which shall be required prior to consideration of any Planning Act

application or building permit. Any development and site alteration proposed must be in accordance with the underlying land use designation on Schedule “A” of this Plan and the land use designation and policies in the local Official Plan;

e) **Lands Adjacent to Fish Habitat**

Development and site alteration may be permitted on lands **adjacent to** areas of **fish habitat** if it has been demonstrated, to the satisfaction of the approval authority, in consultation with the Department of Fisheries and Oceans and the relevant Conservation Authority, that there will be no negative impacts on the fish habitat. Adjacent lands are defined as generally those lands within 30 metres of the fish habitat area. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three and Provincial guidelines which will normally be required prior to consideration of any Planning Act application and may be required prior to issuance of a building permit. Any development and site alteration proposed must also be in accordance with the underlying land use designation (either Agricultural Areas or Settlement Areas) on Schedule “A” of this Plan;

f) **Agriculturally Designated ANSI’s, Regionally Significant Woodlands and Locally Significant Sites**

Those **ANSI’s, Regionally Significant Woodlands and Locally Significant Sites that are designated as Agricultural in local Official Plans** may maintain the Agricultural designation and the corresponding policy direction although preservation of the natural heritage features is encouraged. Development and site alteration may be permitted **within** these areas highlighted as an overlay on Schedule “A” (but having an Agricultural Areas designation) if it has been demonstrated to the satisfaction of the approval authority, in consultation with the relevant Conservation Authority, that there will be no negative impacts on the natural features or the ecological functions for which the area was identified. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three which will normally be required prior to consideration of any Planning Act application. In those instances where a scoped environmental impact assessment is required, its purpose will be to address the appropriate manner of development, not whether development can proceed. Any development and site alteration proposed must be in accordance with the underlying Agricultural land use designation on Schedule “A” of this Plan and the Agricultural land use designation and policies in the local Official Plan;

g) **Lands Adjacent to Agriculturally Designated ANSI’s, Regionally Significant Woodlands and Locally Significant Sites**

Development and site alteration may be permitted on lands **adjacent to** those areas identified as **ANSI’s, Regionally Significant Woodlands and those Locally Significant Sites Designated for Protection in Local Official Plans** and highlighted as an overlay on

Schedule “A”, if it has been demonstrated, to the satisfaction of the approval authority, in consultation with the relevant Conservation Authority, that there will be no negative impacts on the natural features or the ecological functions for which the area was identified. Adjacent lands are defined as generally those lands within 50 metres of the ANSI’s, Regionally Significant Woodlands and those Locally Significant Sites Designated for Protection in Local Official Plan. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three which will normally be required prior to consideration of any Planning Act application. In those instances where a scoped environmental impact assessment is required, its purpose will be to address the appropriate manner of development, not whether development can proceed. Any development and site alteration proposed must also be in accordance with the underlying land use designation (either Agricultural Areas or Settlement Areas) on Schedule “A” of this Plan;

h) **Other Significant Woodlands, Wildlife Habitat and Valleylands**

Development and site alteration may be permitted **within** those areas described in Table 3.1 of this Plan as **Other Significant Woodlands, Wildlife Habitat and Valleylands** if it has been demonstrated, to the satisfaction of the approval authority, in consultation with the relevant Conservation Authority, that there will be no negative impacts on the natural features or the ecological functions for which the area was identified. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three which will normally be required prior to consideration of any Planning Act application. In those instances where a scoped environmental impact assessment is required, its purpose will be to address the appropriate manner of development, not whether development can proceed. Any development and site alteration proposed must also be in accordance with the underlying land use designation (either Agricultural Areas or Settlement Areas) on Schedule “A” of this Plan;

i) **Lands Adjacent to Other Significant Woodlands, Wildlife Habitat and Valleylands**

Development and site alteration may be permitted on lands **adjacent to** those areas described in Table 3.1 of this Plan as **Other Significant Woodlands, Wildlife Habitat and Valleylands**, if it has been demonstrated, to the satisfaction of the approval authority, in consultation with the relevant Conservation Authority, that there will be no negative impacts on the natural features or the ecological functions for which the area was identified. Adjacent lands are defined as generally those lands within 50 metres of the Other Significant Woodlands, Wildlife Habitat and Valleylands. Assessment of negative impact is to be determined by conducting an environmental impact assessment in accordance with Appendix Three which will normally be required prior to consideration of any Planning Act application. In those instances where a scoped environmental impact assessment is required, its purpose will be to address the appropriate manner of development, not whether development can proceed. Any development and site alteration proposed must also be in

accordance with the underlying land use designation (either Agricultural Areas or Settlement Areas) on Schedule “A” of this Plan;

j) **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 preconsult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges;

k) 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 3.1. 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;

l) 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 on the basis of the natural features or the ecological function for which the area has been identified (as shown on Schedule “A” and described in Table 3.1) and in the manner identified in Appendix Three. For example, if this Plan identifies a site as an ANSI or a Regionally Significant Woodland, the environmental impact assessment shall be prepared on the basis of that environmental classification.

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 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 Ministry of Natural Resources and 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 circumstances, will require amendment to implement the change. Similarly, if a site is identified as having a higher or lower classification by the Province or relevant Conservation Authority, or by a municipality through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan depending on the circumstances, will require amendment to implement the change. The

approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with natural environment features and/or functions.

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.

In areas other than those designated “Natural Environment Areas” on Schedule “A” of this Plan, altering the state of the natural environment features as a result of conducting permitted uses (i.e., clearing lands for agricultural purposes) 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 aerial photography as one of the tools to establish the baseline from which the alteration will be assessed;

- m) the extent and diversity of natural 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;
- n) in addition to the above policies, municipalities are also encouraged to, 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 a site plan 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;
- o) to recognize woodlots as viable components of farming operations;
- p) nothing in this Plan is intended to limit the ability of agricultural uses to continue on lands within the Natural Environment Areas designation as well as lands designated Agricultural

Areas 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. On lands designated Agricultural Areas and 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;

- q) it is the policy of this Plan to encourage tree planting. Recent or future tree plantations will not result in any new planning controls except through voluntary agreements by the owner of the subject property;
- r) the participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts will be encouraged;
- s) normal farm practices, including but not limited to, agroforestry and spraying, are permitted in all areas. 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;
- t) hunting, fishing and trail use activities by the property owner or with the permission of the property owner are permitted in all areas;
- u) 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.

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 County Strategy and planning principles 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.

4.2 AMENDMENTS TO THE COUNTY OFFICIAL PLAN

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. The boundaries of the land use designations on the schedules are intended to show general use areas and may be subject to minor variation without an amendment to this Plan provided any minor expansion of the Settlement Areas designation is contiguous to the areas designated and the minor expansion is in accordance with the policies of this Plan. The precise delineation of Settlement Areas and Natural Environment Areas are found in the local municipal Official Plans.

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. Minor changes, as determined by the County, do not require an amendment to this Plan.

This Plan has been prepared to accommodate all anticipated growth and development until the year 2016. An amendment to this Plan is required to permit the establishment of uses not provided for in this Plan, for significant changes in the Settlement Areas identified on Schedule "A" 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 in keeping with the general intent or purpose of the policy direction of this Plan;
- b) the benefit to the County including, but not limited to, social, environmental and financial benefits;

- c) the impact of the proposal on the County's resources;
- d) 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;
- e) the impact of the proposal on the transportation network;
- f) the extent to which the public has been consulted regarding the proposed amendment.

Justification reports that accompany amendment applications to expand the Settlement Areas designation of this Plan must be completed in accordance with Provincial Policy. The justification analysis to be provided may be done on an individual municipal basis. More specifically, the justification report pertaining to lands within a local municipality does not have to include a land supply analysis for any lands other than those within its own municipal boundaries.

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 incorporate mechanisms to monitor change, to review its policies and, if warranted, to make amendments.

The policies and designations of this Plan shall undergo a comprehensive review not later than 5 years from the date of its approval by the Minister of Municipal Affairs. The purpose of the review will be to:

- a) document the type and location of new development that occurred during the preceding 5 year period;
- b) project the nature of new development that can be expected during the subsequent 5 year period;
- c) review the continued appropriateness of the Plan's goals, policies and designations;
- d) formulate revised or new goals, policies and designations for land use.

Monitoring of this Plan will involve recording and appraising the significance of events, trends and decisions in relation to the policies of the Official Plan. The purpose of monitoring is to evaluate the effectiveness and relevance of the Plan. In order to effectively monitor the policies of this Plan, County Council shall institute a program for on-going monitoring of factors such as population and household forecasts, land use and development trends, economic conditions, the supply, demand and availability of land for development and employment purposes, the adequacy of municipal services, land costs and the state of the natural environment. Associated with the foregoing, County Council will prepare the following reports, in conjunction with the 5 year review of this Plan:

- a) review the number and type of housing starts and lot creation in the various County municipalities;
- b) review the supply of land available for housing and employment purposes;
- c) update population, household and employment forecasts to coincide with information provided by Statistics Canada;
- d) review the uncommitted reserve capacity of the water and sanitary sewage infrastructure, on a county wide basis, relative to expected growth;
- e) review the time frames associated with the processing of development applications.

As a priority, County Council shall establish baseline parameters to measure the quality of the natural environment and every five years will evaluate the state of the natural environment relative to the established baseline.

County Council, following the adoption of this Plan, shall determine the need to revise the Official Plan in whole or in part in consultation with the public and local municipalities at intervals of not more than every 5 years. In determining the need to revise the Official Plan, County Council will also require the preparation of a report which summarizes the types of planning applications received and the outcome of the monitoring process relative to the effectiveness and relevance of the policies of this Plan.

4.4 LOCAL OFFICIAL PLANS

It is not the intention of this Plan to prevent the development of areas with existing approved designations for development in local Official Plans notwithstanding that they are not within a Settlement Areas designation within this Plan (for example, the Amherstburg Industrial Park). 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 one year 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. It is acknowledged that the restructured Municipality of Leamington and the restructured Towns of Kingsville, Essex and Lakeshore are in the process of

preparing new Official Plans. The minor adjustments to the Settlement Areas required as a result of the land needs assessments undertaken by those municipalities are included on Schedule “A” of this Plan.

4.5 DEVELOPMENT CHARGES

Although there is currently no County Development Charge in place, the County may, from time to time, pass Development Charges By-laws in accordance with the relevant legislation in effect at the time. It is believed that such an approach may be used for financing future growth- related improvements to County Roads and their intersections.

4.6 LOT CREATION

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 is expected that approval of plans of subdivision/condominium, condominium conversions and part lot control exemption by-laws will soon become the responsibility of the County of Essex. 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

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 of Essex shall prepare a procedural manual outlining the process that it will follow for the processing of applications for plan of subdivision or condominium. County Council 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, County Council 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

County Council shall approve condominium conversions only after the necessary information has been submitted by the applicant and the required notification and evaluation criteria have been satisfied. 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

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. 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 INTERPRETATION

All of the text contained herein and the attached Schedules A, B, C and D constitute the Official Plan for the County of Essex. The designation boundary lines and the text of this Plan should not be interpreted in a legalistic, narrow or strict manner. This Plan is meant to be relatively flexible. Appropriate variations may be made by County Council, without an amendment to this Plan, where necessary and appropriate, provided that the general intent of the Plan is maintained.

Nothing in this Plan shall be interpreted as precluding the continuation of any use legally established prior to adoption of this Plan.

4.9 MUNICIPAL PLAN (ONE WINDOW) REVIEW

Notwithstanding other policies of this Plan, if the policies of this Plan require consultation with government Ministries for development applications under the Planning Act, the County and/or applicant shall consult with the Ministry of Municipal Affairs and Housing where the Ministry of Municipal Affairs and Housing is the approval authority.

In those instances where the County of Essex is the approval authority, the local municipality and/or the applicant shall consult with the County. The County will then consult with those agencies, such as the local Conservation Authorities, as deemed appropriate. The County will work with the Ministry of Municipal Affairs and Housing to encourage and facilitate pre-submission 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.

In keeping with the statutory requirements of the Planning Act, the municipality will forward all applications including amendment to their Official Plans, plans of subdivision applications, condominium applications and part lot control applications to the County of Essex, within the established time frames, for its review, comment and decision.

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 that regard has been had for Provincial policies, standards or guidelines. Where there is a disagreement between a local municipality and the County and/or the Ministry, an appeal may be filed with the Ontario Municipal Board.

4.10 PUBLIC CONSULTATION

County Council and local municipal Councils shall actively encourage public participation by seeking the opinions and the advice of 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.

4.11 ADJACENT MUNICIPALITIES

The County of Essex is bordered by the City of Windsor to the north west, 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 have orderly growth and the efficient provision of services to ensure the long-term health and prosperity of the entire area.

County Council shall, and local municipalities are encouraged to, 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; and
 - v) co-ordination of overall planning activities.

The County will, in conjunction with its local municipalities and municipalities in the area including those in southeastern Michigan, promote an effective and efficient system of infrastructure through the support and participation of regional, provincial and international infrastructure master plans.

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.

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:

- a) having County and local municipal participation in the regular review, monitoring and updating of the Windsor Area Transportation Master Plan;

- b) participation in the preparation of a biennial “State of the Transportation System Report” jointly written and prepared by the County, its local municipalities and the City of Windsor for submission to the respective Councils;
- c) 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; and
- d) identifying, co-ordinating and implementing fair and equitable funding sources for sharing capital and operating costs of region-wide transportation system improvements.

4.12 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.

4.13 PROVINCIAL POLICY

The goals and policies contained within this Official Plan were developed and adopted by County Council after having regard to Provincial Policy.

APPENDIX ONE

GLOSSARY OF TERMS

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:

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety on any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment of normal use of property; and
- interference with normal conduct of business.

Agricultural uses means the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agroforestry; maple syrup production; and associated on-farm buildings and structures.

Agriculture-related uses means those 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.

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

Areas of archaeological potential means areas with medium or high potential for the discovery of archaeological resources. This potential is based on the presence of a wide range of geographic and historical features which influenced past settlement. Archaeological potential is confirmed through archaeological assessment.

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 mineral potential are identified using accepted scientific methodology.

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.

Built heritage resources means one or more buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community.

Cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities. Such an area is valued by a community, and is of significance to the understanding of the history of a people or place.

Defined portions of a dynamic beach means those portions of the dynamic beach which are highly unstable and/or critical to the natural protection and maintenance of the first main dune feature and/or beach profile, where any development or site alteration would create or aggravate flooding or erosion hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

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 Detroit River, 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 aggregates that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available means designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (eg. secondary plans) are required before development applications can be considered for approval, only lands that have at least begun the more detailed planning process are considered to be designated for the purposes of this definition.

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 means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes-St. Lawrence River System and large inland lakes. The dynamic beach hazard limit includes the flooding hazard limit plus a dynamic beach allowance.

Ecological functions 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.

Endangered species means any native species, as listed in the Regulations under the Endangered Species Act, that is at risk of extinction throughout all or a significant portion of its Ontario range if the limiting factors are not reversed.

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 hundred year time span), an allowance for slope stability, and an erosion allowance.

Essential emergency services means services such as those provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Established standards and procedures means the following:

Floodproofing standard, which means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding, wave uprush and other water related hazards along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes, and flooding along river and stream systems.

Protection works standard, which means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damages caused by flooding, erosion, and other water related hazards, and to allow access for their maintenance and repair.

Access standard, which means a method or procedure to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding, erosion and/or other related hazards.

Farm retirement lot means one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994 or an earlier date set out in an existing official plan, and has owned and operated the farm operation for a substantial number of years.

Fish means fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat 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 and stream 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. The flood fringe is the area where development and site alteration may be permitted, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Ministry of Natural Resources.

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

Flooding hazards 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 100 year flood level plus an allowance for wave uprush and other water related hazards.
- b) Along river and stream systems, the flooding hazard limit is the greater of:
 1. 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;
 2. the one hundred year flood; or
 3. a flood which is greater than 1) or 2) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standards for that specific area by the Minister of Natural Resources.

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

Floodway (for river and stream systems) means the portion of the flood plain where development (other than uses which by their nature must be located within the floodway, flood and/or erosion control works, or where appropriate, minor additions or passive, non-structural uses which do not affect flood flows) 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 flood plain.

Where the two zone concept is applied, the floodway is the 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.

Hazardous lands means the 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, erosion 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, erosion or dynamic beach hazard limits. Along river and stream systems, this means the land, including that covered by water, to the furthest landward limit of the flooding or erosion hazard limits.

Hazardous sites means the 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.

Housing market area refers to an area, generally broader than a lower tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the county or regional municipality will normally serve as the housing market area. Where a housing market area extends significantly beyond county or regional boundaries, it may include a combination of counties and/or regional municipalities.

Infrastructure means physical structures that form the foundation for development. Infrastructure includes: sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Institutional uses means those uses, associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, the physically challenged or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

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.

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 means gravel, sand, clay, earth, shale, stone, limestone, dolostone, 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 an unusually large or rich concentration of valuable minerals identified within a small part of the Earth's crust.

Mineral aggregate operation means:

- a) lands under license or permit, other than for a wayside pit or quarry, 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, 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.

Minerals means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregates 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, truck, cycling, bus, rapid transit and rail.

Natural heritage features and areas means features and areas, such as significant wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant portions of the 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.

Negative impacts means:

- a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity;
- b) in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

One hundred year flood level means:

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of means of monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeding in any given year.

- b) in the connecting channels (Detroit River) the peak instantaneous stillwater level which has 1% chance of being equalled or exceeded in any given year.
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year water level and wind setups.

Other water related hazard means water-associated phenomena other than flooding and wave uprush which act on shorelines. This includes, but is not limited to ice, 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;
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Prime agricultural area means an area where prime agricultural land predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

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

Public service facilities means land, buildings and structures for the provision of public services, but does not include infrastructure.

Public services means programs and services provided or subsidized by a government or other public body. Examples include social assistance, recreation, police and fire protection, health and education programs and cultural services.

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

Reserve water and sewage plant capacity means design capacity in a centralized water and waste water treatment facility which is not yet committed to existing or approved development.

Residence surplus to a farming operation means one of two or more existing farm residences built prior to 1978 and surplus to the farm or an existing farm residence that is rendered surplus as a result of farm consolidation (farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation).

Residential infilling means the creation of a residential lot between two existing non-farm residences which are on separated lots of a similar size and which are situated on the same side of a road and are not more than 100 metres apart.

Residential intensification means the creation of new residential units or accommodation in existing buildings or on previously developed, serviced land and include infill, accessory apartment and rooming houses.

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

Secondary uses means uses secondary to the principal use of the property, including home occupation, home industries, and uses that produce value-added agricultural products from the farm operation of the property.

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 include: residences, day care centres, and educational and health facilities.

Sewage and water systems

Full municipal sewage and water services means piped sewage and water services that are connected to a centralized water and waste water treatment facility.

Communal services means sewage works and sewage systems, and water works that provide for the distribution, collection or treatment of sewage or water but which:

- a) are not connected to full municipal sewage and water services;
- b) are for the common use of more than five residential units/lots; and
- c) are owned, operated and managed by:
 - i) the municipality; or
 - ii) another public body; or

- iii) a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner.

Individual on-site systems means individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five residential units/lots.

Partial services means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Significant means:

- a) in regard to wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ministry of Natural Resources using evaluation procedures established by the province, as amended from time to time.
- b) in regard to other features and areas 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. Criteria for determining significance may be recommended by the province, but municipal approaches that achieve the same objective may also be used.
- c) in regard to other matters, important in terms of amount, content, representation or effect.

Significant archaeological resources means the remains of any building, structure, activity, place or cultural feature, which because of the passage of time is on or below the surface of the land or water, and which has been identified and evaluated and determined to be significant to the understanding of the history of a people or place. The identification and evaluation of this resource is based upon an archaeological assessment.

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

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 address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development.

Specialty crop land means areas 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.

Threatened species means any native species that is at risk of becoming endangered through all or a portion of its Ontario range if the limiting factors are not reversed.

Utility corridors means routes for the transmission of oil and natural gas, hydro electric 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.

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.

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 such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance.

APPENDIX TWO

CLOSED LANDFILL SITES

MINISTRY SITE NO.	APPROXIMATE LOCATION (DESCRIBED BY FORMER MUNICIPALITY)	YEAR CLOSED
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
5089	Mersea, Lot 17, Concession 6	1970
5090	Mersea, Lots 1 and 2, Concession 5	1970
5091	Mersea, Lot 1, Concession 2	1969
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
5103	Anderdon, County Road 20	1969
5104	Anderdon, County Road 20	1969

MINISTRY SITE NO.	APPROXIMATE LOCATION (DESCRIBED BY FORMER MUNICIPALITY)	YEAR CLOSED
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
5105	Colchester North, Lot 9, Con. S.M.R.	1969

**APPENDIX THREE
GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENTS**

Natural Environment Classification Type (Coincides with Table 3.1)	Amendments to Official Plans/ Zoning By-laws, Subdivisions, Multi Lot Consents, Condominiums	Site Plan Control Applications Including Greenhouses and Large Agricultural Buildings	Agricultural Severances	Minor Variances	Building Permits
Provincially Significant Wetlands and Significant Portions of the Habitat of Endangered and Threatened Species	Development Not Permitted	Development Not Permitted	Development Not Permitted	Development Not Permitted	Development Not Permitted
Lands Adjacent to Provincially Significant Wetlands and Significant Portions of the Habitat of Endangered or Threatened Species	Full	Full	Scoped	Scoped See Note 2 Below	Scoped See Note 2 Below
Fish Habitat	Most development not permitted, requires fish habitat study.	Most development not permitted, requires fish habitat study.	Most development not permitted, requires fish habitat study.	Most development not permitted, requires fish habitat study.	Most development not permitted, requires fish habitat study.
Lands Adjacent to Fish Habitat (Normally within 30 metres)	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Department of Fisheries + Oceans	Consult Criteria of Department of Fisheries + Oceans
ANSI's, Regionally Significant Woodlands and those Locally Significant Sites Designated for Protection in Local Official	Full	Full See Note 4 Below	Scoped	Scoped	Scoped See Note 6 Below

Natural Environment Classification Type (Coincides with Table 3.1)	Amendments to Official Plans/ Zoning By-laws, Subdivisions, Multi Lot Consents, Condominiums	Site Plan Control Applications Including Greenhouses and Large Agricultural Buildings	Agricultural Severances	Minor Variances	Building Permits
Plans					
Lands Adjacent to ANSI's, Regionally Significant Woodlands and those Locally Significant Sites Designated for Protection in Local Official Plans	Full	Full (often scoped)	Scoped See Note 2 Below (often checklist only)	Scoped See Note 2 Below	Checklist See Notes 2 and 6 Below
Other Significant Woodlands, Wildlife Habitat, Valleylands	Full	Full See Note 4 Below	Scoped	Scoped	Scoped See Note 6 Below
Lands Adjacent to Other Significant Woodlands, Wildlife Habitat, Valleylands	Full	Scoped See Note 2 Below (often checklist only)	Scoped See Note 2 Below (often checklist only)	Checklist See Note 2 Below	Checklist See Notes 2 and 6 Below

Notes to Table

1. Environmental Impact Assessments (EIA's) should be based on the County of Essex, April 2000 aerial photography to be valid.
2. Where barriers exist such as roads, EIA's usually will 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 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.
4. Development is discouraged as it is very unlikely to have "no negative" impacts.

5. 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.
6. 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.

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

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.

Description

1. Proponent name and full contact information.
2. Purpose of the proposal.
3. Statement of rationale for the undertaking.
4. Alternative forms that tile 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.

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 hydrological functions of the natural area:
 - groundwater recharge/discharge
 - flood attenuation
 - upstream flood detention
 - water quality improvement (pollution uptake, nutrient trap)
 - g. Documentation of social and economic uses of the natural area (including hunting, trapping, fishing, education, nature appreciation, and research studies).

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 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.

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. (e.g. Regionally Significant Woodland, ANSI, Candidate Natural Heritage Site, etc.) and whether the proposal is within or "adjacent".
5. Identify and comment on the existing significant natural features, linkages, and ecological functions in the vicinity and potential impacts of the proposed development.
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 = 21800 s.f. Or 0.2 ha = 2000m². 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 site specific mitigation is required in addition to the measures identified in the "Checklist" (see 3.4).

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

It is intended that for certain applications on "adjacent lands", (as generally outlined in Table 3.1) the 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 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 the requirement 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. 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.
