
9.0 DEVELOPMENT SENSITIVITY AREAS

This section of the Official Plan identifies areas or features considered sensitive to development due to the presence of physical hazards, noise, odours and similar impacts. All proposals and initiatives should be vetted against this section to ensure they are not on lands lying in proximity to such areas or features or, if being the case, the necessary measures are taken to mitigate the potential for adverse impact.

9.1 HAZARDOUS LANDS

West Elgin lies partially within the watershed of the Thames River and partially within the watershed of Lake Erie. Lands primarily associated with the Thames River and its tributaries and the Lake Erie shoreline and the streams and gullies flowing into it are hazardous or potentially hazardous to development and a risk to life and property. Such hazards arise within these areas as a result of susceptibility to flooding, erosion, subsidence, slumping, inundation and the presence of steep slopes.

Since 2006, conservation authorities across the Province have been required by law to establish a 'regulatory line' within which certain restrictions and procedures would apply to development and the use and alteration of land. Approval of the Lower Thames Valley Conservation Authority is required where development is being considered. Development is defined broadly under the regulation adopted by the Authority.

9.1.1 Lands Affected

Lands identified as 'Hazardous Land' areas on Schedule 'H' comprise the area identified by regulation of the Lower Thames Valley Conservation Authority as potentially unsafe to development as a result of naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soil or bedrock. Within these areas, development shall not be permitted unless the Authority has determined that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

9.1.2 Meaning of Development

Development on 'Hazardous Lands' for the purposes of this Plan shall include:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- b) any change to a building or structure which would have the effect of altering its use or potential use, increasing its size, or increasing the number of dwelling units therein,
- c) site grading, or
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

9.1.3 Uses, Buildings and Structures

Within 'Hazardous Land' areas, the use of land shall be governed by the policies applying to the underlying land use designation. No buildings or structures shall be permitted and no building permit shall be issued by the Municipality without the express written approval of the Lower Thames Valley Conservation Authority. Applications for building permits within these areas shall be referred to the Conservation Authority for review and comment. The Municipality shall rely on the mapping of the Conservation Authority to determine whether the lands affected lie within the area regulated by the Authority

9.2 LANDFILL SITES

There is one active and a number of abandoned or closed landfill sites in West Elgin. The only active landfill site is a municipally-owned and operated situated in the south half of Lot B, Concession VII. Most of the abandoned/closed landfill sites are situated in the 'Rural Area' although one is situated in the northeast quadrant of the 'Village Area' of Rodney. Active and abandoned/closed landfills have a potential for adverse impacts to public health and safety as a result of the migration of methane gas and leachate.

9.2.1 Methane Gas and Leachate

Within active or abandoned/closed landfill sites as shown on Schedule 'H' and within 500 metres of the perimeter of the fill area associated with such landfill sites, soils, atmospheric and groundwater testing for methane gas and leachate migration may be required prior to the approval of any development or the issuance of a building permit.

9.2.2 Abandoned and Closed Landfill Sites

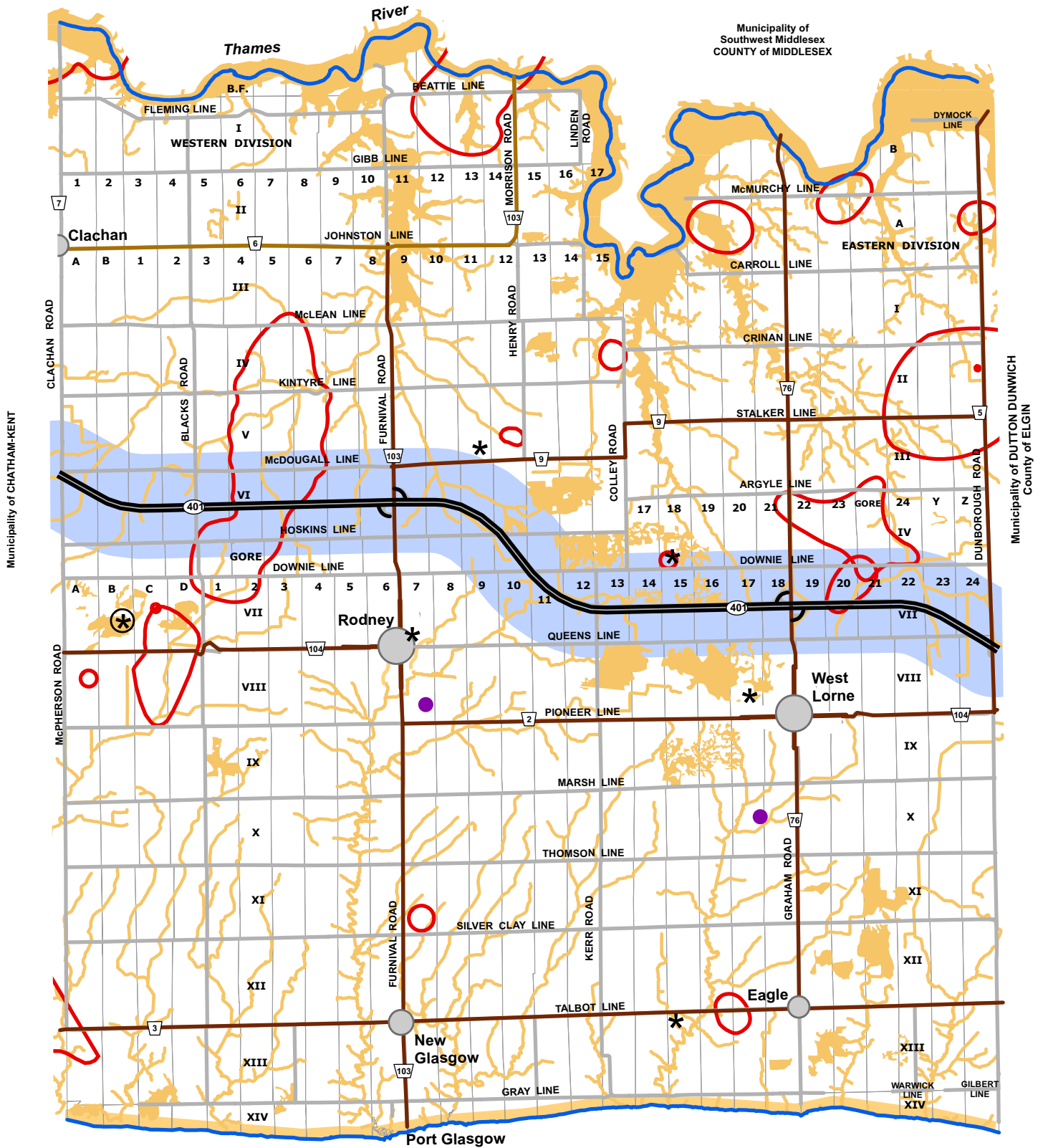
In accordance with the Environmental Protection Act, no use shall be made of abandoned or closed landfill site for a period of 25 years without the consent of the Ministry of Environment.

9.3 SEWAGE WORKS

There are two sanitary sewage works in West Elgin, one serving Rodney in the southeast quadrant of the former village and the other serving West Lorne in part of Lot 18, Concession X lying south of Marsh Line and west of Graham Road. Both facilities feature a mechanical type plant and a sewage lagoon used in the sludge settling process of wastewater treatment. Such plants have a potential to emit an odour unpleasant to the enjoyment of property, particularly residential property. The Ministry of Environment recommends a minimum separation distance of 100 metres between sewage treatment plants and sensitive land uses.

9.3.1 Odour Impacts

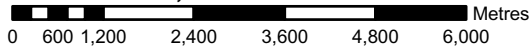
Within 100 metres of a sewage works as shown on Schedule 'H', the impact of odour on residential and other sensitive land uses shall be determined and



Lake Erie

- PROVINCIAL HIGHWAY
- COUNTY ROAD
- LOCAL ROAD

SCALE 1:100,000



HAZARDOUS LANDS	
PETROLEUM RESOURCE POOL	
NOISE SENSITIVITY AREA	1 km adjacent lands buffer
SEWAGE TREATMENT PLANT	100 m adjacent lands buffer
LANDFILL SITE (ACTIVE)	500 m adjacent lands buffer
LANDFILL SITE (CLOSED/ABANDONED)	500 m adjacent lands buffer

where necessary, appropriate measures implemented. Such measures may include various forms of buffering and minimum setbacks. Where development is relatively minor in nature (such as infilling, replacement of, or additions to, existing dwellings) or where the odour impact is not known to be significant, such studies shall not be required.

9.4 BROWNFIELD SITES

While extensive areas of so-called brownfield sites are not evident in West Elgin, contaminated lands do exist as a result of previous oil production activity, railway operations and former commercial and industrial uses. Where such lands exist, measures are necessary to determine whether a risk exists to public health and safety prior to such lands being used or redeveloped for other purposes.

9.4.1 Studies and Record of Site Conditions (RSC)

Prior to approval being given for the use or development of lands which may result in health or safety risks to the public or future occupants as a result of previous uses or activities, the necessary studies shall be prepared by the proponent to determine the appropriateness of such use or development including any required remedial measures. Where there is a change in use from commercial, industrial or similar type uses to residential, institutional and similar sensitive type uses, a Record of Site Conditions (RSC) prepared by qualified persons in accordance with regulations under the Environmental Protection Act shall be required. Decommissioning and/or remediation of the site may be necessary prior to development. The RSC shall be prepared by the proponent and submitted to the Ministry of Environment and the Municipality. Where the Municipality has reason to believe off-site contamination may result in adverse effects, it shall notify the Ministry of Environment.

9.4.2 Remediation, Reuse and Conversion

The remediation, conversion and reuse of *brownfield sites* shall be strongly encouraged.

9.5 OIL AND GAS WELLS

Minimum setbacks for buildings and structures unrelated to production shall be maintained from oil and gas wells as prescribed in the Zoning By-law. Abandoned gas and oil wells shall be plugged in accordance with the Oil, Gas and Salt Resources Act and shall be a condition of any proposed development. Existing petroleum resource pools identified by the Ministry of Natural Resources are shown on Schedule 'H'. These areas shall be protected from development which would adversely affect future extraction.

9.6 COMMERCIAL GRAIN DRYING FACILITIES

There remains only one commercial grain handling facility in West Elgin, situated west of Rodney. In addition, there are an unknown number of custom grain handling facilities on farms throughout the rural area. The Ministry of Environment has identified a potential influence area of 300 metres around these facilities where a potential exists for adverse impacts due to noise and dust on sensitive land uses (i.e. residential, institutional).

9.6.1 Noise and Dust Impacts

Within 300 metres of a commercial grain drying facility, the impact of noise and dust on residential and other sensitive land uses shall be determined and where necessary, appropriate measures implemented as a condition of development. Such measures may include various forms of buffering and minimum setbacks. Where development is relatively minor in nature (such as infilling, replacement of, or additions to, existing dwellings), such studies may not be required.

9.7 LANDS ADJACENT TO EXPRESSWAYS

The Municipality of West Elgin is virtually bisected by Highway No. 401, a four lane, divided expressway. As a result of the potential for adverse noise impacts, the Ministry of Environment has established guidelines with respect to new residential development adjacent to such facilities. Between 55 dBA and 70 dBA, noise attenuation measures are generally necessary and effective. Beyond 70 dBA, residential development is generally not advisable.

9.7.1 New Development

Prior to considering any new residential development within 1 km of Highway No. 401 as shown on Schedule 'H', the proponent shall engage the services of an engineer knowledgeable in acoustics to undertake a noise study. The study shall identify the total noise impact from all sources on the lands proposed to be developed and shall determine whether noise control measures are required to satisfy the Ministry of Environment's sound level criteria of 55 decibels (dBA).

9.7.2 Noise Abatement Measures

Where a need for noise abatement measures is determined, the recommended noise reduction measures shall be designed and implemented to the satisfaction of the Municipality in consultation with the Ministry of Environment. Abatement measures may include noise barriers, increased setbacks and building design features.