
3.0 ENVIRONMENTAL PROTECTION

This section of the Official Plan identifies matters affecting the environment and, in particular, the Municipality's natural heritage. Where a proposed change in land use has the potential to adversely affect the environment, regard shall be had to this section.

Environmental protection in West Elgin, as elsewhere, is on the rise and an increasingly important element in many municipal and most planning-related decisions. The Municipality is capable of playing a meaningful role at the local level in preventing environmental degradation, remediating substandard environmental conditions and in achieving a healthy and sustainable environment.

West Elgin is also an area rich in natural heritage which warrants protection and enhancement for existing residents and future generations. Wetlands and woodlands are abundant and found throughout the Municipality. A total of 18 wetlands have been recognized by the Ministry of Natural Resources in West Elgin, 13 of which are considered provincially significant. West Elgin lies within the Carolinian Canada Zone considered one of the most biologically diverse regions in Canada. Forest cover is recognized as being above average at 18%.

The Municipality's most significant watercourse and, by extension, a significant valleyland in the context of the Provincial Policy Statement (PPS) is the Thames River. It has also been designated a Canadian Heritage River for its unique natural, human and recreational values. Flowing in a meandering fashion from east to west, it forms the northern boundary of the municipality. Also significant from a natural heritage perspective is West Elgin's roughly 20 kilometres (12 miles) of Great Lake's shoreline characterized for the most part by high, steep, eroding bluffs.

The only area identified in West Elgin, at this point in time, as constituting a habitat of an endangered or threatened species lies along the Lake Erie shoreline at the westerly end of the Municipality and extending into the Municipality of Chatham-Kent. This area, which has also been identified as an area of natural and scientific interest (i.e. ANSI) by the Ministry of Natural Resources, is an active nesting area of the bald eagle – an endangered species.

While there are believed to be a number of significant woodlands in West Elgin, they have not been individually evaluated in this respect. On the other hand, there is only one significant ANSI, being the aforementioned area along the Lake Erie shoreline and one significant valleyland, being the valley associated with the Thames River which forms the northern boundary of West Elgin.

3.1 GOALS AND OBJECTIVES

The following goals and objectives are intended to preserve, protect and enhance the natural environment of West Elgin:

- a) To prevent the release of toxic or similar substances into the air, water and land,
- b) To adopt environmentally-friendly and responsible measures in local decision-making,
- c) To recognize and protect natural heritage features and to prevent any adverse impact of development or site alteration on such features,
- d) To enhance natural heritage features in terms of their ecological function, diversity, connectivity and scenic quality,
- e) To improve the quality and quantity of surface and groundwater resources, and
- f) To promote the sustainable use of surface and groundwater resources.

3.2 ENVIRONMENTAL ACTION

3.2.1 Release of Toxic and Similar Substances

The Municipality shall use its best efforts and the opportunities afforded it to prevent the release of toxic and similar substances into the air, water and land through its review and evaluation of such matters as development proposals, nutrient management plans and property maintenance issues.

3.2.2 Environmentally-friendly and Responsible Measures

The Municipality shall adopt environmentally-friendly and sustainable measures in undertaking its responsibilities, wherever required or feasible to do so, with respect to the provision, up-grading, operation and maintenance of municipal services and facilities.

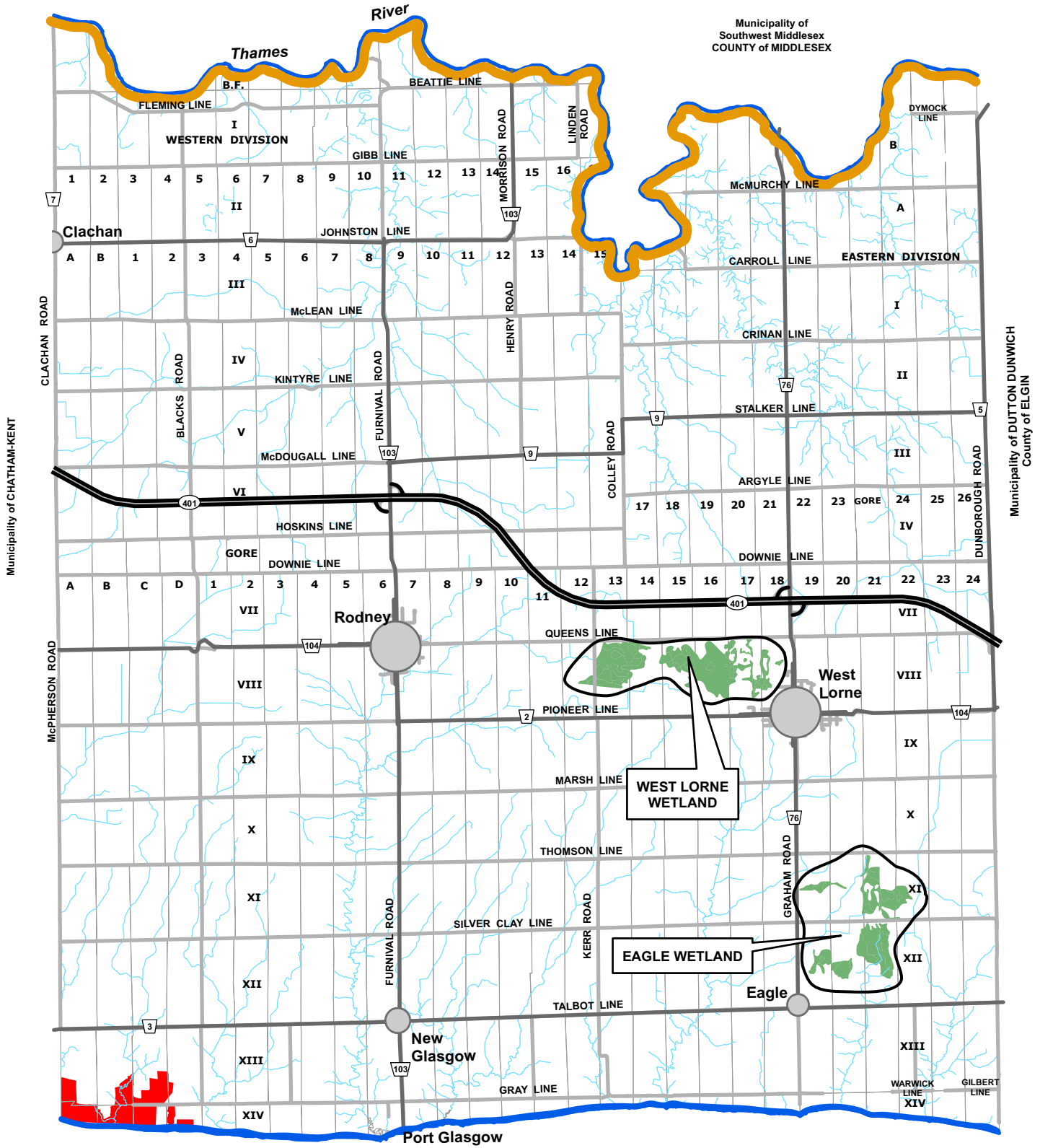
3.2.3 Environmental Concerns

Environmental concerns raised with respect to a proposed initiative, change in land use or as a result of a proposed development or redevelopment, shall be addressed by the proponent where such concerns or issues are considered legitimate. In determining which concerns or issues may be legitimate, the Municipality may seek the assistance and advice of the Province and the Lower Thames Valley Conservation Authority.

3.3 NATURAL HERITAGE

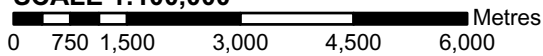
3.3.1 Meaning

Natural heritage features in West Elgin shall include wetlands, areas of natural and scientific interest, the valley of the Thames River, the Lake Erie shoreline and woodlands as shown on Schedule 'B' and other areas considered to be of significant natural, ecological and/or scenic importance including habitat of endangered and threatened species, and fish habitat and wildlife habitat. The term 'significant' shall be defined within the meaning of the Provincial Policy Statement.



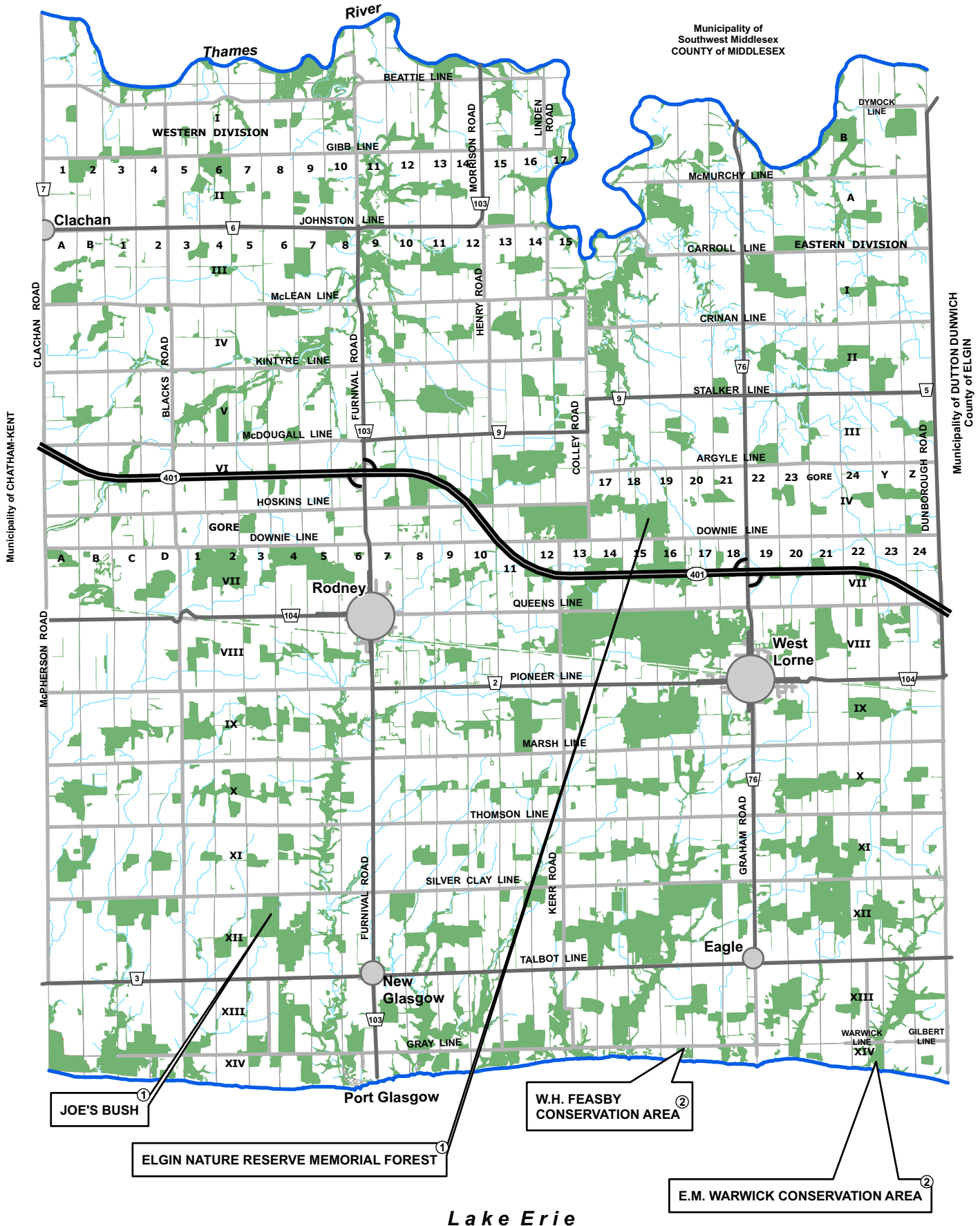
Lake Erie

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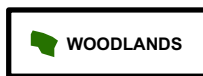


- PROVINCIALY SIGNIFICANT WETLAND
- ANSI
- VALLEYLANDS
- SHORELINE
- FOR IDENTIFICATION PURPOSES ONLY

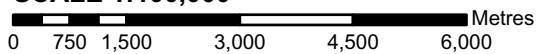
SOURCE: Ministry of Natural Resources



- ① MUNICIPALITY OF WEST ELGIN
- ② LOWER THAMES VALLEY CONSERVATION AUTHORITY



SCALE 1:100,000



SOURCE: Southern Ontario Land Resource Information System (SOLRIS)

3.3.2 Intent

It is intended that significant natural heritage features are protected from development and site alteration which may threaten their integrity over the long term. The Municipality shall support the protection, restoration, conservation, enhancement and maintenance of natural heritage features to the extent its authority and resources permit and provided that the legitimate rights of affected property owners are not infringed upon. The Municipality further recognizes the importance of creating, maintaining and enhancing linkages between natural heritage features and surface and groundwater resources.

3.3.3 Wetlands

Development or site alteration shall not be permitted in provincially or locally significant wetlands. On adjacent lands, development or site alteration shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated there will be no negative impact on the natural heritage feature or on its ecological function. Adjacent lands are generally considered to be a minimum of 120 metres in the case of a provincially significant wetland and 30 metres in the case of a locally significant wetland.

3.3.4 Habitat of Endangered or Threatened Species

Development or site alteration shall not be permitted in any area identified by the Ministry of Natural Resources as significant habitat of endangered or threatened species. On adjacent lands, generally considered to be lands within 50 m of such habitat, development and site alteration shall not be permitted unless the ecological function of the lands has been evaluated and it has been demonstrated that there will be no negative impact on the habitat or on its ecological function.

3.3.5 Fish Habitat

Development and site alteration shall not be permitted in waters identified as fish habitat except in accordance with provincial and federal legislation and policies for the protection of fish and fish habitat. On adjacent lands, generally considered to be lands within 30 m of such areas, development and site alteration shall not be permitted unless it has been demonstrated there will be no negative impact on the fish habitat or on its ecological function. Fish habitat includes 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. All watercourses, lakes, ponds (other than man-made off-stream ponds), municipal drains and wetlands shall be deemed to be fish habitat unless it can be demonstrated otherwise to the satisfaction of the authority having jurisdiction.

3.3.6 Wildlife Habitat

Development and site alteration shall not be permitted in areas deemed to be significant wildlife habitat. On adjacent lands, generally considered to be lands within 50 m of such areas, development and site alteration may be permitted where it can be demonstrated that there will be no negative impacts on the wildlife habitat or its ecological function.

3.3.7 Woodlands, ANSI's and Valleylands

Development and site alteration is only permitted in significant woodlands, ANSI's and valleylands where it is demonstrated there will be no negative impact on the natural feature or on its ecological function. Not all woodlands shown on Schedule 'B' Map 2 are significant within the meaning of the Provincial Policy Statement. Whether a woodland is deemed to be significant shall be determined at the development stage in consultation with the Lower Thames Valley Conservation Authority. In the case of significant woodlands and

significant ANSI's, development on adjacent lands, generally considered to be lands lying within 50 m of such areas, is subject to the same evaluation.

3.3.8 Meaning of Development and Site Alteration

Development means the construction of buildings or structures, a change in use or the creation of a lot that requires approval under the Planning Act. It does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the Drainage Act. Site alteration means activities such as grading, excavation, and the placement of fill that would change the landform and natural vegetative characteristics of a site.

3.3.9 Impact of Development and Site Alteration

Where development or site alteration is proposed and potentially permitted within a significant natural heritage feature or on adjacent lands, a study shall be prepared and completed to accepted standards by persons qualified in such matters that demonstrate that there will be no negative impact on the natural heritage feature and its ecological function. The proponent shall consult with the Municipality and the Ministry of Natural Resources or the Lower Thames Valley Conservation Authority, as the case may be, to determine the scope and the level of effort of the study. The study shall address, but not be necessarily limited to, the following:

- a) a description of the proposed development and its purpose, the nature and duration of potential impacts to the site, adjacent lands and ecological processes and the potential cumulative effects of the proposed development;
- b) a description and statement of the rationale for the development, alternative methods of carrying out the development and the alternatives to the development;
- c) an environmental description including ecological processes that will be affected or that might reasonably be expected to be affected;
- d) a description of the effects that may be caused or that might reasonably be expected to be caused to the natural environment including ecological processes; and
- e) the actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effect or the effects that might reasonably be expected upon the natural environment, including ecological processes.

The Municipality shall consult with the Lower Thames Valley Conservation Authority and the Ministry of Natural Resources or require a third party peer review in rendering a decision on the study.

3.3.10 Woodlots

The retention of woodlots or portions of woodlots that are not considered significant is also encouraged. Wherever possible and practical, additional trees shall be planted to replace trees removed as a result of development. The preservation and/or provision of roadside trees and fence-line tree planting is encouraged except where a safety issue is apparent.

3.3.11 Tree Cutting and Planting

The Municipality recognizes the importance of trees, woodlots and woodlands. The cutting of trees and the clearing of woodlots shall only be permitted in accordance with the County of Elgin Woodlands Conservation By-law. In such cases, the owner shall be encouraged to plant and maintain a woodlot, equivalent or superior in size, species and/or quality to the area to be cleared,

elsewhere in West Elgin. The Municipality shall support, to the extent its resources permit, the efforts of other public bodies, organizations and landowners to improve the amount and quality of woodlands in West Elgin.

3.3.12 Land Ownership

Natural heritage features are, for the most part, privately owned. Their designation as natural heritage features is not intended to infer that such lands are free and open to the general public or that the lands will be acquired or assumed by the Municipality or any other public body.

3.4 WATER RESOURCES

The water resources of West Elgin include the Thames River which bounds the Municipality on the north and Lake Erie which bounds the Municipality on the south as well as numerous streams and creeks which flow into these respective water bodies. Also included are groundwater resources on which a large part of the 'Rural Area' depends as a source of water. Measures and practices are necessary to reduce or eliminate the potential for impairment of the quality and quantity of the Municipality's surface and groundwater resources.

3.4.1 Source Water Protection Plan

The Municipality shall actively participate in the preparation and implementation of a source water protection plan in accordance with the Clean Water Act and led by the conservation authorities designated for these purposes.

3.4.2 Adverse Impacts

Where development is being proposed that may have an adverse impact on the Municipality's water resources, the proponent shall be required to submit a report prepared by a person or persons qualified in this field to identify and evaluate such impacts and the measures which are feasible to mitigate these impacts.

3.4.3 Sustainable Use

The Municipality shall promote efficient and sustainable use of its water resources by adopting water conservation measures and sustaining water quality through such measures as maintaining appropriate sewage rates in areas served by municipal treatment plants, the preparation and implementation of nutrient management plans for livestock operations, requiring stormwater management plans for new development and promoting appropriate use and maintenance of individual and communal waste disposal systems and the use of low nitrate generating systems.

3.4.4 Partnerships

The Municipality shall co-operate with the Lower Thames Valley Conservation Authority and other interested groups to identify and implement cost effective measures for protecting, improving and restoring the quality and quantity of the water resources of West Elgin.

3.4.5 Stormwater Management

Studies may be required for undeveloped areas prior to development to minimize stormwater runoff and contaminant loads as well as to maintain or enhance vegetative and pervious surfaces. Such studies shall be prepared, where appropriate to do so, on a sub-watershed basis as opposed to a land ownership basis. Stormwater Management facilities shall not be permitted in provincially significant wetlands. In the preparation and evaluation of such studies, the Lower Thames Valley Conservation Authority shall be consulted. All design parameters for stormwater management shall be approved by the Municipality, the Ministry of Environment and the Lower Thames Valley Conservation Authority. A certificate of approval shall be required from the Ministry prior to construction.

3.4.6 Watershed Boundaries

Rodney and West Lorne are situated partially within the watershed of the Thames River and partially within the watershed of Lake Erie. Within these settlements, there are a number of sub-watersheds stemming from a series of drains. In the case of Rodney, these include the Milton Drain and the Wismer Drain while in the case of West Lorne, they include the Trigger Drain and the Wilton Outlet Drain. Modifications to the boundaries of sub-watersheds may be required as a result of minor re-grading to facilitate development. Such modifications shall be subject to the approval of the Municipality and the Lower Thames Valley Conservation Authority.