



# MUNICIPALITY OF WEST ELGIN

## OFFICIAL PLAN

**JULY 2023**

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# 1 INTRODUCTION

## 1.1 Context for the Plan

The Municipality of West Elgin (also referred to as Municipality within this document) is located in southwestern Ontario in Elgin County, approximately 30 kilometers south of the City of London. The Municipality is home to approximately 5,060 people (2021). The Municipality was formed in January 1998 by the amalgamation of the Township of Aldborough and the Village of West Lorne, with the Village of Rodney having been previously amalgamated with the Township of Aldborough in March 1993. The Municipality's landscape is characterized by its farm fields and location between the shores of Lake Erie and the Thames River. Ontario's main highway, the 401, passes through the Municipality, providing direct access to Windsor and Detroit (to the west) and the Greater Golden Horseshoe (to the east). The Municipality's setting provides recreational and economic opportunities, while protecting the natural beauty of the area.

The Municipality's Official Plan (OP) is prepared in accordance with the *Planning Act*, R.S.O. 1990, c. P. 13. (*Planning Act*), which provides municipalities with a set of requirements to follow when preparing an Official Plan. In accordance with the *Planning Act*, municipalities are required to review their Official Plans every five years to determine whether updates are required to the Official Plan to address prescribed matters and any directions set out in the *Planning Act*. Municipalities are also required to review their Official Plans following the approval of an upper-tier official plan within one year of their approval to ensure that the local Official Plan conforms to that of the upper-tier. The current, in-force, Municipality of West Elgin Official Plan (OP) was adopted by the Municipality in 2008 and approved by the province in 2011. Since that time, a number of revisions to the *Planning Act* and Provincial Policy Statement (PPS) have been made that require the Municipality to revisit the OP in order to ensure it remains consistent with Ontario's present-day legislative and policy planning framework.

## 1.2 Basis for the 2022 Plan

In 2020, the Municipality of West Elgin initiated the process of developing a New Official Plan to direct growth and **development** in the Municipality for the next 20 years and beyond. The basis for this 2022 Official Plan includes the PPS, 2020, the County Official Plan (2013) along with a Policy Directions Report (2022) which examines the detailed policy context, growth trends and projections, growth management as well as agriculture, natural resources and natural hazards. The preparation of the New Official Plan also included meetings with Council, regular engagement with the Technical Advisory Committee (TAC), and consultation with the public.

This Plan is intended to provide planning guidance for a planning period of 2022-2046. For additional detail on the basis for the Official Plan, refer to Part 2 – Official Plan Objectives.

This Plan was adopted by the Municipality of West Elgin in (MONTH) of 2023 and approved by the County of Elgin on (MONTH) of (YEAR).

### 1.3 Effect of the Plan

After this Official Plan is approved by Council and adopted pursuant to the *Planning Act*, no work shall be undertaken and, except as provided for under the *Planning Act*, no By-law shall be passed for any purpose that does not conform to the Plan.

### 1.4 Organization and Interpretation of the Plan

#### 1.4.1 Official Plan Contents

The Official Plan includes the policies and text within the Plan, along with the Schedules and Definitions. Material changes to the text and schedules of this document require an Official Plan Amendment. Minor changes, including any formatting, typographical errors and numbering changes do not require an Official Plan Amendment. Updates or modifications, for instance minor boundary adjustments, to the maps within this Official Plan do not require an Amendment.

#### 1.4.2 Organization of the Plan

The Plan consists of twelve Parts:

**Part 1 – Introduction** includes the rationale for the update to the Official Plan and details on the effect, organization and interpretation of the content included.

**Part 2 – Official Plan Objectives** establish the direction for the policies in the corresponding sections in the body of the Official Plan.

**Part 3 – Growth Management** is comprised of the Growth Forecast, Growth Strategy and Urban Structure.

**Part 4 – Economic Development** provides an overview of the objectives for Economic Development.

**Part 5 – General Policies** is comprised of policies that are generally applicable throughout the Municipality, regardless of land use designation.

**Part 6 – Environment and Resource Policies** is comprised of content on Natural Heritage, Natural Hazard Lands, Water Resources, Mineral Aggregate Resources, Petroleum Resources, Cultural Heritage and Archaeological Resources, and Climate Change.

**Part 7 – Land Use Policies** is comprised of content on Agricultural Areas, Settlement Areas, Hamlets, Highway Commercial, Open Space, and Waste Management Centre.

**Part 8- Secondary Plans** is comprised of approved secondary plans, which provide more detailed direction for the planning of specific areas in the Municipality

**Part 9 – Infrastructure** is comprised of policies pertaining to roads, sanitary, water, storm-water, power, energy, utilities and green infrastructure.

**Part 10 – Consultation and Engagement** outlines the pre-consultation requirements and consultation and engagement with the public and Indigenous communities.

**Part 11 – Interpretation and Implementation** describes how the objectives, policies, schedules and maps of the Official Plan will be implemented.

**Part 12 – Definitions** – includes defined terms which form part of the Official Plan.

### 1.4.3 Interpretation

#### 1.4.3.1 General

The contents of this Plan should be considered in its entirety when applying or interpreting policy. The Municipality of West Elgin’s Council, appointed Committees, and Municipal staff are responsible for the interpretation of this Plan. From time to time, the Municipality may need to refer to Provincial Guidelines or County Policies when applying policies of this plan.

#### 1.4.3.2 Conflicting Policies

In general, where two policies are in conflict, the more restrictive policy applies, however interpretation shall be subject to the discretion of the Municipality.

#### 1.4.3.3 Boundary Interpretation

The boundaries on all schedules are approximate unless defined using roads, railways, parcel boundaries or physical features in which case the boundaries are to be considered absolute.

The following schedules are included and referenced throughout this Plan:

- Schedule 1 – Municipal Structure
- Schedule 2 – Natural Heritage Features
- Schedule 3 – Natural Hazards
- Schedule 4 – General Land Use
- Schedule 4A – Land Use Plan – Settlement Area - Rodney
- Schedule 4B – Land Use Plan – Settlement Area – West Lorne
- Schedule 4C – Land Use Plan – Eagle, New Glasgow, Clachan
- Schedule 4D – Land Use Plan – Rural Residential
- Schedule 4E – Land Use Plan – Port Glasgow Secondary Plan Area
- Schedule 5 - Transportation
- Schedule 6 - Aggregate Resource Areas, Noise Sensitivity Area, and Sewage Treatment Plants, Petroleum Resources and Closed Waste Disposal Sites

## **1.5 Conformity with the Provincial Policy Statement and County of Elgin Official Plan**

### **1.5.1 Provincial Policy Statement**

Section 3 of the *Planning Act* requires municipalities to make decisions and enact by-laws, which are consistent with the Provincial Policy Statement (PPS). The PPS, 2020 is inclusive of four sections that develop a narrative of provincial direction on land use planning and development, which are: Building Strong Communities, Wise Use and Management of Resources, Protecting Public Health and Safety and Implementation. The Municipality of West Elgin's Official Plan has been prepared to align with and be consistent with the PPS, 2020.

### **1.5.2 County of Elgin Official Plan**

The County of Elgin is the upper-tier municipality and the Municipality of West Elgin is the lower-tier municipality that comprise a two-tier planning system. The County of Elgin Official Plan provides direction on matters of Provincial and County-wide interest. Based on the *Planning Act*, the lower-tier municipality is to conform to the Official Plan of the upper-tier municipality. The Municipality of West Elgin's Official Plan is prepared to align with and conform to the County of Elgin Official Plan (2013).

# 2 OFFICIAL PLAN VISION AND GOALS

The following vision and goals are intended to guide decision-making and provide context for the detailed policies of this Official Plan.

## 2.1 Vision

The following vision statement encompasses the shared mission of West Elgin amongst all those who live, work and play in the community and will serve as a guide to the community through the planning horizon of this Plan and beyond:

*“To provide a framework for growth and **development** aimed at enhancing the existing vibrant rural community with clear directions for protecting our agricultural and environmental assets; enhancing local services, community facilities and green spaces; ensuring that there is a range and mix of housing for current and future residents to meet their needs; and, providing opportunities for economic development.”*

## 2.2 Goals

In alignment with the Provincial and County direction and to guide the future pattern of growth, the following five key goals have been established:

- a) To focus growth within the existing serviced **settlement areas** of Rodney and West Lorne while protecting the rural and agricultural character of hamlets and villages;
- b) To achieve and foster sustainable growth in population, economic development and housing;
- c) To improve the range of housing opportunities with compact and compatible **development** in an effort to build complete communities;
- d) To protect and enhance natural and cultural heritage features and areas of aggregate resource potential for extraction purposes; and
- e) To improve essential community services related to health, education, **recreation, infrastructure** and safety in collaboration with private partners and with neighbouring municipalities and the County.

## 2.3 Objectives

Further objectives intended to guide decision making and provide context for detailed policies of this Official Plan are contained in the following sections:

- Growth management;
- Economic development;
- Environment and resource ;

- Land use;
- Infrastructure;
- Consultation and engagement; and,
- Implementation.

# 3 GROWTH MANAGEMENT

## 3.1 Objectives for Growth Management

- a) To have a steady growth of population and **development** that is focused primarily in the Tier 1 **settlement areas**;
- b) To promote financially sustainable **development** that is within the Municipality’s financial abilities;
- c) To direct future **infrastructure** investment according to the settlement area tiers;
- d) To maintain an agricultural sector of the economy;
- e) To establish boundaries between **settlement areas** and agricultural areas by discouraging urban uses in the agricultural areas and implement edge planning tools, as appropriate;
- f) To create and foster liveable **settlement areas** that maintain and enhance the character of the Municipality;
- g) To provide an adequate supply and range of housing types in appropriate locations; and
- h) To promote economic growth appropriately scaled and located.

## 3.2 Growth Forecast

### 3.2.1 Time Horizon for the Official Plan

The Official Plan is intended to provide planning guidance for a planning period of up to approximately 25 years. This Official Plan has been prepared up to a 2046 time horizon. It is intended that this Plan will be monitored, reviewed and amended as necessary to maintain its currency and usefulness.

### 3.2.2 Population Growth

The following population growth forecasts shall be used for the basis of long-range municipal planning, growth management and municipal **infrastructure** planning. **Table 3.1** describes the population forecast for the Municipality of West Elgin between 2021 and 2046.

Table 3.1: Municipality of West Elgin, 2046 Population Forecast	
Year	Population Including Undercount
2021	5,100
2026	5,300
2031	5,700
2036	5,900
2041	6,200
2046	6,500

Source: Forecast by Watson & Associates Economist Ltd., 2021

### 3.2.3 Housing Growth

The housing growth forecast shall be used for the basis of municipal planning related to servicing, community facilities, parks and **recreation** space and other growth management sectors for serving the anticipated growth. **Table 3.2** describes the housing growth forecast for the Municipality of West Elgin between 2021 and 2046.

Table 3.2: Municipality of West Elgin, 2046 Housing Forecast	
Year	Housing (units)
2021	2,180
2026	2,310
2031	2,500
2036	2,680
2041	2,830
2046	2,950
2021 to 2046	770

Source: Forecast by Watson & Associates Economist Ltd., 2021

### 3.2.4 Employment Growth

The Municipality's employment forecast is illustrated in **Table 3.3** below.

Table 3.3: Municipality of West Elgin, 2046 Employment Forecast	
Year	Jobs
2021	2,200
2026	2,400
2031	2,600
2036	2,800
2041	2,900
2046	3,000
2021 to 2046	880 (figures have been rounded)

## 3.3 Growth Strategy and Urban Structure

### 3.3.1 Vision for Growth

The majority of the Municipality's future growth will be directed to the Tier 1 **settlement areas** of Rodney and West Lorne, as shown on Schedule 1. These **settlement areas** are the only areas of West Elgin which are serviced by municipal water supply and municipal sanitary sewage systems with reserve capacities to accommodate growth. By directing the majority of future population growth to the two villages, the amount of land needed to accommodate this growth will be used most efficiently, the viability of these settlements will be improved, the investment in municipal **infrastructure** better utilized and the loss of **prime agricultural land to development** minimized. In addition, the Port Glasgow Community area shall accommodate growth and **development** on public and private services in accordance with the Port Glasgow Secondary Plan in Section 8.1 of this Plan, and other policies as applicable.

### 3.3.2 Settlement Areas

#### 3.3.2.1 Municipal Structure

Schedule 1 shows the Municipal Structure, illustrating the location of **settlement areas** and the Agricultural Area.

#### 3.3.2.2 Settlement Area Hierarchy

As identified in the Elgin County Official Plan, the **settlement areas** are divided into three tiers based on their scale, function and the level of services that exist.

##### a) Tier 1 Settlement Areas

The Municipality has two tier 1 **settlement areas**: Rodney and West Lorne. These **settlement areas** generally have the largest population and are serviced by municipal water and municipal sanitary sewage systems. It is the intent of this Plan to direct the majority of growth to Tier 1 **settlement areas** through compact, complete mixed use communities.

##### b) Tier 2 Settlement Areas

The Municipality has two Tier 2 **settlement areas**: New Glasgow, and Eagle . These **settlement areas** are generally smaller in population than Tier 1 **settlement areas** and are on partial municipal services (municipal water/individual on-site sanitary sewage or individual on-site water/municipal sanitary sewage services). Port Glasgow is serviced by the West Elgin Primary Water Supply System. Municipal sanitary sewage services are not available in Port Glasgow and rely on private on-site systems, which are primarily septic tank and tile bed systems.

Limited **development** is permitted in these **settlement areas** given the absence of full municipal services. **Development** on **partial services** is permitted to allow for infilling and rounding out of existing **development** provided that the proposed **development** is within the **reserve sewage system capacity** and **reserve water system capacity** and if site conditions allow for the long-term use of these services. Specific policies guiding the **development** of the Port Glasgow area are contained within Section 7.5 and Section 8.1 of this Plan.

##### c) Tier 3 Settlement Areas

The Municipality has one Tier 3 **settlement area**: Clachan. These **settlement areas** are generally the smallest and are predominately residential in function and do not have any municipal services. Limited **development** (including new lot creation) is permitted.

#### 3.3.2.3 Rural Residential Areas

Areas designated 'Rural Residential' include concentrations of existing rural residential **development** on Graham Road (County Road No. 76) south of West Lorne between Thomson

Line and Talbot Line (Eagle) and on Pioneer Line between Rodney and West Lorne. The size and shape of undeveloped parcels in these areas limits their use for agricultural purposes. The potential for adverse impacts on farming operations is not considered **significant** as a result of existing **development**. Very limited **development** in the form of single unit dwellings on large lots is permitted in these areas given the surrounding context and absence of full municipal services.

### 3.3.3 Development in Settlement Areas

**Settlement areas** are the focus of growth and **development**. Full municipal **sewage and water services** are the preferred form of servicing in the **settlement areas**. New **development** in **settlement areas** is intended to take place on full municipal services where possible. If such services are not available, Council may consider **development** which uses alternate, interim services, where it can be justified in accordance with the policies of Section 9.2 of this Plan. Proponents may be required to prepare an Interim Servicing Study as described in this Plan.

The Municipality recognizes a hierarchy of servicing and may consider the use of municipally or privately owned and operated communal systems for new **development**, individual on-site private systems and partial municipal services for infilling and minor rounding out of existing **development**.

Rodney and West Lorne are serviced by sewage treatment plants with lagoon back-up. The Rodney plant is located within the settlement area in the southwest quadrant, with access from Pioneer Line. The West Lorne plant is located outside the settlement area abutting the southeast quadrant with access from Thomson Line. While many areas of West Elgin are serviced with municipal water, there are still areas that remain on and rely on well water.

#### 3.3.3.1 Settlement Area Expansions

The settlement area boundaries are shown on Schedule 1. A settlement area expansion shall only be considered through a municipal **comprehensive review**, as outlined in the PPS and defined in this Plan, which examines the following:

- a) The land capacity within the existing **settlement areas** to determine whether there is sufficient supply of land to accommodate future growth through greenfield and **intensification development** over the planning horizon;
- b) The availability of existing or planned **infrastructure** and **public service facilities** which are planned or available to accommodate growth;
- c) **Infrastructure** and financial implications of growth;
- d) Where an expansion is located in prime agricultural areas:
  - i. the lands do not comprise **specialty crop areas**;
  - ii. alternative locations have been evaluated and there are no reasonable alternatives which avoid prime agricultural areas and there are also no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;

- iii. the new or expanding settlement area is in compliance with the **minimum distance separation formulae**; and,
  - iv. impacts from new or expanding **settlement areas** on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.
- e) Implications for natural heritage features and/or any natural hazards.

### 3.3.3.2 Settlement Area Expansions outside of a Municipal Comprehensive Review

Notwithstanding Policy 3.3.3.1, the Municipality may permit adjustments of the Settlement Area boundaries outside a **comprehensive review**, as outlined in the PPS and defined in this Plan, provided:

- a) There is no net increase of land within the **settlement areas**;
- b) The adjustment would support the Municipalities' ability to meet growth, **intensification** and **redevelopment** targets;
- c) **Prime agricultural areas** are addressed in accordance with 3.3.3.1 d) and e); and,
- d) The Settlement Area to which lands would be added can be appropriately serviced and there is sufficient reserve **infrastructure** capacity to service the lands.

## 3.3.4 Intensification

### 3.3.4.1 General Intensification

The Municipality encourages **intensification** primarily within Tier 1 and Tier 2 **settlement areas**, in accordance with the policies of this Plan as applicable, as well as in Port Glasgow in accordance with the policies of Section 8.1 of this Plan and other policies as applicable. All new **intensification** may be permitted where such **development** would constitute minor infilling or rounding out of existing **development** within the Settlement Area, hamlet and Port Glasgow boundaries.

### 3.3.4.2 Intensification Target

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

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

The Official Plan **intensification** target is 10%, recognizing that the majority of future growth is expected to occur on greenfield lands within the Tier 1 **settlement areas**.

### 3.3.5 Greenfield Areas

Areas of Greenfield **development** shall take the form of extensions to the existing built-up area subject to the policies in Section 7 of this Plan. **Development** in Greenfield Areas shall require a phasing plan based on the extension of municipal services and utilities.

### 3.3.6 Agricultural Area

In general, the Agricultural Area is inclusive of all lands outside **settlement areas**, the Lakeshore Area, Hamlets, and Rural Residential Areas as shown on Schedule 4 of this Plan. The Agricultural Area is characterized primarily by agriculture and clusters of **development** of insufficient size and variety of uses, to warrant designation as a Rural Residential Area or Hamlet. Any new servicing shall be through **individual on-site sewage services** and **individual on-site water services**, or by **municipal water services**, provided that such **development** is consistent with natural heritage and resource protection policies and does not increase the overall density in the Agricultural Area. Additional polices for guiding **development** within the Agricultural Area are provided in Section 7.1 of this Plan.

### 3.3.7 Agricultural System

The Municipality's agricultural system is comprised of inter-connected elements that collectively create an important component of the Municipality's economy. The Agricultural system includes all **prime agricultural areas** and **rural lands**, as well as the supporting agri-food network and associated **infrastructure** which are essential to the success and vibrancy of the sector. Section 7 of this Plan provides additional guidance for the agricultural system, including opportunities for economic development, including guidance for **agricultural uses**, agricultural-related uses, on-farm diversification and **agri-tourism uses**.

### 3.3.8 Housing

The Municipality is part of a larger **regional market area** and should support meeting the needs, affordability and preferences of residents of all ages and abilities in a manner which is compatible with the scale of the existing communities and commensurate with the services required to support it. The Municipality will encourage innovative housing designs particularly those which offer energy efficiency, reduced municipal expenditures or lower costs to purchasers, including but not limited to accessory dwelling units such as basement apartments, garden suits, tiny homes as well as alternative ownership models. The Municipality may participate in the housing programs of other levels of government in order to achieve the residential goals of the Plan. The Zoning By-law will be amended to allow for innovative housing, transitional housing and supportive housing where it is recognized to be in accordance with good land use planning principles. The Municipality shall support programs and policies encouraging a wide range of housing opportunities including rental housing in order to meet identified housing needs in accordance with good land use planning principles

#### 3.3.8.1 Housing Supply

A minimum of 15-year supply of land shall be designated for residential purposes at all times to accommodate future housing needs. The Municipality will also maintain a minimum of a 3-year supply of land with servicing capacity for residential units in draft approved or registered plans.

### 3.3.8.2 Rental Housing

The Municipality will seek a balance in housing tenure. Conversions of existing rental accommodation to condominium or other forms of ownership shall be discouraged. The municipality may consider conversion of existing rental accommodation where the rental vacancy rate, as defined and reported annually through the Canada Mortgage and Housing Corporation Rental Market Survey, is at or above 3%.

### 3.3.8.3 Short Term Rentals

The municipality may consider identifying suitable areas for short term rentals, and establish a framework for their regulation through By-law which may prescribe standards for licensing, number and size of short term rental in the municipality and for prohibiting the development of such property that does not conform to the standards or impedes the goal of providing affordable housing to residents

### 3.3.8.4 Affordable Housing

**Affordable** housing will be encouraged to locate in close proximity to shopping, community facilities, and existing or potential public transit routes such as arterial or collector roads. Consideration will be given to modifications to existing zoning and servicing standards that will facilitate the provision of **affordable** housing units in new residential **developments** where such revisions are in accordance with the intent of the Official Plan.

#### 3.3.8.4.1 Affordable Housing Defined

**Affordable** housing is defined as:

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

#### 3.3.8.4.2 Affordable Housing Target

The Municipality shall encourage all new residential and mixed use **development** in **settlement areas** and hamlets, to include a target of 20% **affordable** housing units or dwellings. This target shall be calculated as **affordable** based on the definition in Section 3.3.8.4.1 and applied to the entirety of the **development**. The Municipality is planning for 770 new residential units between 2021 and 2046, which requires the Municipality to provide approximately 154 new **affordable** housing units by 2046.

#### 3.3.8.4.3 Affordable Housing Target Achievement

To support **affordable** housing, the Municipality will work collaboratively with the private sector to provide a range of housing types, unit sizes, affordability and tenure arrangements at various densities and space to meet the needs and income levels of current and future residents. The Municipality may also consider additional tools, including but not limited to Community Improvement Plan incentives and alternative development standards.

### 3.3.9 Employment Lands

#### 3.3.9.1 Employment Land Supply

The Municipality will maintain a sufficient supply of employment lands to provide opportunities for a variety of economic development opportunities. The Municipality's employment lands are mainly located in Rodney and West Lorne. Refer to Schedules 4, 4A and 4B for additional details.

#### 3.3.9.2 Rural Employment Lands

Outside of the Villages of Rodney and West Lorne, the Municipality has several Rural Employment Lands, designated Employment and Employment/Commercial on Schedule 4. The majority of these lands are located in the rural area in proximity to Highway 401. These lands are expected to accommodate a limited share of future municipal-wide non-residential **development** and forecast employment growth.

#### 3.3.9.3 Conversion of Employment Lands

Any proposal to convert lands within a designated Employment Area to another type of land use will only be considered through a Municipal **Comprehensive Review** which demonstrates:

- a) the land is not required over the long term;
- b) there is a need for the conversion;
- c) there is sufficient supply of employment lands to accommodate employment growth;
- d) there is existing or planned **infrastructure** and **public service facilities** to accommodate the proposed use;
- e) the proposed use meets the interest of the public in the long and short-term, rather than employment uses; and
- f) the land use is compatible.

### 3.3.10 Employment Areas

The Municipality's designated **Employment Areas** are shown on Schedule 4, 4A and 4B. These are generally located in the Villages of Rodney and West Lorne and primarily designated as Employment on Schedule 4A and Schedule 4B. These lands are serviced or readily capable of being serviced by both the municipal water supply and municipal sanitary sewage system. The supply of Employment land in the Municipality will be reviewed periodically through the Municipality's Municipal **Comprehensive Review** to ensure that there is an appropriate amount of designated land to meet the Municipality's long term planning needs. The majority of the current supply of vacant employment land is located in the Village of Rodney, with a small portion located in the Village of West Lorne.

### 3.3.10.1 Employment Area Protection

Any proposal to convert lands within a designated **Employment Area** to another type of land use will only be considered through a Municipal **Comprehensive Review** which demonstrates:

- a) the land is not required over the long term;
- b) there is a need for the conversion;
- c) there is sufficient supply of employment lands to accommodate employment growth;
- d) there is existing or planned **infrastructure** and **public service facilities** to accommodate the proposed use;
- e) the proposed use meets the interest of the public in the long and short-term, rather than employment uses; and
- f) the land use is compatible.

# 4 ECONOMIC DEVELOPMENT

## 4.1 Objectives for Economic Development

- a) To support future **infrastructure** investment for **development**;
- b) To maintain agriculture as a significant component of the local economy and the **infrastructure** necessary to support it;
- c) To attract growth industries, expand existing where there are employment opportunities;
- d) To enhance tourism through new and existing attractions; and
- e) To support home based occupations and businesses.

## 4.2 Economic Development

The Municipality is located in close proximity to the western part of the County of Elgin, along the north shores of Lake Erie with access to Provincial Highway 401. This Plan encourages forms of **development** which expand the economic development of the Municipality, improve the Municipality's fiscal position and positively contribute toward the development of a balanced community through local employment opportunities.

The Municipality shall promote agricultural, employment and commercial **development** that would strengthen, expand and diversify its economic base, which would not burden municipal **infrastructure** and which would be compatible with existing **development** and neighbouring land uses.

To this end, the Municipality shall support and facilitate the implementation of the County Economic Development Plan where it is in the best interests of the community to do so, as well as business recruitment and expansion measures in West Elgin.

### 4.2.1 Collaborative Economic Development

Council will work in conjunction with neighbouring municipalities and the County in order to give focus and direction to its economic development efforts. Where appropriate, the Municipality will coordinate its economic development efforts with Elgin County and other municipalities within the County.

### 4.2.2 Tourism

The Municipality shall also encourage tourism through improving, and increasing awareness of, its natural and cultural heritage, through supporting new tourism initiatives, activities and establishments and through capitalizing on the untapped potential of the Lake Erie shoreline. The Municipality shall promote the preservation and enhancement of historic sites, districts, neighbourhoods and the natural ecological features and functions that directly contribute to the attraction of West Elgin as a tourist destination

### 4.2.3 Commercial and Employment Economic Development

Council will actively encourage the **development** of new and expanded commercial and employment uses within the Municipality. The Municipality, in cooperation with Elgin County and other jurisdictions, will pursue the **development** of employment and mixed employment/commercial uses in the Rodney **employment area** where there is access to full municipal services. Council will encourage the establishment of commercial and employment uses which support and enhance the agricultural sector of the Municipality's economy.

### 4.3 Land Use Considerations

The Municipality will encourage the reuse of vacant employment buildings, **intensification** of **Employment Areas** and the **redevelopment** of vacant employment sites. Council will work to ensure that the physical needs of business are addressed, ensuring that:

- a) A diversity of zoned and ideally serviced sites are available to support a range of employment and service activities;
- b) **Settlement areas** are adequately served by telecommunication facilities; and
- c) **Employment areas** are well designed and have a high level of available amenities, including access to major transportation routes that are attractive to new investors.

# 5 GENERAL POLICIES

## 5.1 Complete Communities

The Municipality values the need for **settlement areas** to be planned as complete communities that include an appropriate mix of residential, local services, commercial, employment, institutional and recreational uses. Complete communities will be sustained with gentle **intensification**, mixed land uses and appropriate densities.

## 5.2 Climate Change

The Municipality recognizes the importance of providing a strong policy framework for addressing the impacts of a changing climate. Impacts of a changing climate refers to the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability. The Municipality's approach includes objectives and actions to mitigate greenhouse gas emissions and provide for adaptation to a changing climate including through increasing resiliency. The Municipality's approach to climate includes the following, but is not limited to:

- a) Implementing a hierarchy of **settlement areas**, where future growth and **development** is compact and concentrated in a few locations so as to preserve the agricultural land base and reduce the potential for commuting (refer to Section 3.3 for additional details);
- b) Protecting important natural heritage features and functions (refer to Section 6.2);
- c) Restricting **development** within known hazards areas, including shoreline areas which may be subject to erosion, **wave uprush** and flooding, as well as riverine flood hazards and areas with unstable slopes (refer to Section 6.3);
- d) Supporting and promoting opportunities for complete streets and **active transportation infrastructure** (refer to Section 9.1);
- e) Integrating when possible the planning of stormwater, **sewage and water services** for optimization, feasibility and financial viability of systems and to prepare for the impacts of a changing climate (refer Section 9.2);
- f) Promoting and supporting opportunities for energy conservation and the production of alternative and **renewable energy systems** (refer to Section 9.5); and,
- g) Promoting green **development** and **infrastructure** standards (refer to Section 9.8).

In an effort to reduce greenhouse gas emissions, the Municipality will:

- h) Promote **settlement areas** structure and **active transportation** network;
- i) Support any efforts by the County on specific initiatives to reduce greenhouse gas emissions;
- j) Collaborate and implement any objectives of a climate change action plan or related plan; and

- k) Contribute to carbon capture strategies and actions through tree planting and enhancing and protecting tree cover.

### 5.3 Parks, Open Space Trails and Recreational Facilities

Parks and public open space are generally limited to Rodney and West Lorne. In each settlement area, there may be found the main **recreation** complex capable of accommodating a variety of active and passive recreational activities. This includes the Fairgrounds and Community Centre in Rodney and the West Elgin Sports Centre and Arena and Miller Park in West Lorne. Smaller-scale or neighbourhood parks on the other hand are generally non-existent. Cemeteries contribute to the open space character of both **settlement areas**.

Within areas designated Parks and Open Space on Schedules 4A, 4B and 4E, the primary use of land shall be for public parks, natural areas, outdoor **recreation** facilities and cemeteries, unless otherwise noted in the Port Glasgow Secondary Plan with respect to Parks and Open Space in Port Glasgow. Secondary uses may include buildings and structures appropriate to park-like setting such as community centres, arenas and similar indoor facilities.

#### 5.3.1 Neighbourhood Parks

Neighbourhood parks may be established to meet local needs or to otherwise contribute to the form and character of the community. Neighbourhood Parks may be established in all land use designations, and shall be zoned as Open Space in the Zoning By-law.

#### 5.3.2 Acquisition of Parkland

Future parkland shall primarily be acquired through dedications as a condition of lands being subdivided or otherwise developed, or through purchase using monies received from cash-in-lieu of providing parkland in areas where parkland is not considered necessary or appropriate, or where the lands available for dedication would be insufficient in size or deficient in terms of location. Lands proposed to be dedicated for park purposes shall be evaluated on the basis of the following criteria:

- a) proximity to existing parks and open space,
- b) proximity and access to users,
- c) size, shape, topography and drainage,
- d) development and maintenance costs,
- e) potential for expansion, and
- f) contribution to community form and character.

#### 5.3.3 Land Ownership

Where lands designated Parks and Open Space or are zoned accordingly are in private or quasi-private ownership, such designation does not imply that these lands are necessarily free and open to the general public or that these lands will be ultimately acquired or always maintained by the Municipality or any other public authority as open space. It is expected that these areas will be used and maintained as open space as long as conditions permit and that **development**

of adjoining lands will be undertaken in such a manner which complements and ensures the long-term protection of these areas as open space.

## 5.4 Accessory Dwelling Units

The Municipality recognizes accessory dwelling units as an important component to support a range and mix of housing options. Accordingly, accessory dwelling units are permitted throughout the Municipality in single-detached, semi-detached or rowhouse dwellings in accordance with the following:

- a) An additional dwelling unit in the principal building and an additional dwelling unit in an ancillary building or as a tiny home on the same lot, for a total of three residential dwellings on one property, shall be permitted;
- b) The lot size and configuration are sufficient to accommodate required infrastructure, adequate parking, green spaces and amenity areas for both the principal dwelling and the accessory dwelling unit(s);
- c) The accessory dwelling unit(s) meet(s) all applicable law;
- d) The overall appearance and character of the principal dwelling is maintained in accordance with local by-laws; and,
- e) Accessory structures that have an accessory dwelling unit shall not be severed from the principal dwelling.

## 5.5 Home Occupation and Businesses

Home based occupations and businesses shall be encouraged provided they are clearly secondary to the main use of the dwelling and the main use of the lands from which they are conducted. They shall be small in scale, unobtrusive in nature, compatible with neighbouring uses and in keeping with the character of the area in which they are situated. The requirements of the Elgin St. Thomas Health Unit shall be met at all times to ensure public health and safety. The range or type of **home occupations** or businesses permitted (and prohibited) and the standards applying to them may vary between and within the 'Village Areas' and the 'Rural Area' to ensure land use compatibility. The Zoning By-law shall address the range and type permitted and standards applying to them.

## 5.6 Bed and Breakfast

**Bed and Breakfast establishments** within private homes, where the owner resides, may be permitted. The following policies shall apply:

- a) Adequate on-site parking spaces shall be provided and maintained;
- b) Site size and servicing must be adequate in accordance with the applicable policies of this Plan and the Zoning By-law;
- c) No external alteration shall be permitted for utilization that is inconsistent with the physical character of the surrounding neighbourhood; and,

- d) The Zoning By-law will regulate the maximum number of rooms available to guests and parking requirements.

## 5.7 Special Residential

Special Residential uses include group homes as defined in the Zoning By-law, residential care facilities, senior citizens housing, short-term accommodation operated or authorized by a public agency, and facilities for special population groups, including transitional housing. Special Residential uses will generally be subject to the policies governing Medium Density dwellings. Special Residential uses will be subject to the following policies:

- a) The use should be compatible with the scale, density and character of existing or planned land uses;
- b) Provision should be made for appropriate site design to ensure seamless integration with surrounding existing **development**;
- c) Adequate off-street parking must be provided to serve the residents, staff and visitors while retaining sufficient yard space to maintain the residential character of the area; and,
- d) Provision will be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities as required.

## 5.8 Lodging Houses

Lodging houses may be permitted where the owner, tenant or keeper of which resides and where there is offered or supplied for gain or profit lodging or lodging and meals, but excludes a provincial group home or other **special needs** housing, hotel, inn or institution. The policies of **Bed and Breakfast establishments** in Section 5.6 shall also apply to Lodging Houses.

## 5.9 Cannabis Growth

All Cannabis cultivation and processing shall be in accordance with the *Cannabis Act* and supporting Health Canada Regulations 2018 or its predecessor. The outdoor cultivation of cannabis is considered an agricultural use. The outdoor cultivation of cannabis is permitted subject to security requirements under the *Cannabis Act*, including physical barriers around the site and visual monitoring at all entry points. A setback from **sensitive land uses** in proximity to the site is subject to the Municipality's discretion and updates to the Zoning By-law.

## 5.10 Institutional Uses

**Institutional uses** include public and quasi-public uses serving the educational, health and social needs of the community. Typical **institutional uses** include schools, parks, **recreation**, libraries, places of worship, community centres, nursing and rest homes, government buildings and fire stations. They are often found throughout the community and, depending on their scale, are generally compatible with most uses. **Institutional uses** may be permitted in all land use

designations, subject to a Zoning By-law amendment where an applicant can demonstrate the following criteria are met:

- a) Compatibility of the proposed use with neighbouring uses;
- b) Protection of natural heritage features;
- c) Avoidance of **hazardous lands**;
- d) Available and adequacy of municipal services;
- e) Site suitability;
- f) Adequate off-street parking; and,
- g) Adequate buffering and landscaping

## 5.11 Land Use Compatibility

New **development** shall be compatible with adjacent land uses and be consistent with the Ministry of Environment Land Use and Compatibility Guidelines (D-6 Guidelines).

### 5.11.1 Sensitive Uses

Residential areas and other **sensitive** uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of the Plan and the use of Site Plan Control. Developers may be required to perform noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the Municipality and the Province.

### 5.11.2 Major Facilities

**Major facilities** and **sensitive land uses** shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential **adverse effects** from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of **major facilities** in accordance with provincial guidelines, standards and procedures.

Where avoidance is not possible planning authorities shall protect the long-term viability of existing or planned employment, manufacturing or other uses that are **vulnerable** to encroachment by ensuring that the planning and **development** of proposed adjacent **sensitive land uses** are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) **adverse effects** to the proposed **sensitive land use** are minimized and mitigated; and
- d) potential impacts to employment, manufacturing or other uses are minimized and mitigated.

### 5.11.3 New Development Compatibility

All site designs of new **developments** must provide a **development** plan that demonstrates the scale of the **development** and/or addition or expansion is compatible with the character of the area, incorporates appropriate buffering in accordance with the Zoning By-law and ensure no adverse impact on views and shadowing, when applicable.

## 5.12 Infrastructure Considerations

The Municipality will promote the installation, maintenance and improvement of modern **infrastructure** systems including roads and railways, pipelines, and telecommunications networks to service existing and future employment.

# 6 ENVIRONMENT AND RESOURCE POLICIES

## 6.1 Objectives for Resources and the Environment

- a) To protect the Municipality’s natural heritage resources, agricultural land base, water supply, cultural and **archaeological resources** and provide for the wise use and protection of these uses over the long term;
- b) To protect the long term potential for mineral and petroleum resource extraction;
- c) To adopt environmentally-friendly and responsible measures in local decision-making;
- d) To recognize and protect natural heritage features and to prevent any adverse impact of **development** or **site alteration** on such features;
- e) To enhance natural heritage features in terms of their **ecological function**, diversity, connectivity and scenic quality;
- f) To reduce the risk to public safety and to property by directing **development** away from natural hazard lands including flooding and unstable slopes;
- g) To improve the quality and quantity of surface and groundwater resources; and,
- h) To promote the sustainable use of surface and groundwater resources.

## 6.2 Natural Heritage

### 6.2.1 General Policies

#### 6.2.1.1 Natural Heritage Features

Natural Heritage Features are to be protected for the long term and include: **Significant Wetlands, Significant Coastal Wetlands, Significant Habitat of Endangered Species and Threatened Species, Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat, Fish Habitat, and Areas of Natural and Scientific Interest**. Known Natural Heritage Features within the Municipality include Provincially **Significant Wetlands** and **Areas of Natural and Scientific Interest**. The term ‘**significant**’ shall be defined within the meaning of the Provincial Policy Statement. Other natural features include **wetlands** and **woodlands**. For the purpose of this plan, all **woodlands** equal or greater than 2 hectares in size are considered **significant**. All Natural Heritage Features are intended to be in alignment with the County of Elgin Official Plan (2013). Should the County update the Natural Heritage Feature policy or mapping, this Plan will incorporate updates during the appropriate review.

#### 6.2.1.2 Ecological Diversity and Connectivity

The diversity and connectivity of Natural Features in the Municipality and the long-term **ecological function** and biodiversity of **natural heritage systems**, should be maintained,

restored or, where possible, improved, recognizing linkages between and among **natural heritage features and areas, surface water features and ground water features.**

#### 6.2.1.3 Location of Natural Heritage Features

Natural Heritage Features are identified on Schedule 2 of this Plan.

#### 6.2.1.4 Significant Habitat of Endangered Species and Threatened Species

The **Significant Habitat of Endangered Species and Threatened Species** is not shown on Schedule 2. Species at risk and their habitat are protected under the *Endangered Species Act* (ESA) and are identified on the Species at Risk in Ontario List. Where required, Environmental Impact Studies in accordance with Policy 6.2.4 of this Plan or other applicable planning reports/studies will be used to identify the extent of the **habitat of endangered species and threatened species.**

#### 6.2.1.5 Updates to Natural Heritage Features Mapping

The boundaries of the Natural Heritage Features depicted on Schedule 2 are intended to provide guidance on the location of known Natural Heritage Features in the Municipality based on the most up to date information. The mapping on Schedule 2 is not intended to limit the existence of other Natural Heritage Features. As newer more up to date mapping becomes available the Municipality will update the mapping in Schedule 2 and the implementing Zoning by-law as required.

#### 6.2.1.6 Minor Adjustments to Natural Heritage Features Mapping

Minor adjustments to the boundaries of the Natural Heritage Features may be permitted without an Amendment to the Official Plan, where an Environmental Impact Study has been prepared and completed to the satisfaction of the Municipality and applicable Conservation Authority. Refer to Policy 6.2.4 for additional details on Environmental Impact Studies.

#### 6.2.1.7 Natural Heritage Features Net Gain

Where appropriate the Municipality may be open to net gain opportunities for natural heritage features to assist with achieving the County's goal of no net loss and striving for improvements to existing natural heritage coverage within the Municipality.

### 6.2.2 Development and Site Alteration

#### 6.2.2.1 Permitted Uses in Natural Heritage Features

Permitted uses on lands identified as Natural Heritage Features include open space uses, conservation uses, forestry uses, **fish** and wildlife management uses, passive outdoor recreational uses and existing **agricultural uses. Marine facilities**, such as docks and boat ramps may also be permitted.

#### 6.2.2.2 Development in Natural Heritage Features and Areas

Any **development** or site alternation proposed within **Natural Heritage Features and Areas** must be assessed under the *Endangered Species Act* (ESA). The landowner shall request a review under the ESA from the Ministry of the Environment, Conservation and Parks (MECP), prior to beginning **site alteration** and/or conducting ESA surveys. The MECP will review available ESA data to determine if ESA species are known or likely to occur on the property. If ESA species are known to occur the landowner may be required to engage a qualified biologist to determine if the proposed **development** may contravene the ESA. Project screening through an Information Gathering Form would be needed to initiate a project screening request after which MECP would provide a response indicating that contravention under the ESA is not likely to occur or contravention under the ESA is likely to occur with recommended options for seeking approval. No **development** or **site alteration** shall be permitted until the landowner for the **development** or **site alteration** has provided the necessary documentation to the MECP and the Municipality.

#### 6.2.2.3 Development in Provincially Significant Wetlands

Proposed **development** and **site alteration** shall not be permitted within lands identified as Provincially **Significant Wetlands**. Schedule 2 identifies the location of known Provincially **Significant Wetlands**.

#### 6.2.2.4 Development in Significant Habitat of Endangered Species and Threatened Species

Proposed **development** and **site alteration** shall not be permitted in **Significant Habitat of Endangered Species and Threatened Species**, except in accordance with **provincial and federal requirements**.

#### 6.2.2.5 Development in Significant Woodlands and Areas of Natural and Scientific Interest

Proposed **development** and **site alteration** within lands identified as **Significant Woodlands** and **Areas of Natural and Scientific Interest** will not be permitted unless it can be demonstrated that there will be no **negative impacts** on the natural features or their **ecological functions** through the completion and approval of an Environmental Impact Study. Not all **woodlands** shown on Schedule 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** and **site alteration** stage in consultation with the Conservation Authority. Where **development** and **site alteration** within lands identified as **Areas of Natural and Scientific Interest** are being proposed, the Municipality will consult with the Conservation Authority, the County and the Province (where required) regarding the scope of the Environmental Impact Study.

### 6.2.2.6 Development Adjacent to Natural Heritage Features

**Adjacent lands** are the lands contiguous to a natural heritage feature or area where it is likely that **development** or **site alteration** would have a negative impact on the feature or their **ecological function**. Where permitted in the policies of this plan, proposed **development** and **site alteration** adjacent to Natural Heritage Features identified on Schedule 2 are required to demonstrate that there will be no **negative impacts** on the natural feature or its **ecological functions** through the completion of an Environmental Impact Study. The landowner shall request *Endangered Species Act* (ESA) information from the Ministry of Environment, Conservation and Parks Southwestern Region (MECP SW) - Aylmer District, prior to beginning **site alteration** and/or conducting species at risk surveys and follow the prescribed steps of Section 6.2.2.2. Where **development** and **site alteration** adjacent to **Natural Heritage Features and Areas** is proposed, the Municipality will consult with the Lower Thames Valley Conservation Authority, the County and the Province, as required. The Municipality will use the setbacks in Table 6.1 to determine the need for an Environmental Impact Study:

Table 6.1: Guidance for Assessing Impacts on Natural Heritage Features	
Natural Heritage Feature	Adjacent Lands (meters)
Provincially <b>Significant</b> Wetland	120 metres
<b>Significant Woodlands</b>	120 metres
<b>Significant</b> Wildlife	120 metres
<b>Significant</b> Habitat of <b>Endangered Species</b> and Threatened	120 metres
Provincially <b>Significant Areas of Natural and Scientific Interest</b> – Earth Science	50 metres
Provincially <b>Significant Areas of Natural and Scientific Interest</b> – Life Science	120 metres
<b>Significant Valleylands</b>	120 metres
<b>Fish Habitat</b>	120 metres

## 6.2.3 Watercourses

### 6.2.3.1 Watercourse Protection

**Development** in and adjacent to watercourses is regulated by the Lower Thames Valley Conservation Authority and depending on the presence of **fish habitat**, the federal Department of Fisheries and Oceans. The policies of this Official Plan are intended to complement the regulatory function under the *Conservation Authorities Act* and the *Fisheries Act*. The Municipality’s watercourses are depicted on Schedule 2. All watercourses in the Municipality are considered to be of significance since they often have multi-dimensional functions, as they transport water sediment and energy and also provide storage for drainage and flooding. They are living systems, providing habitat for **fish**, amphibians, invertebrates, birds, plants and other

species. They also provide opportunities for **recreation**, education and tourism. 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.

### 6.2.3.2 Development Adjacent to a Watercourse

Proposed **development** and **site alteration** adjacent to a watercourse shall ensure that there are no **negative impacts** on **fish habitat** and **adverse effects** for stormwater management (quality/quantity) are addressed. The following principles will apply to any proposed **development** adjacent to a watercourse in the Municipality:

- a) Natural stream bank vegetation should be maintained;
- b) Grassed slopes and other native vegetation, or other suitable erosion control methods, should be introduced and should be maintained on the banks of watercourses;
- c) Construction of tile outlets should not contribute to erosion along watercourses;
- d) Tree planting or other buffer measures should be installed where appropriate to protect watercourse banks and enhance the "biological corridor" role of watercourses;
- e) Interim measures to protect the watercourse from erosion and sedimentation during construction are incorporated; and
- f) An appropriate setback for all **development** from the top of bank, and outside of the flood plain / ravine system, of watercourses will be required in order to prevent erosion, reduce the loss of flood storage capacity improve water quality, enhance wildlife corridors and protect **fish habitat**, in addition to protecting the **development** from flooding and slope instability.

Approval from the Lower Thames Valley Conservation Authority is required for any **development** on or adjacent to a watercourse.

### 6.2.3.3 Protection of Fish Habitat

**Development** and **site alterations** shall not be permitted within **fish habitat**, except in accordance with federal requirements. If it is determined that the **development** has the potential to impact **fish habitat**, the proponent is required to consult with the Department of Fisheries and Oceans Canada to determine whether permitting and/or approvals are required.

**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.

## 6.2.4 Environmental Impact Studies

### 6.2.4.1 Environmental Impact Studies

Where the policies of this Plan require that an Environmental Impact Study be prepared, the Environmental Impact Study must be undertaken by qualified professionals and prepared in accordance with the policies contained in Appendix 1 of this Plan. Where the policies of this Plan require that an Environmental Impact Study be prepared, the Municipality will consult with the appropriate agency regarding the scope of the Environmental Impact Study. The Municipality reserves the right to have an Environmental Impact Study peer reviewed at the cost of the applicant.

### 6.2.4.2 Exemptions from an Environmental Impact Studies

In instances where there is a low likelihood that the proposed **development** will have a negative impact on the Natural Heritage Feature or Area, the Municipality in consultation with any appropriate agencies may waive the requirement for the Environmental Impact Study.

### 6.2.4.3 Engagement of Conservation Authorities

The Lower Thames Valley Conservation Authority will be engaged with the **development** of an Environmental Impact Study to address natural heritage policy requirements in accordance with the Service Agreement between the Conservation Authority and Municipality.

## 6.2.5 Preservation and Enhancement

### 6.2.5.1 Identification of Natural Heritage Features

The Municipality encourages the identification, preservation, and enhancement of natural heritage features that are not identified on Schedule 2. The Municipality will work with public stakeholders to identify natural features and areas. Natural features may include rare trees, tree rows, vegetated areas, secondary corridors, linkage areas, and other **wildlife habitat**.

### 6.2.5.2 Establishing Natural Corridors

The Municipality encourages the connectivity of Natural Heritage Features through a system of natural corridors. Connectivity between and among **natural heritage features and areas**, **surface water features** and **ground water features** will be maintained, restored or, where possible, enhanced.

### 6.2.5.3 Preservation of the Lakeshore Area

The Lake Erie Shoreline area provides natural habitat and linkages for flora, fauna, **fish** and wildlife. Land use decisions shall have regard for the importance of the Lakeshore Area as natural habitat for flora, fauna, **fish**, and wildlife. The need to preserve **significant** natural heritage features and natural linkages and corridors for wildlife and the enhancement of **natural heritage systems** will be considered.

#### 6.2.5.4 Tree Protection

The County of Elgin Woodlands Conservation By-law regulates the removal of trees within the Municipality. Proposed **development** and **site alteration** shall prevent the removal of any trees to the extent possible. If a tree must be removed, trees of a similar species with sufficient maturity shall be planted within a reasonable timeframe following tree removal. The applicant must consult with the County prior to the removal of any trees.

##### 6.2.5.1 Tree Retention Plan

The Municipality may require **development** applications within or adjacent to wooded areas to include a Tree Saving Plan. The Tree Retention Plan shall:

- a) Contain an inventory of existing tree species and condition;
- b) Indicate the impact of **development** on existing trees and the **wildlife habitat** that they provide;
- c) Indicate measures necessary to reduce the negative effect of **development**;
- d) Indicate the trees to be removed and ensure the preservation of the remaining trees;
- e) Indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free-to-grow stage;
- f) Be included in the **development** agreement;
- g) Incorporate the requirements of an Environmental Impact Study if the wooded area is part of a **Significant** Woodland; and,
- h) Have regard for the requirement of the County of Elgin Woodlands Conservation By-law.

### 6.3 Natural Hazard Lands

#### 6.3.1 General Policies

##### 6.3.1.1 Consideration for a Changing Climate

One important element to managing the risks around a changing climate is to maintain up to date mapping of natural hazards to minimize risks to the public's health and safety, property damage and other impacts of a changing climate. The Municipality will work with the County and Conservation Authority to ensure all guidelines and plans related to natural hazard lands are kept up to date.

##### 6.3.1.2 Components of Natural Hazard Lands

Natural Hazard Lands identified in the Municipality include **hazardous lands** that are subject to **flooding hazards**, **erosion hazards** and **dynamic beach hazards**. The Lake Erie Shoreline presents potential natural hazards that are unique to the lake and land interface. The Lake Erie Shoreline in the Municipality consists mostly of bluffs, which are susceptible to erosion and slumping resulting from wind and wave action from the lake. The Thames River, associated

**flood plain**, natural watercourses and associated ravine systems (e.g. Talbot Creek and tributaries) also presents potential natural hazards that are unique to the river and land interface.

#### 6.3.1.3 Location of Natural Hazard Lands

Schedule 3 of this Plan is intended to provide guidance on the location of lands that have the potential to be **hazardous lands**. Technical studies prepared by qualified professionals may be required to define the extent of the actual hazard lands in consultation with the Municipality and Conservation Authority.

#### 6.3.1.4 Updates to Natural Hazard Lands Mapping

The boundaries of Natural Hazard Lands depicted on Schedule 3 are intended to provide guidance on the location of known **hazardous lands**. The mapping depicted on Schedules 3 is not intended to limit the existence of other Natural Hazard lands which have not been mapped. Where detailed mapping of **hazardous lands** and **hazardous sites** becomes available, the Municipality will work with the Conservation Authority and Ministry to incorporate updates to the mapping in this Official Plan and the implementing Zoning By-law.

#### 6.3.1.5 Direct Development Away from Hazardous Lands

**Development** shall be directed away from areas identified as **hazardous lands** as it could result in the loss of lives, damage to private and public property and undue financial burdens for the Municipality.

#### 6.3.1.6 Development on Hazardous Lands

**Development** and **site alteration** is not permitted in areas that would be inaccessible to people and vehicles during times of **flooding hazards**, **erosion hazards** and/or **dynamic beach hazards**, unless it has been demonstrated that the site has safe access and egress appropriate for the nature of the **development** and the natural hazard.

#### 6.3.1.7 Uses Not Permitted on Hazardous Lands

**Development** and **site alteration** is prohibited on hazard lands and **hazardous sites** for **institutional uses** associated with hospitals, nursing homes, pre-school, nurseries, daycare, schools, **essential emergency service**, electrical substations and uses associated with the disposal, manufacture, treatment or storage of **hazardous substances**.

#### 6.3.1.8 Development of Accessory Buildings, Structures and Uses

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. The location of the 'Regulatory Line' of the Lower Thames Valley Conservation Authority is approximate only. Permits, if required, shall be obtained from the Authority prior to any buildings or structures being constructed or prior to any work or alteration being undertaken adjacent to the bank of Lake Erie.

#### 6.3.1.1 Hazard Lands in Port Glasgow

Certain lands within Port Glasgow may pose a risk for **development** or **redevelopment** due to the presence of physical hazards, noise, odours and similar impacts. Such hazards may include lands or areas which are susceptible to flooding, erosion, subsidence, slumping, inundation and the presence of steep slopes. All **development** including public and private works will have regard for existing and proposed slopes and grades such that slope stability will not be compromised.

Given that a significant portion of Port Glasgow is included on Schedule 3, due to scale of mapping and generalized designations along the lakeshore, more precise identification of Hazard Lands will take place in consultation with the LTVCA and the Province of Ontario during the process of **development** approvals.

### 6.3.2 Lake Erie Shoreline Hazard

#### 6.3.2.1 Shoreline Management Plan

The Lake Erie shoreline within the Municipality, is within the Lower Thames Valley Conservation Authority's jurisdiction. The most up to date Shoreline Management Plan for the Lower Thames **watershed** shall be used for guiding Municipality decision making along the Lake Erie shoreline. The Municipality is located along the Lake Erie shoreline as defined in the 2015 Elgin County Shoreline Management Plan. The Lake Erie shoreline presents potential hazards that are unique to the lake/land interface.

#### 6.3.2.2 Land Use Decision along the Lake Erie Shoreline

The Municipality will consult with the Lower Thames Valley Conservation Authority prior to making any land use decisions along the Lake Erie shoreline. **Development** and **site alteration** which has the potential to negatively impact an existing hazard or create a new hazard is prohibited.

#### 6.3.2.3 Site Plan and Other Agreements along Lake Erie Shoreline

Property owners along the Lake Erie Shoreline may be required to enter into a site plan and/or **development** agreement with the Municipality should reconstruction or relocation of existing buildings/structures already located within such **hazardous lands** be desired.

#### 6.3.2.4 Shoreline Development

The shoreline management plans prepared for the Lake Erie shoreline within the Municipality of West Elgin have determined that the 100 year recession rates for the high bluff reaches are severe based on Provincial standards. The average annual recession rate for this reach of shoreline is 1.6m/yr. Proposed **development** within the Shoreline **Erosion Hazard** Limits shall require a permit from the Conservation Authority and may not be permitted depending on potential risks to property, human health and safety.

#### 6.3.2.5 Relocation of Existing Buildings

The relocation of a dwelling within **hazardous lands** is permitted provided the dwelling is relocated outside or as far from the hazard as possible and there is no increase in size or structural alteration other than a new foundation. The Technical Guide for Great Lakes – St. Lawrence River Shorelines, Appendix A7.2 – Existing **Development** within the **Hazardous Lands** should be referenced for the minimum requirements and considerations.

#### 6.3.2.6 Setback Requirements

Reductions in required yard setbacks shall be permitted for the purpose of increasing the setback from a hazard. The degree of reduction shall take into consideration the character of the area, setbacks from utilities and hazards related to proximity to the street.

#### 6.3.2.7 Engineering and Geotechnical Studies on Unstable Lands

Where slope stabilization, **development** or **redevelopment** is proposed near the top-of-bank of a watercourse or slope, the proponent will consult with the Municipality and the Conservation Authority regarding the need for geotechnical or engineering studies.

#### 6.3.2.8 Engineering and Geotechnical Studies outside Unstable Lands

Where slope stabilization, **development** or **redevelopment** is proposed outside regulated areas, the Municipality may consult with the Conservation Authority at its own discretion regarding the need for geotechnical or engineering studies.

### 6.3.3 Flooding Hazard

#### 6.3.3.1 One Zone Concept

The Flood Hazard Limit for watercourses is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the appropriate Conservation Authorities.

#### 6.3.3.2 Regulatory Flood Standards

The Municipality is within the jurisdiction of the Lower Thames Valley Conservation Authority. The Regulatory Flood Standard for the area under the jurisdiction of the Lower Thames Valley Conservation Authority is based on the 1937 Thames River flood event.

### 6.3.3.3 Development within Flood plain

**Development** within the **flood plain** is not permitted without written approval from the Conservation Authority and in accordance with **Development**, Interference with **Wetlands** and Alterations to Shorelines and Watercourses Regulations which are administered by the Conservation Authority.

### 6.3.3.4 Existing Development within Flood plain

Any works or construction taking place within the **flood plain** must be in conformity with the policies of this Plan, the policies of the Conservation Authority, and will require a permit from the Conservation Authority.

### 6.3.3.5 Supporting Studies for Existing Development within Flood plain

The preparation of engineering reports to determine the extent of the Flood Hazard Limit may be required in areas where no engineered **flood plain** lines exist. The cost of any required reports will be borne by the **development** proponent.

## 6.3.4 Dynamic Beach Hazard

### 6.3.4.1 Development within the Dynamic Beach Hazard

**Development** and **site alteration** is not permitted within the **dynamic beach hazard** and **wave uprush** hazard zone in consultation with the Conservation Authority.

## 6.3.5 Unstable Lands

### 6.3.5.1 Development on Unstable Lands

No new building or structure shall be permitted within the 100 year erosion allowance and the 3:1 stable slope allowance in consultation with the Conservation Authority.

### 6.3.5.2 Development Adjacent to Unstable Lands

Proposed **development** adjacent to steep slopes, which includes the Lake Erie shoreline, or watercourse valleys will be subject to setbacks from the stable top-of-bank. The stable top-of-bank will be determined through a technical analysis by a qualified professional to the satisfaction of the Municipality and the Conservation Authority. The required **development** setback will reflect the degree, severity and extent of the hazard. The **erosion hazard** (slope setback) will be determined using an allowance for slope stability, an erosion allowance based upon the 100-year erosion rate, and an erosion access allowance. A minimum standard setback may be included in the implementing Zoning By-law.

## 6.4 Water Resources

### 6.4.1 General Policies

#### 6.4.1.1 Location of Water Resources

The Municipality is within the Thames, Sydenham and Region Source Protection, which covers the geographic area of Lower Thames Valley Conservation Authority.

The Thames, Sydenham and Region Source Protection Committee have mapped West Elgin Intake Protection Zones, Highly Vulnerable Aquifers, Significant Groundwater Recharge Areas, and Significant Groundwater Recharge Areas Vulnerability through the Source Protection Plan approved on September 17, 2015 and updated on January 2020. The Water Resources are depicted on Maps 1 through 6 of this Plan.

Intake Protection Zones, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas have been identified in the Lower Thames Valley Assessment Report as being **vulnerable** to contaminants.

#### 6.4.1.2 Updates to Water Resources Mapping

The Water Resources depicted on Maps 1 to 6 are intended to provide guidance on the location of Significant Groundwater Recharge Areas based on Provincial mapping. The mapping depicted on Maps 1 to 6 is not intended to limit the existence of other aquifers and groundwater recharge areas or possibly an Intake Protection Zone. The Official Plan and Implementing Zoning By-law will be amended as required.

Changes to the extent of aquifers and groundwater recharge areas or an Intake Protection Zone will be reflected on Source Water Protection Schedules to be incorporated as part of the Official Plan. For the benefit of the reader, these **vulnerable** areas have been generally identified on Maps 1 to 6 of this Plan. This mapping is intended to reflect the mapping in the approved Lower Thames Valley Assessment Report which may be revised or updated from time to time without the need for an amendment to this Plan. In the case of a discrepancy, the mapping in the most recently approved Source Protection Plan and Assessment Report shall take precedence.

#### 6.4.1.3 Protection of Water Resources

Proposed **development** and **site alterations** should consider the cumulative impacts of a proposed **development** within and across **watersheds**.

#### 6.4.1.4 Protection of Groundwater and Surface Water Features

Groundwater features and **surface water features** and their related **hydrologic functions** must be protected, improved or restored to promote public health and to address the current and future needs of residents, businesses and the natural environment.

#### 6.4.1.5 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.

#### 6.4.1.6 Watershed and Subwatershed Management Plans

To the extent feasible, the Municipality will support the Conservation Authority in the preparation and implementation of **watershed** and subwatershed management plans, including those that extend beyond the municipal boundaries.

#### 6.4.1.7 Watershed Forest Cover

The Municipality encourages achievement of a 30% forest cover in a **watershed** to support biodiversity, and the overall health of the **watershed**.

### 6.4.2 Groundwater and Surface Water Protection

#### 6.4.2.1 Development On or Adjacent to Significant Groundwater and Surface Water Features

**Development** and **site alterations** within or adjacent to significant groundwater features and significant **surface water features** are discouraged. Proposed **development** and **site alteration** must demonstrate that the quality and quantity of significant groundwater features and significant **surface water features** will not be negatively impacted prior to the approval of a **development** application. Mitigative measures or alternative **development** approaches may be required to demonstrate how the quality and quantity of significant groundwater features and significant **surface water features** is protected.

#### 6.4.2.2 Development in High Aquifer Vulnerability Areas

The Municipality discourages the **development** of new employment uses and accessory employment uses on lands designated High Aquifer Vulnerability Areas, as depicted on Maps 1 to 6 of this Plan. Employment uses permitted will generally be non-noxious employment uses within enclosed buildings.

#### 6.4.2.3 Groundwater Impact Assessments

Depending on the level of susceptibility and potential groundwater contaminants, the Municipality may require that a groundwater impact assessment be completed as part of the **development** approval process.

#### 6.4.2.4 Private Water Sources

Most lands within the Municipality have access to municipal drinking water sources. Planning applications that propose to make use of a private water source will be required to submit a detailed hydrogeological study to determine the suitability of the lands for groundwater extraction. The hydrogeological study will be prepared to the satisfaction of the Municipality and the Conservation Authority. Where new **development** is proposed on a site with an existing well, the applicant may only be required to submit a well study and drinking water test, depending on the nature and intensity of the **development** being proposed. More intense forms of residential **development** and non-residential **development** may be subject to more detailed studies noted in this subsection.

#### 6.4.2.5 Permit to Take Water

A Permit To Take Water (PTTW), in accordance with the *Ontario Water Resources Act* is required from the MECP where more than 50,000 litres a day of groundwater and surface water will be drawn.

#### 6.4.2.6 Stormwater Management

The Municipality shall promote stormwater management practices that minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

#### 6.4.2.7 Stormwater Management Facilities

The Municipality will require the use of stormwater management facilities downstream of new **developments**, where appropriate, to mitigate **development** impacts on stormwater quantity and quality and include provisions to protect groundwater recharge/discharge areas. The Municipality will promote naturalized and unfenced stormwater management facilities, constructed with gentle slopes. The Municipality discourages the placement of proposed stormwater management facilities from occurring within or upon natural heritage and/or natural hazard area.

Applications for **development** will be required to be supported by a stormwater quality/quantity management study. The planning and design of stormwater facilities should be undertaken in accordance with the Ministry of the Environment's Stormwater Management Planning and Design Manual. All design parameters for stormwater management shall be approved by the Municipality, the Ministry of Environment and the Lower Thames Valley Conservation Authority. Approval shall be required from the appropriate Ministry prior to construction.

### 6.4.3 Source Water Protection

#### 6.4.3.1 Source Water Protection

In accordance with the *Clean Water Act*, 2006 and Provincial Policy Statement, the Municipality will take measures to protect, improve and/or restore the quantity and quality of groundwater sources to secure long-term hydrologic stability, healthy aquatic habitat and safe drinking water supply.

#### 6.4.3.2 Wellhead Protection Areas

There are no Wellhead Protection Areas in the Municipality according to the Lower Thames Source Water Protection Assessment Report.

#### 6.4.3.3 Drinking Water Supply

The Municipality's drinking water is supplied from the Tri-County Primary Water Supply System. The intake for the Water Treatment Plant is in Lake Erie. At this time, there are two Intake Protection Zones in the Municipality according to the Thames-Sydenham and Region Source Protection Plan.

#### 6.4.3.4 Development Proposals

**Development** proposals or changes in use in these areas will require determination of their potential negative impact on the groundwater and appropriate mitigating measures imposed as a condition of approval.

#### 6.4.3.1 Livestock Operations

In the interest of protecting the quality of ground and surface waters, new or expanding livestock operations will satisfy the policies of this Plan. Refer to Section 7 for additional policies related to Nutrient Management Plans.

#### 6.4.3.2 Intake Protection Zone

There are two Intake Protection Zones (IPZs) – IPZ-1 and IPZ-2 – located along the Lake Erie Shoreline and includes portions of the Lakeshore Area. It also includes a few residential properties, farms, and the Tier 2 Settlement Area of Eagle along Talbot Line. The following applies to the IPZs:

- a) New **development** and/or expansions to existing **development** that involve waste disposal sites within and wastewater treatment facilities, including related **infrastructure**, within Intake IPZ-1 and IPZ-2, are prohibited where they would constitute a significant drinking water threat.
- b) New **development** and/or expansions to existing **development** within IPZ-1 and IPZ-2 that involve the storage or manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizers, liquid fuel, pesticides, sewage and road salt) where they would constitute a moderate or low drinking water threat may be

subject to the implementation of risk management measures to protect the drinking water supply.

- c) New **development** and/or expansions to existing **development** within West Elgin that involve the discharge of stormwater from a stormwater retention pond where it would constitute a drinking water threat should incorporate stormwater management features into building and site plans to reduce the volume of contaminants entering storm sewer systems and roadside ditches draining into IPZ-1 and/or IPZ-2, or Lake Erie.
- d) New **development** and/or expansions, alterations or **redevelopment** of existing **development** for all non-residential uses within IPZ-1 and IPZ-2 where significant drinking water threats can occur, may be permitted, if the Risk Management Official (RMO) is satisfied that the proposal will be carried out in accordance with policies in the Thames-Sydenham and Region Source Protection Plan. Submission of correspondence from the RMO under Section 59 of the *Clean Water Act*, 2006, is required for all non-residential planning applications or land use changes, as per the Restricted Land Use Referral Process.
- e) The Zoning By-law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in IPZs.

## 6.5 Mineral Aggregate Resources

### 6.5.1 General Policies

#### 6.5.1.1 Identification of Mineral Aggregate Resources

At the time of this Plan, there are two known mineral aggregate resource areas in the Municipality.

#### 6.5.1.2 Protection of Mineral Aggregate Resource Areas

Proposed new **development** in areas located within 300 metres (sand and gravel) and 500 metres (bedrock) of *mineral aggregate resource* areas, which would preclude or hinder the establishment of new *mineral aggregate operations* or access to the resources is not permitted, except where:

- a) Extraction of the resource is not feasible;
- b) The proposed **development** serves a greater long-term public interest; and,
- c) Issues of public health, public safety and environmental impact are addressed.

#### 6.5.1.3 Provincial Requirements

All resource extractive uses must satisfy the requirements of the Province as to water supply, disposal of liquid wastes, pumping operations, the control of air and noise pollution and vibrations where blasting is involved.

## 6.5.2 Existing Mineral Aggregate Operations and Associated Uses

### 6.5.2.1 Location of Existing Mineral Aggregate Operations

Existing licensed *mineral aggregate operations* are shown on Schedule 6 of this Plan.

### 6.5.2.2 Permissions for Existing Mineral Aggregate Operations

Existing licensed mineral aggregate operations shall be permitted to continue without the need for an Official Plan amendment, rezoning or **development** permit under the *Planning Act*. When a license for an operation ceases to exist, Policy 6.5.1.2 continues to apply in instances where **mineral aggregate resources** are present.

### 6.5.2.3 Primary Uses Permitted

Within the areas identified as ‘Aggregate Resources’ on Schedule 6, lands shall be used for the extraction of aggregate unless the available aggregate has been extracted or it is otherwise determined that the available resource is not commercially viable to extract. Uses accessory to extraction and processing (including the crushing, recycling, washing and stockpiling of aggregate extracted from the operation) shall be permitted. **Agricultural uses** shall also be permitted and the policies of this Plan governing lands designated ‘Agricultural’ shall apply.

### 6.5.2.4 Secondary Uses Permitted

Licensed or abandoned sand and gravel pits may also be used for the purposes of processing, recycling or stockpiling aggregate, concrete, asphalt and similar materials brought in from elsewhere. Uses such as agriculture and forestry shall also be permitted. Outdoor **recreation** uses may be permitted in abandoned gravel pits subject to the policies of this Plan, including but not limited to 6.5.4.3

### 6.5.2.5 Protection of Mineral Aggregate Operations

Proposed new **development** in areas located within 300 metres (sand and gravel) and 500 metres (bedrock) of *mineral aggregate operations*, which would preclude or hinder the on-going operation of an existing *mineral aggregate operations* is not permitted, except where:

- a) Extraction of the resource is no longer feasible;
- b) The proposed **development** serves a greater long-term public interest; and,
- c) Issues of public health, public safety and environmental impact are addressed.

Area municipalities shall establish policies that protect *mineral aggregate operations* from new **development** 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.

### 6.5.2.6 Expansion of an Existing Mineral Aggregate Operation

Applications to make changes to or expand an existing mineral aggregate operation are subject to the policies of this Plan, applicable **Provincial Plans** (as the case may be) in addition to any

requirements under the *Aggregate Resources Act*. An Official Plan Amendment is required for expansions of existing **mineral aggregate operations**, where the proposed expansion is beyond the limits of the site identified in Schedule 7.

#### 6.5.2.7 Expansions within the Natural Heritage System

Applications to expand an existing **mineral aggregate operation** within the **Natural Heritage System** may be permitted, including in key natural heritage features, key hydrologic features and any associated vegetation protection zones, if the related decision is consistent with and satisfies the rehabilitation requirements set out by the Province and the County.

### 6.5.3 New Mineral Aggregate Operations and Associated Uses

#### 6.5.3.1 New Mineral Aggregate Operations on Lands Not Designated

Applications for the establishment of new **mineral aggregate operations** on lands not designated will require an amendment to both the Official Plan and Zoning By-law. Applications to amend the Official Plan and Zoning By-law must be supported with the following information:

- a) The location, shape, topography, contours, dimensions, area and characteristics of the lands to be used for the new resource extraction operation;
- b) The use of all land, and the location and use of all buildings and structures on the subject lands and within 500 metres (1,640 feet) of any of the boundaries of the lands to be used for the resource extraction operation;
- c) The specific location, type, quantity and quality of the mineral resources within the lands to be used for resource extraction purposes;
- d) Plans showing progressive grade changes, excavation setbacks, proposed buildings, changes to the drainage systems, access points, mineral storage areas, screening and berming and progressive rehabilitation of the site during the active life of the resource extraction operations; and,
- e) The final rehabilitation and reuse of the site.

The above-noted information may be supplied by the proponent in an application for a license under the *Aggregate Resource Act*, a separate submission to the Municipality or a combination of both.

#### 6.5.3.2 Extraction Below the Water Table

Where extraction is proposed below the water table, the following criteria will be satisfied.

- a) A Permit To Take Water, in accordance with the *Ontario Water Resources Act* will be required from the Ministry of Environment where more than 50,000 litres a day of groundwater/surface water will be drawn. A hydrogeological study will be conducted for aggregate operations that intend to use groundwater resources to

wash their aggregate and will use greater than 50,000 litres per day during this washing process;

- b) A Certificate of Approval from the Ministry of Environment may be required to treat and dispose of excess water;
- c) A substantial quantity of mineral aggregate is located below the water table warranting extraction below the water table;
- d) Other alternatives have been considered by the applicant and have been found unsuitable. Other alternatives include resources on land committed to future urban uses, and resources in the Agricultural Area where rehabilitation to **agricultural uses** is possible; and,
- e) In those areas remaining above the water table following extraction, agricultural rehabilitation will be maximized.

#### 6.5.3.3 Mineral Aggregate Operations on Lands in Agricultural Area Designation

Mineral aggregate extraction is permitted as an interim use on lands designated as Agricultural Area provided that the site will be rehabilitated back to an **agricultural condition**, where extraction is not below the water table.

#### 6.5.3.4 Mineral Extraction in Prime Agricultural Areas

In **prime agricultural areas** extraction of **mineral aggregate resources** will be supported by an agricultural impact assessment. Where possible, the assessment will provide guidance on how to maintain or improve connectivity of the agricultural system.

#### 6.5.3.5 Wayside Pits and Quarries, Portable Asphalt and Concrete Plants

The use of **wayside pits and quarries, portable asphalt plants, and portable concrete plants** on Municipal, County or Provincial road authority contracts will be permitted in all land use designations except **Natural Heritage Features and Areas** and Hazard Lands as identified on Schedule 2 and Schedule 3 of this Plan and areas where conflicts with existing **developments** would occur. This policy only applies directly to the road construction and not to subcontractors or other individuals who may be indirectly involved with the road authority contract.

#### 6.5.3.6 Mineral Aggregate Operation Applications

Extraction of mineral aggregate resources in the province is legislated through the Ministry of Natural Resources and Fisheries. In addition to any provincial licensing requirements, or as part of that process, alignment with local official plans and zoning is also required. Applications for a **Mineral Aggregate Operation** shall include a range of supporting studies which shall demonstrate impacts and recommend appropriate mitigation measures. Studies shall be prepared in coordination with the County and other applicable agencies. Study shall include the following (but are not limited to):

- a) Traffic Impact Study;
- b) Environmental Impact Study;

- c) Archaeological and Cultural Heritage Study;
- d) Stormwater Management and Hydrologic Study;
- e) Agricultural Impact Assessment;
- f) Visual Impact Assessment; and,
- g) Land Use Compatibility Assessment.

## 6.5.4 Rehabilitation

### 6.5.4.1 Progressive and Final Rehabilitation

Progressive and final rehabilitation for **mineral aggregate operations** is required. Progressive and final rehabilitation shall accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction, and mitigate **negative impacts** to the extent possible. Final rehabilitation of the operation must be compatible with the surrounding land use and approved land use designations.

### 6.5.4.2 Rehabilitation Plan

The Municipality requires applications for new **mineral aggregate operations** to submit a rehabilitation plan to satisfy the requirements of the Province, the County, and the Municipality.

### 6.5.4.3 Rehabilitation of Agricultural Lands

Where extraction takes place on agricultural lands, the lands shall be rehabilitated to an **agricultural condition**. Complete rehabilitation to an **agricultural condition** is not required if:

- a) There is a substantial quantity of mineral resource below the water table warranting extraction;
- b) The depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- c) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as **designated growth areas**, and resources on **prime agricultural lands** where rehabilitation is feasible. Where no other alternatives are found, **prime agricultural lands** shall be protected in this order of priority: **specialty crop areas**, Canada Land Inventory Class 1, 2 and 3 lands; and,
- d) Agricultural rehabilitation in remaining areas is maximized.

### 6.5.4.4 Consideration of other Uses

Where agricultural rehabilitation is not required, other appropriate after uses, such as recreational uses may be considered in accordance with the policies of this Plan. Sites may also be rehabilitated to **wildlife habitat** using native species for vegetation. If a proposed use is not permitted in the Agricultural designation, an Official Plan Amendment will be required.

## 6.5.5 Recycling of Mineral Aggregates

### 6.5.5.1 Aggregate Recycling Facilities

The Municipality permits the use of aggregate recycling facilities within licensed **mineral aggregate operations** provided the appropriate mitigation measures are implemented to minimize any potential **adverse effects** on surrounding land uses and the natural environment. Mitigation measures should address for off-site impacts related to views/vistas, dust, noise and other potential impacts associated with the operation.

### 6.5.5.2 Use of Recycled Aggregates

The Municipality supports the recovery and recycling of manufactured materials derived from **mineral aggregate resources** for reuse in public work projects as a substitute for new **mineral aggregate resources**.

## 6.6 Petroleum Resources

### 6.6.1 General Policies

#### 6.6.1.1 Location of Petroleum Resources

The Ministry of Natural Resources and Forestry identifies a number of known Petroleum Resource pool in the Municipality of West Elgin. The location of the Municipality's **petroleum resources** is shown on Schedule 6 of this Plan.

#### 6.6.1.2 Updates to Petroleum Resources Mapping

The mapping depicted on Schedule 6 is not intended to limit the existence of **Petroleum Resources**. The Municipality will consult with the Province as new mapping of **Petroleum Resources** becomes available. The Official Plan and implementing Zoning By-law will be amended as required.

#### 6.6.1.3 Management of Petroleum Resources

**Petroleum resources** shall be recognized and managed as non-renewable resources.

#### 6.6.1.4 Protection of Petroleum Resources

Existing petroleum resource pools identified on Schedule 6 are to be protected from **development** which would preclude or hinder future extraction.

#### 6.6.1.5 Extraction of Petroleum Resources

The extraction of **petroleum resources** shall be permitted in accordance with the *Oil, Gas and Salt Resources Act* and associated regulations.

## 6.6.2 Existing Wells

### 6.6.2.1 Proposed Development in Proximity to Existing Wells

Proposed **developments** shall be set back a minimum of 75 metres from existing oil and gas wells and any associated works as prescribed by the *Oil, Gas and Salt Resources Act*.

## 6.6.3 Abandoned Wells

### 6.6.3.1 Proposed Development in Proximity to Abandoned Wells

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**.

### 6.6.3.2 Proposed Development in Proximity to Improperly Decommissioned Wells

Improperly decommissioned (plugged) wells or associated works discovered during the planning or implementing of a new **development** proposal shall be properly decommissioned in accordance with the *Oil, Gas and Salt Resources Act*, regulations and Provincial Operating Standards prior to any activity associated with a **development** continuing.

## 6.6.4 Decommissioned Wells

### 6.6.4.1 Proposed Development On or Adjacent to Decommissioned Wells

Proposed **development** on or adjacent to lands with a decommissioned well and any associated works is only permitted if site rehabilitation has been completed and known hazards are appropriately mitigated.

## 6.6.5 Rehabilitation

### 6.6.5.1 Rehabilitation of Wells

Rehabilitation and clean-up of wells is required after operations have ceased in accordance with the provision of the *Mining Act* and the *Oil, Gas and Salt Resources Act*, regulations, and Provincial Operating Standards. Progressive rehabilitation should be undertaken wherever feasible.

## 6.7 Cultural Heritage and Archaeological Resources

### 6.7.1 General Policies

#### 6.7.1.1 Maintain and Enhance our Cultural Heritage Resources and Landscapes

The Municipality supports the maintenance, preservation, and enhancement of the area's cultural heritage resources for the benefit of the community as a whole. Cultural heritage resources include buildings, structures, landscapes, monuments or artifacts of cultural heritage value or interest.

### 6.7.1.2 Identifying Areas of Archaeological Potential

The Municipality may identify **areas of archaeological potential** through the use of Provincial screening criteria, or criteria based on known archaeological sites within the Municipality developed by a licensed archaeologist. The Municipality recognizes that there are precontact and historic archaeological sites, and areas containing archaeological potential within the Municipality.

### 6.7.1.3 Establishing a Municipal Heritage Committee

Council may establish a Municipal Heritage Committee according to the *Ontario Heritage Act* to advise and assist Council on matters related to the Act and other matters of heritage conservation. The Heritage Committee shall identify and maintain a registry of possible heritage properties which would include properties of cultural heritage value or interest.

### 6.7.1.4 Archaeological Management Plans and Cultural Management Plans

The Municipality supports the **development** of archaeological management plans and cultural plans in conserving cultural heritage and **archaeological resources**.

### 6.7.1.5 Provincial Requirements

The Municipality may utilize Parts IV and V of the *Ontario Heritage Act* to conserve cultural heritage resources through the designation of individual properties or areas, and the designation of a group or groups of properties as Heritage Conservation Districts.

## 6.7.2 Development Within or Adjacent to Cultural and Archaeological Resources or Areas

### 6.7.2.1 Development on Lands with Archaeological Resources or Areas of Archaeological Potential

**Development** and **site alteration** is not permitted on lands containing **archaeological resources** or **areas of archaeological potential** unless **significant archaeological resources** have been **conserved**. **Development** proponents may consider reviewing the Ministry's archaeological screening checklist as part of pre-development due diligence review. Proposed **developments** and **site alterations** on lands containing **archaeological resources** or **areas of archaeological potential** must submit an archaeological assessment. The Municipality may require the completion of an assessment that has been submitted to the Ministry prior to final planning approval, or as a condition of final planning approval. Archaeological assessment reports conducted by licensed archaeologists shall be in compliance with standards and guidelines set out by the Ministry Tourism, Culture and Sport as well as licensing requirements developed under the *Ontario Heritage Act*.

### 6.7.2.1 Indigenous Engagement

The appropriate First Nations shall be provided notification with regard to identification of burial sites and **significant archaeological resources** relating to the activities of their ancestors. If the Municipality initiates the preparation of an archaeological master plan, the appropriate First Nations shall be notified and invited to participate in the process.

### 6.7.2.2 Development On or Adjacent to a Protected Heritage Property

Proposed **developments** and **site alterations** on or adjacent to protected heritage properties are required to provide a heritage impact assessment as part of the development approval process, demonstrating that the **heritage attributes** of the **protected heritage property** will be **conserved**.

### 6.7.2.3 Marked or Unmarked Cemeteries

When an identified marked or unmarked cemetery is affected by land use **development**, the Ministry of Heritage, Sport, Tourism and Culture Industries and the Cemeteries Registrar Unit of the Ministry of Consumer Services shall be notified according to the provisions of the *Ontario Heritage Act* and the *Cemeteries Act* and those provisions shall apply.

## 6.7.3 Marine Archaeological Resources

Within the Municipality boundaries, there may be marine **archaeological resources**, including the remains of boats, artifacts, docks and other items of cultural heritage value. Prior to approving a **development** proposal where there is a potential for marine **archaeological resources**, the Municipality shall require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Municipality and the Ministry of Heritage, Sport, Tourism and Culture Industries. Marine archaeological remains may currently be under water or were, at one time, under water but may no longer be submerged.

# 7 LAND USE POLICIES

## 7.1 Agricultural Area

### 7.1.1 Goals and Objectives

- a) Protect **prime agricultural areas** for long term agricultural use;
- b) Support measures that lead to increased production, diversity of crops and sustainability in a changing market;
- c) Provide opportunities for agriculture, **agriculture-related** and **on-farm diversified uses**;
- d) Support adoption of new practices, technology and economies of scale; and
- e) Maintain all measures that are environmentally sustainable and without adverse impacts of human health or the community.

### 7.1.2 Planned Function

West Elgin's Agricultural Area plays a part in the wider system of production and growth within the County of Elgin and southwestern Ontario. The lands designated as Agriculture are intended to support a broad range of economic development activities for farming and farm-related activities including:

- a) **Agricultural Uses**;
- b) Agricultural Related Uses; and,
- c) **On-Farm Diversified uses**.

### 7.1.3 Agricultural Uses

#### 7.1.3.1 Permitted Uses

Within areas designated 'Agricultural' on Schedule 4, the primary use of land shall be for farming and buildings, structures, uses and facilities associated with the farm operation including the farm dwelling and dwellings required for farm help. Unless permitted elsewhere in this Plan, non-agricultural uses are not permitted so as to preserve agricultural land and to prevent conflict between farm and non-farm uses. Permitted uses within Agricultural Areas include the following:

- a) Growing of crops, nurseries, biomass and horticultural crops, raising of livestock, raising of other animals for food, fur or fibre, including poultry and **fish**, aquaculture, apiaries, agro-forestry, maple syrup production, horticulture, nurseries, forestry and associated on-farm buildings and structure;
- b) Agricultural-related uses in accordance with policy 7.1.4;
- c) **On-farm diversified uses** in accordance with policy 7.1.5;
- d) Existing **institutional uses** and cemeteries;
- e) Petroleum resource exploration and extraction in accordance with policy 6.6;
- f) Aggregate resource extraction in accordance with policy 6.5;

- g) Forestry, conservation and open space uses;
- h) Limited residential uses in accordance with policy 7.17;
- i) Cannabis cultivation in accordance with Policy 5.9;
- j) Alternative energy facilities in accordance with the policies of this plan and applicable Provincial policies as the case may be; and
- k) Secondary dwelling units.

### 7.1.3.2 Existing Rural Industrial Uses in the Agricultural Area

There are a number of existing rural industrial uses in West Elgin’s agricultural area. These may not be designated on Schedule 4 or zoned and, ultimately, may not be permitted in accordance with the policies of this Plan and would be considered “non-conforming”. Some of these properties, by the nature of the existing use on the property, may not be able to be returned to intended agricultural uses as a result of ground disturbance, lot size, or similar reasons. Upon request by the landowner, and a review by Municipality staff, these existing properties may be designated and/or zoned to recognize the existing use and state of the property unless they are highly incompatible with farming. If it is determined they are compatible with farming, they should be zoned in a way to reflect the existing use to the exclusion of others in order that no change may occur without rezoning. If a particular non-conforming use ceases to exist, the land may be rezoned without a need to amend the Official Plan to permit another type of non-conforming use provided no greater incompatibility with farming will result.

## 7.1.4 Agricultural Related Uses

### 7.1.4.1 Permitted Agricultural Related Uses

Agricultural Related Uses include farm-related commercial and farm-related employment uses that are directly related to farm operations in the area, support the agricultural system, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

### 7.1.4.2 Criteria for Agricultural Related Uses

Examples of such uses include, but are not limited to, grain dryers, feed mills, cold and dry storage facilities, grain and seed storage facilities, distribution facilities, abattoirs, food and beverage processing operations (e.g. wineries, cheese factories), farmer’s market selling mostly local produce and farm auction operations. Agricultural-related employment uses may include uses such as operations that process farm commodities. The following requirements shall apply to all agricultural related uses:

- a) The use is directly related to the farm operation and requires a location in close proximity to the farm operation;
- b) The need and demand for the use at the location proposed can be demonstrated to the satisfaction of the Municipality;
- c) The use is located on the least productive agricultural land, where possible;

- d) The use is located on a road capable of accommodating the traffic generated;
- e) The requirements and standards for Municipality, County and Province regarding water supply, sewage disposal, drainage, air quality, noise and vibration are satisfied;
- f) The use is located in conformity with the **Minimum Distance Separation formulae** and does not adversely impact surrounding agricultural activities;
- g) The size and scale of the facility is appropriate for the rural character of the surrounding area and does not adversely impact adjacent **agricultural uses**;
- h) The use does not negatively impact **natural heritage features and areas** and functions;
- i) A site-specific Zoning By-law Amendment is obtained; and
- j) Lot frontage, depth and size of any lot proposed to be used or created is adequate for the proposed use and will be in accordance with the Zoning By-law.

## 7.1.5 On-Farm Diversified Uses

### 7.1.5.1 Permitted On-Farm Diversified Uses

**On-Farm Diversified Uses** are secondary to the principal agricultural use of the property and are limited in size. **On-farm diversified uses** include, but are not limited to, **home occupations**, **agri-tourism uses**, indoor cannabis cultivation and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in the Agricultural Areas as **on-farm diversified uses**.

### 7.1.5.2 Criteria for On-Farm Diversified Uses

On-farm diversification is encouraged as a means of supporting the overall vitality and sustainability of the Agricultural Area. The following applies to all **On-Farm Diversified Uses**:

- a) Uses must be clearly secondary to the principle agricultural use of the lot;
- b) Uses may include **home occupations**, bed and breakfast, and uses that produce value-added agricultural products from the farm operation on the property;
- c) **Home occupations** will be operated or undertaken by residents of the site. The number of non-residents assisting in the operation of the **home occupation** will be limited per the Zoning By-law;
- d) **Home occupations** will not create a nuisance or conditions inconsistent or incompatible with nearby **agricultural uses** or the agricultural character of the area;
- e) Total area will be limited based on total footprint of the uses, on a lot coverage ratio basis;
- f) Any buildings or structures associated with such uses should be of a design and style that will allow for ease of conversion to an agricultural use if the secondary use should cease;
- g) Appropriate **development** standards must be contained in the Zoning By-law regarding the maximum floor area for such uses, signage, access, parking and outside storage;
- h) Site plan approval and site plan agreements may be required;
- i) Severance of secondary uses from the farm lot will not be permitted.

## 7.1.6 Residential Permissions within the Agricultural Area

Residential dwellings within the Agricultural Area are limited to:

- a) New single-detached dwellings accessory to an agriculture use;
- b) Existing single-detached non-farm dwellings;
- c) New single-detached non-farm dwellings, constructed on vacant lots existing on the date of adoption of this Plan, and held in distinct and separate ownership from abutting lands, subject to the requirements of the Zoning By-law; and
- d) Temporary residences for seasonal farm labour may be permitted or one permanent second farm residence may be permitted for full-time farm labour where the size and nature of the operation requires additional farm related employment in accordance with Policy 7.1.6.1.

### 7.1.6.1 Housing for Farm Help

Housing for full-time farm help may be permitted where the nature or size of a farm operation requires such accommodation and provided the dwelling being erected is designed and constructed in a manner which is capable of being readily removed from the farm when no longer required. Such requests shall be considered on a case by case basis. Where housing for farm labour is of a temporary nature, the temporary use provisions of the *Planning Act* shall be utilized to regulate the location, type of construction and duration of housing for these purposes. Prior to the enactment of a temporary use by-law, an agreement with the Municipality shall be executed to ensure that the dwelling is removed from the farm when no longer required, the lands are rehabilitated to the satisfaction of the Municipality and sufficient financial security is provided to ensure due performance.

## 7.1.7 Additional Policies

### 7.1.7.1 Agriculturally-related Commercial and Employment Uses

Agriculturally-related commercial and agriculturally-related employment uses that are directly related to serving the needs of the farm community and are required to be, or benefit by being, in close proximity to farming operations shall be permitted subject to the following criteria:

- a) a demonstrated need exists for the use within the planning horizon;
- b) reasonable alternative sites including sites within designated **settlement areas** which avoid **prime agricultural areas** do not exist and where a location in a **prime agricultural area** is being proposed, lower priority agricultural lands are considered;

### 7.1.7.2 Surplus Farm Dwelling

The creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) the dwelling considered surplus has been in existence for at least 10 years;
- b) the dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) no new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) compliance with MDS I with respect to any livestock building, structure or manure storage facility on the remnant parcel;
- e) minimizing the loss of productive farmland; and
- f) deteriorated, derelict, abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

### 7.1.7.3 Re-Use of Existing Non-Agricultural Buildings

Existing non-agricultural buildings within an Agricultural Area may be utilized in accordance with the policies for Agricultural Related Uses or On-Farm Diversified Use. The use should be in keeping with the current surrounding Agricultural Area. A Zoning By-law amendment may be required.

### 7.1.7.4 Wooded Areas not Subject to Significant Woodland Policies

**Development** in wooded areas of the Agricultural Area shall be carried out in a manner that encourages preservation and protection of treed areas in keeping with the policies as outlined in this Plan. This Plan recognizes the importance of trees to agriculture due to their wind protection and moisture holding capabilities, and encourages reforestation and conservation of woodlots. Removal of treed areas is subject to the County of Elgin’s Woodland Conservation By-law.

### 7.1.7.5 Minimum Lot Size for Agricultural Uses

The minimum lot size for new agricultural parcels shall be 40 hectares to discourage the unwarranted fragmentation of farmland. This Plan supports the provision of agricultural land parcels of sufficient size for long-term agricultural use recognizing the need to maintain maximum flexibility for farm operators to engage in differing types and sizes of agricultural operation. Existing parcels of insufficient size for agricultural use will be encouraged to consolidate with adjoining farmlands where possible.

### 7.1.7.6 Minimum Farm Lot Size for Agriculture-Related Uses

Severances for agricultural related uses may be considered where the lot is being severed from an agricultural lot that is 40 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is less than 40 hectares provided that the agricultural land is added to an abutting agricultural lot.

### 7.1.7.7 Non-Farm Lot Size

All new non-farm lots will be limited in size so that a minimum of land is taken out of **agricultural uses**, and will be located on the least productive land where possible. The lot size and shape will be consistent with expected current and future needs with respect to water supply and sewage disposal.

## 7.1.8 Agricultural Area Interface

### 7.1.8.1 Agricultural Practices

The Municipality encourages landowners to employ farm management practices in Agricultural Areas that are **sensitive** to the natural environment, and in conjunction with the appropriate Conservation Authority regulations, including the following:

- a) cultivation methods aimed at minimizing erosion,
- b) re-establishment of natural features;
- c) planting of stabilizing vegetation on creek flats and slopes to minimize erosion and run-off;
- d) proper construction of drainage tile outlets to minimize erosion along water-courses;
- e) restricting livestock access to watercourses;
- f) appropriate application of fertilizers and herbicides to minimize chemical run-off;
- g) proper storage, handling and disposal of hazardous and non-hazardous pollutants;
- h) maintaining a buffer strip along watercourses, ditches and open drains; and
- i) the preparation of Nutrient Management Plans.

### 7.1.8.2 Minimum Distance Separation

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the **Minimum Distance Separation formulae**.

### 7.1.8.3 Application of MDS I

The Municipality shall require compliance with the MDS I requirements for all types of **development** proposed by building permit on all existing lots of record outside of hamlets and **settlement areas**. The Municipality requires compliance with the MDS I requirements for surplus farm dwelling severances. The Municipality does not require compliance with the MDS I requirements for the construction of a new dwelling that is replacing a dwelling that is demolished in whole, or in part, by a catastrophe, provided that the new dwelling is located no closer to a livestock facility than prior to the catastrophe. The Township shall not apply MDS I in hamlets and **settlement areas** designations.

### 7.1.8.4 Application of MDS II

The Municipality shall not apply MDS II in hamlets and **settlement areas**. The Municipality shall apply the MDS II requirements for the construction of a livestock facility that is replacing a livestock facility that is destroyed by a catastrophe. The Municipality shall treat closed

cemeteries in compliance with the Minimum Distance Separation Implementation Guidelines in accordance with the levels of visitation to the cemeteries.

## 7.2 Tier 1 Settlement Areas

### 7.2.1 Goals and Objectives

- a) To accommodate the majority of population growth and residential **development** in areas with full municipal services;
- b) To ensure there is an appropriate range of housing types in terms of built form and affordability;
- c) To create strong, viable, attractive and pedestrian-friendly downtown cores as the primary focus of commercial and social activity in West Elgin with a unique sense of place and character, offering a range of basic goods and services;
- d) To direct employment **development** to areas suitable for such purposes and in a manner that does not detract from existing or planned residential and/or commercial **development**
- e) To maintain the essential qualities of privacy, quiet enjoyment, public health and safety, and land use compatibility in residential areas;
- f) To accommodate new and maintain existing uses to meet the educational, health and spiritual needs of the community.

### 7.2.2 Complete Communities

Tier 1 **settlement areas** are intended to be planned as complete communities with a mix of residential, commercial, employment, institutional and recreational uses. The detailed land use for each Settlement Area is depicted on Schedules 4A and 4B. Parks, open space, trails and recreational facilities will be subject to the Parks, Open Space, Trails and Recreational Facilities policies in Section 5.3.

### 7.2.3 Residential

#### 7.2.3.1 Planned Function

Areas designated for residential purposes include existing residential **development** and vacant lands for accommodating future residential **development**. Undeveloped lands designated for residential purposes lie adjacent to existing residential areas to ensure contiguous **development** and the cost-efficient extension of services. Within existing developed areas, opportunities exist for **redevelopment** and infilling. These areas are intended to allow for a variety of housing options, including a variety of dwelling types, tenure types and arrangements.

#### 7.2.3.2 Permitted Uses

The following uses are permitted in Residential Areas

- a) Single-detached dwellings;

- b) Semi-detached dwellings;
- c) Townhomes;
- d) Low rise apartments and other multiple dwelling forms;
- e) **Accessory uses**;
- f) **Home occupations** in accordance with policy 5.5;
- g) Special Residential uses, in accordance with policy 5.7;
- h) **Bed and Breakfast Establishments**, in accordance with policy 5.6;
- i) Lodging Houses, in accordance with policy 5.8;
- j) Parks and recreational uses in accordance with policy 5.3;
- k) **Institutional uses** in accordance with policy 5.10;
- l) Accessory Dwelling Units in accordance with policy 5.4.

## Additional Policies

### 7.2.3.3 Residential Density

Multi-unit forms of residential **development** provide the potential for more **affordable** housing as well as housing more able to meet the increasingly diverse needs and preferences of the community. To ensure compatibility with existing **development**, Table 7.1 provides the maximum permitted density and building heights for lands designated residential within Tier 1 **settlement areas**.

**Table 7.1: Residential Density**

Density:	Dwelling Types:	Maximum Density	Maximum Building Height
<b>Low</b>	Single-detached, semi-detached, duplexes, triplexes	20 units per hectare	Up to 3 storeys
<b>Medium</b>	Townhomes and low rise apartments	50 units per hectare	Up to 3 storeys for Townhomes and 6 storeys for low-rise apartment

### 7.2.3.4 Medium Density Residential Development

Applications for Medium Density Residential **Development** will be considered in accordance with the following policies:

- a) Preference will be given to medium-density **development** in locations in proximity to Arterial or Collector Roads where the **development** provides a physical transition between low-density dwellings, and higher-density residential **development**; locations in proximity to natural amenities such as watercourses, major open space areas, existing neighbourhood parks, schools and other community facilities, and commercial areas;
- b) Municipal services should be available or capable of being made available;

- c) The **development** should be buffered with appropriate landscaping and setbacks from abutting low-density residential **development**;
- d) The **development** should be designed so that it is compatible with surrounding **development**;
- e) On-site parking and recreational amenities are to be provided;
- f) The height of the proposed **development** will not generally exceed six storeys;
- g) Site Plan Approval is required.

### 7.2.3.5 Housing Mix

**Development** proposals for large undeveloped parcels shall incorporate a range of housing types and densities, as permitted by this Plan, unless it is capable of being demonstrated that market, servicing, site conditions and neighbouring land use dictate otherwise.

### 7.2.3.6 Urban Design

#### 7.2.3.6.1 Site Layout

Site Layout of all new residential **development** shall maintain or enhance the neighbourhood's prevailing pattern of lot widths, lot depth and lot area. The mixing of densities and housing designs within individual **developments** is encouraged, provided that locational requirements are satisfied. The density of a **development** will be governed by the Municipality considering among other things, the preservation of open space and trees, the ability of the road system to accommodate the generated traffic, the capacity of municipal **infrastructure**, and compatibility with existing **development** patterns.

#### 7.2.3.6.2 Landscaping and General Site Design

Landscaping on the front and side yards of all residential properties is required and should have regard for four-season viability, and in accordance with the Zoning By-law. Parking for medium density residential forms should generally be located at the side and rear of buildings, with separate parking from driveway entrances to streets, and avoid obstruction of views of approaching traffic, pedestrians or cyclists. Bicycle parking should also be installed where possible. Screening and landscaping around parking areas is required. Sheds and outdoor storage shall be located in the side or rear yard of residential dwellings, and in accordance with the Zoning By-law.

#### 7.2.3.6.3 Neighbourhood Design

Varieties of residential dwelling types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density **developments** will complement those of lower density, with sufficient spacing to maintain privacy, and amenity. Connectivity of neighbourhoods is required through recreational spaces, parks, trails, sidewalk and other **active transportation** linkages where feasible.

### 7.2.3.7 Residential Infill

In existing Residential Areas, an increase in residential density may be considered subject to the following:

- a) The proposed **development** is generally compatible with the surrounding uses;
- b) Availability of municipal services;
- c) Proximity and access to supporting community services; and,
- d) The proposed **development** increases the mix of dwelling types and support the achievement of the Municipality's affordability target of 20%.

### 7.2.3.8 Settlement Area Interface

In cases where residential **development** is proposed on lands adjacent to or abutting agricultural lands, the Municipality will ensure that adequate buffering and/or mitigation measures, including applicable Minimum Distance Separation requirements, are provided between the **development** and the agriculture lands so that **normal farm practices** are protected from **development** within the Tier 1 and Tier 2 **settlement areas**, where necessary. In this regard, the developer will be responsible for providing appropriate transitional space through the use of landscaping, setbacks, fencing and screening. The specific design aspects for addressing interface conditions will be determined through the site plan and/or subdivision agreements.

### 7.2.3.9 Professional Offices

Certain types of professional offices are compatible with a residential neighbourhood, and may serve as a needed function to nearby residents. These uses include, but are not limited to a law office, doctor's office, chiropractic practice, dentist, or accounting practice. **Development** standards can blend such uses into the residential community so as to minimize undesired impacts. Professional offices will be permitted in existing residential dwellings within the Residential Areas provided:

- a) The proposed use is limited to a professional practice;
- b) Within **settlement areas**, the use fronts onto a Collector or Arterial Road; and,
- c) Adequate parking and pedestrian connections are provided.

## 7.2.4 Downtown Core

### 7.2.4.1 Planned Function

Downtown Core areas comprise the historic main streets of the villages. In Rodney, the 'Downtown Core' lies generally along Furnival Road (County Road No. 103) between Albert Street to the north and Main Street on the south, and includes lands lying on the east side of Jane Street. In the case of West Lorne, the 'Downtown Core' lies generally along Pioneer Line (County Road No. 2) and Graham Road (County Road No. 76), in the, more or less, geographic centre of the Village being bounded by the former railway corridor to the north, Elm Street to

the south, Argyle Street to the east and Ridge Street to the west. Downtown Core areas are intended to support a range and mix of uses to serve a multi-functional role of the Downtown Core as a place where residents can live, work, shop and play.

#### 7.2.4.2 Permitted Uses

Within lands designated Downtown Core, a wide range of commercial uses shall be permitted, including retail stores, restaurants, specialty shops, financial institutions, business and professional offices. While commercial uses dominate the Downtown Core, dwelling units contribute to the character and activity of the core, offer an alternative use for upper storeys in commercial buildings and provide a desired location for those wishing to reside in the Downtown Core. Single unit dwellings that remain are potential candidates for conversion to commercial purposes while still retaining a residential component. New residential units in the form of apartments over ground floor commercial uses and as a component of mixed-use **developments** shall be encouraged where they will not detract from, or be in conflict with, business activity at street level.

#### 7.2.4.1 Urban Design

The intention of the Downtown Core is to create and strengthen vibrancy and pedestrian-orientated spaces. Ground floor residential, drive-in and drive-through facilities or changes to reduce the presence of ground floor commercial shall be discouraged.

New buildings and improvements and additions to existing buildings shall be designed in a manner to enhance and complement the core's heritage character and compact nature through the use of compatible building materials and features, and façade heights and building setbacks consistent with the historic **development** of the core.

Vehicular parking shall be encouraged on-street and at the rear of buildings accessible to pedestrians by walkways. Signage may be controlled by guidelines and/or a sign by-law adopted by the Municipality.

#### 7.2.4.2 Additional Policies

Enhancement of the 'Downtown Core' in terms of public amenities, façade restoration, sidewalks, parking, street lighting, tree planting, maintenance and other measures shall be undertaken or otherwise facilitated by the Municipality in consultation with business owners, property owners and the community in general. Where lands are being developed or redeveloped, opportunities for upgrading the public realm shall be considered.

### 7.2.5 Commercial

#### 7.2.5.1 Planned Function

Commercial areas are intended to provide economic development opportunities and also provide a range of local shopping options to support residents living in the **settlement areas** and nearby agricultural community. The designation includes existing commercial **development**

as well as lands considered suitable to accommodate future commercial **development** unsuitable to the 'Downtown Core'. General Commercial areas should be clustered in **settlement areas** in the form of small nodes, plazas or main street formats.

#### 7.2.5.2 Permitted Uses

Within areas designated Commercial, the primary use of land shall be for commercial uses which cater to the needs of the automobile, the travelling public and single purpose shopping trips. Typical uses include motor vehicle sales and services, garden supply outlets, sale of bulk goods and certain types of convenience retail and service outlets. Lands designated Commercial may also be used for employment uses permitted under Section 7.2.6.2 in accordance with the requirements thereof.

#### 7.2.5.3 Urban Design

**Development** will be characterized primarily by buildings set back from the street and outside areas for parking, outside storage and display. Efforts will be made to internally link adjacent **development** to minimize vehicle entrances and enhance public safety. **Development** is space extensive with buildings well setback from the street and property lines with lands reserved for on-site parking and outside storage. Pedestrian amenities are limited.

### 7.2.6 Employment

#### 7.2.6.1 Planned Function

The Employment designation is intended to provide for a range of employment types and help to support economic diversification within the Municipality's Tier 1 **settlement areas**. These are lands that are serviced or readily capable of being serviced by both the municipal water supply system and the municipal sanitary sewage system. Access to and visibility of these areas is restricted and the proximity of residential **development** requires measures be taken to mitigate the potential for adverse impacts.

#### 7.2.6.2 Permitted Uses

Lands designated Employment allow for a full range of the following:

- Manufacturing;
- Warehousing;
- Logistics, office;
- Alternative energy projects;
- Research and development uses;
- Cannabis processing facilities, in accordance with policy 5.9; and
- **Accessory uses**, in accordance with policy 7.2.6.3.1.
- Uses that are compatible with employment uses, make use of existing buildings not required for employment purposes or are well suited to areas designated 'Employment' may be permitted.

### 7.2.6.3 Additional Policies

#### 7.2.6.3.1 Accessory Uses

Small scale commercial uses which support a broader industrial area or on-site accessory commercial uses may be permitted provided they do not detract from the area for industrial purposes now or in the future. These uses may include limited retailing within industrial buildings for the sale of goods manufactured on the premises, banks, restaurants and office supply establishments.

#### 7.2.6.3.2 Servicing

**Development** shall be serviced by the municipal water supply and municipal sanitary sewage system or similar level of services as directed by Municipal Engineering staff.

#### 7.2.6.3.3 Buffering and Screening

Adequate buffering, screening and/or setback measures will be required to mitigate any conflict between existing or planned residential **development**.

## 7.3 Tier 2 Settlement Areas

### 7.3.1 Goals and Objectives

- a) To recognize historic **settlement areas** where there is potential for modest infilling on **partial services**;
- b) To create vibrant communities cores with a range of basic goods and services;
- c) To direct land uses to those suitable areas that can accommodate servicing needs and maintain existing community character;
- d) To accommodate new and maintain existing uses to meet the educational, health and spiritual needs of the community.

### 7.3.2 Planned Function

The Tier 2 **settlement areas** include Eagle and New Glasgow as shown on Schedule 4C. Historically, growth has been limited and continues to be so, attributed in large measure to lack of full municipal services, lack of community functions and lack of amenities. The Tier 2 Settlement Area is serviced by the West Elgin and sanitary sewage disposal is provided by means of private on-site systems, primarily septic tank and tile bed systems. The Tier 2 Settlement Area future **development** is intended to be limited and restricted based on the limited municipal servicing. Accordingly, growth opportunities within Tier 2 **settlement areas** is intended to be modest and limited to infilling.

### 7.3.3 Permitted Uses

The following uses are permitted in Tier 2 **settlement areas**:

- a) Single-detached dwellings;
- b) Secondary dwelling unit;
- c) Limited commercial uses which are intended to serve the day-to-day needs of the community;

- d) Limited employment uses which do not require full municipal services and comply with the land use policies of this plan;
- e) **Home occupations** in accordance with the policy 5.5;
- f) Parks and recreational uses;
- g) Open Spaces;
- h) Existing **agricultural uses** subject to the policies of Section 7.1 except that no new or expanded livestock facilities will be permitted. **Development** proposals will generally be in accordance with the Agricultural Area Interface provisions found in Section 7.1.8, Agricultural.

### 7.3.4 General Urban Design

The general urban design of the Tier 2 Settlement Area shall include built form that is compatible with the surrounding area character. Any proposed new dwellings shall have regard for architectural continuity in materials, design features and massing. Residential dwellings shall have driveway access located at the front or side of the dwelling, as consistent with the existing area. Landscaping in the front yard is encouraged to have regard for four-season viability. All sheds and outdoor storage shall be located at the side or rear yard of the dwelling, and in accordance with the Zoning By-law.

### 7.3.5 Additional Policies

#### 7.3.5.1 Settlement Area Interface

In cases where residential **development** is proposed on lands adjacent to or abutting agricultural lands, the Municipality will ensure that adequate buffering and/or mitigation measures, including applicable Minimum Distance Separation requirements, are provided between the **development** and the agriculture lands, so that **normal farm practices** are protected from **development** within the Tier 1 and 2 **settlement areas**, where necessary. In this regard, the developer will be responsible for providing appropriate transitional space through the use of landscaping, setbacks, fencing and screening. The specific design aspects for addressing interface conditions will be determined through the site plan and/or subdivision agreements.

#### 7.3.5.2 Infilling

The policies of this Plan are intended to allow for modest forms of **development** through infilling. Infilling means the creation of a new lot between two existing residences which are on separated lots and which are situated on the same side of the road within a hamlet area.

#### 7.3.5.3 New Development

Specific uses on any individual site will be subject to land use compatibility and the provision of adequate servicing.

## 7.4 Tier 3 Settlement Areas

### 7.4.1 Goals and Objectives

- a) Maintain existing **development** and community character;
- b) Limit and restrict future **development** due to lack of municipal services.

### 7.4.2 Planned Function

The Tier 3 Settlement Area includes Clachan as shown on Schedule 4C. Historically, growth has been limited and continues to be so, attributed in large measure to lack of full municipal services, lack of community functions and lack of amenities. The Tier 3 Settlement Area designation is intended to recognize the existing small cluster of residential **development** with no municipal services. This area is not intended service any future population growth and is limited to existing **development**.

### 7.4.3 Permitted Uses

The following uses are permitted in the Tier 3 Settlement Area:

- a) Existing residential uses;
- b) Existing **agricultural uses**;
- c) Existing commercial uses.

## 7.5 Lakeshore Area

### 7.5.1 Goals and Objectives

- a) To protect and enhance natural features of the shoreline environmental and **adjacent lands**;
- b) To encourage outdoor **recreation** uses and increase public access; and
- c) To ensure appropriate and compatible **development** that reduces the potential for risks to health, safety and property damage by natural hazards.

### 7.5.2 History and Planned Function

Lands comprising the 'Lakeshore Area' lie along the Lake Erie shoreline. Gray Line passes through the area, for the most part continuous and parallel to the shoreline. The TransCanada Trail runs along Gray Line between Blacks Road and Graham Road. The lands along the lake are generally characterized by high, eroding bluffs interrupted by a number of ravines and remnants of Carolinian forest that once extensively covered southwestern Ontario.

Existing development in the area includes campgrounds and trailer parks, seasonal and year round dwellings and the small recreational hamlet of Port Glasgow that includes a marina and public beach. Additional lands were designated for development under the former Township of Aldborough Official Plan and zoned for recreational and residential purposes but remain undeveloped.

Natural heritage features are abundant and diverse, particularly in the westerly end of the 'Lakeshore Area', and contribute significantly to the character of the area. They include

wetlands, an area of natural and scientific interest, habitat of threatened and endangered species, wildlife habitat, fish habitat, woodland, valleylands and the shoreline itself.

The presence of the shoreline has attracted limited residential development attributed to the existence of the high, erosion prone bluffs that characterize the shoreline. The height of the bluffs make access to the shoreline treacherous in most areas and compromises lake views while the eroding nature of the bluffs requires precautionary measures in terms of building setbacks and countervailing design and construction measures.

Municipal services are limited in the area and costly to provide as a result of topography, erosion, sparse population and the relative remoteness of the area. A municipal water supply is available in Port Glasgow and at Lakeview Estates south of Eagle. Municipal sanitary sewage services are not available in the area and may be cost-prohibitive to provide.

Within the 'Lakeshore Area' on Schedule 4, the primary use of land shall be for uses and activities that are attracted by the scenic character, natural characteristics and outdoor recreational opportunities of the area while at the same time protective of its natural heritage features, cognizant of its servicing and access limitations and respectful of hazardous conditions.

### 7.5.3 Permitted Uses

The Lakeshore Area is shown on Schedule 4. These permitted uses include:

- a) Seasonal residential and year-round residential **development**;
- b) Campgrounds and trailer parks;
- c) Golf courses;
- d) Marina facilities, tourist retail and;
- e) Service establishments;
- f) Parks and conservation areas.

### 7.5.4 Additional Policies

#### 7.5.4.1 Buildings and Structures

Proposals to erect buildings or structures along the shoreline and below the regulatory line established by the Lower Thames Valley Conservation Authority shall be forwarded to the Authority for its review and approval. Where a threat exists to safe occupancy and a potential for property damage as a result of flooding, erosion or other natural hazards, such proposals are unlikely to be permitted. To facilitate the relocation of permanent buildings and structures in these areas as the need arises, buildings shall be designed and constructed in such a manner to be readily relocated to safer ground and sufficiently set back from the top-of-bank.

Temporary buildings and structures including travel trailers and similar recreational vehicles which are readily movable shall be less strictly controlled. In addition to obtaining a permit

from the Authority in these situations, a building permit from the Municipality may also be required.

#### 7.5.4.2 Water Supply and Sanitary Sewage Disposal

While the preferred method of servicing **development** in the Lakeshore Area is by municipal water supply and municipal sanitary sewage services, such services are not currently available and, if made available, would only be so to limited areas. Proposals for new **development** and major expansions to existing **development** shall be carefully evaluated in terms of their ability to provide sustainable services on site given the nature of soil conditions and shoreline erosion. In the case of condominium developments and campgrounds, communal water and sewage services shall be the preferred method of servicing in the absence of municipal services. A responsibility agreement with the Municipality shall be required and may be entered into by the Municipality provided it is assured that it is not exposed to unacceptable and unreasonable risks.

#### 7.5.4.3 Public Road Access

Due to the discontinuous nature of Gray Line as well as certain segments of Gray Line that are not maintained during winter, proposals for new **development** and major expansions to existing **development** shall be carefully evaluated in terms of their access requirements. **Development** shall only be permitted where safe and reliable access is available or can be made available commensurate with the needs of the **development**.

#### 7.5.4.4 Creation of Lots

The creation of new lots in the 'Lakeshore Area' shall take place by consent or by plan of subdivision or plan of condominium in accordance with the provisions of the *Planning Act* and the relevant policies of this Plan including Section 11.17 and Section 11.21.

#### 7.5.4.5 Criteria for Development

The following criteria shall be used to evaluate proposals for new **development** and expansions to existing **development**:

- a) Site characteristics: Lands proposed for **development** should be well-suited for the purposes being proposed and include sufficient lands over the long term for safe and secure building sites where required. Variable topography, preservation of views and access to the shoreline are considered desirable features to incorporate into the design of **development** along the lakeshore. Creative design in harmony with the natural characteristics of the site and the surrounding area shall be expected. Where lands are lacking in natural amenities and features, measures shall be taken to enhance the natural characteristics. Featureless, strip **development** shall not be permitted;
- b) Natural amenities and scenic quality: The natural amenity and scenic quality of the lands shall be identified, maintained and, where necessary, enhanced. Natural heritage

features shall be protected. A *naturalizing* plan may be required which provides for the planting of trees and other vegetation to offer shade and amenity for the **development** and corridors for wildlife;

- c) Adjacent and surrounding land use: The proposed use shall be compatible with existing or proposed neighbouring land uses. Where necessary or desirable, the proposed use shall be adequately buffered from neighbouring land uses by the provision of adequate setbacks and/or screening. Compliance with the Minimum Distance Separation Formula shall be required with respect to any neighbouring livestock operation;
- d) Vehicular access: Vehicular access shall be available or made available from a public road of reasonable construction and maintenance subject to the approval of the authority having jurisdiction. In no case shall access be permitted where traffic hazards could result due to poor sight lines or proximity to a traffic intersection;
- e) Lot dimensions: Lots proposed to be used or created shall be adequate for the use being proposed. In no case shall lots be created which do not conform to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted;
- f) Water supply and sanitary sewage disposal: The proponent shall undertake the necessary studies and prepare the necessary plans to determine how water supply and sanitary sewage disposal are best provided taking into account land use, environmental considerations, financial feasibility, ownership and operating responsibilities and related factors. The studies may include hydro-geological, soils and/or other appropriate technical reports to determine the suitability of servicing the lands for **development**;
- g) Stormwater management: Proper site grading and stormwater management measures shall be required to ensure properly drained sites, controlled runoff and suitable outlets, and to eliminate or minimize surface drainage onto **adjacent lands** and roads. Adequate provisions for storm drainage and surface runoff shall be provided. The Municipality may require the submission of a grading plan to ensure surface runoff does not adversely affect neighbouring properties or contribute to erosion; and
- h) Site plan control: A high standard of building and site design, including site location, retention of natural amenities and features (if any), on-site landscaping, buffering of parking areas and adjoining lands, external lighting shall be encouraged.

#### 7.5.4.6 Campgrounds and Trailer Parks

Campgrounds and trailer parks shall be restricted to seasonal occupancy with the exception of accommodation for the owner/operators thereof and for up to one additional household for security and safety reasons. The owner/operator shall take those measures necessary to ensure year round occupancy does not occur. The seasonal occupancy period shall be established by the Zoning By-law or other appropriate legislation.

#### 7.5.4.7 Golf Courses

In addition to the criteria of Section 7.5.4.5, the following criteria shall be used to evaluate proposals for golf courses:

- a) irrigation: Since golf courses require extensive amounts of water to generate and maintain ideal course conditions, the proponent shall submit the necessary studies to determine how irrigation is to be provided taking into account surrounding land use, environmental considerations, financial feasibility and related factors;
- b) fertilizers and pesticides: As golf courses are significant users of fertilizer and pesticides in order to improve course conditions, those with a nitrogen content can be potentially harmful to the environment regarding run-off and impacts on watercourses. The use of organic fertilizers and pesticides shall, therefore, be encouraged; and
- c) vegetation: Wooded areas shall be retained and reforestation encouraged to enhance **wildlife habitat** including wildlife corridors. The planting of native species shall be encouraged in order to generate a more natural golf course setting.

#### 7.5.4.8 Public Access to the Shoreline

Efforts shall be made wherever possible and feasible to increase and enhance public access to the Lake Erie shoreline at selected locations where conditions are suitable for these purposes and adjacent land uses are not adversely or unreasonably affected. Wherever possible and practical, the Municipality may, as a condition of **development**, require that certain lands be dedicated for the purposes of providing public access.

### 7.6 Rural Residential Area

#### 7.6.1 Planned Function

The planned function of lands designated as Rural Residential is to recognize historic residential **development** outside of established **settlement areas**. The intent of the policies of this Plan is limit any further expansion to existing Rural Residential Areas, recognizing the importance of protecting West Elgin's **prime agricultural areas** and the need to direct **development to settlement areas**. Rural Residential Areas are shown on Schedule 4 and 4D. Areas designated Rural Residential include concentrations of existing rural residential **development** on Graham Road (County Road No. 76) south of West Lorne between Thomson Line and Talbot Line (Eagle) and on Pioneer Line between Rodney and West Lorne. Prior to amalgamation, these areas were designated Rural Residential under the former Official Plan of the Township of Aldborough.

#### 7.6.2 Permitted Uses

The following uses are permitted in the Rural Residential areas:

- a) Single-detached dwellings;
- a) **Home occupations** in accordance with Policy ;
- b) Accessory Dwelling Units in accordance with Policy.

## 7.6.3 Additional Policies

### 7.6.3.1 Creation of Lots

The creation of lots shall only be permitted for the purposes of infilling where the new lot would be of sufficient size to accommodate private services. New lots shall only be permitted where they front on existing open, improved, travelled and maintained public roads.

**Development** and the establishment of new roads shall not be permitted. Lots shall be created by land severance or consent in accordance with the provisions of the *Planning Act* and the policies of this Plan, as applicable.

### 7.6.3.2 Minimum Distance Separation

The creation of lots shall comply with the Minimum Distance Separation Formula (MDS I) with respect to any neighbouring livestock operation.

### 7.6.3.3 Water Supply and Sanitary Waste Disposal

Residential **development** shall be serviced by the municipal water supply system and by on-site sanitary sewage systems. In some instances, it may be feasible to extend the municipal sanitary sewage system serving Rodney or West Lorne to the lands being developed. Where lots are to be serviced by on-site sanitary sewage systems, a soils report shall be required which demonstrates the suitability of the lands for on-site waste disposal, the type of system most appropriate in terms of minimizing the potential for groundwater contamination and failure, and the recommended design parameters and procedures for installing and maintaining such systems. **Development** shall not be permitted where it may add to or aggravate an existing servicing problem and adequate septage treatment capacity shall exist. Documentation to this effect may be required.

## 7.7 Rural Commercial and Employment

### 7.7.1 Planned Function

Rural Commercial and Employment Areas are shown on Schedule 4. The areas designated include lands at the interchanges of Highway No. 401 with Furnival Road (County Road No. 103) and Graham Road (County Road No. 76). These areas are generally small in scale, limited in number and located in close proximity to Rodney or West Lorne.

Areas designated Rural Commercial and Employment are characterized by visibility on high volume roads, well-drained, level sites for building and parking, safe and convenient vehicular access, and the availability or potential availability of municipal services and utilities.

These areas are primarily intended to accommodate existing rural commercial and employment and are not intended to accommodate new commercial and employment uses. New establishments, unless they are related to agriculture, shall be directed to areas specifically designated for these purposes or to the **settlement areas**.

### 7.7.2 Permitted Uses

The following uses are permitted in Rural Commercial and Employment Areas:

- d) Existing non-agriculturally related commercial and employment establishments;
- e) Agriculturally related commercial and employment establishments.

### 7.7.3 General Urban Design

The Municipality shall ensure a high standard of **development**, appearance and maintenance where such **development** is visible from major roads particularly along gateways leading into **settlement areas** and along Highway No. 401 through the application of site plan control and other means at its disposal.

### 7.7.4 Additional Policies

#### 7.7.4.1 Creation of Lots

The creation of new lots for commercial and employment purposes shall take place by consent or by plan of subdivision in accordance with the provisions of the *Planning Act* and the relevant policies of this Plan. The minimum area and minimum frontage of new lots shall be prescribed in the Zoning By-law.

#### 7.7.4.2 Neighbouring Uses

Commercial and employment **development** shall be planned in such a way to minimize the potential for conflicts with neighbouring land uses including **agricultural uses**. The Minimum Distance Separation Formula (MDS I) shall be satisfied with respect to any neighbouring livestock operations. Buffering measures including planting strips, the screening of outside storage areas and appropriate separation distances shall be required.

#### 7.7.4.3 Criteria for Development

Proposals for **development** shall meet the following criteria:

- a) Site suitability: The site shall be suitable to enable the proper siting of buildings and structures. A geotechnical report shall be submitted;
- b) Water supply: Where a municipal water supply is not available, an independent water supply capable of meeting the needs of the proposed use shall be demonstrated to exist. Where deemed necessary, a report from a qualified well driller, hydro-geologist or engineer confirming that an adequate and potable water supply is available to service the proposed use shall be submitted;
- c) Sanitary waste disposal: Where municipal sanitary sewage services are not available or cannot be made available, soils shall be suitable or made suitable to enable the proper installation and functioning of an independent, on-site sanitary waste disposal system subject to the approval authority having jurisdiction. **Development** shall not be permitted where it may add to or aggravate an existing servicing problem and adequate septage treatment capacity shall exist. Documentation to this effect may be required;

- d) Stormwater management: Proper site grading and stormwater management measures shall be required to ensure properly drained sites, controlled runoff and suitable outlets, and to eliminate or minimize surface drainage onto **adjacent lands** and roads. For large sites with the ability to accommodate multiple uses, the preparation of a sub-watershed study may be required as a basis for the preparation of site plans for specific **developments**. Where a sub-watershed study has been prepared, site plans for specific **developments** shall be required to conform therewith. A stormwater management plan/report shall be prepared by the proponent and approved by the Ministry of Transportation for those **developments** located adjacent to or in the vicinity of Highway No. 401 where storm drainage may impact the highway.
- e) Vehicular access: Vehicular access shall be available or made available from a hard surfaced road and limited in terms of location, number and design subject to the approval of the authority having jurisdiction. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or the traffic flow characteristics of the highway or road. Where access is being proposed to a road which is substandard for commercial or employment purposes, a condition of **development** may be imposed requiring the road to be brought up to the necessary standard. All **development** adjacent to County Roads shall comply with the requirements and obtain the necessary permits from the County of Elgin with respect to entrances, setbacks and drainage. New entrances, the up-grading of existing residential or agricultural entrances for commercial or employment uses and/or the creation of new public road entrances shall not be permitted from Furnival Road between McDougall Line and Hoskins Line and from Graham Road between Downie Line and Queens Line. All access for lands so affected shall be provided by alternative roads under the jurisdiction of the County of Elgin or the Municipality. All **development** within the Ministry of Transportation's permit control area shall be subject to the Ministry's approval.
- f) Site plan control: Site design, retention of natural amenities and features (if any), buffering of parking areas and adjoining lands, external lighting and signage shall be addressed through the application of site plan control. A site plan agreement shall be required.
- g) Traffic impact study: For major **development** proposals for large traffic generators within the permit control area of Highway No. 401, the proponent shall prepare a transportation impact assessment in accordance with the Ministry's *General Guidelines for the Preparation of Traffic Impact Studies*.

# 8 SECONDARY PLANS

## 8.1 Port Glasgow Secondary Plan

### 8.1.1 Goals and Objectives

The following goals and objectives shall guide the planning, **development, redevelopment** and improvement of the community of Port Glasgow as shown on Schedule 4 and 4E.

- a) Port Glasgow will be recognized as the predominant location for waterfront **development**, attractions and amenities in the Municipality of West Elgin.
- b) Future **development** and **redevelopment** of all lands in Port Glasgow will be environmentally sustainable.
- c) Future **development** and **redevelopment** of all lands in Port Glasgow should contribute whenever possible, to improved economic **development** and prosperity in Port Glasgow and the Municipality of West Elgin.
- d) All land use activity in Port Glasgow, including future **development** and **redevelopment** will be in accordance with the Provincial Policy Statement.
- e) All land use activity in Port Glasgow, including future **development** and **redevelopment** will protect, and wherever possible, complement and enhance the Natural and Cultural Heritage of Port Glasgow and the Municipality of West Elgin.
- f) Future **development** and **redevelopment** of lands in Port Glasgow will be compatible in terms of land use and built form with existing **development** in Port Glasgow.
- g) Future **development** and **redevelopment** in Port Glasgow will have regard for the accommodation of pedestrian traffic, non-motorized vehicles and low speed vehicles.
- h) Future **development** and **redevelopment** in Port Glasgow will protect, and wherever possible enhance and increase opportunities for public access to the waterfront amenities.
- i) Future and existing unique retail businesses such as artisanal shops, studios, and retailers who produce wares and goods on premises including food, beverage, clothing and crafts will be encouraged.

### 8.1.2 Permitted Uses

It is intended that future **development** and **redevelopment** in Port Glasgow offer a range of permanent, year round and seasonal housing types, recreational and cultural opportunities, and commercial establishments catering to both residents of the Municipality of West Elgin and to visitors from outside the local area. The establishment of new **development** and/or **site alteration** in Port Glasgow will have regard for the LTVCA Regulation restrictions for Regulated Areas. Schedule 2 and 3 of the Official Plan of the Municipality of West Elgin will be used as a guideline to identify the lands subject to these regulations. Schedule 3 of the Official Plan will also be used as a guideline in the identification of **Significant Woodlands**.

The following uses are permitted in the Port Glasgow Secondary Plan area, and shall be located in general conformity with the Land Use Plan shown on Schedule 4E and as further regulated by the Zoning By-law:

#### 8.1.2.1 Residential and Existing Built area

- a) Single-detached dwellings;
- b) Semi-detached dwellings;
- c) Townhomes;
- d) Low rise apartments and other multiple dwelling forms;
- e) Existing uses;
- f) Infilling, in accordance with the policies of Section 3.3.4 and Section 7.2.3.7 of the Official Plan;
- g) Accessory Dwelling Units in accordance with Policy 5.4;
- h) **Home occupations** in accordance with Policy 5.5;
- i) Bed and Breakfasts in accordance with Policy 5.6

#### 8.1.2.2 Commercial

Commercial uses will include those retail, service and hospitality uses which primarily serve the permanent and seasonal residents of Port Glasgow, and the recreational day users and tourist visitors in Port Glasgow. Commercial uses serving regional markets such as, but not limited to automotive retailers, farm implement retailers, recreational vehicle and boating retailers, and big box retailers will be discouraged in Port Glasgow. Unique retail businesses such as artisanal shops, studios, and retailers who produce wares and goods on premises including food, beverage, clothing and crafts will be encouraged.

#### 8.1.2.3 Mixed Use

Mixed uses will consist of a combination of residential and commercial uses which may occur on separate floors of the same building provided the commercial use occurs on the ground floor, and the residential use occurs on upper floors, or at the rear of ground floor commercial use. Mixed uses may also include contiguous blocks of ground floor residential uses situated in a manner that will not result in land use conflict with neighbouring commercial uses and/or associated vehicular traffic. The types of residential and commercial uses which will be contemplated in the Mixed Uses category will be those described in Sections 8.1.2.1 and 8.1.2.2 of the Port Glasgow Secondary Plan.

#### 8.1.2.4 Seasonal Residential and Existing Seasonal Residential

Seasonal residential uses, in accordance with the policies for Campgrounds and Trailer Parks in Policy 7.5.4.6

#### 8.1.2.5 Parks and Open Space

Parks, open space, trails and recreational facilities will be subject to the Parks, Open Space, Trails and Recreational Facilities policies in Section 5.3

of the Official Plan.

#### 8.1.2.6 Waterfront Amenity and Attraction

The lands in the Waterfront Amenity and Attraction category in Port Glasgow consist of those lands that have been improved or designated for recreational use along the Lake Erie shoreline, and without limiting the generality of the foregoing, include the east and west beach areas in Port Glasgow, the marina, and the parking and picnicking areas, trails and open space associated with the marina and public beaches.

The sites used for dredging, and stockpiling of aggregate materials are also located in this land use category. The improvement, expansion and **intensification** of these works, facilities, natural areas and resources are encouraged in accordance with the goals and objectives of the Secondary Plan for Port Glasgow.

Future **development** in this category will be compatible and supportive of the existing active and passive **recreation** uses, and should be intended to improve, or to maximize the potential and utility of existing features and attractions for day use and tourist **recreation** activities. No land use activity or **development** in the Waterfront Amenity and Attraction area will preclude or hinder the expansion or continued use of the existing aggregate operation.

#### 8.1.2.7 Secondary Uses

Secondary uses, including **agricultural uses** (other than the raising of livestock) and occupations may be permitted, where deemed appropriate

### 8.1.3 General Urban Design

The following urban design policies apply to the permitted uses:

- a) Residential uses will generally be restricted to a maximum of four storeys above grade;
- b) Commercial uses will generally be restricted to a maximum of three storeys above grade; and,
- c) Mixed use buildings will generally be restricted to a maximum of three stories in height above grade.

Regard will be had for the following design criteria in the evaluation and approval of all **development** and works to be considered in the plan of subdivision, condominium, severance and conveyance, and site planning approval processes in the Port Glasgow community:

- a) Design ROW Havens Lake Road 25 metres;
- b) Design ROW Gray Line and Furnival Road 20 metres;
- c) Paved Private Road width 15 metres;

- d) Non Paved Private Road width 4 metres;
- e) Public Promenade 6 metres;
- f) Sidewalks 1.2 metres;
- g) Public Parking Spaces – Automobiles 2.7 metres x 6 metres;
- h) Parking Spaces - Boat Trailers minimum: 3 metres x 11 metres;
- i) Recreational Vehicle stalls minimum: 6 metres x 16 metres;
- j) Pedestrian Trails 3 metres;
- k) Greenway 4 metres;
- l) Maximum Grade Pedestrian Walkways, Sidewalks, Public Promenade 8%;

#### 8.1.4 Hazardous Lands

Certain lands within Port Glasgow may pose a risk for **development** or **redevelopment** due to the presence of physical hazards, noise, odours and similar impacts. Such hazards may include lands or areas which are susceptible to flooding, erosion, subsidence, slumping, inundation and the presence of steep slopes. All **development** including public and private works will have regard for existing and proposed slopes and grades such that slope stability will not be compromised.

All lands in Port Glasgow will be subject to the policies of Section 6.3 of the Official Plan. Due to scale of mapping and generalized designations along the lake shore, more precise identification of Hazard Lands will take place in consultation with the LTVCA and the Province of Ontario during the process of **development** approvals.

#### 8.1.5 Aggregate Extraction

Aggregate extraction will be subject to the Aggregate Resources policies in Section 6.5 of the Official Plan of the Municipality of West Elgin. Aggregate extraction in the community of Port Glasgow will primarily be associated with the historical activity of dredging to maintain a functional harbour. Aggregate extraction activities, including dredging and stockpiling will take place in the Waterfront Amenity and Attraction land use category. Existing **mineral aggregate operations** shall be permitted to continue without the need for an official plan amendment, rezoning or **development** permit under The *Planning Act*. **Mineral aggregate operations** shall be protected from **development** and 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.

#### 8.1.6 Parkland Dedication

The acquisition of lands for use as public parks, including trails and related uses will be subject to Section 5.3.2 of the Official Plan. Such acquisition may involve transferring of titles from private to public holdings, and vice versa, depending on the identification of land needs, form, function and location of these sites and areas during the **development** approval process.

Without limiting the generality of the foregoing, parkland dedication is primarily envisaged for linear features such as Pedestrian Trails and Connections, Public Promenade, Greenway; and

site features such as Gateway, Architectural Attraction. Any and all of these linear and site features may be established on either public or private lands, or a combination thereof. Land dedication for parkland including trails will be negotiated in the **development** approval process.

### 8.1.7 Servicing

The Province of Ontario and in particular the Ministry of the Environment, through the Ontario Water Resources Act, the Environmental Protection Act, and the Provincial Policy Statement is concerned with the **development** and operation of **infrastructure** including both sanitary and storm sewerage systems. The Municipal Engineer's Association Class Environmental Assessment for Municipal Water and Wastewater Projects will be applied to such infrastructural projects, and be subject to Provincial approval. Some infrastructural servicing may also be subject to the regulations of the *Conservation Authorities Act*. R.S.O.152/06.

#### 8.1.7.1 Water

All **development** and **redevelopment** in Port Glasgow will be connected to, and serviced by the piped municipal water supply system.

#### 8.1.7.2 Sewage Disposal

The preferred method of providing sanitary sewage disposal services for all classes of **development** in Port Glasgow will be by private, communal systems, subject to the completion of a provincial environmental assessment process. Private, non-communal sewage disposal systems will also be permitted for individual dwelling and commercial units which are not part of a plan of subdivision or plan of condominium, in accordance with the regulations of the Ministry of the Environment or their delegated authority.

#### 8.1.7.3 Stormwater Management

The preferred method of providing storm water management services will be by private communal works and facilities, and/or other private individual works or facilities, as approved by the Ministry of the Environment under the Ontario Water Resources Act. All run-off and drainage from impervious surfaces proposed by **development** or **redevelopment** will have regard for, and mitigate any **negative impacts** on Sixteen Mile Creek, its tributary, and Lake Erie in accordance with the Conservation Authorities Act, R.S.O. 152/06, for the **Development**, Interference with **Wetlands** and Alteration to Shorelines and Watercourses Regulations. The establishment of storm water management works and facilities will be subject to the Stormwater Management Planning and Design Manual 2005 of the Ministry of the Environment.

#### 8.1.7.4 Phasing of Servicing

Communal gravity based sewerage systems are preferred for all new residential, commercial or mixed uses. Given the topographic characteristics of Port Glasgow, gravity based servicing will generally accommodate phased **development** in a south to north direction, and secondarily in a west to east direction.

Sanitary and storm sewerage systems will be designed and sized according to the needs of the ultimate extent of **development** anticipated in any defined drainage area. In some instances, this may require the installation of sewer works with capacity that is greater than that required by initial phases of **development**.

Temporary or interim sewerage and drainage works may be permitted, where the public interest is served, technical guidelines are not compromised, long term and ultimate design plans are respected, and capable of being feasibly implemented in the future. Individual on-site wastewater treatment systems will be discouraged for all **development** except for infill **development** or **redevelopment** of lands in the Existing Built Area and Existing Seasonal Residential categories.

Individual onsite wastewater treatment systems will be established subject to the approval of the appropriate approval authority.

Combined sanitary and storm sewers will not be permitted for any class of **development**, or **redevelopment** within the Port Glasgow community.

Storm drainage and storm water management systems and works for all new **development** and **redevelopment** will be designed to control flooding, erosion, contaminant and sediment discharges into water courses and Lake Erie from development and **redevelopment**, with the intent of maintaining water quality, and whenever possible, enhancing water quality and the environmental characteristics of local water courses and Lake Erie.

Storm water management plans will be prepared on the basis of natural **watershed** characteristics and tributary areas in consultation with the Province or their delegated authorities.

Erosion and sediment control plans will be prepared by **development** proponents to the satisfaction of the Province or their delegated authorities in order to minimize the impact of erosion or sedimentation on water courses and Lake Erie caused by any **development**.

#### 8.1.7.5 Roads and Transportation

New roads and transportation works including pedestrian sidewalks, bicycle and low speed vehicle lanes will be established in all **developments** to the satisfaction of the Municipality of West Elgin, and where applicable, the County of Elgin and the Province of Ontario. Such roads and transportation works shall be privately developed and maintained through the Draft Plan of Subdivision/Condominium regulations of the *Planning Act*, except for those roads and transportation works which are developed on public lands. Those roads and transportation works shall be developed and maintained by the applicable public authority.

##### 8.1.7.5.1 Havens Lake Road

**Development** and **Redevelopment** of land in Port Glasgow will be encouraged to receive vehicular access via local roads, preferably privately owned and maintained local roads

wherever possible. Direct vehicular access from Havens Lake Road to individual properties, uses and small clusters of properties and uses will be discouraged. Direct access to individual properties or small clusters of properties from Havens Lake Road may be permitted on a case by case basis when the Municipality of West Elgin and Province of Ontario or their delegated authorities where applicable, are convinced that other methods of access apart from direct access from Havens Lake Road is not feasible, environmentally sustainable or otherwise causes undue hardship to the proponent, or the Municipality. In all cases, the Municipality and the LTVCA will be satisfied that slope stability and drainage issues can be effectively remediated.

#### 8.1.7.5.2 Pedestrian and LSV Considerations

All **development** and **redevelopment** in Port Glasgow shall have regard for, and strive to accommodate facilities and works for pedestrian, bicycle and Low Speed Vehicles. Facilities and works for pedestrian and Low Speed Vehicles will be designed in a fashion which maximizes network connectivity and broad circulation opportunities in Port Glasgow, and which improve or maximize access by the public to the waterfront Attraction and Amenity in Port Glasgow.

### 8.1.8 Implementation

The Port Glasgow Secondary Plan is intended to be implemented as an integrated section of the Official Plan of the Municipality of West Elgin. The integration of the Secondary Plan will be completed under the *Planning Act*, and this may be achieved by means of Minister's Modification, or by Official Plan Amendment. Many of the Goals established in Section 2 of Official Plan will be addressed by the implementation of the Port Glasgow Secondary Plan. At a minimum, the Goals of the Official Plan to be implemented by the Secondary Plan will include the following:

- To foster economic **development**;
- To provide a diverse and **affordable** range of housing opportunities;
- To capitalize on the assets of the municipality;
- To ensure logical, efficient, orderly, compact and compatible **development**;
- To protect and enhance natural heritage features,
- To build strong, healthy villages and hamlets;
- To protect areas of aggregate resource potential for extraction purposes.

#### 8.1.8.1 Secondary Plan Land Use Boundaries

The land use categories and designations shown on Schedule 4E are to be interpreted and implemented in accordance with the policies in Section 8.1 of the Secondary Plan.

The boundaries and areas of the land use categories and designations shown on Schedule 4E are to be interpreted with some degree of flexibility. These areas could be altered pursuant to more detailed planning studies including, but not limited to, Environmental Impact Studies, Class EA Studies, Draft Plan of Subdivision, Condominium and Site Plan Approvals. Minor extensions, alterations, adjustments and refinements to the areas and geometry of all Land Use categories may be permitted in the public interest, pursuant to the approval of the Municipality

of West Elgin, and the applicable approval authority of the Province of Ontario or their delegated authority.

Significant changes to the boundaries and areas of any land use category shown on Schedule 4E will be subject to the interpretation of the Municipality of West Elgin and the applicable approval authority. Significant changes to these boundaries and areas will be implemented by Official Plan Amendment.

Elements depicted by symbols on Schedule 4E including Gateway, Greenway, Pedestrian Trails, Public Promenade, Architectural Attraction, Vistas and Traffic Control Works are not intended to be interpreted as in exact scale in size or location, unless otherwise described in more detail in the Secondary Plan. These symbols are conceptual in nature and probable in location as shown on Schedule 4E. Without limiting the generality of the foregoing, regard will be had for the following:

- a) The number and location of the Vistas and their “visual cones” are not fixed. Similarly, the geometries of the “visual cones” is conceptual in nature. It will be beneficial to provide as many Vistas, with as many varied “visual cones” as possible, commensurate with **development** approvals and the establishment of new or improved public and private works.
- b) Nothing in the Secondary Plan will preclude the establishment of multiple Architectural Attractions.
- c) Nothing in the Secondary Plan will preclude the enhancement of the number and location of pedestrian trails as shown on Schedule 4E.

#### 8.1.8.2 Specific Implementation Policies

- a) Expansion or alteration of the boundaries of the Port Glasgow community as shown on Schedule 4E will be through an Official Plan Amendment. Such amendment will be in conformity with the applicable policies of the Official Plan and be consistent with the Provincial Policy Statement.
- b) Future expansion of the Port Glasgow Settlement Area will be in accordance with the policies of the PPS, the County Official Plan and this Official Plan.
- c) Land dedication pursuant to the **development**, subdivision and condominium planning approval process will primarily be required for road widening, the **development** of the public promenade, architectural attraction(s) and pedestrian trails. Land dedication for local area and neighbourhood park needs will not be required to meet any of the Goals and Objectives of the Secondary Plan, unless such dedication extends public access to Lake Erie, or protects identified natural or cultural heritage features.

#### 8.1.8.3 Land Division

The division of land proposed for **development** in Port Glasgow will be achieved by the Draft Plan of Subdivision and/or Plan of Condominium process in accordance with the *Planning Act*. The process of Severance and Conveyance of land will only be used for lot creation in the

instances of minor lot extensions, adjustments, expansions, property consolidations, boundary corrections or adjustments, and infill **development** where no more than one new lot is created. This policy is not intended to preclude the transfer or severing of blocks of land which would be developed by Plan of Subdivision

# 9 INFRASTRUCTURE

## 9.1 Transportation

### 9.1.1 Road Classification

West Elgin is served by a network of county roads under the jurisdiction of the County of Elgin and local roads under the jurisdiction of the Municipality. The Municipality's transportation supports the movement of people within the County of Elgin and more broadly to Southwestern Ontario. Provincial Highway No. 401 meanders through West Elgin from west to east virtually bisecting the municipality. Access to the highway is limited to two interchanges, one serving primarily Rodney and the other serving primarily West Lorne. Roads within the Municipality are classified as Provincial Highways, County Roads and Local Roads. Highway 401 is the one (1) provincial highways located within the Municipality which is under the jurisdiction of the Ministry of Transportation

### 9.1.2 Road Network

The road network is shown on Schedule 5.

### 9.1.3 Provincial Highways

#### 9.1.3.1 Planned Function

The planned function, mobility and design characteristics of Provincial Highways are subject to the MTO policies, standards and best practices. This means that in addition to meeting applicable requirements by the Municipality, all proposed **development** located adjacent to and in the vicinity of a Provincial Highway within the MTO's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will be subject to MTO approval.

#### 9.1.3.2 Permit Requirements

A Building and Land Use Permit is required for all **development** located adjacent to a Provincial Highway and is subject to MTO approval. Depending on the type of **development** proposed, other potential MTO permits may be required, such as an Encroachment Permit, Sign Permit, and Entrance Permit in accordance with the MTO Highway Corridor Management Manual, as amended time to time. The Municipality encourages early consultation with the MTO to ensure the integration of municipal planning initiatives with provincial transportation planning.

#### 9.1.3.3 Setbacks

The Zoning By-law will establish minimum setbacks for buildings along Provincial Highways to ensure room for future road widenings and installation of additional traffic lanes, in accordance with MTO's Building and Land Use Policy and the Highway Corridor Management Manual, as amended time to time.

## 9.1.4 County Roads

### 9.1.4.1 Design Guidelines

**Development** of lands adjacent to County Roads shall satisfy the requirements and obtain all the necessary approvals of the County of Elgin. The Municipality shall solicit input from the County prior to approval of **development** that may directly or indirectly affect county roads with respect to such matters as entrances, setbacks, load restrictions and drainage.

### 9.1.4.2 Traffic Calming

The County may investigate traffic calming measures to be implemented in certain locations within the County and/or as a requirement of a **development** approval to promote pedestrian safety and mitigate the effects of automobile traffic within the County. Traffic calming features may be permitted subject to an evaluation by the County of functional, operational, servicing and financial issues associated with their uses.

### 9.1.4.3 Minor Arterial

#### 9.1.4.3.1 Planned Function

The function of Minor Arterial Roads are to connect smaller urban centres and to connect to Provincial Roads. Minor Arterials are to transport large volumes of traffic with direct access from other Minor Arterial Roads and Collector Roads. For high volume Minor Arterial Roads, access shall be strictly controlled. Where such roads pass through hamlets or **settlement areas**, the Municipality will encourage new **development** to face onto the Minor Arterial Roads although alternative access arrangements may be required to minimize direct access onto the County Road. The Minor Arterial Roads can also function as a Highway 401 Emergency Detour Route.

#### 9.1.4.3.2 Right-of-way Guidelines

The right-of-way width is to be 30.0 to 36.5m, with two travel lanes. Private driveways are permitted subject to design controls by the County.

### 9.1.4.4 Collector

#### 9.1.4.4.1 Planned Function

The function of a Collector Road is to connect hamlets and activity centres. The intention is for Collector Roads to provide linkages to the Arterial Road system. For Collector Roads, direct access is usually from other County Roads and Local Roads.

#### 9.1.4.4.2 Right-of-way Guidelines

The right-of-way width is to be 20.0 to 30.0m, with two travel lanes. Private driveways are permitted subject to design controls by the County.

#### 9.1.4.5 Local Roads

##### 9.1.4.5.1 Planned Function

The function of Local Roads is to provide direct access to abutting properties. Lower speed limits and traffic control devices may be applied to ensure public safety and the enjoyment of adjacent reside.

##### 9.1.4.5.2 Right-of-way Guidelines

The right-of-way width is to be 15.0 to 20.0m, with two travel lanes. Private driveways are permitted subject to design controls by the County.

#### 9.1.5 Tourism Corridor

##### 9.1.5.1 Planned Function

Tourism Corridors are intended to recognize and link Lake Erie ports, scenic driving routes and other tourism destinations with **settlement areas** and the high volumes of potential tourist traffic along Highway 401. It is the policy of this Plan that:

- a) existing tourism uses and properties in the County, and in particular those uses within or in close proximity to Tourism Corridors, will be encouraged to be retained, redeveloped, expanded, and upgraded, wherever possible and appropriate;
- b) any proposal to amend local Official Plans and/or Zoning Bylaws to remove tourism-related commercial permissions for any property shall generally be discouraged to maintain the function of these corridors; and,
- c) the County shall place a priority on such Tourism Corridors to ensure safe and efficient movement of traffic to enhance the economic development benefits of tourism traffic in Elgin County.

#### 9.1.6 Private Streets

Private streets shall only be considered in **developments** registered under the Condominium Act or as otherwise may be permitted by this Plan.

#### 9.1.7 Road Allowances

Existing road allowances with less than the standard width may be maintained where the design width would adversely affect abutting properties or is otherwise not feasible, desirable or necessary to acquire. New road allowances less than the standard width may be considered depending on the length of the street and the nature of **development** being proposed.

Land dedications may be required as a condition of approval of a consent, plan of subdivision/condominium or site plan approval to bring existing road allowances up to their design width. Where a land dedication for road widening is being considered as a condition of **development** or the subdividing or severing of land, the amount of land to be taken shall be taken in equal amounts from both sides of the subject road measured from the centreline of the road except where physiographic conditions, utility lines or other features dictate otherwise.

#### 9.1.7.1 Unopened or Abandoned Road Allowances

Unopened or abandoned road allowances may be closed and the lands conveyed to abutting property owners where access would not be compromised in accordance with the provisions of the Municipal Act.

#### 9.1.8 Design and Construction

New roads created for dedication to the Municipality shall be designed and constructed to the standards of the Municipality prior to assumption. Where new roads are proposed to intersect with a county road, the location, design and construction of these roads at their point of intersection shall be subject to the approval of the County of Elgin.

##### 9.1.8.1 Entrances

Where access is available from both a county road and a local road, access shall generally be restricted to the local road. The number, location, design and construction of entrances shall be subject to the authority having jurisdiction.

### 9.2 Water, Wastewater and Stormwater Management

#### 9.3 Municipal Drains

The discharge of any liquid or material or substance other than unpolluted drainage water into a drain is prohibited. Buildings and structures shall be adequately setback from municipal drains to facilitate maintenance. Minimum setbacks shall be prescribed in the Zoning By-law. The principles of natural channel design will be utilized in the construction or rehabilitation of drains where possible. This may include, where appropriate, the following:

- a) Grassed slopes and forms of indigenous plantings, or other suitable erosion control methods should be introduced and maintained on the banks of drains to add to the stability of the drainage channel;
- b) Tile outlets should be constructed to minimize erosion along watercourses;
- c) Tree planting or other buffer measures should be installed where appropriate to act as a windbreak, to protect drain banks, and to restrict cultivation near drain banks. Trees will be planted a suitable distance away from the drain in an appropriate location so as not to prohibit any required maintenance or work to the drain in the future;
- d) Sediment ponds and/or sediment basins should be incorporated in drains to reduce the speed and volume of flow, to act as settling areas for water-borne particulates, to enhance evaporation and to serve as water storage areas; and
- e) Grassed buffers (approximately 3 metres wide) along the top of the banks of drains should be incorporated and maintained to add stability to the drainage channel where possible and to provide for a year round access corridor for maintenance purposes.

## 9.4 Electrical Power Facilities

### 9.4.1 Electric Power Facilities Permitted in Any Designation

All existing electric power facilities and the **development** of any new electric power facilities that operate at 50 kilowatts including all works as defined in the *Power Corporation Act* and succeeding legislation, (such as transmission lines, transformer stations and distributing stations but excluding **renewable energy systems** in accordance with policy 6.5) will be permitted in any land use designation without an amendment to the Plan provided that such **development** satisfies the provisions of the *Environmental Assessment Act*, including regulations made under the Act, and any other relevant statutes. The electric power utility will be required to consult with the Municipality regarding the location of new electric power facilities.

### 9.4.2 Other Electric Facilities

Other electric power facilities including buildings, structures and uses not used directly for the generation and supply of power, will comply with the provisions of this Plan and the Zoning By-law. The Municipality holds the right to participate in discussions on the locational criteria of new electric power facilities.

#### 9.4.2.1 Secondary Uses

Secondary land uses, which conform to this Plan and the Zoning By-law, will be encouraged on the electric power utility lands, where deemed by Council to be compatible with adjacent land uses and by agreement with the electric power utility.

## 9.5 Alternative and Renewable Energy Systems, Energy Conservation and Generation

### 9.5.1 Renewable Energy Systems

The Municipality supports the **development** of solar, and biogas/biofuel energy systems for electricity production as a source of renewable energy for the economic and environmental benefit of the Municipality and the Province. The Municipality does not support the **development** of large scale wind energy system, unless the policies of Section 9.5.1.1 of this Plan are addressed.

**Renewable energy system** proponents are encouraged to contact the municipality prior to commencing any necessary background studies, to determine the nature and scope of the issues, which need to be addressed as outlined in the municipal consultation requirements under Ontario Regulation No. 359/09.

#### 9.5.1.1 Large Scale Systems

Large-scale renewable and **alternative energy systems** and facilities, as defined by the Province, may be only permitted by an amendment to this Plan where the applicant demonstrates, through appropriate studies undertaken by qualified professionals that land use

issues related to the amendment application have been addressed to the satisfaction of the Municipality. The proponent shall undertake one or more of the following applicable studies:

- a) A noise impact study will be undertaken to determine setbacks for systems and facilities from **sensitive land uses** in accordance with the Province's 'Conservation and Parks' guidelines;
- b) A visual impact study will be undertaken to determine the impact and mitigation measures required for any structures on surrounding **sensitive land uses**;
- c) An environmental impact study shall be undertaken where natural hazards and natural heritage features or functions are identified in this Plan;
- d) Where natural features or functions are identified, the environmental impact study must demonstrate that the proposed **development** will have no **negative impacts** on the natural features or their **ecological functions**;
- e) **Development** or **site alteration** shall not be permitted in **significant habitat of endangered species and threatened species, significant wetlands and significant coastal wetlands**;
- f) Where a significant amount of agricultural land is intended to be removed from agricultural use, a report will be required demonstrating that the proposed system or facility does not negatively impact **normal farm practices**, and is compatible with surrounding agricultural operations;
- g) A soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration, remediation and cleanup of contaminated sites, and
- h) Any other such background studies as deemed necessary by Council prior to consideration of the amendment, related to nearby heritage designations, odour, vibration, municipal servicing capacity, traffic, or other land use impact.

Large scale renewable and **alternative energy systems** and facilities shall not be located within 2 km from any existing residential dwellings, cemeteries, **institutional uses**, trails and parks, as outlined in the Zoning By-law and shall be subject to a Site Plan Control pursuant to Section 11.19, for the location of road access, parking, accessory buildings, vegetative buffers, location of external works/facilities, storm water management/ drainage and any other identified impact mitigation facilities/measures.

#### 9.5.1.2 Small Scale Systems

Small-scale renewable and **alternative energy systems** and facilities, as defined by the Province, intended primarily for on-site energy production and use shall be permitted in any Zone as an **accessory use**, provided any structures, facilities or appurtenances associated with the system comply with the regulations of the Zone in which it is located; and provided that the system does not create any adverse impacts on surrounding land uses, and any applicable permits or related fees are obtained.

### 9.5.2 New Development

The Municipality will promote subdivision and site plan designs maximizing passive solar energy opportunities and other alternative energy sources, building designs and construction techniques which conserve energy.

### 9.5.3 Retrofitting and Renovating of Municipal Buildings

The Municipality may use any energy conservation grants, loans and audit services to retrofit or renovate its older buildings and structures to incorporate energy saving mechanical, electrical and lighting systems.

### 9.5.4 Energy Conservation and Education Programs

The Municipality will promote educational programs that will increase public awareness of energy conservation.

## 9.6 Waste Management

### 9.6.1 Municipally Run Garbage and Recycling Collection Services

The Municipality supports municipally run waste management facilities. For any new medium or greater density residential **development**, buildings must demonstrate waste storage ability, as requested by the Municipality in the form of a Waste Management Plan or other document prepared by a qualified professional. The Municipality encourages all businesses to reduce waste generation and the implementation of best practices.

### 9.6.2 Changes to Landfill Sites

**Development** of new landfill sites within the Municipality are prohibited. Expansions to existing landfill sites will require an Official Plan Amendment and a Zoning By-law Amendment.

### 9.6.3 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.

### 9.6.4 Development in Proximity to an Active or Abandoned or Closed Landfill Sites

The **development** of new uses within an assessment area of 500 metres of the perimeter of an active or closed landfill sites, located in this or an adjoining Municipality, may require a Land Use Compatibility Study to be undertaken by a qualified professional that evaluates the presence and effect of environmental contaminants including, but not necessarily limited to methane gas and leachate in accordance with the Land Use Compatibility Guidelines of the Ministry of Environment, as amended time to time.

The Land Use Compatibility 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** may be restricted and/or refused.

## 9.7 Public Utilities

### 9.7.1 Permitted Uses in Any Designation

The following public services and facilities are permitted in all land use categories, subject to the **development** policies of this Plan:

- a) Transportation, communication, and electric power transmission corridors, and associated facilities subject to applicable laws and regulations under Province of Ontario Statutes;
- b) Water supply, sewage treatment, storm drainage facilities, and utility services;
- c) Municipal government buildings and facilities;
- d) Re-use of abandoned utility and/or transportation corridors for public purposes;
- e) Public open space; and
- f) Natural gas pipelines and accessory works.

### 9.7.2 Public Services and Facilities in Residential Areas

In Residential areas, the public services and facilities listed in Policy 9.7.1 will be designed and constructed so that they are compatible with the surrounding Residential area.

### 9.7.3 Underground Utilities

Underground utilities, including electric power lines and telephone lines, will be required in all new **developments** within Residential areas and in other areas, where feasible.

### 9.7.4 Multiple Uses of Rights-of-Way

The Municipality will encourage the multiple-use of electric power utility rights-of-way to accommodate drainage or service corridors, parking areas, parkland, agricultural operations and natural gas, oil and petrochemical pipelines, in accordance with the land use policies and designations of this Plan. Natural gas, oil and petrochemical commercial delivery pipelines will be installed within existing rights-of-way wherever feasible and practical. Wherever possible, easements should be used to accommodate new utility corridors rather than creating new separate and distinct lots.

### 9.7.5 Access to Emergency Services

The Municipality encourages to strategically locate **infrastructure** and **public service facilities** to support the effective and efficient delivery of emergency management services.

## 9.8 Green Design and Green Infrastructure

Green design measures for new or existing **infrastructure** is supported by the Municipality. **Green infrastructure** can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, green streets, urban forests, natural channels, permeable surfaces, and green roofs.

### 9.8.1 New Development Green Standards

New **developments** should consider energy efficient designs and features, green features, and green building technologies and rating systems such as Leadership in Energy and Environmental Design (LEED) as part of their design, where feasible.

### 9.8.2 Green Infrastructure Opportunities

To lessen the energy and resources needed for new construction, the following measures are encouraged. **Renewable energy systems** such as wind, geothermal and solar power installations; green roofs or high albedo roofs that contribute to the reduction of the urban heat island effect; innovative stormwater management methods, water conservation and efficiency tactics; and, conserving heritage resources should be considered in new **developments** and **redevelopments**.

## 9.9 Human made Hazards

It is the intent of the Municipality to protect life, property and ecological health by mitigating and avoiding human made hazards associated with **development**, transportation, **infrastructure** or other causes for potential risks. The Municipality will provide appropriate guidance based on provincial legislations and regulations, and identification of potentially **hazardous sites** in an effort to avoid human made hazards prior to permitting **development**.

# 10 CONSULTATION AND ENGAGEMENT

## 10.1 Participation and Consultation

### 10.1.1 Public Participation

The Municipality will encourage and foster public awareness, participation and involvement in the preservation, restoration and utilization of heritage resources.

### 10.1.2 Indigenous Consultation

The Municipality shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and **archaeological resources**.

## 10.2 Pre-Consultation Requirements

### 10.2.1 Pre-Consultation

Proponents will be required to pre-consult with the Municipality before filing an application for Official Plan or Zoning By-law Amendment and before filing an application for draft Plan of Subdivision or Condominium or Consent with the approval authority, provided a By-law is enacted by the Municipality in accordance with the *Planning Act*.

### 10.2.2 Purpose

The purpose of pre-consultation is to review a draft **development** proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of other information and materials considered necessary by the Municipality and other affected agencies, such as the Conservation Authority to allow comprehensive assessment of the **development** application(s).

### 10.2.3 Supporting Information and Studies

During the pre-consultation process, the Municipality will identify the nature and scope of studies required to support the application. Required studies may include, but are not limited to:

- a) Affordable Housing Report;
- b) Agriculture Impact Assessment Report;
- c) Archaeological Assessment;
- d) Concept Plan;
- e) Cultural Heritage Impact Study
- f) Environmental Assessment Study;
- g) Environmental Impact Study (EIS) in accordance with the requirements of Section 2 of this Plan;

- h) Financial Impact Analysis;
- i) Flooding and Erosion Report;
- j) Functional/Site Servicing Report;
- k) Gas Well Study/Gas Migration Study;
- l) Geotechnical Report;
- m) Hazardous lands/soil stability Report;
- n) Heritage Impact Assessment;
- o) Hydrogeological Report;
- p) Illumination Study;
- q) Interim Servicing Study;
- r) Minimum Distance Separation Study (MDS I and/or MDS II);
- s) Noise/Odour/Nuisance/Dust/Vibration Assessment/Study;
- t) Phase 1 Environmental Site Assessment if, in the opinion of the Municipality, the existing or previous uses of the site or **adjacent lands** create a potential for site contamination;
- u) Planning Justification Report;
- v) Risk Assessment;
- w) Stormwater Management Report;
- x) Site Survey;
- y) Shoreline Study
- z) Sun/Shadow Study;
- aa) Traffic Impact Study;
- bb) Tree Protection Plan;
- cc) Urban Design Brief; and/or,
- dd) Wind Study.

In addition to the above, any other study that is deemed necessary by the Municipality or other agencies based on the Pre-Consultation Meeting to fully assess the impacts of the proposed **development** may be required.

#### 10.2.4 Complete Applications

The Municipality shall only accept and process complete applications. The Municipality may delegate the authority to Municipality Administration for completeness through By-law enactment. Applications are deemed complete where the application:

- a) Satisfies applicable provincial, county and Municipality standards or requirements; and,
- b) Appropriately addresses the agreed upon scope/issues identified through pre-consultation.

## 10.3 Consultation and Engagement

### 10.3.1 Requirements for Consultation and Engagement

All applications proposing amendments to the Official Plan or Zoning By-law are required to provide a proposed plan for consulting with the public with respect to the application in accordance with the applicable regulation under the *Planning Act*.

### 10.3.2 Consultation and Engagement with Indigenous communities

The Municipality's Official Plan shall be implemented in a manner that is consistent with the recognition and affirmation of applicable Aboriginal and treaty rights in accordance with section 35 of the *Constitution Act*, 1982. The Municipality shall work with Indigenous communities who have connection to the lands within the Municipality in the planning process to ensure consultation and engagement is appropriate to the type of planning application or process being undertaken. The Municipality respects the interests of the Indigenous communities and will seek to work in a collaborative and productive manner. The Municipality shall engage with Indigenous communities to:

- a) Coordinate on land use planning matters, in accordance with the Provincial Policy Statement; and,
- b) Consider their interests when identifying, protecting and managing cultural heritage and **archaeological resources**.

# 11 INTERPRETATION AND IMPLEMENTATION

## 11.1 General

The policies of this Section are intended to provide guidance for the implementation and monitoring of the Municipality's Official Plan. The policies of this Section are based on the authority delegated to the Municipality through the *Planning Act*, *Municipal Act* and other applicable legislation as the case may be. In general, this Section is organized around the various aspects of the **development** approvals framework.

## 11.2 Delegation of Authority

In considering requests for a planning application, a Council or a Committee of Council, which has been delegated authority will provide information to the public, and host required public meetings in accordance with the *Planning Act*. Consultation between Lower Thames Valley Conservation Authority, Council, Indigenous communities and other applicable public commenting agencies will be completed as necessary to conserve and preserve natural features and landscapes and any other issues of importance.

## 11.3 Official Plan Amendments

All amendments to this Plan may be made in accordance with the *Planning Act* to integrate new objectives, policies or re-designations. The Municipality shall revise this Plan as required to conform with **provincial plans** and matters of provincial interest, and shall be consistent with the Provincial Policy Statement (PPS). Amendments to this Plan shall require public meetings in accordance with the *Planning Act*.

## 11.4 Five Year Review of Official Plan

In accordance with the *Planning Act*, a special meeting of Council, open to the public, will be held at least once every five years for the purpose of determining the need for a **comprehensive review** of policies and land use designations of this Plan, to ensure that the Official Plan conforms with **Provincial Plans**, has regard for matters of Provincial interest and is consistent with the policy statements issued under the *Planning Act* and that it accurately reflects the changing needs and circumstances in the Municipality.

## 11.5 Decision, Notice and Appeal to Ontario Land Tribunal

The Municipality may make a decision and issue a notice of decision in accordance with the *Planning Act*. The Municipality may choose to not make a decision within the decision timelines for applications in accordance with the *Planning Act*. Those with a right to appeal to the Ontario

Land Tribunal (OLT), or its successor as the case may be, may file their appeal when prescribed by the *Planning Act*.

## 11.6 Existing, Non-Complying and Non-Conforming Uses

### 11.6.1 Existing Uses

Existing uses are those that are legally in existence on the date of the adoption of this Plan by Council. Existing uses may be recognized in the implementing Zoning Bylaw within their existing site, provided Council determines that such uses do not impose **negative impacts** on neighbouring properties or surrounding area.

### 11.6.2 Non-Complying Uses

Non-Complying uses are a land use recognized as a permitted use under the implementing Zoning By-law but are non-complying with respect to various regulations of the By-law. This can be the result of a change in the standards of the Municipality. In such cases, the Zoning By-law may allow for additions to non-complying buildings or structures and erection of buildings and structures accessory to a non-complying building or structure, provided that the provisions of the Zoning By-law are not further contravened. A further contravention means the making of an addition to an existing non-complying building or structure, any part of which addition does not comply with the required setbacks or any other provision of the Zoning By-law.

### 11.6.3 Non-Conforming Uses

Non-Conforming Uses are those that are legally established as of the date of this Plan. Nothing in this Plan will negatively impact the continuation of a use that was legally established as of the date of adoption of this Plan. Any land use existing as of the date of adoption of this Plan that does not conform with the land use designations as shown in this Plan or the policies related thereto should, as a general rule, cease to exist over the long term and will not be recognized as a permitted use in the implementing Zoning By-law.

#### 11.6.3.1 Continuation of Use

Continuation of uses that are not permitted in the Zoning By-law have the right to continue indefinitely provided that the use of the property remains the same as on the day the By-law was passed and continues to be used for that purpose.

#### 11.6.3.2 Extension or Enlargement Conditions

At the discretion of the Municipality, in special instances, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship. In considering applications to permit an extension or enlargement of a non-conforming use, Council will have regard to the following matters:

- a) The land use designation and policies of this Plan;
- b) The feasibility of acquiring the property pursuant to the *Planning Act*;
- c) The possibility of relocating the use;

- d) The impact of the proposal on the immediate area;
- e) The size of the enlarged operation related to the existing use;
- f) The degree to which any objectionable features of the use may be increased by the proposal;
- g) The possibilities of reducing the objectionable features through landscaping, buffering, etc.;
- h) The adequacy and availability of municipal services;
- i) The impact of the proposal on natural heritage functions, features and linkages;
- g) The effect of existing natural and human made hazards; and
- h) The adequacy and availability of sanitary sewage, storm water management facilities and water services.

### 11.6.3.3 Replacement or Repair Conditions

Non-conforming uses which have been destroyed or partially destroyed by fire, winds or other natural events, may be replaced or repaired. However, prior to granting permission to repair or replace a non-conforming use in order to minimize the detrimental effects of the non-conforming use, the Municipality should be satisfied that:

- a) The size of the building or structure to be replaced is the same size as the building or structure destroyed;
- b) If the siting of the non-conforming building or structure is in contravention to one or more provisions of the Zoning By-law, then it shall be a policy of this Plan to encourage the building or structure to be replaced in compliance with the provisions of the Zoning By-law to the extent possible, and in no case shall it further contravene the provisions of the said By-law;
- c) Where the non-conforming use is located in an area designated as a site plan control area pursuant to the *Planning Act*, the Site Plan Control policies of this Plan will apply;
- d) The possibility of reducing any objectionable features through landscaping and buffering should be encouraged;
- e) The use cannot be relocated;
- f) It is not feasible to acquire the property pursuant to the *Planning Act*;
- g) Sanitary sewage, storm water and water services are adequate; and
- h) where a structure has been destroyed by a natural hazard (flooding / erosion) permission from the Conservation Authority will be required prior to **redevelopment** of the site occurs.

## 11.7 Planning Studies

### 11.7.1 Studies by Municipality

The Municipality will monitor factors such as population, land use, **development** trends, economic conditions, housing requirements, the supply, demand and availability of land for various land uses, the preservation and protection of agricultural land and natural heritage

features and functions, the adequacy and availability of municipal services and facilities, the applicability of various government assistance programs and the **negative impacts** attributable to the implementation of any policy of this Plan. The Municipality may undertake studies to monitor any factors above and ensure an adequate response is provided by the applicable municipal body. Any findings of significance may be incorporated through an Official Plan Amendment, a Secondary Plan, a Zoning By-law Amendment, a By-law or other appropriate method.

### 11.7.2 Studies for Planning Applications

The preparation and submission of one or more studies or reports may be required in support of an application for Official Plan or Zoning By-law Amendment, Site Plan Control Approval, or for draft Plan of Subdivision or Condominium and Consent. Council may require a peer review of any such study by a qualified professional as selected by the Municipality to be undertaken at the cost of the applicant.

## 11.8 Secondary Plans

The Municipality may undertake independently or collaboratively with a third party, a Secondary Plan or planning study to delineate and guide **development** or **redevelopment** of a specific area. The Secondary Plan will detail additional policies including but not limited to urban design, land uses, transportation and municipal **infrastructure**. Secondary Plans may be required for, but not limited to, areas of large greenfield or brownfield, residential areas in transition, areas for **intensification** and growth, and heritage designated areas under protection of the *Heritage Act*. Stakeholder consultation and community engagement shall be required in accordance with the *Planning Act*.

## 11.9 Community Improvement Plans

Community Improvement Plans (CIPs) will be implemented through the passage of a By-law designating a Community Improvement Project Area, and the preparation of a coinciding Community Improvement Plan in accordance with the *Planning Act*. CIPs are intended to provide area-specific programming, stimulate **development** or **redevelopment** and improve the overall vitality of the municipality.

### 11.9.1 Elgincentive Community Improvement Plan

The goal of the Elgincentive Community Improvement Plan is to stimulate economic growth and diversification, to improve quality of place for residents and visitors and sustainability of the tax base. The CIP describes the general eligibility criteria that must be met for financial incentive programs listed. The Municipality West Elgin may provide funding for, and Elgin County may participate in, any of the following incentive programs during the term of this CIP, subject to the availability of Municipal and County resources:

- a) A Tax Increment Equivalent Grant for Major Projects and Brownfield Development;
- b) A Façade, Signage, and Property Improvement Grant;

- c) A Building Improvement/Restoration Grant;
- d) A Building Conversion/Expansion Grant;
- e) An Energy Efficiency Retrofit Grant;
- f) An Outdoor Art Grant;
- g) A Feasibility, Design, and Study Grant;
- h) An Application and Permit Fees Grant;
- i) A Multiple Property Owners Supplemental Grant;
- j) A Savour Elgin/Elgin Arts Trail Supplemental Grant;
- k) Environmental Study Grant; and
- l) Brownfield Tax Assistance Program.

### 11.9.2 New Community Improvement Plans

The goal of a Community Improvement Plan should be to improve a specific area through maintenance, revitalization, rehabilitation or **redevelopment** for enhanced livability of the community. A new community improvement plan must include a purpose, goals, objectives, boundary and justification, programs and projects description and appendices with technical justification. The *Planning Act's* minimum requirement for public consultation for the preparation and adoption of Community Improvement Plans must be adhered to.

#### 11.9.2.1 New Community Improvement Plans Criteria

The following criteria may be considered for the development of a new CIP:

- a) Existing built form;
- b) Land use issues;
- c) Transportation and **infrastructure** issues;
- d) Environmental issues;
- e) Social, economic issues; and
- f) Dilapidated lands or underutilized sites.

### 11.10 Community Benefits

The Municipality may undertake a Community Benefits Strategy in accordance with section 37 of the *Planning Act*. Following the Community Benefits Strategy, the Municipality may impose by By-law Community Benefits Charges as specified in the *Planning Act*.

### 11.11 Parkland Dedication

The Municipality may pass a Parkland Dedication By-law with alternative rates as required, and in consultation with the applicable authorities, in accordance with the *Planning Act*.

### 11.12 Official Plan Amendments

Council may adopt amendments to the Plan for implementation of a **comprehensive review**, implementation of changes to and new provincial or regional policies and plans or implementation of planning studies for specific area needs. In general, Official Plan

Amendments within 2 years of the completion of this Official Plan are not permitted, however Council may consider amendments within this timeframe provided that:

- a) The original intent and purpose of the Plan is not radically altered;
- b) the amendment is needed and can be justified in light of accepted planning principles;
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken; and
- d) the amendment creates an appropriate precedent.

In preparing and adopting all amendments to this Plan, notice of all public meetings shall be given in accordance with the *Planning Act*.

## 11.13 Zoning By-law

The actual uses shall be specified in the Zoning By-law in a manner that ensures orderly and compatible **development** and minimizes the potential for conflicts between existing and future uses. Permitted uses, location of uses, area/dimensions, floor area (GFA), density (FSI), portion of occupied lot, density of residential and non-residential land uses, bulk and massing of structure, parking and loading area and requirements, landscaping requirements, any other regulations and requirements are to be regulated through a Zoning By-law as granted by the *Planning Act*.

### 11.13.1 Holding Zones/Provisions

#### 11.13.1.1 “H” Zones

Council may place certain lands in a holding (‘H’ or ‘h’) zone in conjunction with any zoning category under section 36 of the *Planning Act*. The purpose of the holding is for lands zoned for a use that includes conditions to be satisfied prior to any site **development** or alteration and subject to the Municipality’s discretion.

#### 11.13.1.2 Lifting of Holding Provision

The conditions that required the Holding symbol must be satisfied in order to remove the Holding symbol. The conditions for the lifting may include, but are not limited to:

- a) Site studies for opportunities and constraints;
- b) Grading the site;
- c) Provision of road **infrastructure** including but not limited to base, streetlight, signage, traffic controls;
- d) Provision of water;
- e) Wastewater or stormwater servicing for the lands;
- f) Financial requirements of the municipality;
- g) Any other matter within the provisions of the *Planning Act*.

### 11.13.2 Zoning By-Law Amendment

The Zoning By-law is the legal document that implements the policies of the Official Plan by regulating the use, location, density and design of **development** in the Municipality and all land use controls contained within Section 34(1) of the *Planning Act*. All lawfully existing uses that comply with the provisions of this Plan may be recognized in the implementing Zoning By-law. Council will adopt a new Zoning By-law to implement this Plan within 3 years, in accordance with the *Planning Act*. In general, Zoning By-law Amendments within 2 years of the completion of the repeal and replacement of the Zoning By-law are not permitted, however Council may consider amendments within this timeframe provided that:

- a) The original intent and purpose of the Zoning By-law is not radically altered;
- b) The amendment is needed and can be justified in light of accepted planning principles;
- c) Adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken; and
- d) The amendment creates an appropriate precedent.

### 11.13.3 Zoning – General

## 11.14 Temporary Use By-Laws

Council may, in a By-law passed pursuant to the *Planning Act*, authorize the temporary use of lands, buildings or structures for any purpose that is otherwise prohibited by the By-law. As these uses will be temporary, this does not have to be limited to uses that conform to the Official Plan. A By-law authorizing a temporary use will define the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the By-law. In the case of Garden Suites, the timeline shall be up to 20 years from the date of passing of the By-law and may require an Agreement in accordance with the *Planning Act*. These time periods may be extended by By-law for additional three year terms. The temporary use will not become a legal non-conforming use at the date of expiry of the By-law.

## 11.15 Interim Control By-law

Council may pass an Interim Control By-law(s), in accordance with Section 38 of the *Planning Act*, on any area where a study has been undertaken on the land use planning policies or Zoning regulations. The By-law may limit or prohibit the use of the defined lands affected, until the study is undertaken.

## 11.16 Part Lot Control

Council may pass By-laws in accordance with the *Planning Act* to remove part lot control from all or any part of a registered plan of subdivision. A Part Lot Control By-law has the effect of allowing the conveyance of a portion of a lot without requiring the approval of the land division committee. Part Lot Control By-laws may be repealed, amended or limited to a period of not more than 5 years by Council. Council may use the Part Lot Control By-law to generally avoid, the splitting of lots upon which semi-detached dwellings or street row housing is intended to be

built and the re-subdivision of older registered plans of subdivision where no new rights-of-ways are to be created. The Part Lot Control By-laws will be approved by the County of Elgin, in accordance with the *Planning Act*.

### 11.16.1 Exemption from Part-Lot Control

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. Exemption from part-lot control will not be supported for the creation of a private road which serves free-hold lots

## 11.17 Plans of Subdivision

In addition to those criteria contained in Section 51(24) of the *Planning Act*, Council will evaluate applications for plans of subdivision on the basis of criteria such as, but not limited to, the following:

- a) The plan of subdivision is consistent with the objectives and policies of the Official Plan;
- b) The plan of subdivision can be adequately serviced with water and sewage treatment systems, and without requiring an undue financial commitment from the Municipality;
- c) The plan of subdivision can be adequately serviced with and makes suitable provision for services including, but not limited to, public streets, water, storm sewers, waste collection and disposal, public utilities, fire and police protection, parks, schools, and other community facilities;
- d) A residential plan of subdivision will not normally be exposed to excessive noise levels or other significant **negative impacts** associated with nearby activities;
- e) The plan of subdivision is designed to reduce any negative impact on surrounding land uses, the transportation network, or **significant** natural features;
- f) The plan of subdivision is designed to integrate with **adjacent lands** having compatible uses.

### 11.17.1 Draft Plan and Final Plan Approval

As a condition of draft plan approval, the Municipality may require applicants to satisfy certain conditions prior to final approval and registration of the Plan of Subdivision. The applicant may be required to meet conditions of draft approval within a specified time period of 3 years, failing which, draft plan approval may lapse. To provide for the fulfillment of these conditions and for the installation of services according to municipal standards, the Municipality shall require an applicant to enter into a subdivision agreement prior to final approval of the plan of subdivision. Requests for extensions of the lapsing approval can be considered by the Municipality, provided there has been evidence of progression on the conditions of approval by the proponent and that the policies of the Plan have changed in direction to impact the **development**.

### 11.17.2 Plans of Subdivision Deemed not Registered

In accordance with the provisions of the *Planning Act* Council may by by-law deem any part of a registered plan of subdivision not to be a plan of subdivision, in instances where a lot(s) are undevelopable due to constraints and/or generally not altering the character of the plan of subdivision, provided the plan of subdivision has been registered for 8 years or more.

## 11.18 Draft Plan of Condominium

A condominium will be developed with a minimum number of units to sustain independent and adequate operation of the condominium corporation. The minimum number to meet this requirement is approximately ten (10) units, and subject to the Municipality's discretion. The Municipality shall permit all types of condominiums, in accordance with the *Condominium Act*. Common elements of a condominium corporation are permitted provided public ownership by the Municipality is not required for access, road allowances, servicing or constructing public facilities and services, and/or the conservation and protection of any natural features.

### 11.18.1 Draft Plan and Final Plan Approval

A condition of draft plan of condominium approval may include the satisfaction of conditions prior to final approval and registration of the plan. If the conditions are not within the set time frame of 3 years, the approval will expire and process must resume with a new application filing. The Municipality requires the proponent to enter into a Condominium Agreement to be registered on title. Requests for extensions of the lapsing approval can be considered by the Municipality, provided there has been evidence of progression on the conditions of approval by the proponent and that the policies of the Plan have changed in direction to impact the **development**.

## 11.19 Site Plan Control

Pursuant to section 41 of the *Planning Act*, all lands within the Municipality are designated as a proposed site plan control area. The Council may, by By-law, designate the whole or any part of the Municipality as a site plan control area, either geographically or by reference to one or more zones contained in the implementing Zoning By-law. Low density residential **development**, developments of up to 10 residential units and agricultural buildings and structures are not normally subject to site plan control unless specifically indicated in the implementing Site Plan Control By-law. In certain circumstances where the size and scale of the proposed **development** have impacts on servicing, traffic, land use compatibility or any other planning matters, the Municipality may require Site Plan approval, such as for commercial greenhouses, mushroom farms or similar large scale operations. Any **development** in an area designated as a site plan control area shall not be undertaken unless Council has approved one or both, as Council may determine, of the following:

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all

facilities and works required under this Section, including facilities designed to have regard for accessibility for persons with disabilities.

- b) Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display;
  - i. The massing and conceptual design of the proposed buildings;
  - ii. The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
  - iii. The provisions of interior walkways, stairs, elevators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
  - iv. Matters relating to building construction;
  - v. Matters relating to exterior access to each building that will contain **affordable** housing units or to any part of such building;
  - vi. The sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle facilities; and,
  - vii. Facilities designed to have regard for accessibility for persons with disabilities.

The Municipality may develop Site Plan guidelines that can be used by **development** proponents when preparing their site plans, and by the Municipality when reviewing site plans.

### 11.19.1 Conditions to Approval of Plans

As a condition to the approval of the plans and drawings, the Municipality may require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the Municipality any or all of the following:
  - i. Widening of highways that abut on the land subject to the *Planning Act*. Widening will be in accordance with the Transportation policies of this Plan;
  - ii. Facilities to provide access and curbing and traffic direction signs, subject to the *Public Transportation and Highway Improvement Act*;
  - iii. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways for emergency vehicles, and the surfacing of such areas and driveways;
  - iv. Walkways and walkway ramps including surfacing thereof, and all other means of pedestrian access;
  - v. Access for persons with physical disabilities in accordance with the *Ontarians with Disabilities Act*;

- vi. A photometric plan and facilities for the lighting, including flood-lighting, of the land or of any buildings and structures thereon provided in accordance with the approved photometric plan;
  - vii. Walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - viii. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
  - ix. Easement conveyed to the Municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Municipality or local board thereof on the land; and,
  - x. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) Maintain to the satisfaction of the Municipality and at the sole risk and expense of the owner any or all of the facilities or works, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
  - c) Enter into one or more agreements with the Municipality dealing with and ensuring the provision and maintenance of any or all of the facilities, works or matters set out in this subsection;
  - d) Enter into one or more agreements with the Municipality ensuring that **development** proceeds in accordance with the approved plans and drawings. Such agreements may be registered against the land to which they apply; and
  - e) Convey part of the land to the Municipality to the satisfaction of and at no expense to the Municipality for a public transit right of way.

Prior to the approval of plans and drawings in respect of any **development** proposed to be undertaken, the County has been advised of the proposed **development** and afforded opportunity to require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the County any of the following:
  - i. Widenings of highways that are under the jurisdiction of the County that abut the land;
  - ii. Facilities to provide access and curbing and traffic direction signs, where the lands abut a County Road, subject to the *Public Transportation and Highway Improvement Act*;
  - iii. Where the land abuts a County Road, off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and surfacing of such areas and driveways;

- iv. Where the lands abuts a County Road, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land; and,
- v. Where the land abuts a County Road, facilities designed to have regard for accessibility for persons with disabilities.
- b) Enter into one or more agreements with the County dealing with and ensuring the provision of any or all of the facilities, works or matters set out in this subsection and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas. Such agreements may be registered against the land to which they apply; and,
- c) Convey part of the land to the County to the satisfaction of and at no expense to the County for a public transit right of way.

### 11.19.2 Site Plan Agreement

A Site Plan agreement pursuant to the *Planning Act* shall be required in most instances. Financial Security shall be required to ensure due performance.

## 11.20 Committee of Adjustment

### 11.20.1 Minor Variance

When reviewing an application for minor variance, the Committee of Adjustment must consider the following matters and refer to them in its decision:

- a) Whether the requested variance is minor;
- b) Whether the general intent and purpose of the Official Plan is maintained;
- c) Whether the general intent and purpose of the Zoning By-law (or other By-law which implements this Plan) is maintained; and
- d) Whether the minor variance is desirable for the appropriate **development** or use of the land, building or structure.

The Committee of Adjustment will also consider if the application deals with circumstances not common to the area and would not set a poor precedent for similar requests. The variance shall also not cause any detracting from the amenities or character of nearby properties, or adversely impact parking or traffic conditions. The Committee of Adjustment will consider if any comments were presented by the public or a public agency and if the commented had any influence on the decision.

### 11.20.2 Other Powers

In addition to its powers of Section 11.20.1 of the Plan, the Committee of Adjustment, upon any such application,

- a) Where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit

- i. The enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause ii. Continued until the date of the application to the Committee of Adjustment, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed; or
  - ii. The use of such land, building or structure for a purpose that, in opinion of the Committee of Adjustment, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it is used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the Committee of Adjustment continued until the date of the application to the Committee of Adjustment, or
- b) Where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee of Adjustment, conforms with the uses permitted in the by-law.

### 11.20.3 Agreements

If the Committee of Adjustment imposes terms and conditions, it may also require the owner of the land to enter into one or more agreements with the Municipality dealing with some or all of the terms and conditions, and in that case the requirement shall be set out in the decision.

### 11.20.4 Two Year Period Non-Application

In general, Minor Variances within 2 years of the completion of the Zoning By-law are not permitted, however Council may consider minor variances within this timeframe provided that:

- a) the original intent and purpose of the Zoning By-law is maintained, there are no changes to height, density and parking requirements and lot coverage is not substantially increased;
- b) the amendment is needed and can be justified in light of accepted planning principles; and,
- c) adequate and full participation of the general public in the deliberations on the merits of the amendment are undertaken.
- d) .

## 11.21 Consents

In addition to those criteria contained in Section 51 (24) of the *Planning Act*, the following policies will apply to Land Division within the Municipality of West Elgin:

- a) The size of any lot created must be appropriate for the proposed use having regard to the topography of the land, the siting of proposed buildings, points of access, and compliance with the Zoning By-law.

- b) The lot must front onto and have direct access to an improved public roadway that is maintained on a year-round basis and is of a standard of construction adequate to accommodate the additional traffic generated.
- c) Severance will not be granted where access to the lot will create a traffic hazard because of limited sight lines or proximity to an intersection.
- d) Severance may be granted to adjust lot boundaries or to increase the size of an existing substandard lot, provided that no new undersized lot is created.
- e) The severance must not result in landlocked parcels.
- f) The soil conditions must be appropriate for the services proposed, and all private water supply and/or sewage disposal must meet the requirements of the Province and the Municipality.
- g) The creation of a lot in an area susceptible to flooding, erosion or any other physical or environmental constraint will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures, and/or it has been demonstrated that there will be no **negative impacts** on the natural features or the **ecological functions**, such as fragmentation, for which the area has been identified and has been approved by the affected Conservation Authority.
- h) As a condition of consent approval, cash payment in lieu of dedication will be required for each new lot created for residential, commercial or employment purposes.

#### 11.21.1 Multiple Consents

- a) The creation of lots by consent may only be granted for up to four (4) parcels exclusive of the retained parcel (four severed and one retained) and where it has been determined that a plan of subdivision is not necessary for the proper and orderly development of the lands. The further creation of lots from the parcel of land as it existed on February 21, 2008 shall be by plan of subdivision or condominium to assess, among other matters, the feasibility of municipal or communal water and sewer services and the cumulative environmental impact of the development..

#### 11.21.2 Severance Agreement

Any consent for lot creation may be subject to a comprehensive severance agreement entered into with the Municipality. This agreement would be similar to a subdivision agreement and will ensure provision of services to municipal standards.

#### 11.21.3 New Farm Lots

The creation of new farm lots will be permitted where:

- a) The severed and retained lots are of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property;
- b) The severed and retained lots are of a nature and size, and have soil and drainage characteristics that are suitable to support an efficient farm unit and to provide meaningful on-site farm employment;

- c) The size of the severed and retained lots conforms to the requirements of policy 7.1.7.6 of this plan and the Zoning By-law, as appropriate;

#### 11.21.4 Agricultural Consent Policies

Land severances in the Agricultural Area may be permitted:

- a) To create rights of way;
- b) For **infrastructure**, where the facility or corridor cannot be accommodate through the use of easements or rights-of-way;
- c) To enlarge lots provided that:
  - i. The viability of the retained lot as a farm parcel is not threatened;
  - ii. Where the proposed enlargement is for a non-farm use, justification through an amendment to this Plan is required to demonstrate that the land does not comprise a **specialty crop area**, there is a need within the planning horizon for additional land and there are no reasonable alternative locations for the expansion which avoid **prime agricultural areas**; and
  - iii. The proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the *Planning Act*.
- d) To consolidate farm holdings;
- e) To allow minor lot adjustments which do not result in the creation of a new lot;
- f) A habitable farm dwelling made surplus to the needs of a farm operation, as a result of farm consolidation, subject to the following conditions:
  - i. The retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
  - ii. The non-farm parcel will be zoned to recognize the non-farm residential use; and
  - iii. Minimum Distance Separation I provisions can be met;
- g) For agricultural-related uses, in accordance with Section 4.1.

#### 11.22 Capital Works

The construction of all public works within the Municipality shall be carried out in accordance with the policies of this Plan and within the financial capacity of the Municipality. Future **development** will be regulated by this Plan to ensure that the level of expenditure and debt, as compared to revenue and equalized assessment is maintained at equitable levels. Council may:

- a) Restrict **development** if the amount of **development** where such **development** causes an imbalance in the assessment ratio;
- b) Delay any proposed **development** where it becomes necessary to carry out large scale public works in order to adequately service such **developments**.

# 12 DEFINITIONS

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, **erosion hazards** and/or other water-related hazards.

**Accessory uses:** A use, separate building or structure, normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure

**Active Transportation:** means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**Adjacent lands:** means

- a. for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where **development** would have a negative impact on the corridor or facility. The extent of the adjacent lands may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b. for the purposes of policy 2.1.8, 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;
- c. for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known **petroleum resources, mineral deposits, or deposits of mineral aggregate resources** where it is likely that **development** would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and
- d. for the purposes of policy 2.6.3, those lands contiguous to a **protected heritage property** or otherwise defined in the municipal official plan.

**Adverse effects:**

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

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

- g. loss of enjoyment of normal use of property; and
- h. interference with normal conduct of business.

**Affordable:** means

a) in the case of ownership housing, the least expensive of:

- 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **low and moderate income households**; or
- 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the **regional market area**;

b) in the case of rental housing, the least expensive of:

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

**Agricultural condition:** means

- a. in regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- b. in regard to **prime agricultural land** outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

**Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and **fish**; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agri-tourism uses:** means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

**Agriculture-related uses:** means those farm-related commercial and farm-related employment uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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

**Alternative energy system:** means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:** includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Areas of archaeological potential:** means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

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

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

**Bed and Breakfast Establishment:** means sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public within an existing dwelling that is the principal residence of the proprietor.

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

**Built heritage resource:** means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

**Coastal wetland:** means

- a. any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or

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

**Comprehensive rehabilitation:** means rehabilitation of land from which **mineral aggregate resources** have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of mineral aggregate operations.

**Comprehensive review:** means

a) for the purposes of policies 1.1.3.8 and 1.3.2.2 of the PPS, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and **provincial plans**, where applicable; considers alternative directions for growth or **development**; and determines how best to accommodate the **development** while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth or **development** through **intensification** and **redevelopment**; and considers physical constraints to accommodating the proposed **development** within existing settlement area boundaries;
3. is integrated with planning for **infrastructure** and **public service facilities**, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed **development**;
5. confirms that **sewage and water services** can be provided in accordance with policy 1.6.6 of the PPS; and
6. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.6 of the PPS, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, **infrastructure** requirements and related matters;
2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the PPS; and
3. considers cross-jurisdictional issues.

In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or **development** proposal.

**Conserved:** means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative **development** approaches can be included in these plans and assessments.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and employment complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

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

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

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

**Designated growth areas:** means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2 of the PPS, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a) of the PPS, as well as lands required for employment and other uses.

**Designated vulnerable area:** means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

**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:

- a. activities that create or maintain **infrastructure** authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or
- c. for the purposes of policy 2.1.4(a) of the PPS, underground or surface mining of **minerals** or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a) of the PPS.

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

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

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:** means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Erosion hazard:** 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 considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Essential emergency service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

**Fish:** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

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

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

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

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

- a. along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for **wave uprush** and other water-related hazards;
- b. along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  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; and
  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 standard for that specific area by the Minister of Natural Resources;

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

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

**Floodway:** for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

**Freight-supportive:** in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Great Lakes - St. Lawrence River System:** means the major water system 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.

**Green infrastructure:** means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs

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

**Habitat of endangered species and threatened species:** means habitat within the meaning of Section 2 of the *Endangered Species Act, 2007*.

- a. with respect to a species listed on the Species at Risk in Ontario List as an endangered or **threatened species** for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species;
- b. with respect to any other species listed on the Species at Risk in Ontario List as an endangered or **threatened species**, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources and Forestry; and

places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

**Hazardous forest types for wildland fire:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

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

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

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

**Heritage attributes:** means the principal features or elements that contribute to a **protected heritage property's** cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a **protected heritage property**).

**High quality:** means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

**Home Occupation:** means an occupation that provides a service as an accessory use within a dwelling unit performed by one or more of its residents. Such activities may include but are not limited to services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser or a provider of private home daycare.

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Individual on-site sewage services:** means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

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

**Institutional use:** for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

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

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

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

**Legal or technical reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

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

**Major facilities:** means facilities which may require separation from **sensitive land uses**, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, **waste management systems**, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Major goods movement facilities and corridors:** means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-

modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods.

Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Marine facilities:** means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities.

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

**Minerals:** means metallic minerals and non-metallic minerals as herein defined, but does not include **mineral aggregate resources** or **petroleum resources**.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:** means

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

**Mineral aggregate resources:** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources 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 aggregate resource conservation:** means

- a. the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction,

manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and

- b. the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

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

**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.

**Minimum distance separation formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

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

**Municipal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

**Municipal water services:** means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

**Natural heritage features and areas:** means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and **threatened species**, significant **wildlife habitat**, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

**Negative impacts:** means

- a. in regard to policy 1.6.6.4 and 1.6.6.5 of the PPS, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b. in regard to policy 2.2 of the PPS, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- c. in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
- d. in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:** means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, agri-tourism uses, and uses that produce value-added agricultural products.

**One hundred year flood:** for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means

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

- b. in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c. for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

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

**Partial services:** means

- a. municipal sewage services or private communal sewage services and individual on-site water services; or
- b. municipal water services or private communal water services and individual on-site sewage services.

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

**Petroleum resources:** means oil, gas, and salt (extracted by solution mining method) and formation water 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.

**Planned corridors:** means corridors or future corridors which are required to meet projected needs, and are identified through provincial plans, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the Province.

**Portable asphalt plant:** means a facility

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

**Portable concrete plant:** means a building or structure

- a. with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

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

**Prime agricultural land:** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**Private communal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:** means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

**Protected heritage property:** means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

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

**Provincial and federal requirements:** means

- a. in regard to policy 1.6.11.2 of the PPS, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;

- b. in regard to policy 2.1.6 of the PPS, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- c. in regard to policy 2.1.7 of the PPS, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

**Provincial plan:** means a provincial plan within the meaning of section 1 of the *Planning Act*.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

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

**Rail facilities:** means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

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

**Regional market area:** refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

**Renewable energy source:** means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable energy system:** means a system that generates electricity, heat and/or cooling from a renewable energy source.

**Reserve sewage system capacity:** means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For

the purposes of policy 1.6.6.6 of the PPS, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:** means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

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

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

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

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

**Rural areas:** means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

**Rural lands:** means lands which are located outside settlement areas and which are outside prime agricultural areas.

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

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may

include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:**

means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a. built up areas where development is concentrated and which have a mix of land uses; and
- b. lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2 of the PPS. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

**Sewage and water services:** includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**Significant:** means

- a. in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c. in regard to other features and areas in policy 2.1 of the PPS, 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;
- d. in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- e. in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**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.

For the purposes of policy 2.1.4(a) of the PPS, site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a) of the PPS.

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

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

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.

**Specialty crop area:** means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, 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;
- b. farmers skilled in the production of specialty crops; and
- c. a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

**Surface water feature:** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas,

springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:** means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources and Forestry official species at risk list, as updated and amended from time to time.

**Transit-supportive:** in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Transportation demand management:** means a set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

**Transportation system:** means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park’n’ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

**Two zone concept:** means an approach to flood plain management where the flood plain is differentiated in two parts: the floodway and the flood fringe.

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

**Vulnerable:** means surface and/or groundwater that can be easily changed or impacted.

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

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

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

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

**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

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

**Woodlands:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest."

# APPENDIX 1

## ENVIRONMENTAL IMPACT STUDY

The determination of the scope and content of an Environmental Impact Study (EIS) shall be in general accordance with the guidelines set out in this appendix and be agreed to in advance with the appropriate agencies and shall be scoped as required. The area under study shall generally include the lands that are subject of the application and any lands that may be subject to impacts from the proposed development. Once agreement on the scope of the EIS is determined, all or some of the items below may need to be carried out:

- a) a description of the proposed undertaking; a three season survey of trees, shrubs and herbaceous vegetation on-site and classification of community types using criteria as standardized by the Ecological Land Classification for Southern Ontario (Lee, et al., 1998);
- b) a three season survey of bird, mammal and reptile and amphibian species and an assessment of potential wildlife species based on available habitat types with the bird survey being undertaken during the peak period for migratory and breeding bird activity (i.e. May and June for Breeding Bird Activities and May to October for peak migratory activity);
- c) a description which identifies and confirms candidate and significant wildlife habitat;
- d) a list based on the above mentioned inventories, of any vegetation or wildlife species observed and reported on-site that are designated rare, threatened or endangered by a government agency as well as a map illustrating the features and their locations;
- e) a description of the location and characteristics of all wetlands, all permanent and intermittent watercourses or waterbodies and the associated quality and type of aquatic or fish habitat (e.g., cold / warm water) including observed and recorded fish species present with reference to fish sampling data or benthic/invertebrate studies should accompany the field data on watercourses/fisheries.
- f) preparation of a wetland evaluation in accordance with the Ministry of Natural Resources and Forestry evaluation system. In all cases, the Ministry of Natural Resources and Forestry is responsible for reviewing and approving the wetland evaluations;
- g) an overview of site geology, topography and soil types, including data obtained from hand-augered holes or test pits;
- h) an overview of site hydrology describing recharge and discharge areas, and characteristics of existing or new wells;
- i) a discussion of existing and proposed sources of potential contamination (e.g. gas stations, machinery repair operations, etc.);

- j) a description of ecological functions and interrelationships for each natural heritage feature (e.g., ground water discharge maintaining a cold water trout stream, wildlife passage corridors, provision of habitat for rare species, vegetation of steeply-sloped lands that function to prevent erosion, etc.);
- k) how the proposed use affects the possibility of linking components of the significant natural heritage features and natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- l) a Management Plan (MP) identifying how the adverse effects will be avoided over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development. Performance measures, monitoring and adaptive management (where appropriate) may also need to be considered.

As required, an EIS should also include mapping development in relation to natural heritage features should include known significant natural heritage features, the property boundary, the study area/adjacent lands and all components of the project proposal.

Any EIS shall describe what changes the proposed development and/or site alteration will have on the following, if applicable:

- a) significant natural heritage features
- b) ground and surface water recharge and discharge;
- c) predicted ground water use and potential for interference with nearby wells (e.g., well yield, water quality);
- d) ground water quality or quantity as it affects the natural environment (e.g. discharge to surface, aquifer conditions);
- e) surface water quality and quantity (e.g., sedimentation, temperature, flow volume);
- f) terrestrial wildlife habitat quantity or quality (e.g., loss of deer wintering yards, cover for wildlife movement, increased potential for bank erosion);
- g) aquatic or fish habitat quantity or quality (e.g., water warming from removal of stream bank vegetation, potential for destruction or alteration of a fisheries resource);
- h) wildlife movement corridors;
- i) the ecological function of the natural environmental features;
- j) noise and traffic levels and their impacts on wildlife as compared to existing conditions (e.g., truck traffic from excavation activities);

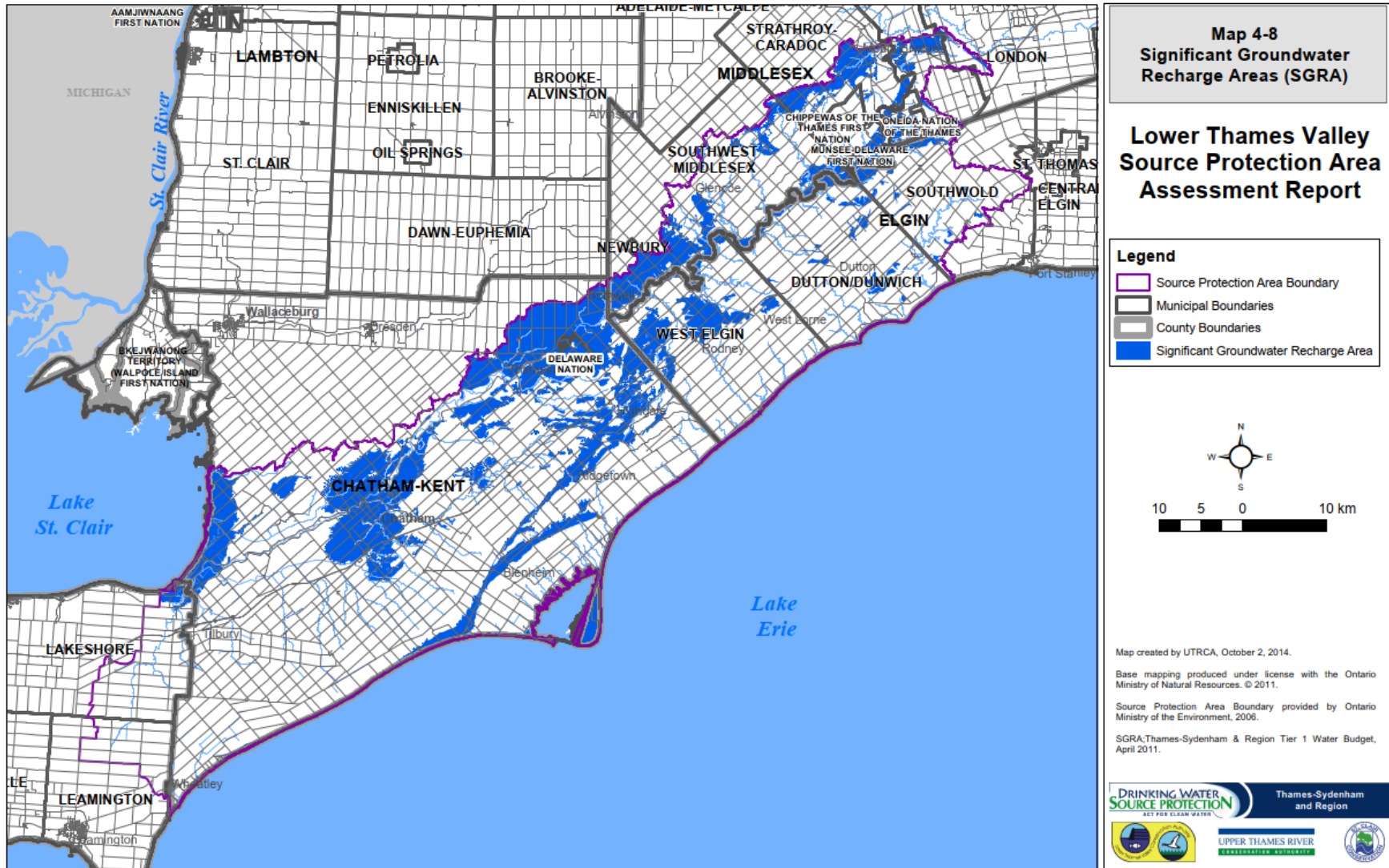
- k) the potential for fragmentation or isolation of portions of a significant natural heritage feature or breakage of an identified linkage as a result of the proposed change in land use;
- l) the potential for off-site discharge of materials (e.g., storm water runoff, effluent, odours, air emissions) as a result of the proposed development;
- m) erosion potential from grading and construction techniques and proposed mitigation measures for steep slopes or unstable soils;
- n) the compatibility of the proposed land use with surrounding land uses within the Greenlands system and/or associated linkages;
- o) flooding or changes in storm water retention capabilities as a result of the proposed land use or changes to flood attenuation capabilities of lands in the area; and,
- p) the duration of the effects, the size of the area affected, the sensitivity of the feature to change and any loss of ecological functions either within the area proposed for development.
- q) In addition to the above, the EIS shall describe the positive impacts or enhancements that may occur as a result of mitigation.

# SCHEDULES

**Refer to PDF Package Accompanying this Document**

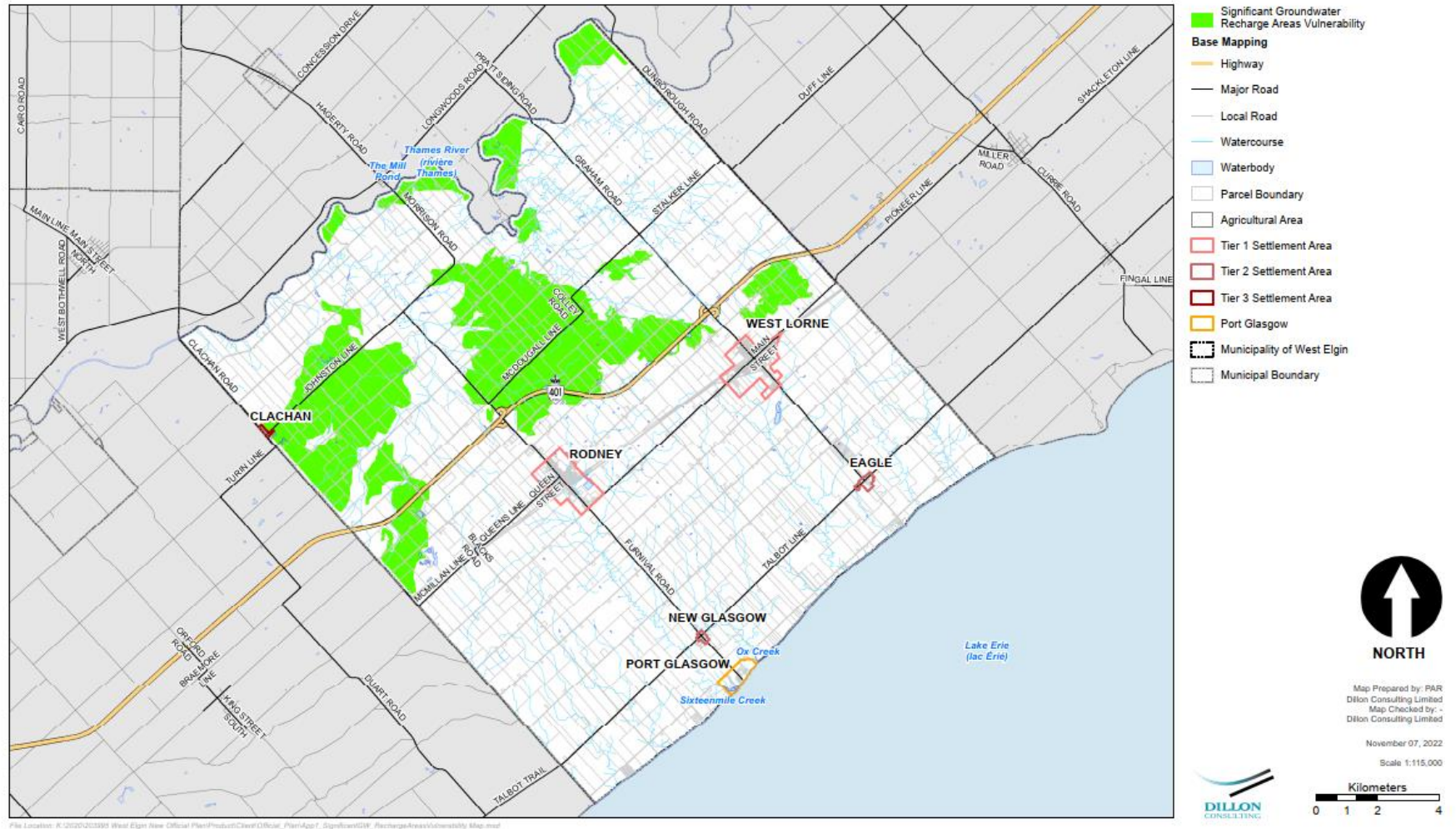
# MAPS

**MAP 1: SIGNIFICANT GROUNDWATER RECHARGE AREAS, LOWER THAMES VALLEY WATERSHED**

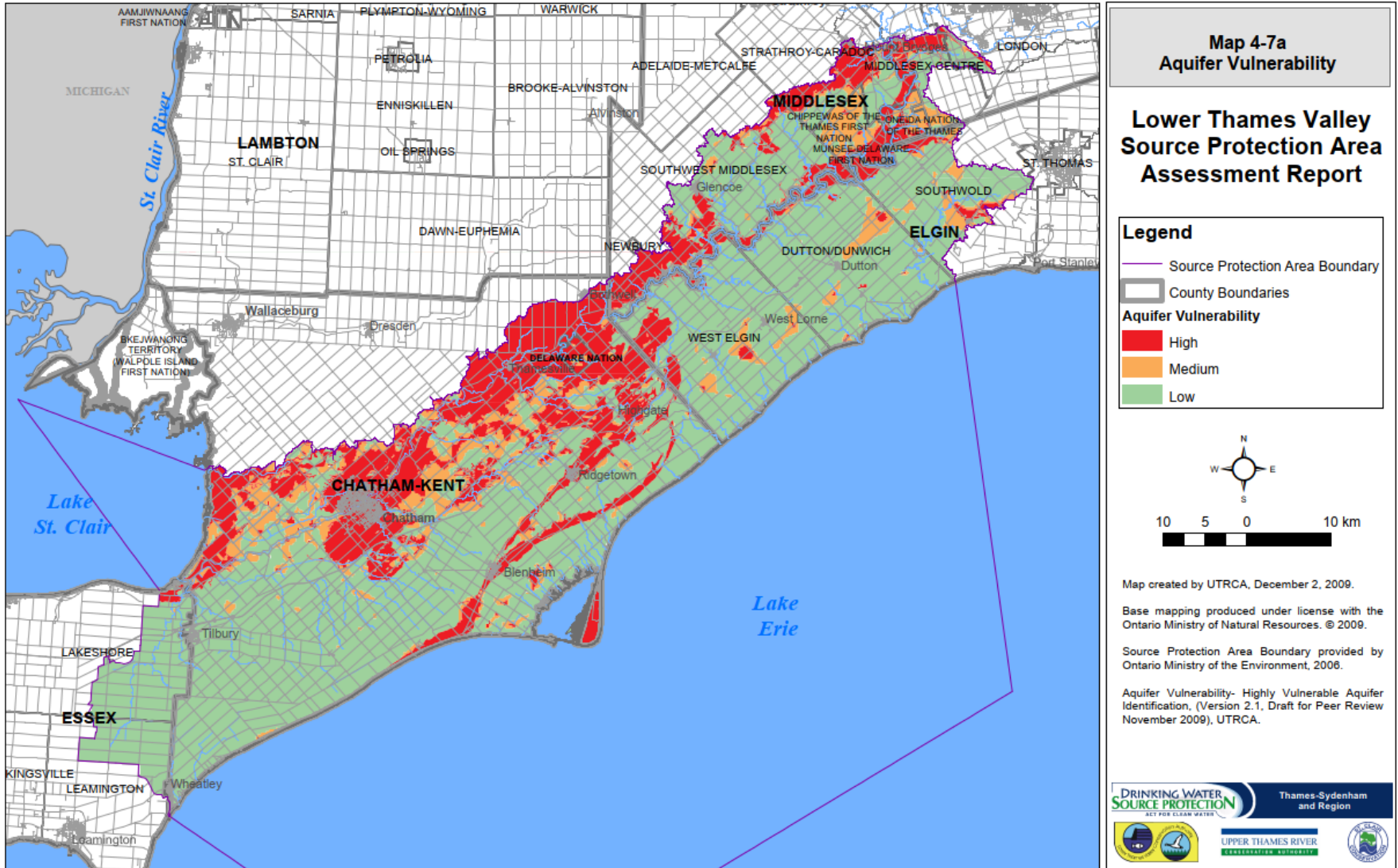


**MAP 2: SIGNIFICANT GROUNDWATER RECHARGE AREAS VULNERABILITY**

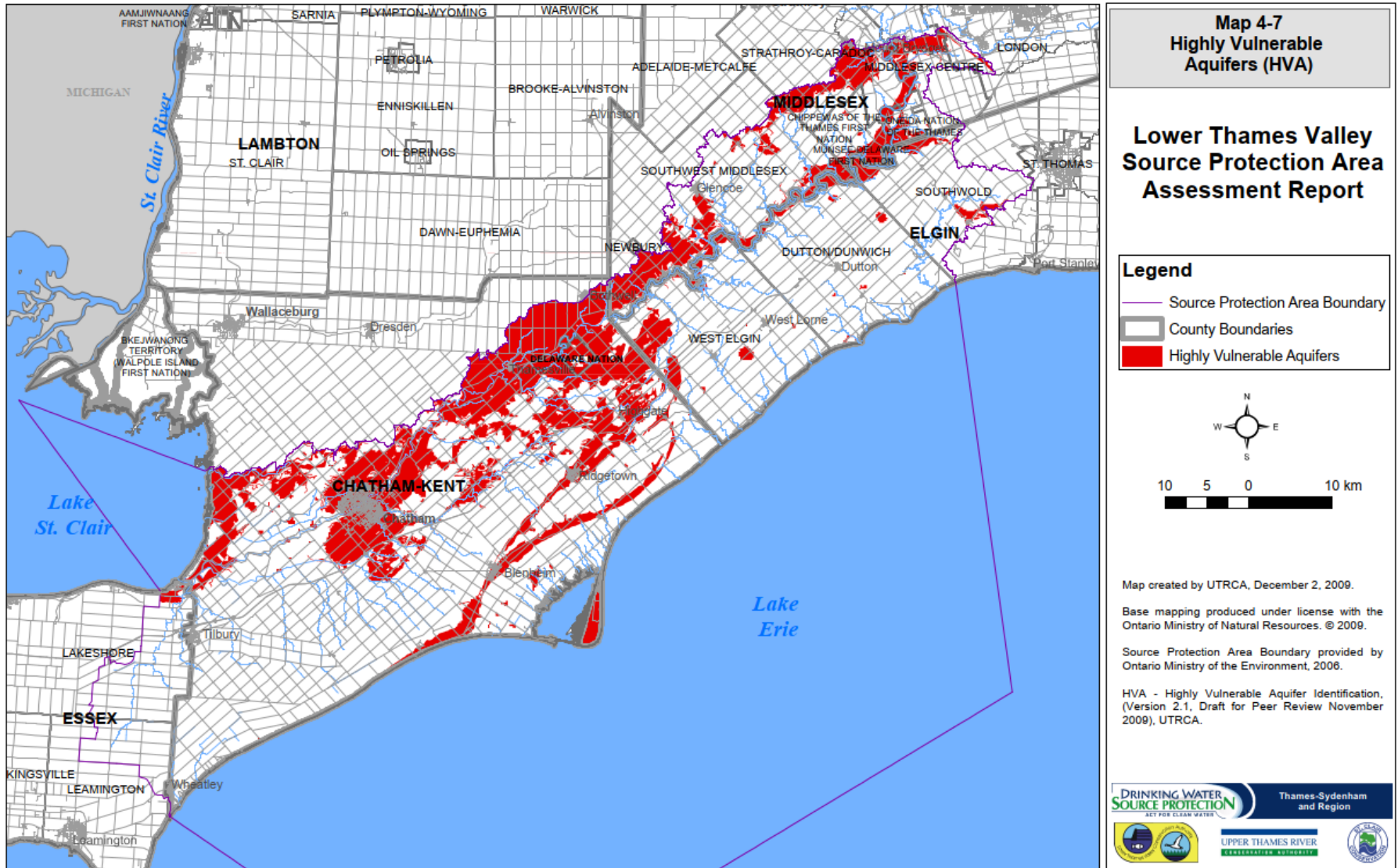
**MUNICIPALITY OF WEST ELGIN OFFICIAL PLAN  
 SIGNIFICANT GROUNDWATER RECHARGE AREAS VULNERABILITY**



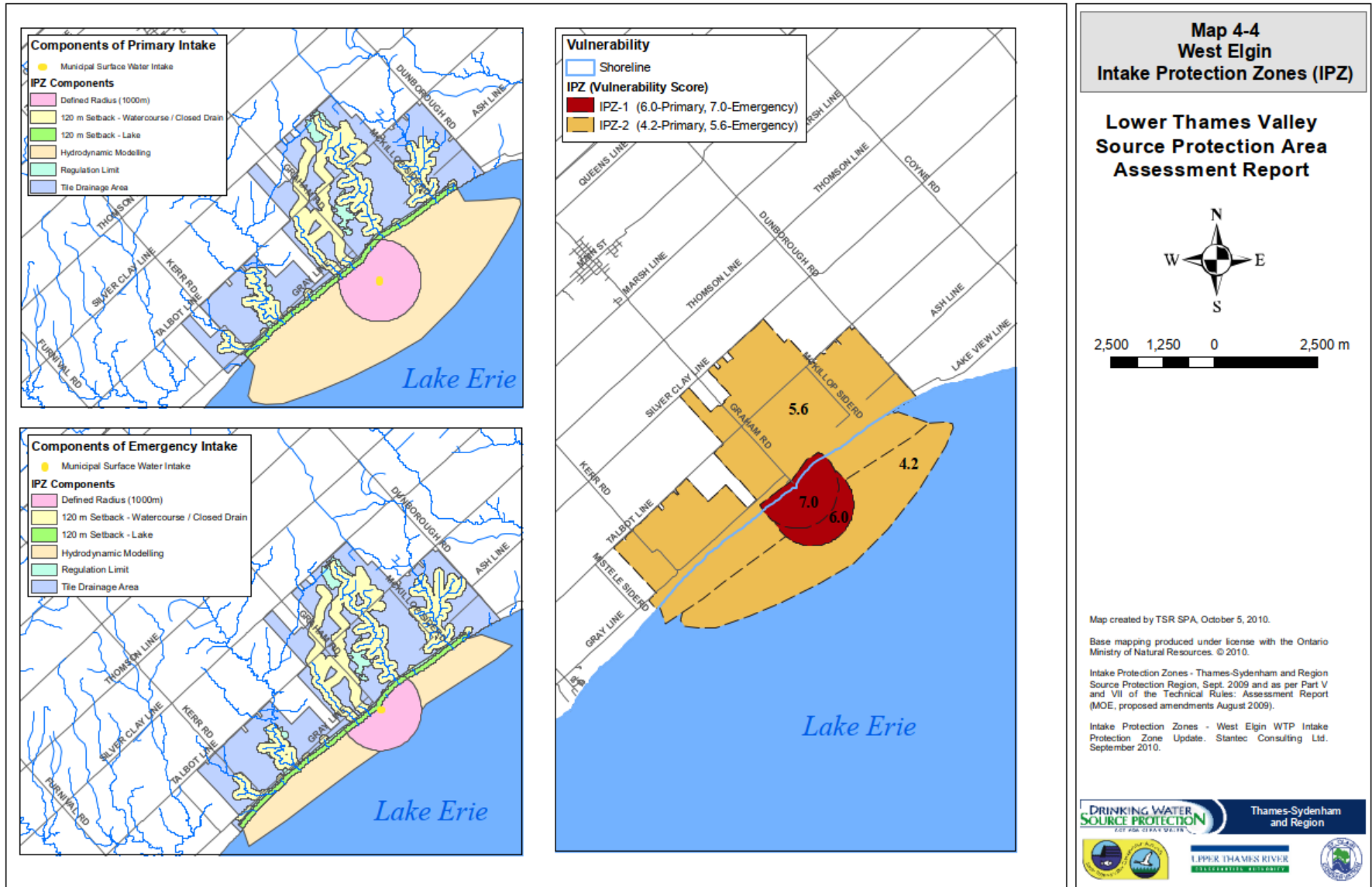
**MAP 3: AQUIFER VULNERABILITY, LOWER THAMES VALLEY WATERSHED**



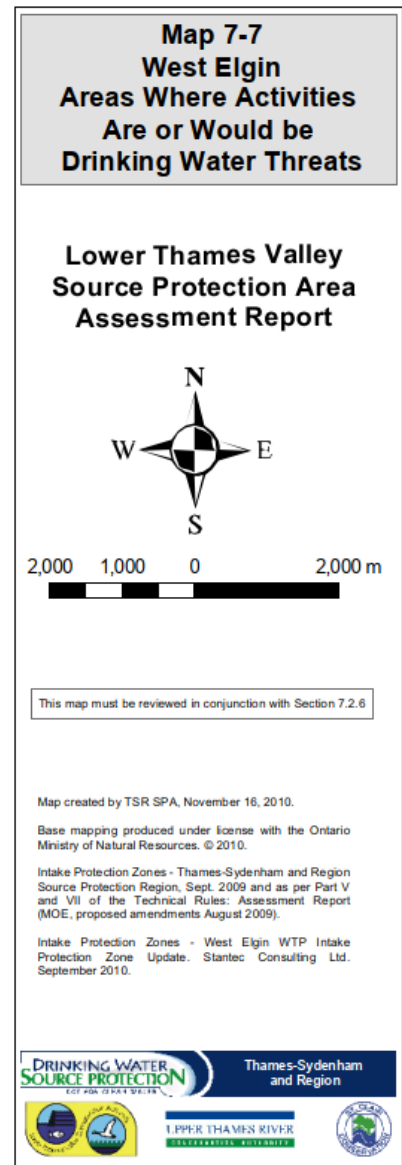
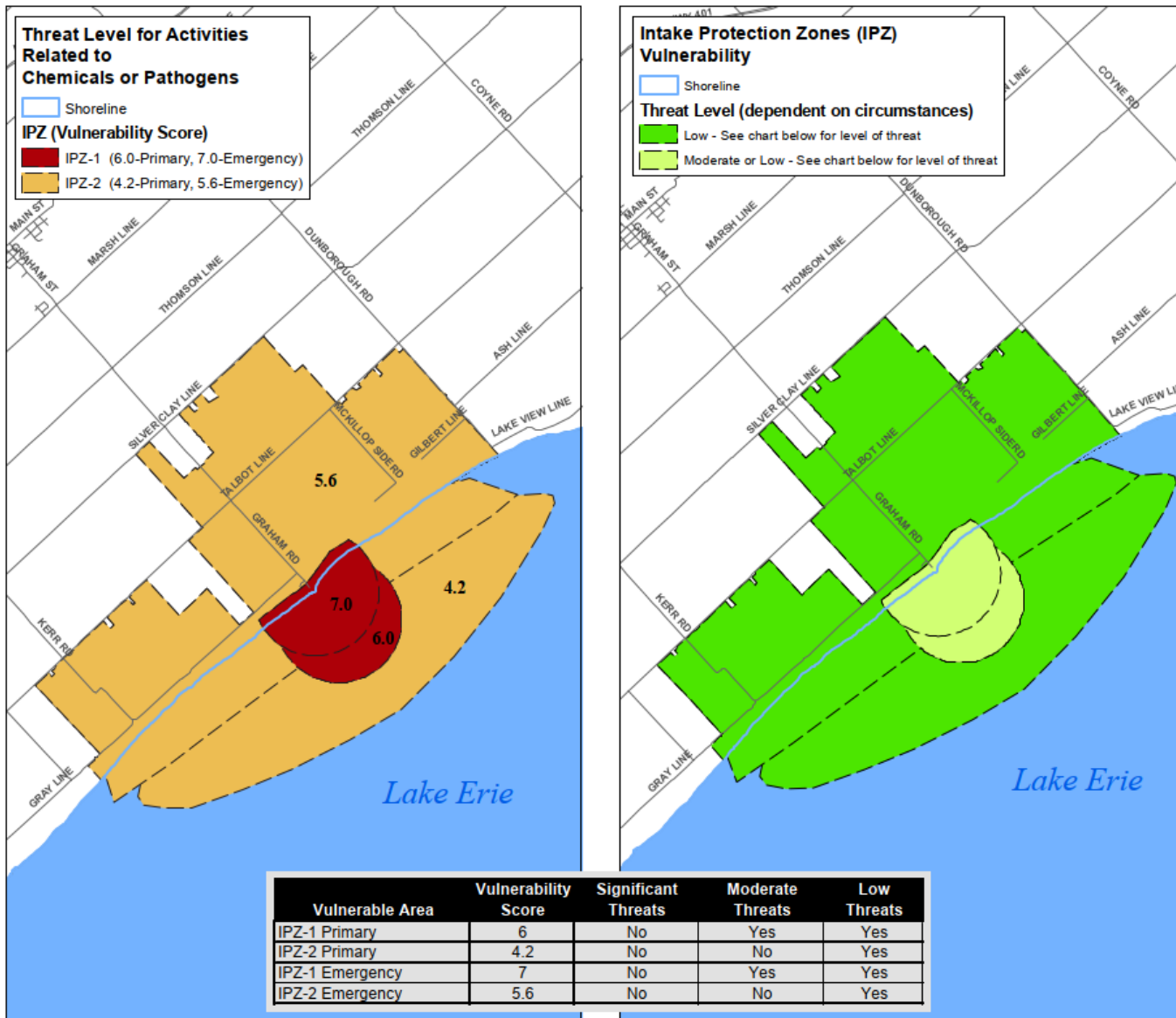
**MAP 4: HIGHLY VULNERABLE AQUIFERS, LOWER THAMES VALLEY WATERSHED**



MAP 5: WEST ELGIN INTAKE PROTECTION ZONES

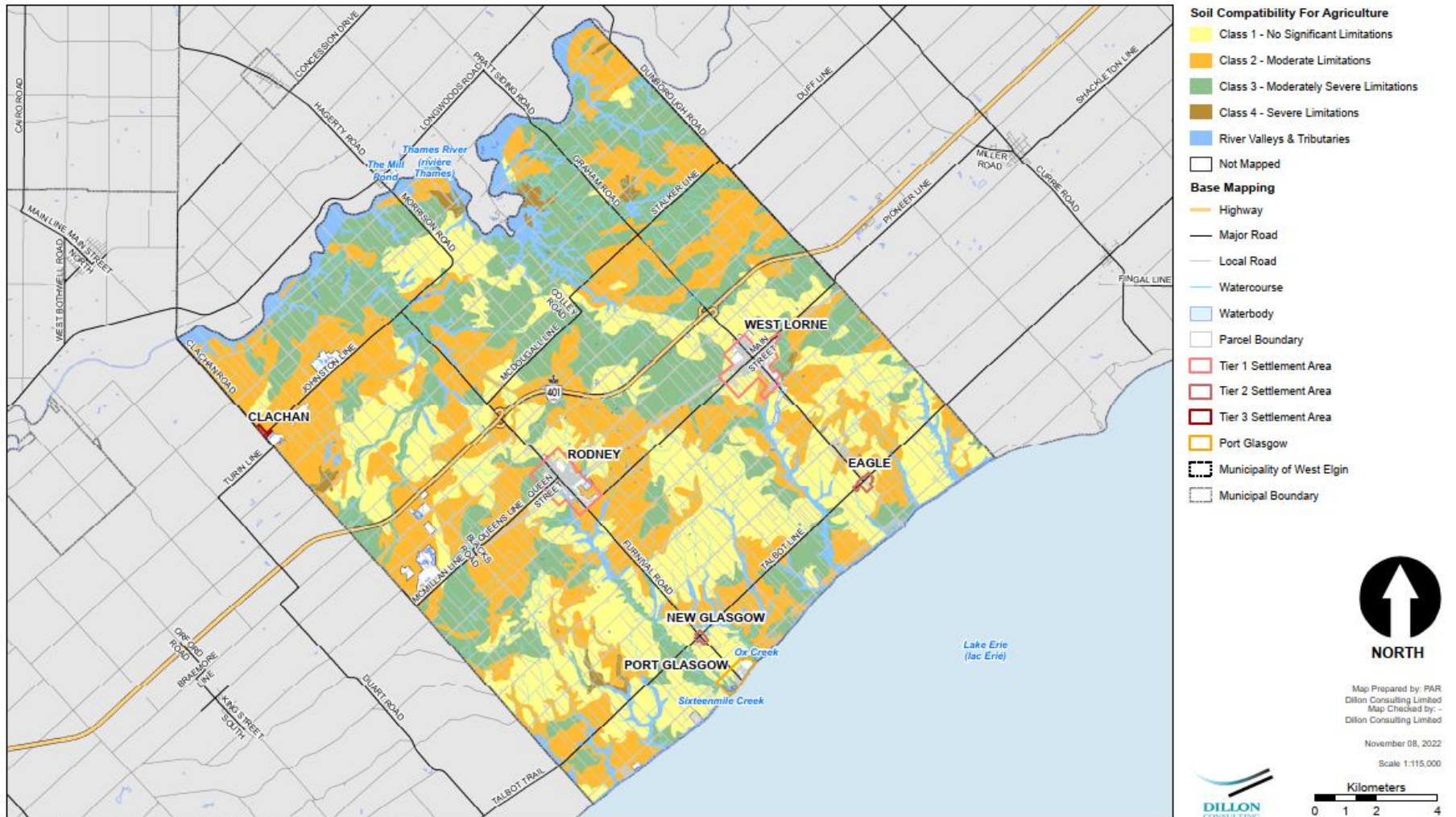


**MAP 6: WEST ELGIN AREAS WHERE ACTIVITIES ARE OR WOULD BE DRINKING WATER THREATS**



MAP 7: SOIL COMPATIBILITY FOR AGRICULTURE

MUNICIPALITY OF WEST ELGIN OFFICIAL PLAN  
SOIL COMPATIBILITY FOR AGRICULTURE



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