

3.2 Environmental Resource Policies

INTRODUCTION

Nearly two centuries of agricultural settlement and urban development have introduced environmental change to Oxford County that has been both significant and swift in ecological terms. During this period, forest cover has been reduced from 75 percent to 12 percent of the County land base, while 75 percent of the original *wetlands* have been drained. These changes have transformed the natural environment of Oxford County into a patchwork of progressively smaller and increasingly isolated natural area remnants. These changes are not particular to Oxford County, but are indicative of landscape change over this period throughout southwestern Ontario. These changes, while providing many economic benefits, have also served to demonstrate the value of *woodlands* and *wetlands* in maintaining a healthy environment and a desirable quality of life.

Environmental policies in this Plan not only recognize the value of remnant natural areas and provide for their basic protection but also build on the concept of a *Natural Heritage System* of linked natural areas through a series of corridors. The *Natural Heritage System* is considered an integral part of the social and economic systems in the County. The policies of this Plan promote *development* that, wherever possible will enhance, not deteriorate, the ecological and social systems on which people depend.

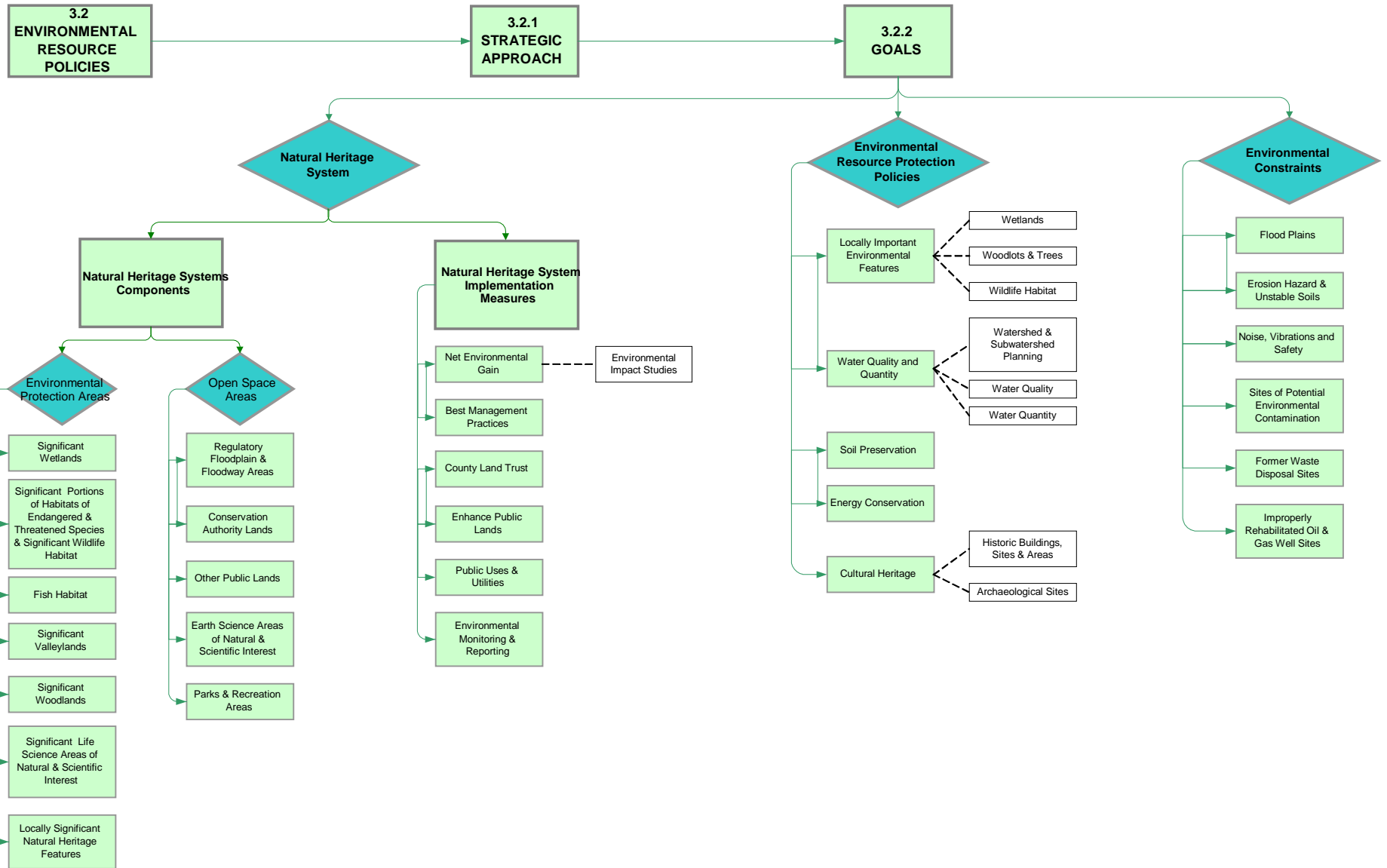
To achieve goals such as maintaining water quality, resource and energy conservation, natural areas preservation, and in order to create high quality living environments, the policies of this Section are intended to be applied to all land use decisions in the County of Oxford.

3.2.1 Strategic Approach

OVERVIEW

The County's strategic approach to environmental management is based on three major policy initiatives illustrated in Figure 4. The first initiative identifies the County's *Natural Heritage System*, consisting primarily of the Environmental Protection and Open Space designations. The incorporation of Natural Heritage objectives and

Figure 4 - Framework for the Environmental Management Policies



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policies into the Official Plan provide a comprehensive, integrated perspective on the conservation of the natural environment in Oxford County.

The second initiative consists of general environmental resource protection policies that create opportunities for environmental enhancement and seek to minimize the adverse effects of *development*. Where possible, the policies seek to achieve a net improvement to environmental quality as a result of *development* and land use. These policies pertain to such resources as surface and ground water, soils, energy, *wildlife habitat* and natural features that may not be within the designated Environmental Protection or Open Space areas.

The third initiative focuses on environmental constraints and establishes policies to alleviate natural hazards to public health and safety. Environmental constraint areas of high risk are identified and appropriate *development* standards are established for those areas.

3.2.2 Goals for Environmental Resource Policies

COMPREHENSIVE GOAL

County Council shall adopt a comprehensive, integrated approach to environmental management in order to protect the quality of the natural environment through the land use planning process. This approach shall consider the ways in which human and natural systems interact, and result in *development* which enhances the ecological and social systems on which humans depend.

SPECIFIC GOALS

County Council and the Area Councils will strive to:

NET ENVIRONMENTAL GAIN

Achieve *net environmental gain* through the protection and conservation of existing natural features, the maintenance of existing *ecological functions* and the creation of new environmental features, wherever possible.

IDENTIFY AND PROTECT SIGNIFICANT NATURAL AREAS

Preserve and protect lands and water identified by the Province, County and Area Municipalities as *significant natural heritage features and areas* by designating such features as Environmental Protection Areas on the Land Use Schedules.

DEVELOP THE NATURAL HERITAGE SYSTEM

Ensure the viability of protected natural areas through the *development* of the *Natural Heritage System* by linking environmentally protected areas and open spaces via a series of natural or open space corridors.

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ENCOURAGE NATURALIZATION AND MAINTENANCE OF ECOLOGICAL FUNCTIONS

Encourage naturalization or the re-establishment of native indigenous vegetation, self-sustaining ecological processes, and biodiversity throughout the *Natural Heritage System* in order to maintain *ecological functions*.

INTEGRATE WITH OTHER SYSTEMS

Integrate the *Natural Heritage System* with broader regional systems performing a similar function, such as through watershed planning.

GROUNDWATER PROTECTION

Identify wellhead protection areas for municipal wells and highly vulnerable aquifers and provide for the protection and conservation of groundwater resources to secure a long-term potable water supply for County residents and industry.

SURFACE WATER PROTECTION

Identify important *surface water features* and provide for the protection and conservation of surface water resources to secure long-term hydrologic stability and healthy aquatic habitat.

ENVIRONMENTAL IMPACT CONTROL

Ensure minimization or prevention of *negative impacts* on environmental features by prohibiting incompatible *development* and, where appropriate, requiring an Environmental Impact Study prior to *development* and implementing necessary mitigation measures as a condition of *development*.

PRESERVATION OF TREES

Take a comprehensive approach to tree and *woodland* preservation within the County by incorporating a range of measures to maintain and, wherever possible, increase the amount of forest cover within the County.

FACILITATE SAFE AND HEALTHY CONDITIONS

Facilitate a safe and healthy environment by identifying various environmental constraints applying land use restrictions or, where appropriate, requiring effective mitigating measures as a requirement of *development*.

ENERGY EFFICIENCY

Reduce the stresses placed on the environment by managing consumption of resources through energy efficient planning and design.

ENVIRONMENTAL MONITORING AND REPORTING

Establish a baseline measurement and report on the state of the County's environment based on representative indicators of the quality of the air, land, water and biotic components of the County ecosystem and periodically report on changes in environmental quality as measured by such indicators.

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3.2.3 Natural Heritage System

DESCRIPTION AND PURPOSE

The *Natural Heritage System* is the unifying concept for the conservation of the natural environment in Oxford County and represents a conceptual image or vision of a county-wide green network. The approach is based on the understanding that natural area remnants, once part of a continuous natural landscape, should be linked in order to facilitate the ecological exchanges and biodiversity, which ensure their long-term maintenance and enhancement.

The *Natural Heritage System* concept provides a long-term planning framework for co-ordinating environmental conservation in Oxford County. Such conservation efforts will provide ecological, aesthetic, educational, economic, recreational and health benefits to County residents.

OBJECTIVES

TO DEVELOP THE NATURAL HERITAGE SYSTEM

To develop the *Natural Heritage System* in Oxford County on a continuous basis through the use of special studies and conditions on *development* to identify and designate additional *significant natural heritage features and areas* and open space areas.

PROTECT AND ENHANCE

To protect and enhance the features comprising the *Natural Heritage System* by prohibiting incompatible *development*, controlling the environmental effects of *development*, and in relation to fisheries, ensuring that, wherever possible, *development* or *site alteration* results in a *net environmental gain* to the County.

3.2.3.1 Natural Heritage System Components

LAND USE DESIGNATIONS

The primary means of identifying and protecting the County *Natural Heritage System* is through the incorporation of such lands in the following land use designations:

ENVIRONMENTAL PROTECTION DESIGNATION

The Environmental Protection Area designation contains those lands which perform important *ecological functions* and/or protect biological diversity and life supporting systems that would be lost or degraded if such areas were altered. The priority within this policy area is to preserve and enhance important environmental areas and features while protecting them from land use impacts that would detrimentally alter their size and physical form, impair their ecological, hydrologic or hydrogeologic functions or degrade their quality.

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The location of designated Environmental Protection Areas, for which data are available, is generally shown on the Land Use Schedules and the Environmental Features Schedule C-1. Environmental Protection Areas include the following *significant natural heritage features and areas*:

- Significant *wetlands*,
- Significant habitat of *endangered species or threatened species* and other significant *wildlife habitat*,
- fish habitat,
- significant *valleylands*,
- significant *woodlands*,
- significant *life science areas of natural and scientific interest*.

The Environmental Protection designation also applies to locally significant natural heritage features. For the purposes of this Plan, the term significant has the same meaning as in the Provincial Policy Statement, 2005.

Policies applying to Environmental Protection Areas are outlined in Section 3.2.4.

Identification of Environmental Protection Areas does not imply an intention on the part of the County to acquire such lands nor to make such areas accessible to the public at large. Environmental Protection Area boundaries are general in nature. The interpretation of their actual delineation will be consistent with Section 1.5.

OPEN SPACE DESIGNATION

The Open Space designation recognizes the role of hazard, conservation and public and private recreational lands in maintaining environmental quality within the County. The priorities in this policy area are to:

- minimize hazards to human health or safety;
- minimize property damage;
- provide linkages connecting the *Natural Heritage System*; and to
- provide opportunities for both private and public recreation.

The location of designated Open Space Areas, for which data are available, is shown on the Land Use Schedules and on the Environmental Features Schedule C-1. Open Space Areas include:

- Regulatory Flood Plains and *Floodways* where Two Zone Flood Plain policies apply,
- Conservation Authority lands and other public lands,
- Earth Science Areas of Natural and Scientific Interest, and

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- Parks, pathways and recreation areas.

Policies applying to Open Space Areas are outlined in Section 3.2.5.

Identification of Open Space areas in this Plan does not imply an intention on the part of the County to acquire such lands nor to make such areas accessible to the public at large.

3.2.3.2 Building the Natural Heritage System

INTENT TO ADD TO
THE NATURAL
HERITAGE SYSTEM

It is the intent of the County of Oxford to designate additional Environmental Protection Areas and Open Space areas in the Official Plan by means of amendments as new environmental data and information become available through the *development* process or by special studies.

In particular, for the purposes of implementing Provincial policy, the County will co-ordinate the completion of a study or studies in cooperation with the Area Municipalities, the Province, and the Conservation Authorities with jurisdiction to:

- Establish appropriate definitions and to identify significant *woodlands*, significant *wildlife habitat* and significant *valleylands* for which data are not yet available; and
- adopt policies and revisions to Schedule C-1 and/or other mapping to be included by amendment to the Official Plan to provide appropriate conservation, protection and enhancement of such areas.

Notwithstanding the policy above, the Environmental Features Schedule C-1, the Development Constraints Schedule, C-2 and the Land Use Schedules can be modified to identify additional Open Space lands without amendment to this Plan, where they consist of:

- Regulatory Flood Plain,
- *Floodways* where Two Zone Flood Plain policies apply,
- Conservation Authority lands and
- other public lands, including parks and pathways.

NOTIFICATION

All landowners affected by additional Environmental Protection Areas will be individually notified as part of any Official Plan amendment process.

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3.2.3.3 *Natural Heritage System Implementation Measures*

DESCRIPTION	<p>A number of implementation measures are identified for the preservation and protection of the <i>Natural Heritage System</i>. Such measures shall be used as a guide in the expansion of the <i>Natural Heritage System</i> as well as during the <i>development</i> review process.</p>
NET ENVIRONMENTAL GAIN	<p>To achieve a <i>net environmental gain</i>, the County and Area Municipalities will first seek to avoid <i>development</i> or <i>site alteration</i>, including mineral resource extraction, that permanently impairs <i>significant natural heritage features and areas</i>.</p> <p>Any <i>development</i> approval on lands within or <i>adjacent</i> to the Environmental Protection designation shall be conditional upon enhancement and remediation measures as determined by an Environmental Impact Study in accordance with Section 3.2.6. An Environmental Impact Study may be required for <i>development</i> proposed within the Open Space designation.</p>
BEST MANAGEMENT PRACTICES	<p>All <i>development</i> or <i>site alteration</i> occurring within the County of Oxford within or <i>adjacent</i> to the features forming the <i>Natural Heritage System</i> shall minimize and, where possible, prevent <i>negative effects</i> associated with <i>development</i> by incorporating <i>best management practices</i> for stormwater management, erosion and sedimentation controls, tree-saving plans and other such site design and servicing measures.</p>
CREATE COUNTY LAND TRUST	<p>The County shall investigate the feasibility of establishing a Conservation Land Trust for the acceptance of monetary and/or land gifts for the purposes of conservation of the natural environment or protection of groundwater. Where such a Land Trust is established, it will be administered by County Council or a non-profit corporation established by County Council.</p>
ENHANCE PUBLIC LANDS	<p>Public ownership of natural areas is one of the best means of environmental protection. In recognition of this, all public lands established for conservation purposes that are held in public ownership shall be designated as either Environmental Protection or Open Space Areas, as appropriate. Management policies and plans shall be developed by the County to preserve and enhance the ecological diversity and functionality of County-owned conservation lands.</p>
PUBLIC USES AND UTILITIES	<p>Where public <i>infrastructure</i> and utilities are proposed, County Council and Area Councils and any other public authority will incorporate measures identified in any required environmental assessment</p>

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process to mitigate impacts of the proposal on environmental features and functions. The County when making comments to any approval authority pertaining to a utility or communications facility proposal within or *adjacent* to an Environmental Protection Area will request that enhancement and remediation measures be required.

ENVIRONMENTAL MONITORING AND REPORTING

The County shall periodically monitor and report on the state of the *Natural Heritage System* to provide an indication of overall environmental quality and suggest improvements to policies and practices.

3.2.4 Environmental Protection Area

OBJECTIVES

PROTECT AND ENHANCE

To ensure the long-term protection, conservation and enhancement of designated Environmental Protection Areas.

CONTROL DEVELOPMENT

To prohibit uses incompatible with the objective above and ensure that *development* permitted within or *adjacent* to Environmental Protection Areas adheres to environmental planning principles.

ENHANCE DEVELOPMENT REVIEW

To require Environmental Impact Studies within or adjacent to Environmental Protection Areas as part of the *development* review process, where appropriate, to assess the sensitivity of the area and its functions and ensure that possible *development* or *site alteration* activities will not detrimentally impact the area.

3.2.4.1 Description and Criteria for Designation of Environmental Protection Areas

DESCRIPTION

The Environmental Protection Area designation applies to *significant natural features and areas*. Where these features are known, an Environmental Protection designation has been applied.

The location of existing Environmental Protection Areas is designated on the Land Use Schedules and on the Environmental Features Schedule C-1, with the exception of fish habitat.

Significant natural heritage features and areas designated Environmental Protection include:

- significant *wetlands*;
- significant habitat of *endangered species* or *threatened species* and other significant *wildlife habitat*;

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- fish habitat;
- significant *valleylands*;
- significant *woodlands*, and
- significant *life science areas of natural and scientific interest*.

Environmental features of local significance, that are known, have been designated as Environmental Protection Areas. These significant natural heritage features have been judged to demonstrate one or more of the following characteristics:

- Plant and/or animal associations which are unusual or of high quality on a County-wide basis or provincially or nationally;
- Habitats which have limited representation in the County, province or nation, based on faunal or floral species, or are small remnants of once larger areas which have virtually disappeared;
- The area functions as an important habitat for water birds and/or waterfowl for nesting and/or migratory stopover;
- The area contains an unusual diversity of habitat types, or plant and animal species within a single habitat type, due to a variety of geomorphological features, soils, water and microclimatic effects;
- Areas that are large and relatively undisturbed thereby having potential to provide suitable habitat to a greater variety of species and to those species intolerant of human disturbance;
- The site provides linkage within a system of larger habitable areas enabling the movement of wildlife among those areas; or
- Areas serving vital *ecological functions* such as significant groundwater discharge and recharge areas, and areas contributing to the maintenance of surface and ground water quality and quantity.

3.2.4.1.1 Permitted Uses Within and Adjacent to Environmental Protection Areas

PERMITTED USES WITHIN ENVIRONMENTAL PROTECTION AREAS

Subject to the policies of Section 3.2.4.2, uses that may be permitted within the Environmental Protection Area designation corresponding to *significant natural heritage features and areas* will be limited to the following:

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- activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- minor additions to existing buildings developed and located on existing cleared land in accordance with the Zoning By-Law;
- a building or structure that is intended for flood or erosion control or is normally associated with proper management of the natural environment as approved by the Area Municipality, the County of Oxford, the Conservation Authority, and the Ministry of Natural Resources;
- passive recreation, such as recreational walking trails approved by the Area Municipality and the County, in consultation with the Conservation Authority with jurisdiction;
- established agricultural activities on existing cleared areas, including cropping practices, livestock husbandry and existing buildings and structures associated with such farming activities. This includes the land application of nutrients in accordance with the prevailing nutrient management regulations or by-laws.
- lot creation in agricultural areas for farming purposes in accordance with the policies of Section 3.1.4.4 and 3.1.5.4 provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within the feature;
- facilities for the production of maple syrup and honey;
- harvest of timber in accordance with good forestry management practices and in conformity with the County Woodland Conservation By-Law;
- use of the area for an approved wildlife, *wetland* or fishery management project as approved by the Conservation Authority with jurisdiction and/or the Ministry of Natural Resources; or
- use of the area for passive environmental education and research.

PERMITTED USES
ADJACENT TO
ENVIRONMENTAL
PROTECTION
AREAS

Subject to the policies of Section 3.2.4.2, *development* or *site alteration* on lands *adjacent* to Environmental Protection Areas shall be consistent with the permitted uses of the underlying land use designation.

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3.2.4.1.2 Prohibited Uses Within Environmental Protection Areas

PROHIBITED USES WITHIN ALL ENVIRONMENTAL PROTECTION AREAS

The following uses or activities are prohibited on lands designated as Environmental Protection Areas:

- a pit or quarry;
- a wayside pit or quarry;
- buildings or structures associated with oil and gas extraction;
- buildings or structures associated with gypsum mining;
- buildings or structures associated with commercial or industrial uses;
- topsoil or peat extraction;
- a landfill site;
- farm buildings or structures used for the housing of livestock, including manure storage or similar structures;
- abattoirs and dead stock storage, removal or composting operations;
- land application of nutrients, in all Environmental Protection Areas, except for existing cleared areas where agricultural activities are already established; or
- stormwater management facilities in significant *wetlands*.

EXISTING USES

Notwithstanding the above-noted prohibitions, existing uses are permitted within this designation. Such uses may expand or undergo a change in use, subject to the provisions of the existing zoning.

3.2.4.2 Development Review Policies for Environmental Protection Areas

EXTENDED NOTIFICATION REQUIREMENTS

Public notification requirements under the Planning Act may be extended where *development* or a change in the use of land is proposed within or *adjacent* to an Environmental Protection Area in order to reflect the broader public interest in the maintenance of environmental quality.

OTHER ENVIRONMENTAL POLICIES

In addition to the policies of Section 3.2.4.2, the policies of Section 3.2.7 and/or 3.2.8 may also apply to *development* within or *adjacent* to all Environmental Protection Areas.

Where lands designated Environmental Protection Area are affected by two or more of these Sections of the Plan, the most restrictive policies will apply.

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DEVELOPMENT APPLICATIONS

Where *development* may be permitted within or *adjacent* to an Environmental Protection Area and an Environmental Impact Study is required, such *development* shall be subject to a site-specific zoning by-law amendment, in addition to any other appropriate *development* applications that may be required.

3.2.4.2.1 Significant Wetlands

DESCRIPTION

Wetland classes and boundaries have been identified according to the evaluation methodology adopted by the Province of Ontario.

The Ministry of Natural Resources is responsible for the evaluation and identification of significant *wetlands*. The Ministry is also responsible for determining the boundaries of significant *wetlands* and *wetland* complexes. Significant *wetlands* are identified on the Environmental Features Schedule, C-1.

ADJACENT LANDS

-*Adjacent* lands shall be defined as those lands within 120 metres (394 feet) of a significant *wetland* area and, in the case of *wetland* complexes, within 120 metres (394 feet) of individual *wetlands* comprising the complex.

PERMITTED USES

The only permitted uses in a significant *wetland* include silvicultural practices, including harvest of timber in accordance with good forestry management practices and the Woodland Conservation By-law and limited lot creation in agricultural areas in accordance with Section 3.2.4.1.1. All other *development* and *site alteration* within the boundaries of a significant *wetland* shall be prohibited.

Development or *site alteration* may be permitted on lands *adjacent* to significant *wetlands* provided an Environmental Impact Study is prepared in accordance with Section 3.2.6 and the policies of this Section. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

ADDITIONAL E.I.S. CRITERIA

In addition to the requirements of Section 3.2.6, the Environmental Impact Study for lands *adjacent* to a significant *wetland* will examine the merits of the proposed *development* to ensure that such *development* will not result in any of the following:

- loss of *wetland* functions both hydrological and ecological;
- subsequent demand for future *development* which will *negatively impact* on existing *wetland* functions;
- conflict with existing site-specific *wetland* management practices; and
- loss of contiguous *wetland* area.

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3.2.4.2.2 Significant *Wildlife Habitats*

DESCRIPTION

Species mapping for the habitat of *endangered or threatened species* and other significant *wildlife habitat* areas recognized by the Province is not included in the County Official Plan, except for those habitat areas that are located within other environmentally protected features designated as Environmental Protection Area. Where significant habitat areas are identified through the *development* review process, the following policies will apply, regardless of the underlying land use designation.

The Ministry of Natural Resources is responsible for identifying the location of the habitat of *endangered or threatened species* and the County is responsible for identifying other significant *wildlife habitat* areas. Significant *wildlife habitat* areas are identified based on:

- the extent of wildlife,
- the diversity of habitat,
- the existence of linkages between habitat areas; or
- where wildlife species may be concentrated for periods of their life cycle such as deer yards, denning and wintering grounds, heronries or migratory staging areas.

ADJACENT LANDS

-*Adjacent lands* shall be defined as those lands within 100 metres (328 feet) of the species location for the habitat of *endangered or threatened species*.

For other significant *wildlife habitat*, *adjacent lands* shall be defined as those lands within 50 metres (164 feet) of the habitat area.

PERMITTED USES WITHIN HABITAT FOR THREATENED OR ENDANGERED SPECIES

Within an area where the Ministry of Natural Resources has identified significant habitat for *threatened or endangered species*, *development* and *site alteration* shall be prohibited with the exception of limited lot creation in agricultural areas as set out in Section 3.2.4.1.1.

E.I.S. REQUIREMENTS FOR LANDS ADJACENT TO HABITAT FOR THREATENED OR ENDANGERED SPECIES

Development or *site alteration* may be permitted on lands *adjacent to habitat for threatened or endangered species* where an Environmental Impact Study prepared in accordance with Section 3.2.6 has confirmed the location and geographic extent of the habitat area and demonstrates that the proposal will not result in *negative effects* on the habitat area. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

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E.I.S. REQUIREMENTS WITHIN OR CONTIGUOUS TO OTHER PROVINCIAL SIGNIFICANT WILDLIFE HABITAT AREAS

Where other significant *wildlife habitat* has been identified, *development* and *site alteration* within and on lands *adjacent* to such areas will require the preparation of an Environmental Impact Study in accordance with Section 3.2.6 to confirm the location and geographic extent of such habitat areas and to demonstrate that the proposal will not result in *negative effects* on the habitat area. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

3.2.4.2.3 Fish Habitat

DESCRIPTION

This plan recognizes the importance of healthy aquatic eco-systems for the long-term recreational, economic, environmental, and social benefits of the residents of Oxford County. Accordingly, it is a policy of this plan to permit *development* where it does not harmfully alter, disrupt, or destroy fish habitat.

AMENDMENT No. 27

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of the edge of a *surface water feature*. The identification of fish habitat and *adjacent lands* will be at the discretion of the Conservation Authority with jurisdiction.

E.I.S. REQUIREMENTS AND CRITERIA

Proposed *development* or *site alteration* which is within or adjacent to identified Fish Habitat areas shall require the preparation of an Environmental Impact Study approved by the approval authority for the administration of the aquatic habitat provisions of the Fisheries Act and of Provincial Policy. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or adjacent to the habitat area.

In addition to the policies of Section 3.2.6, an Environmental Impact Study for Fish Habitat areas shall include:

- as a first priority, proposed revisions or modifications to the project to avoid *negative impacts* to fish habitat and especially fish habitat sustaining species at risk or a fishery,
- determination of appropriate mitigation measures, such as setbacks for *development*, to establish vegetative buffer strips for the protection of fish habitat areas, and

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- specification of compensation for loss of fish habitat or net gain through near-site replacement of habitat, off-site replacement of habitat or on-site increase of habitat productive capacity.

3.2.4.2.4 Significant *Valleylands*

IDENTIFICATION

Conceptually, *valleylands* consist of natural areas occurring in a valley or other landform depression that has water flowing through or standing for some period of time. Until such time as the study identifying significant *valleylands* contemplated in Section 3.2.3.2 is completed, significant *valleylands* are represented by the outer limits of the following features:

- the lands associated with a Regulatory Flood Plain, or a *Floodway* and *Flood Fringe* in the case of a Two Zone Flood Plain, or
- a Fill Zone established by a Conservation Authority with jurisdiction, except in the case of the Upper Thames River Conservation Authority, where erosion hazard lands are used to represent significant *valleylands*.

These features are shown on Schedule C-1, as significant *valleylands*. At a property scale, these features may not be a reliable indicator of significant *valleylands*. The presence of significant *valleylands* in a particular *development* proposal will be confirmed by the Conservation Authority with jurisdiction during the development review process.

The policies of this Section recognize the complementary natural heritage values of these hazard lands. There is substantial overlap between significant *valleylands*, as defined in this Section, and areas identified as habitat of *threatened and endangered species*.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of lands representing a significant *valleyland*.

E.I.S. REQUIREMENTS AND OTHER APPLICABLE POLICIES

Development and *site alteration* may be permitted on lands within and *adjacent* to significant *valleylands* where an Environmental Impact Study prepared in accordance with Section 3.2.6 demonstrates that the proposal will not cause a *negative impact* on the significant *valleyland*; and where the policies of Sections 3.2.8.1 (Flood Plain Policies) and 3.2.8.2 (Erosion Hazard and Unstable Soils) are satisfied, as appropriate.

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Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or adjacent to the significant *valleyland*.

3.2.4.2.5 Significant *Woodlands*

DESCRIPTION

Until such time as the study identifying significant *woodlands* contemplated in Section 3.2.3.2 is completed or identification of this feature occurs through the *development* approval process, such *woodlands* have not been identified in this Plan.

In accordance with Provincial Policy, significant *woodlands* are characterized by the Province the basis of:

- the size of the feature;
- the occurrence of other significant features;
- the provision of important *ecological functions* such as biodiversity, linkage, buffering, or water quality;
- the composition, age, or site quality results in a feature which is uncommon to the County; and
- *woodland* economic and social values.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of an identified significant *woodland*.

E.I.S REQUIREMENTS

Development and *site alteration* within and on lands *adjacent* to a significant *woodland* will require the preparation of an Environmental Impact Study in accordance with Section 3.2.6 which demonstrates that the proposal will not result in a *negative impact* on the *woodland*. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or *adjacent* to the *woodland*.

3.2.4.2.6 Significant *Life Science Areas of Natural and Scientific Interest*

DESCRIPTION

Life science areas of natural and scientific interest (ANSI) include representative segments of specific types of forests, valleys, prairies and *wetlands*, their native plants and animals and their supporting

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environments. They contain relatively undisturbed vegetation and landforms and associated species. Significant *life science ANSI's* include the most significant and best examples of the natural heritage features in the Province and many correspond with other *significant natural heritage features and areas* such as *wetlands, valleylands* and *woodlands*. The Ministry of Natural Resources is responsible for identifying significant *life science ANSI's*. Where *life science ANSI's* are known, they are identified on the Environmental Features Schedule C-1.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of an identified *life science ANSI*.

E.I.S. REQUIREMENTS

Development or *site alteration* within and on lands *adjacent* to a *life science ANSI* will require the preparation of an Environmental Impact Study, in accordance with Section 3.2.6, which demonstrates that the proposal will not result in a *negative impact* on the ANSI. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or adjacent to the ANSI.

3.2.4.2.7 Locally Significant Natural Heritage Features

DESCRIPTION

Environmental features of local significance, that are known, have been designated as Environmental Protection Areas. These significant natural heritage features have been judged to demonstrate one or more of the characteristics listed in Section 3.2.4.1.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of an identified *Locally Significant Natural Heritage feature*.

E.I.S. REQUIREMENTS

Development or *site alteration* within or *adjacent* to locally significant natural heritage features will be permitted only when it has been demonstrated in an Environmental Impact Study prepared in accordance with Section 3.2.6 that the proposed *development* or *site alteration* will not result in a *negative impact* on the protected features. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

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Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or *adjacent* to the heritage feature.

3.2.4.3 Special Policy Areas

SPECIFIC DEVELOPMENT POLICIES

In specific areas, the Environmental Protection Area policies may be varied to accommodate the unique characteristics of an area. Environmental Protection Areas where specific policies apply are identified as follows:

3.2.4.3.1 Brick Wetlands, City of Woodstock

LIMIT OF DESIGNATION

The location of lands designated Environmental Protection Area on Schedules C-1 and W-1, Land Use Plan, City of Woodstock, which are associated with the Brick Wetlands are more precisely delineated by the Environmental Impact Study modified and adopted by Woodstock Council on February 17, 1994, and shown on Appendix 3. Proposals to modify the boundary of the Environmental Protection designation will be required to complete an Environmental Impact Study in accordance with Section 3.2.4.1. As a condition of *development* for lands adjacent to the Environmental Protection designation associated with the Brick Wetlands Complex, thicket plantings and fencing will be required to be placed along the perimeter of the designation to define the boundaries of the Environmental Protection Area and to reduce human intrusion into the area.

PERMITTED USES

Notwithstanding the policies of Section 3.2.4, within the Environmental Protection designation associated with the Brick Wetlands Complex, the conservation and enhancement of soils, *wetland* area and *wildlife habitat*, and the establishment of storm water management facilities approved by the City, the Ministry of Natural Resources, and the Upper Thames River Conservation Authority, shall be the only permitted uses. Storm water management facilities will not be permitted within the boundaries of any Wetland Area. Maintenance and repair activities associated with storm water management facilities and utilities within such designation shall also be permitted. It is intended that existing agricultural activities within the Environmental Protection designation associated with the Brick Wetlands Complex will cease when *development* on lands adjacent to the Environmental Protection

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designation occurs in accordance with Section 7.2.4 and 7.3.3.4. It is intended that these agricultural lands will be allowed to naturally regenerate. The timing of the cessation of agricultural activity will be determined through necessary *development* agreements between the City and the property owner.

STORM WATER MANAGEMENT

In accordance with the Brick Wetlands Environmental Impact Study adopted by City Council, storm water management for both water quantity and quality is required to maintain *wetland* functions. The following storm water management facilities will be required within the Environmental Protection designation associated with the Brick Wetlands Complex:

- The City of Woodstock will ensure that a storm water diversion channel along the south side of the Canadian National Railway tracks for lands east of Springbank Avenue is established to carry peak storm water flows to the west and maintain water elevations of approximately 1.15 metres (3.8 feet) during the 1:100 year storm event at post-construction. The exact location of the diversion channel will be established by the City of Woodstock in consultation with the Ministry of Natural Resources and the Upper Thames River Conservation Authority. The diversion channel will be located and constructed in such a fashion that impacts to *wetland* vegetation, *wildlife habitat*, and/or breeding activity are minimized. The diversion channel and any facilities designed to direct storm water to it will consist of grassed or vegetated areas as opposed to hard surface materials. The diversion channel shall be constructed to coincide with *development* which occurs in accordance with Sections 7.2.4 and 7.3.3.4 which is adjacent to the Environmental Protection Area designation.
- As a condition of *development*, the City of Woodstock will require *best management practices* water quality control facilities at the inflow areas to the *wetland* identified in the Brick Wetlands Environmental Impact Study report adopted by City Council. The final location and design of the water quality control facilities will be to the satisfaction of the City, the Ministry of Natural Resources and the Upper Thames River Conservation Authority. Runoff that is conveyed to any such facility will primarily be along vegetated drainage swales. Required water quality control facilities will be dedicated to a public authority by the proponent

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following a three-year monitoring period that demonstrates to the receiving authority that the operation of the facility is consistent with predicted values. Water quality control facilities shall be required to be established prior to any site grading or construction on lands subject to the policies of Sections 7.2.4 and 7.3.3.4 which are adjacent to the Environmental Protection Area designation.

PUBLIC EDUCATION

The City of Woodstock will establish a program for public education for property owners within the drainage shed of the Brick Wetlands to inform people as to the potential impacts upon the *wetlands* that may result from yard maintenance activities, pesticide applications, the disposal of materials in storm drains, and similar activities.

MONITORING

The City of Woodstock, in conjunction with the Ministry of Natural Resources and the Upper Thames River Conservation Authority, will establish a monitoring program for the Brick Wetlands Complex using the Brick Wetlands Environmental Impact Study report approved by City Council as a baseline to measure changes in water quantity and quality, vegetation, wildlife and aquatic life over time.

AMENDMENT No. 219

3.2.4.3.2 Part Lot 26, Concession 3 (Dereham)
Township of South-West Oxford

LOCATION

The lands to which this subsection applies comprise approximately 41.39 ha (111.2 ac) with frontage on McBeth Road and are described as Part Lot 26, Concession 3 (Dereham) in the Township of South-West Oxford. The lands are located on the south side of McBeth Road, between Pigram Line and Culloden Line.

POLICIES

Notwithstanding any policies of the Official Plan to the contrary, a parcel of land comprising not less than approximately 44 ha (108.9 ac) with frontage on McBeth Road may be severed from the larger holding by means of a consent by the County Land Division Committee where the said parcel is to be conveyed to the Thames Talbot Land Trust, or other similarly purposed and incorporated non-profit organization, for conservation purposes.

For the purposes of this subsection, MDS I shall not apply with respect to the separation between any new lot line associated with the retained lands resulting from the above-noted consent and any existing barn on the severed lands.

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The County Land Division Committee will ensure, through zoning, conditions of consent and/or any other means deemed to be appropriate, that the above-noted conveyance is completed prior to the completion of the consent, including any conditions that may be necessary regarding the retained lands resulting from the conveyance.

AMENDMENT No. 219

3.2.5 Open Space Area

OBJECTIVES

MAINTAIN
ECOLOGICAL
FUNCTIONS

To maintain and enhance important *ecological functions* such as the linking of Environmental Protection Areas, the storage and filtration of ground and surface water, and soil conservation.

CONSERVE
CONSTRAINT
AREAS

To recognize the role of those lands having natural constraints to *development* in the conservation of the natural environment; and,

OPPORTUNITIES
FOR RECREATION

To provide opportunities for both active recreation and the passive enjoyment of the environment in its natural state.

TO PROVIDE
LINKAGES

To encourage the use of the Open Space designation to incorporate pedestrian and cycling pathways into proposed and, where feasible, existing *development* in order to link such *development* to other components of the Natural Heritage System or to areas of commerce and employment.

3.2.5.1 Description and Criteria for Designation of Open Space Areas

DESCRIPTION

The Open Space designation applies to the following areas:

Regulatory Flood Plain Areas, *Floodways* where Two Zone Flood Plain policies apply, Conservation Authority lands, and other public lands, Earth Science Areas of Natural and Scientific Interest, and parks, pathways, recreation areas and stormwater management facilities.

Open Space Area designations are shown on all Land Use Schedules.

3.2.5.1.1 Permitted Uses in Open Space Areas

PERMITTED OPEN
SPACE USES:
SETTLEMENT
AREAS

Uses which may be permitted to establish within Open Space areas in designated *settlements* shall be limited to:

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- Active and passive recreation including hiking/cycling pathways, parks, conservation areas, sportsfields, golf courses, swimming areas, arenas and other leisure areas;
- Enjoyment of the environment in its natural state including the conservation of soils, fisheries and wildlife, and the preservation of natural features which are distinctive and/or valued by the community;
- enhancement of the urban environment through the introduction of greenspace areas, pathways and corridors into the built environment;
- structures that are accessory or ancillary to the Open Space use, such as accessory residences, a golf "pro" shop, a clubhouse, refreshment stand, bleachers, swimming pool, change-house, or structures that are integral to the recreational use of the land.

PERMITTED OPEN SPACE USES: RURAL AREAS

Uses which may be permitted to establish within Open Space areas outside of designated *settlements* shall be limited to:

- enjoyment of the environment in its natural state including the conservation of soils, fisheries and wildlife, and the preservation of natural features which are distinctive and/or valued by the community;
- established agricultural activities on existing cleared areas and existing buildings and structures associated with such farming activities. This includes the land application of nutrients in accordance with the prevailing nutrient management regulations or by-laws;
- mineral aggregate extraction and oil and gas extraction in accordance with the policies of Section 3.4 except within Earth Science Areas of Natural and Scientific Interest;
- harvest of timber in conformity with the County Woodland Conservation By-Law;
- recreational uses requiring a rural location with unique physical features including hunting or fishing clubs, golf courses, cross-country ski-clubs, walking trails and other passive forms of recreation;

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- structures that are accessory or ancillary to a permitted recreational use and the expansion of structures that are accessory to an existing agricultural use .

EXISTING USES

Notwithstanding the above, existing uses are permitted within this designation. Such uses may expand or undergo a change in use, subject to the provisions of the existing zoning.

GREATER RESTRICTIONS APPLY

Notwithstanding any of the uses or structures permitted in the Open Space designation in this Section, where such area is associated with:

- a Regulatory Flood Plain,
- *Floodways*, where the Two Zone Flood Plain policies apply,
- in areas subject to erosion hazard, or
- in areas of unstable soils,

the policies of Section 3.2.8.1 and 3.2.8.2 take precedence.

3.2.5.2 Development Review Policies for Open Space Areas

ENVIRONMENTAL IMPACT STUDY

Where *site alteration*, *development* or a change in the use of land is being proposed within an Open Space area, an Environmental Impact Study, in accordance with Section 3.2.6, may be required to demonstrate that the proposed *development* or use will not result in a *negative impact*.

For guidance in determining whether an Environmental Impact Study is necessary, the County of Oxford and/or Area Municipalities will consult with the Conservation Authority with jurisdiction. Reference should be made to the policies permitting exemption for Environmental Impact Studies in Section 3.2.6.2.

OTHER ENVIRONMENTAL POLICIES

In addition to the policies of this Section, the policies of Section 3.2.4.2, 3.2.7 and/or 3.2.8 may also apply to *development* or *site alteration* within the Open Space designation. Where lands designated Open Space are affected by two or more of these Sections of the Plan, the most restrictive policies will apply.

DEVELOPMENT APPLICATIONS

Where *development* or *site alteration* requiring an Environmental Impact Study is proposed within an Open Space designation, such *development* may be subject to a site-specific zoning by-law amendment, in addition to any other appropriate *development* applications that may be required.

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ZONING

Councils of the Area Municipalities may differentiate between types of Open Space uses in the Zoning By-law by establishing separate zones for active and passive Open Space uses. A passive zone may be established for uses such as pathways, greenspace areas, parks and corridors. A separate Recreational zone may be established for the more active recreational uses, such as a golf course or an arena, that are permitted within this designation. Agricultural and aggregate extraction zones may also apply to lands within the Open Space designation, where such activities are established.

DEVELOPMENT CRITERIA

In addition to the policies of Section 3.2.5.2.1 as appropriate, the following criteria shall be satisfied prior to recommending the approval of *development* or *site alteration* within the Open Space designation:

- only proposals stating a specific use will be considered and the land area proposed for the *development* will be considered with the needs of the proposed use;
- satisfactory mitigation measures shall be identified to protect the identified natural hazards associated with the subject property from the proposed *development*;
- satisfactory mitigation, enhancement, and remediation measures shall be identified and may include vegetated buffers or strips, retention of areas with existing native vegetation and creation of naturalized stream corridors to achieve protection and improvement of ecological features and/or functions;
- the area covered by structures shall be minimized and parking areas shall not be paved. Such facilities shall be set back from the edge of streams and located away from sites of natural vegetation;
- proposed grading and drainage plans shall maintain existing surface water flows to areas of natural vegetation;
- on-site drainage and stormwater management facilities shall be planned and designed in accordance with the policies of Section 3.2.7.2;
- the proposal will satisfy *Minimum Distance Separation Formula 1*;

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- Private water and on-site sewage facilities for an Open Space use will be established in accordance with the requirements of the County and the Board of Health and the applicable policies contained in Section 3.2 relating to water quality and quantity, as appropriate.

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act are required to obtain a Permit to Take Water from the Ministry of Environment.

- the location of and access to the proposed *development* shall not create a traffic hazard due to proximity to bridges, railway crossings, curves or grades or other potential traffic hazards, and shall be located on a road capable of accommodating the volume of traffic anticipated to be generated by the proposed use;
- the proposed *development* will be compatible with existing and planned land uses in the vicinity in terms of noise, odour, dust, light and hours of operation.

SITE PLAN CONTROL

Any lands designated for Open Space uses are a proposed Site Plan Control Area. The Area Councils may pass a site plan control by-law designating such lands as an area of Site Plan Control pursuant to the Planning Act. Recreational proposals shall be subject to site plan control.

SEVERANCES OR CHANGE IN LAND USE

Where an application is made to create lots through either the severance or subdivision process, in the Open Space designation outside the designated *settlement* areas, the policies of the Agricultural Reserve designation in Section 3.1 will apply, as appropriate.

Where an application is made to create lots through either the severance or subdivision process, in the Open Space designation within designated *settlement* areas, the relevant policies of the *settlement* area will apply, as appropriate.

3.2.5.2.1 Earth Science Areas of Natural and Scientific Interest (ANSI)

PROTECTION OF EARTH SCIENCE A.N.S.I.'s

Development and *site alteration* within an earth science ANSI identified on the Environmental Features Schedule C-1 shall be permitted provided that the following criteria are satisfied:

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- that the proposed *development* or *site alteration* conserves the topography, stratigraphic exposures and other geologically defining features for which the area was identified; and
- that the proposed site design and planning will preserve the character of the geological features on which the Ministry of Natural Resources has based its classification.

3.2.5.3 Special Policy Areas

SPECIFIC DEVELOPMENT POLICIES

In specific areas, the Open Space policies may be varied to accommodate the unique characteristics of an area. Open Space Areas where specific policies apply are identified as follows:

3.2.5.3.1 Part Lot 36, Concession 12 (East Nissouri) Township of Zorra

A parcel of land, approximately 1.8 hectares (4.4 acres) in area, which is located on the east side of the road allowance between Concessions 11 and 12, in the vicinity of the southwest corner of Lot 35 and specifically described as Part 1 on Reference Plan 41R-4654, may be used for non-farm rural residential purposes utilizing the house existing at the date of passing of this Plan.

It is intended that *development* of this non-farm rural residential use will be focused on the residential dwelling that is existing at the time of passing of this Plan. The purpose of this policy is to allow the restoration of the existing dwelling plus additions and any new residential dwelling will not be permitted.

This non-farm rural residential use is within 300 metres (984 feet) of an existing livestock operation. The purchaser(s) (owner/occupant(s)) shall enter into a severance agreement with the Township of Zorra. This severance agreement shall include a warning clause informing the purchaser(s) (owner/occupant(s)) of the proximity of this livestock operation and other agricultural operations in the general vicinity.

No future severance of this property to create an additional non-farm rural residential lot shall be allowed.

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3.2.5.3.2 West Side of Oxford Road 4, North of Township Road 3, Part Lot 13, Concession 3 (Blandford) City of Woodstock

AMENDMENT No. 113
AS AMENDED BY OMB
PL0706886

Notwithstanding subsection 3.2.5.1.1 – Permitted Open Space Uses: Settlement Areas, on those lands identified as Part Lot 13, Concession 3 in the former Township of Blandford, now in the City of Woodstock and located on the west side of Oxford Road 4, north of Township Road 3 and commonly referred to as the Memorial Forest, permitted uses will be limited to:

- enjoyment of the environment in its natural state including the conservation of soils, fisheries and wildlife, the preservation of natural features which are distinctive and/or valued by the community, and tree planting;
- uses accessory and/or ancillary to the above.

AMENDMENT No. 113
AS AMENDED BY OMB
PL0706886

AMENDMENT No. 113
AS AMENDED BY OMB
PL0706886

3.2.5.3.3 Parts 1, 2 and 3, Reference Plan 41R-8474, (Town of Ingersoll)

Notwithstanding the policies of Section 3.2.5.1.1, the 2.24 ha (5.5 ac) parcel of land, forming Parts 1, 2, and 3, Reference Plan 41R-8474, in the Town of Ingersoll, located north of Innes Street, between Wonham Street North and Jura Lane, municipally known as 156 Innes Street, may be used for an elementary school.

AMENDMENT No. 151
AS APPROVED BY OMB
PL100540

3.2.5.3.4 Lots 6, 6A, 7, 7A, 8 & 8A, Plan 279 (Town of Ingersoll)

LOCATION

The lands to which this subsection applies are described as Lots 6, 6A, 7, 7A, 8 & 8A, Plan 279, in the Town of Ingersoll. The lands are located at the north side of Holcroft Street West, between Thames Street South and Wonham Street South and comprises an area of approximately 1.8 ha (4.5 ac) of area.

AMENDMENT No. 194

POLICIES

Notwithstanding Section 3.2.5.1 or any other relevant policies of the Official Plan, the following uses shall be permitted on those lands identified as having reference to this subsection:

- a single detached dwelling; and
- uses accessory and/or ancillary to the above.

AMENDMENT No. 194

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SPECIFIC USE

Where the proposal involves one or more of the following specific uses:

- minor expansions to facilities for the production of maple syrup and honey;
- harvest of timber in conformity with the County Woodland Conservation By-Law or an equivalent Area Municipal by-law;
- use of the area for an approved wildlife, *wetland* or fishery management project or for environmental education and research, as approved by the Conservation Authority with jurisdiction and/or the Ministry of Natural Resources.

AGENCY WAIVER

Where the proposal has been circulated to relevant Provincial agencies and/or the Conservation Authority with jurisdiction, and such agencies and organizations have indicated no concern which warrants the preparation of an Environmental Impact Study.

ENVIRONMENTAL ASSESSMENT ACT

When *infrastructure* has been approved in accordance with an environmental assessment process and has undergone a systematic process of examining effects on the environment;

AGGREGATE RESOURCES ACT

Where an Aggregate Resources Act application has been submitted and the supporting documentation has been reviewed and approved by the relevant Provincial agencies;

COMPREHENSIVE E.I.S. OR WATERSHED PLAN

Where detailed development criteria have been applied to a site through a Comprehensive Environmental Impact Study or a Watershed or Sub-watershed Study approved by the County and/or the Area Municipality.

FARM SEVERANCES

Where severance proposals which extend into an Environmental Protection Area have been made in accordance with Section 3.1.4.4, for the creation of new farm parcels or for farm consolidation, an Environmental Impact Study will not be required provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within and *adjacent* to the Environmental Protection Area designation.

MINOR ADDITIONS

Where the proposal constitutes a minor addition to existing buildings developed and located on existing cleared land in accordance with the Zoning By-Law.

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BUILDINGS AND
STRUCTURES
ACCESSORY TO AN
EXISTING
RESIDENTIAL USE

Buildings or structures accessory to an existing residential use, in accordance with the Area Municipal Zoning By-law, may be permitted without an Environmental Impact Study.

3.2.6.3 *Environmental Impact Study Requirements*

SCOPING THE EIS

Prior to undertaking an Environmental Impact Study, the applicant shall consult with appropriate County guidelines, Provincial Ministries or Provincial guidelines, the Conservation Authority with jurisdiction or any other agency or body or qualified individual deemed appropriate for the purpose of defining and scoping the study requirements. This scoping exercise will establish the Terms of Reference for the required Environmental Impact Study.

ENVIRONMENTAL
IMPACT STUDY
REQUIREMENTS

Environmental Impact Study requirements to be considered in the scoping exercise described above, include, but are not limited to, the following:

- a description of the proposal and of the existing natural environment that will be affected or that might reasonably be affected, either directly or indirectly;
- definition of the geographic area to be included in the study;
- the environmental effects that might reasonably be expected to occur including any potential for groundwater or surface water degradation;
- a recommendation as to whether the *development* should be permitted as proposed or whether alternatives to the proposed *development* should be considered;
- identification of measures to achieve a *net environmental gain* for fisheries resources and recommendations as to how such measures can be incorporated into the proposed *development*; and
- a monitoring plan to measure the potential effects on the environment.

In addition to the above, where an Environmental Impact Study is required for *development* or *site alteration* associated with a significant *wetland* and/or Fish Habitat, the policies of Sections 3.2.4.2.1 and 3.2.4.2.3 apply as appropriate.

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3.2.6.4 *Protection Measures*

Where an Environmental Impact Study is required, such study may recommend a number of protective measures for County Council and/or Area Council consideration, including but not limited to, the following:

- acquisition of the area for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities;
- negotiating conservation easement agreements with the landowner, or an agreement for private preservation or management of the property, in whole or in part, according to sound environmental principles;
- requesting the Conservation Authority with jurisdiction to investigate such areas with the intention of determining if the flood, fill, construction and alteration to waterways regulations under the Conservation Authorities Act apply;
- imposing conditions on *development* requiring protection, remediation, and where possible, enhancement measures such as the re-naturalization of stream corridors, creation of wildlife linkages and ecological buffer strips composed of native plant and tree species and the remediation of degraded ecosystems;
- use of protection oriented incentives such as density bonusing to reduce land requirements for *development* on properties containing such areas;
- encouraging protection of such areas through multiple ownership structures such as condominium and co-operative housing;
- accepting such land as a contribution toward parkland dedication requirements as set out under the Planning Act;
- invoking any other statutory authority enabling the acquisition and/or protection of such areas;
- requesting the Area Municipality to invoke any statutory authority enabling the protection of such areas.

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3.2.6.5 Environmental Impact Study Review and Interpretation

THIRD PARTY REVIEW

Unless otherwise specified in this Plan, an Environmental Impact Study will be subject to a third party review at the expense of the applicant. Such review will be undertaken by a qualified third party appointed by the County and/or Area Municipality. Unless otherwise specified, the qualified third party will be the Conservation Authority with jurisdiction. The purpose of the third party review is to provide the County and/or Area Municipality with an objective opinion regarding the study itself and particularly the recommendations contained therein.

Such third party review may be undertaken more than once, should the applicant wish to make revisions to the Environmental Impact Study. The applicant will be responsible for all costs associated with the third party review process.

INTERPRETATION OF THE EIS

Where an Environmental Impact Study, that has been reviewed by a third party, has demonstrated that a proposed *development* or *site alteration* will have a *negative impact* on the identified environmental features, that cannot be acceptably mitigated, County Council and/or the Area Municipal Council will consider such proposal not to be in conformity with this Plan.

Where an Environmental Impact Study, that has been reviewed by a third party, has demonstrated that the *negative effects* associated with the proposed *development* or *site alteration* can be acceptably mitigated and/or the proposal will result in a *net environmental gain*, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Where the proposal is considered to be in conformity with this Plan, County Council and/or the Area Municipal Council shall implement the mitigation and enhancement measures recommended by the reviewed Environmental Impact Study through zoning or conditions of subdivision, land severance or site plan control or other legislated means.

3.2.7 General Policies for Environmental Resource Protection

INTRODUCTION

The policies of this Section are intended to apply to a range of environmental resources which may enhance the *Natural Heritage System* in the County. Policies are provided for locally important environmental features identified through the review of *development* applications.

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These policies are followed by policies for the protection and conservation of surface and groundwater resources, soils preservation, and energy conservation.

3.2.7.1 Locally Important Environmental Features

POLICY INTENT

Locally important environmental features have important local and regional functions and where such features are identified during the development review process, it is intended that measures will be taken to protect them, where feasible.

OBJECTIVES

MAINTAIN ENVIRONMENTAL BENEFITS

To maintain, in the implementation of *development* or site alteration, the ecological, aesthetic, educational, economic, recreational and health benefits which are provided by natural features for the local inhabitants of an area.

POLICIES

Locally important environmental features include non provincially significant or unevaluated *wetlands*, *surface water features*, *woodlands* and natural corridors and *wildlife habitat* that have not been identified as significant. These features have not been designated as Environmental Protection Areas.

CONSERVATION MEASURES

County Council and/or Area Council shall consider the following conservation measures for the protection of locally important environmental features:

INNOVATIVE DESIGN APPROACHES

- density bonusing, zoning variances and other measures to create flexibility in site design and planning to promote the conservation of locally important environmental features.

PARKLAND DEDICATIONS

- a locally important environmental feature may be accepted as a portion of the parkland dedication requirements of the Planning Act.

ENVIRONMENTAL IMPACT STUDY

Where *site alteration* or *development* or a change in the use of land is being proposed within or immediately adjacent to a locally important environmental feature, an Environmental Impact Study, in accordance with Section 3.2.6, may be required to demonstrate that the proposed *development* or use will not result in a *negative impact* on the feature.

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For guidance in determining whether an Environmental Impact Study is necessary, the County of Oxford and/or Area Municipalities will consult with the Conservation Authority with jurisdiction. Reference should also be made to the policies permitting exemption for Environmental Impact Studies in Section 3.2.6.2.

3.2.7.1.1 Non Provincially Significant and Unevaluated *Wetlands*

DESCRIPTION AND INTENT

It is estimated that 75 percent of the original *wetland* areas in the County have been drained. Significant *wetlands* are designated Environmental Protection Area on Schedule C-1 and the policies of Section 3.2.4.2 apply. Non significant *wetlands* are considered to be of local importance. It is a policy of County Council to encourage the retention of non significant and unevaluated *wetland* areas.

CONSERVATION MEASURES

In addition to the conservation measures of Section 3.2.7.1, County Council or Area Council may impose conditions on the approval of *development* to avoid or minimize *wetland* loss. Such conditions may include the incorporation of locally significant *wetlands* into parkland areas, requiring compensation for the loss of *wetland* habitat through the establishment of artificial *wetlands* in other locations, and the creation of artificial *wetlands* for the purposes of stormwater management.

GRCA WETLAND POLICY

Within the Grand River watershed, additional policies apply to non-provincially significant *wetlands* and unevaluated *wetlands* in accordance with the GRCA Wetland Policy, 2003.

ENVIRONMENTAL IMPACT STUDY

For the purpose of an Environmental Impact Study, *adjacent lands* for non provincially significant *wetlands* and unevaluated *wetlands*, are considered to be 120 metres (394 feet) from the outer boundary of the *wetland* unit.

3.2.7.1.2 *Woodlands* and Trees

WOODLAND AND TREE PRESERVATION TARGETS

It is estimated that forest cover is approximately 12 percent in the County. County Council adopts a target of increasing forest cover in the County to at least 15 percent over the life of this Plan.

County Council will encourage the retention and enhancement of *woodlands* and trees in both the *settlement* areas and rural areas of the County.

CONSERVATION MEASURES – RURAL AREAS

In addition to the policies of Section 3.2.7.1, County Council and/or Area Council shall consider the following policies for woodland protection in rural areas:

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SEVERANCES

Woodlands are to be maintained as part of a farm parcel and severance of a woodlot will comply with Sections 3.1.4.4 and 3.1.5.

MINERAL RESOURCE EXTRACTION

Proposals for mineral resource extraction within or *adjacent* to a *woodland* will be consistent with Section 3.4.1.6.

CONSERVATION MEASURES - SETTLEMENTS

In addition to the conservation measures of Section 3.2.7.1, County Council and/or Area Council shall consider imposing the following measures as conditions of approval to *development* within *settlements*,:

- requiring the preparation of a baseline inventory and tree saving plans indicating trees to be maintained, removed and relocated in the course of *development* or *site alteration* as well as trees to be planted;
- requiring site plan control to address the layout and siting of buildings and structures on individual lots to maximize tree-saving;
- establishing requirements for the use of deciduous and coniferous native plant species in any required tree plantings;
- requiring new tree planting on boulevards and on lands to be dedicated as parkland;
- restrictions to *site alterations* prior to final plan registration to ensure tree saving measures are complied with.

PUBLIC WORKS

Plans for the construction and/or widening of County roads shall include the planting of trees on abutting properties where such planting will not interfere with road safety or maintenance and where the land owner's permission is given.

Where road reconstruction and maintenance is proposed, the County shall consider alternative road and pavement widths and standards so as to minimize the cutting of trees.

Where tree cutting is necessary, tree replacement shall be a minimum ratio of two trees for each tree lost in connection with the widening or construction of County roads.

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UPDATING AND MAINTAINING A COUNTY TREE- CUTTING BY-LAW

County Council shall maintain and enforce a Woodland Conservation By-Law and shall periodically review the County Woodland Conservation By-Law to ensure that it reflects the current understanding of responsible and good forestry management practices and environmental stewardship of *woodland* areas and contains adequate provisions for its enforcement.

3.2.7.1.3 Locally Important Habitat Areas

LOCALLY IMPORTANT HABITAT AREAS AND NATURAL CORRIDORS

The County recognizes that wildlife resources such as breeding areas, wintering areas, and other elements of *wildlife habitat* and natural corridors are important natural resources which provide specific functions in the provision and maintenance of healthy *wildlife habitats*.

To the extent that these areas are identified during the *development* review process, efforts shall be made to protect them from the impacts of *development* or *site alteration* through appropriate mitigative techniques. In considering *development* approval, the conservation measures of Section 3.2.7.1 will apply, as appropriate.

3.2.7.2 *Water Resources*

POLICY INTENT

The County is totally dependant upon groundwater for its water supplies. It is the intent of this Plan that land use planning contributes to the protection, improvement or restoration of the quality and quantity of water.

OBJECTIVES

WATERSHED MANAGEMENT

To ensure that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic ecosystems on an integrated watershed management basis.

WATER QUALITY AND QUANTITY

To maintain, and where practical, enhance surface and groundwater resources, in sufficient quality and quantity to meet the needs of existing and future users.

WATER CONSERVATION

To the extent practical, ensure all land use decisions promote water conservation and support the efficient use of water resources.

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3.2.7.2.1 Watershed and Subwatershed Planning

DESCRIPTION

County Council and Area Councils recognize and support watershed and sub-watershed planning as a means of integrating water management, environmental management and land use planning on an ecosystem basis. The boundaries of watersheds and sub-watersheds provide natural limits for managing the interconnections and relationships between human activities and ground and surface water features and environmental resources.

GOALS

The goals of watershed planning are to:

- protect human health through the protection of current and future sources of drinking water in conjunction with the drinking water source protection planning process of the Clean Water Act, and
- protect the ecological and hydrological integrity of the watershed.

PARTICIPATION IN WATERSHED/ SUBWATERSHED PLANNING

The County of Oxford will participate and may contribute financially to watershed and sub-watershed planning studies within or affecting portions of the County in co-operation with the Conservation Authorities of jurisdiction, Provincial Ministries, Area Municipalities, other organizations, and where such studies cross municipal jurisdiction, adjacent municipalities.

PRIORITIES FOR WATERSHED OR SUB-WATERSHED STUDIES

County Council in conjunction with the Conservation Authority with jurisdiction, the affected area municipality and relevant Provincial agencies will jointly determine the priorities for the completion or updating of publicly funded watershed or sub-watershed studies based on the following criteria:

- the significance and sensitivity of the surface water, groundwater and natural heritage features and their associated ecological and hydrological functions;
- the pressures for *development* within the County;
- the current degree of environmental impact or degradation; and
- the availability of funds.

PUBLIC PARTICIPATION

County Council and the Conservation Authority with jurisdiction will ensure that adequate public notification and involvement are provided to residents of the County during the preparation of watershed and sub-watershed planning studies affecting any part of the County.

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INCORPORATE STUDY FINDINGS IN THE OFFICIAL PLAN

Where a watershed or sub-watershed study is completed and approved, the County will re-evaluate and, where necessary, amend this Plan to incorporate new or revised water resource management and environmental policies.

CONSERVATION AUTHORITY AGENCY COMMENTS

Where a watershed or sub-watershed study is completed and approved, the Conservation Authority with jurisdiction will incorporate study findings, implementation strategies and recommendations into their agency comments on all *development* applications pertaining to lands within the affected study area.

DEVELOPMENT APPLICATION REQUIREMENTS

Where a sub-watershed study is completed and approved by County Council or the affected Area Council, applicants seeking approval of a *development* application will be required to submit a site plan, as part of a complete application, addressing matters such as:

- surface water drainage,
- proposed sediment and erosion control measures,
- location of proposed buildings and structures, and
- location and design of any *infrastructure*, facilities or plantings required to implement sub-watershed study recommendations.

MONITORING

Where a watershed or sub-watershed study is completed and implemented, the County and/or Area Municipality will participate in programs, initiatives or procedures to monitor the success of the resulting plan or policies.

STUDY REQUIREMENTS

Where watershed or sub-watershed studies affecting portions of the County are planned, the following criteria should be addressed:

- establish watershed and/or sub-watershed boundaries;
- identify the location, extent, sensitivity and significance of natural heritage features, surface water features and groundwater features;
- identify ecological and hydrologic functions;
- establish goals and objectives for public health and safety, aquatic life, resource management, flood plain management, urban, agricultural and other land uses;
- identify areas for protection, rehabilitation and/or enhancement including recommended management strategies and implementation measures for these areas;

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- identify conditions to enable *development* to maintain linkages and related functions among surface water features, groundwater features, hydrologic functions and natural heritage features;
- establish a monitoring program.

3.2.7.2.2 Stormwater Management Policies

An application for approval of *development* may be required to submit a stormwater management plan and report as part of a complete application. Where a stormwater management report is required, such report shall be prepared by a qualified individual at the proponent's expense. The following information should be addressed in the stormwater management report:

STORMWATER
MANAGEMENT
REPORT

- a plan for the provision of stormwater drainage facilities to accommodate the proposed *development*, including consideration of:
 - using at-source infiltration;
 - minimizing stormwater volumes and contaminant loads; and
 - maximizing the extent of vegetative and pervious surfaces.
- an assessment of the receiving *watercourse*, to define the minimum criteria for water quality;
- lot grading plans for the proposed *development*;
- an assessment of the pre-*development* and post-*development* discharge of water during all run-off conditions including flood conditions on any *watercourse*. Post-*development* flows should not exceed pre-*development* conditions;
- an assessment of the proposed *development* on the water quality of any system or *watercourse* and identifying means of reducing run-off and improving the quality of any run-off that is unavoidable;
- an assessment of the ability of the receiving waters to assimilate the stormwater with respect to both water quality and quantity;
- the means of controlling erosion, sedimentation and stream bank stability using the best available construction and management practices both during and after the construction of the *development*;

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- an assessment of how *development* will maintain or enhance the minimum baseflow of a receiving *watercourse* and maintain storage levels during periods of minimum baseflow for flow augmentation.

Stormwater management plans will be consistent with the concepts and technological requirements established by the Province through its stormwater management quality guidelines and planning and design manual.

STORMWATER RETENTION AND DETENTION FACILITIES

Where new *development* will require facilities for the temporary storage of stormwater during storm events, such facilities shall be designed in accordance with the technical standards established by the Area Municipality, the Conservation Authority with jurisdiction and/or the Province and will also meet the following requirements:

DESIGN CRITERIA

- stormwater management areas will be on lands dedicated to the Area Municipality and will be over and above any land required to be dedicated for park purposes under the Planning Act, unless the Council of the Area Municipality, by resolution, accepts a portion of the lands required for stormwater management facilities as parkland dedication;
- facilities will generally be designed in a manner which will result in gentle sloping, shallow retention ponds that will not typically require fencing for security purposes and which can be utilized for park purposes during dry periods;
- a landscaping plan approved by the Area Council will be required for all stormwater retention and detention facilities. All required landscaping, in accordance with the approved plan, shall be installed at the proponent's cost within two years of registration of the subdivision plan;
- stormwater management facilities located in parking areas shall be designed such that the maximum depth of water, at any time, shall not exceed 300 mm (1 foot).
- stormwater management facilities for new *development* will not be permitted in a Regulatory Flood Plain;
- stormwater management facilities for new *development* will generally be located within areas designated for *development* or within the Open Space designation.

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THIRD PARTY REVIEW

At the discretion of the Area Municipality, the storm water management report will be subject to a third party review, at the expense of the proponent. The Conservation Authority with jurisdiction will be circulated the stormwater management report for review and comment prior to development approval and may function as the third party reviewer.

APPROVAL

A stormwater management report will require the approval of the Area Municipality in consultation with the Conservation Authority with jurisdiction prior to *development* or *site alteration*, in accordance with the policies of this Plan. Where required, a Certificate of Approval for stormwater management facilities shall be obtained from the Ministry of Environment.

3.2.7.2.3 Water Quality

In accordance with the Clean Water Act and Provincial policy, the County will identify and protect all municipal drinking water supplies as well as vulnerable aquifer areas.

The protection of municipal drinking water supplies from contamination associated with certain land uses is important to securing a long-term potable water supply for existing residents and businesses and for future growth. The County has identified areas within which certain land uses and activities may pose a risk to the quality of municipal drinking water supplies. These are well head protection areas. Land uses and activities within well head protection areas will be managed in accordance with approved Source Protection Plans developed pursuant to the Clean Water Act and its Director's Rules and Regulations.

Well head protection areas (WHPAs) have been defined by the County for each active or soon to be commissioned municipal well or well field serving Oxford County. A 100-metre (328-foot) radius around the well head and four time-related capture zones were modeled and mapped for the municipal wells: 0 – 2 year; 2 – 5 year; 5 – 10 year and 10 – 25 year or steady state capture zones.

In addition to the municipal WHPAs, the County will identify significant groundwater recharge areas and highly vulnerable aquifer areas through the drinking water source protection process lead by the Source Protection Committees with jurisdiction in the County. Policies to protect, improve or restore these vulnerable areas and their hydrologic functions will be developed based on the approved Source Protection Plans applicable within the County.

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Until such time as approved Source Protection Plans are available, the following policies apply to protect water quality.

3.2.7.2.3.1 Municipal Well Head Protection Area Policies

IDENTIFICATION OF WELL HEAD PROTECTION AREAS

WHPAs are shown on the Well Head Protection Area Plan, Schedule C-5 and the respective Area Municipal plans, Schedules B-5, E-4, N-3, S-3, Z-4, W-6, I-6 and T-5.

INTENT TO UPDATE WHPA MAPPING

The WHPAs have been mapped by the County, using information generated by groundwater protection studies prepared on the County's behalf. New information may result in a change in the geographic extent of an existing WHPA or a new WHPA for a new municipal supply well. Abandonment of a municipal supply well will indicate the need to remove a WHPA.

Changes to the extent of a WHPA or removal of a WHPA, will be reflected on the Well Head Protection Area Plan, Schedule C-5 and the appropriate Area Municipal schedule without amendment to this Plan.

An amendment to this Plan is required to incorporate a WHPA for a new municipal supply well. Such Official Plan amendment shall be undertaken in conjunction with the Class Environmental Assessment process.

SPECIAL PROTECTION CATEGORY

WHPAs shown on Schedule C-5 and the respective area municipal plans, Schedules B-5, E-4, N-3, S-3, Z-4, W-6, I-6 and T-5, will be interpreted as a special protection category in which the lands may be utilized in accordance with the underlying land use designation, subject to the policies of this Section.

SPECIAL PROTECTION CATEGORY INTERPRETATION

In determining the location of lands within the WHPAs, the following rules shall apply:

- properties located wholly within a WHPA shall be subject to the applicable restrictions; any parcel 1 hectare (2.5 acres) in size or smaller that has any part of it within a WHPA shall be deemed to be within the WHPA;
- properties having parts lying within more than one time-of-travel zone within a WHPA shall be subject to the restrictions applicable to the closer time-of-travel zone, unless the property is greater than 1 hectare (2.5 acres) in size and the developed or developable portion of the property is outside of this capture zone;

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- properties having parts lying both in and out of a WHPA shall be subject to the restrictions applicable to the capture zone of the WHPA affecting the property, unless the property is greater than 1 hectare (2.5 acres) in size and the developed or developable portion of the property is outside of the WHPA, in which case the WHPA policies will not apply.

PROHIBITED LAND USES

Until such time as this Plan is amended to incorporate approved Source Protection Plans, the following land uses shall be prohibited from being established within any WHPA or part thereof, as indicated:

- new facilities for the disposal, storage, handling, transfer, processing and/or recycling of any solid or liquid wastes, including landfills and waste transfer stations, but shall not include the use of approved clean, inert materials as fill for land *development* purposes;
- mass carcass disposal;
- oil and gas drilling and production;
- petroleum products refining;
- outdoor storage of road salt or other de-icing materials and dumping of salt-laden snow;
- new *development* utilizing a private septic system and/or private well within the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone, excluding farm severances in accordance with Section 3.1.4.4 provided that the zoning by-law or other *development* controls prohibit the establishment of buildings or structures within this area;
- sewage treatment plants, waste lagoons or effluent discharge in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone;
- manure storage facilities and anaerobic digesters, using manure as an input, in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone;
- abattoirs, slaughtering plants or rendering facilities in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone;
- new sand and/or gravel pits in the 100-metre (328-foot) radius or the 0-2 year time-of-travel zone;
- asphalt or concrete batching plants in the 100-metre (328-foot) radius or the 0-2 year time-of-travel zone;
- new quarry operations in the 100-metre (328-foot) radius or the 0-10 year time-of-travel zones;
- geothermal energy systems in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone.

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This prohibition does not apply to existing uses established as of the date of this amendment (November 12, 2008).

LAND USE RESTRICTIONS - GENERAL

Until such time as this Plan is amended to incorporate approved Source Protection Plans, the land use restrictions for *development* within WHPAs, as indicated throughout this Plan shall apply.

AGGREGATE RESOURCES

Proposed aggregate extraction operations affecting WHPAs, or parts thereof, shall be subject to the use restrictions and performance requirements of Section 3.4 to this Plan.

RURAL LOT CREATION

Proposed rural lot creation for non-farm rural residential purposes affecting WHPAs, or parts thereof, shall be subject to the use restrictions and performance requirements of Section 3.1.5.4 to this Plan.

ENVIRONMENTAL SITE ASSESSMENTS OR REMEDIAION PROJECTS

For all environmental site assessments or remediation projects on lands within a municipal wellhead protection area, the County requires results of analytical testing to be compared to the Ministry of Environment Table 2 Standards for Land Use in a Potable Groundwater Condition as outlined in Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, as amended.

PERFORMANCE REQUIREMENTS

In addition to any of the foregoing requirements and any land use policies and *development* criteria contained in this Plan, the following performance requirements shall also apply to proposals on lands subject to development within WHPAs:

ABANDONED WELLS

- Prior to *development*, proponents will be required to carry out an investigation for unused water and oil and gas wells on the subject lands and provide for the proper abandonment of same, in accordance with the policies of Section 3.3.3.4 of this Plan and/or relevant Provincial legislation and regulations.

REMOVAL OF UNDERGROUND STORAGE TANKS OR SEPTIC SYSTEMS

- Prior to *development*, proponents will be required to carry out an investigation on the subject lands for underground storage tanks or unused septic systems and provide for the removal and/or proper decommissioning of same.

ENVIRONMENTAL PROTECTION

- WHPAs, or parts thereof, that are identified through the *development* review process to be sensitive to the potential effects of *development* may be designated Environmental Protection Area.

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WATER QUANTITY

- *Development* proposals within a WHPA will be required to satisfy the water quantity policies of Section 3.2.7.2.4.

BEST MANAGEMENT PRACTICES

- The County and/or Area Municipalities will use whatever legal authorities are available to ensure the implementation, maintenance and monitoring of structural *best management practices* that are identified during the development review process for new and expanding non-residential uses within WHPAs.

3.2.7.2.3.2 General Water Quality Protection Policies

GENERAL WATER QUALITY PROTECTION POLICIES

The following water quality protection policies will apply in all areas of the County. These policies are in addition to those of Section 3.2.7.2.3.1.

LAND USE

The performance requirements of Section 3.2.7.2.3.1 may be applied to *development* proposals in vulnerable aquifer areas.

NATURAL DRAINAGE SYSTEMS

Natural drainage systems will be promoted in the design of new subdivisions. *Surface water features* will be left as much as possible in their natural state incorporating existing and newly naturalized vegetative buffers. County and Area Councils will be satisfied that any proposed modifications to a natural *surface water feature* are necessary and are acceptable to the Conservation Authority with jurisdiction and/or the appropriate Provincial Ministries.

BUILDING AND LOT SETBACKS FROM RIPARIAN LANDS

The following measures for water quality maintenance and enhancement purposes may be applied as conditions of approval in situations where proposed *development* abuts a *watercourse*:

- the use of a setback from the top of the bank of the *watercourse* to the nearest property line;
- the acceptance of riparian lands and of lands immediately adjacent as part of the required parkland dedication;
- the use of site planning to situate building and parking area locations away from the riparian lands and to address stormwater flows;
- the requirement to incorporate erosion and sedimentation control measures during construction;

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- for industrial, commercial, institutional and residential *development* a requirement for the establishment of permanent filter strips and other measures to improve stormwater quality as part of the landscaping requirements;
- the requirement to retain existing vegetation and to add new indigenous plantings to achieve a natural buffering corridor adjacent to the *watercourse*. County Council and/or Area Council may consult with the Ministry of Natural Resources and/or the Conservation Authority with jurisdiction to determine the appropriate buffer width;
- requiring measures such as the fencing of riparian lands and restricting individual access from properties abutting such lands as a means of discouraging alterations to natural vegetation.

LIVESTOCK AND POULTRY FARMS

In the interests of protecting the quality of ground and surface waters in Oxford County, new or expanding livestock and poultry operations shall satisfy the policies of Sections 3.1.4.2 and 3.2.7.2.3.1, as appropriate.

RURAL LAND SEVERANCE

The Oxford County Land Division Committee may impose conditions on the granting of a consent in order to address potential water quality issues. Such conditions may include but will not be limited to the following:

- *surface water features* be fenced to prevent livestock access;
- the establishment of buffer or filter strips adjacent to *surface water features* and drainage systems;
- the establishment of appropriate setbacks for buildings, structures, wells or wastewater disposal facilities from lot lines, municipal and private wells, *natural heritage features* and *watercourses*.

DEVELOPMENT APPROVAL

As part of the *development* approval, County Council and/or the Area Council shall implement development control measures recommended through the *development* review and consultation process.

Implementation of such measures will be accomplished by Official Plan amendment, zoning by-law amendment or through conditions of zoning, subdivision, land severance or site plan control or other legislated means, as appropriate.

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3.2.7.2.4 Water Quantity

In accordance with the Clean Water Act and Provincial policy, the County will take measures to protect, improve or restore the quantity of water in order to ensure that a sufficient quantity of water is available to meet the needs of County residents, business and industry and the farming community and to maintain base flows in streams.

The identification and risk assessment of significant groundwater recharge areas will be undertaken through the drinking water source protection process lead by the Source Protection Committees with jurisdiction in the County. Policies to protect, improve or restore these vulnerable areas and their hydrologic functions will be developed based on the approved Source Protection Plans applicable within the County.

Until such time as approved Source Protection Plans are available, the following policies apply to protect water quantity.

3.2.7.2.4.1 Water Quantity Policies for Centralized Water Supply Systems

MUNICIPAL WATER SERVICES

Proponents of the *development* of high water uses on a *centralized water supply system* will be required to disclose the following information prior to *development* approval:

- a description of how the proposed use will comply with the County of Oxford Sewer Use By-Law;
- the preparation of a disclosure report specifying the nature of the use proposed, its associated services and facilities, the activities and operations to be conducted on-site and the estimated volumes of water required for the activities and operations in terms of litres per day on an average annual basis as well as identification of peak periods and peak water demands; and
- identification of water conservation measures.

High water uses include those uses requiring 25,000 litres of water or more per day, on an average annual basis for uses proposed on the *centralized water supply systems* serving Woodstock, Ingersoll or Tillsonburg.

High water uses include those uses requiring 5,000 litres of water or more per day, on an average annual basis for uses proposed on any other *centralized water supply systems* within the County.

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The County Public Works Department will assess the information supplied by the proponent and advise as to whether the *centralized water supply system* has the capacity to supply the use.

CONSULTATION

County Council and/or the Area Council shall consult with Provincial Ministries, the Conservation Authority with jurisdiction or any other agency or body or qualified individual deemed appropriate for the purpose of evaluating *development* applications and supporting information. Appropriate consideration will be given to the cumulative effects of *development* and water taking on the *centralized water supply system*.

Any fees resulting from such consultation will be charged to the proponent as part of the fee structure for the *development* review process.

DEVELOPMENT APPROVAL

Where the supporting information, demonstrates acceptable water use in accordance with the objectives of this Plan, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Development approval shall be conditional upon the implementation of water conservation measures recommended through the *development* review and consultation process, as appropriate. Implementation of such measures will be accomplished through conditions of zoning, subdivision, land severance or site plan control or other legislated means.

3.2.7.2.4.2 General Water Quantity Policies

AVAILABLE SUPPLIES

Prior to approving *development*, County Council and Area Councils shall be satisfied that sufficient water supplies which meet the health criteria of the Ontario Drinking Water Standards are or can be made available to serve the *development*.

The Oxford County Land Division Committee may require confirmation of potable water supply prior to granting conditional consent.

WATER-TAKING/ DEWATERING

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act, as amended, are required to obtain a "Permit to Take Water" from the Ministry of Environment prior to or as a condition of *development* approval.

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WATER CONSERVATION INCENTIVES	Area Councils, as a means of encouraging water conservation through building and site design, may permit density bonusing for <i>developments</i> incorporating water conservation measures.
INFILTRATION	The County will encourage the provision of stormwater infiltration measures as a means of recharging the aquifers of the County, where appropriate.
WATER RESTRICTION BY-LAWS	The County shall establish and maintain water restriction by-laws in areas where municipal water supplies exist in order to reduce water use, particularly during periods of peak demand.
WATER RATE STRUCTURES	The County shall establish and maintain water rate structures for municipal water supplies that are based on full cost recovery, are consistent with the principle of water conservation and provide for groundwater protection and conservation initiatives.
WATER METERING	Where feasible, the County shall establish and maintain water metering of municipal water supplies as a measure to conserve water and as a basis for establishing water rate structures.
PUBLIC EDUCATION	The County may establish and maintain a public education program to promote water conservation in both domestic and industrial activities.
	<i>3.2.7.2.5 New Municipal Supply Wells</i>
MUNICIPAL SUPPLY WELLS	<p>As required, the County shall follow the Class Environmental Assessment process prior to establishing a new municipal supply well, including the following measures:</p> <ul style="list-style-type: none">• where possible, select well sites that minimize the potential effects from surface activities, including land uses and surface water, on the well water quality;• undertake modeling consistent with the Director's Rules and Regulations of the Clean Water Act, 2006 to define the wellhead protection area (WHPA) for the proposed well; and• identify availability, quantity and quality of water sources for existing and proposed uses in the study area. <p>The County may enter into negotiations with land owners adjacent to the proposed well site regarding the use of alternative protection measures that may be required to protect the quality and quantity of the new municipal supply well and the land owner's private supply well, including such matters as compensation for changes in land use or land management practices.</p>

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3.2.7.3 Soil Preservation

POLICY INTENT

It is the intent of the County and Area Municipalities that the County's land resource and particularly the topsoil should be conserved so that it may sustain future generations. Accordingly, the policies of this section apply to all forms of *development* and land use throughout the County.

INTRODUCTION AND OBJECTIVE

Topsoil and peat extraction often occurs within locally significant *wetlands*. Loss of *wetland* functions and loss of agricultural potential can result from such extraction if appropriate reclamation or rehabilitation of the land does not take place. It is the intent of this Plan to require the regulation of topsoil and peat extraction operations in the County.

OBJECTIVES

To protect and enhance the soil resources of Oxford County by regulating the nature, timing and extent of site grading including but not limited to prior to and during the construction process.

To regulate peat and topsoil extraction operations to ensure that appropriate rehabilitation occurs.

TOPSOIL PRESERVATION BY-LAW OR GRADING BY-LAW

The County of Oxford and/or any Area Council may draft and implement a Topsoil Preservation By-Law, or Grading By-law pursuant to the Municipal Act, to restrict the removal of topsoil or peat from a site without a permit. Any such By-Law may provide for erosion and sedimentation controls, and site rehabilitation, and may regulate the nature, timing and extent of site grading.

3.2.7.3.1 Development Review Policies for Soil Preservation

EROSION HAZARD AND UNSTABLE SOILS

Policies relating to erosion hazard and unstable soils are provided in Section 3.2.8.2.

PEAT AND TOPSOIL EXTRACTION

Policies relating to peat and topsoil extraction are set out in Section 3.2.7.3.2

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EROSION CONTROL MEASURES

As a condition of *development* approval , County Council and/or Area Council will require measures to reduce/mitigate soil erosion including:

- the seeding of topsoil stockpiles during construction;
- restricting grading and *site alteration* activities prior to the completion of a subdivision agreement; and
- the incorporation of measures such as windbreaks, grassed swales, and other filtration measures in appropriate areas.

PUBLIC WORKS

All public works shall incorporate, where necessary, measures to reduce/mitigate soil erosion and measures to conserve topsoil.

3.2.7.3.2 Topsoil and Peat Extraction

WHERE PERMITTED

Topsoil and peat extraction will be permitted within the Agricultural Reserve designation on the Land Use Schedules subject to the policies in this section.

TOPSOIL PRESERVATION BY-LAW OR GRADING BY-LAW

No Zoning By-Law shall contain provisions permitting new or expanded topsoil or peat extraction operations until a Topsoil Preservation By-Law or Grading By-law pursuant to the Municipal Act and consistent with the policies of this Plan is adopted by the Area Municipality to regulate such extraction by requiring a permit from the Area Municipality.

INFORMATION TO SUPPORT PERMIT APPLICATION

Any Topsoil Preservation By-Law or Grading By-law passed to regulate peat and topsoil extraction shall require the following information to be evaluated prior to the issuance of a permit for extraction, such information to be provided at the expense of the proponent:

ENVIRONMENTAL IMPACT STATEMENT

The submission of an Environmental Impact Study in accordance with the policies of Section 3.2.6 is required in support of an extraction permit. In addition to the requirements of Section 3.2.6, the Environmental Impact Study shall also address:

- the effects on surface water drainage and water quality and the identification of measures to minimize potential *negative effects*;
- the effects on groundwater quantity and quality and the identification of measures to minimize potential *negative effects*;
- reduction in flood storage capacity;
- the presence of any features designated Environmental Protection Area and the policies of Section 3.2.4.2 regarding *development* or *site alteration* for such features .

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METHOD, PHASING AND TIMING

Plans showing the existing features and the proposed operational plan, including the method and the phasing and timing of the extraction operation.

COMPATIBILITY

Measures to ensure compatibility with nearby land uses including extraction setbacks, buffering measures, potential noise and dust sources and the location of haulage routes.

REHABILITATION AND AFTER-USE

Plans showing the proposed rehabilitation scheme and after-use, including the nature, phasing and type of rehabilitation of the land which is proposed and the feasibility of the rehabilitation scheme and after-use.

AFTER-USE PRIORITIES

In all instances where new or expanding topsoil or peat extraction operations are permitted, a sufficient natural soil base shall be retained to facilitate rehabilitation for the after-uses described below.

The following after-use priorities are established in order of priority where topsoil or peat extraction is permitted:

WETLAND RECLAMATION

Rehabilitation of the site including revegetation to create a new *wetland* resource.

REFORESTATION

Rehabilitation of the site through natural succession and the planting of a variety of trees and vegetation designed to increase biological diversity and *wildlife habitat*.

AGRICULTURAL CROPLAND

Rehabilitation for agricultural purposes excluding pastureland.

CONSULTATION

The Area Municipality may consult with the appropriate Provincial Ministries and/or the Conservation Authority with jurisdiction for assistance in evaluating the technical feasibility of a proposed rehabilitation scheme.

The proponent will be responsible for all costs associated with such consultation.

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AMENDMENT No. 139

3.2.7.4 Energy Efficiency and Air Quality

POLICY INTENT

More compact urban forms, a structure of nodes and corridors and energy efficient design and orientation can reduce the cost of transportation, increase the efficiency of hard and soft services, realize space-heating efficiencies, and reduce *development* pressure on surrounding agricultural and environmental features. Integration of residential and employment uses in appropriate locations within urban areas can reduce auto-dependency and provide opportunities for land use *intensification*.

It is the intent of this Plan that all new *development* shall be subject to policies promoting compact urban form, a structure of nodes and corridors and energy efficient design and orientation in order to facilitate energy efficiency and improved air quality. The establishment of *alternative and/or renewable energy systems* of an appropriate type, size and scale will also be permitted in suitable locations within *settlements* and the Agricultural Reserve designation.

OBJECTIVES

REDUCE AND
CONSERVE

To promote a more compact urban form, a structure of nodes and corridors and *intensification* in appropriate locations with appropriate levels of services.

CONSERVATION
AND DOWNTOWN
REVITALIZATION

To enhance the viability of urban downtown areas through the creation of integrated living, working and shopping environments.

INCREASE NON-
AUTO
TRANSPORTATION

To incorporate alternative, non-auto modes of transportation including cycling, walking and public transit.

ALTERNATIVE
AND/OR
RENEWABLE
ENERGY

To promote the use of alternative and/or renewable energy where feasible, and permit *alternative and/or renewable energy systems* in appropriate locations within settlements and the agricultural reserve designation, in accordance with Provincial and Federal requirements and the policies of this Plan.

DEVELOPMENT
REVIEW POLICIES
PROMOTING
ENERGY
CONSERVATION

The *development* of compact urban form and structure of nodes and corridors shall be taken into consideration in the land use change, subdivision and *development* approvals process. Where appropriate, the following land use *intensification*, design and orientation and integration measures will be promoted:

- infilling on vacant lands, especially in or adjacent to commercial core areas;

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- permitting accessory apartments in appropriate residential and *employment areas*, especially within or adjacent to the central area;
- permitting a mix of residential and employment uses in appropriate locations, especially within or adjacent to the central area;
- locating *development* of higher densities in proximity to public transit routes and providing direct pedestrian access to the transit system from such *development*;
- increasing the overall density of new suburban *development* while providing for flexibility in choice of housing type;
- permitting conversion of residences in and, where appropriate, adjacent to the central core for office space, business and personal services, small business start-up and *cottage industry*;
- providing opportunities for high and medium density residential *development* in the central area;
- supporting residential uses above retail uses;
- supporting the establishment of accessory apartments in neighbourhoods within and adjacent to the central area;
- Incorporating pedestrian and bicycle pathways into proposed *development* that may link into the existing Natural Heritage System or to areas of commerce, employment and recreation and designating such linkages as Open Space.

SITE DESIGN AND PLANNING

Site plan control may be used to incorporate energy conservation measures into the final design. Such measures may include orientation and design of new buildings to maximize passive solar gain and to minimize energy loss through appropriate construction standards and landscaping designed to moderate seasonal climatic variation.

RELAX ZONING AND SITE PLAN REQUIREMENTS

Increased flexibility in zoning and site planning may be considered in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

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3.2.7.4.1 Alternative and/or Renewable Energy Systems

The establishment of *alternative and/or renewable energy systems* in the Agricultural Reserve designation shall be in accordance with the policies of Section 3.1.5.5.

The establishment of *alternative and renewable energy systems* within a designated *settlement* shall be in accordance with the following policies:

SMALL SCALE
ALTERNATIVE AND
/OR RENEWABLE
ENERGY SYSTEMS

Alternative and/or renewable energy systems, which are small in scale and primarily intended to off-set or replace on-site energy consumption may be permitted as an accessory use in any implementing zoning category within a designated *settlement*, provided that such systems:

- are secondary and accessory to the principal use of the property;
- are located on or adjacent to existing on-site buildings, wherever possible;
- do not create adverse effects on surrounding land uses; and;
- are consistent with the policies of Section 3.2, Environmental Resource Policies and 3.3, Cultural Resource Policies and all other applicable policies of this Plan.

TYPES OF SYSTEM
PERMITTED

The types of small scale *alternative and/or renewable energy systems* that may be permitted, in accordance with the policies of this section, shall be limited to:

- small scale *solar energy systems* limited to building mounted systems or ground installed systems that do not generally exceed 10% of lot coverage, to a maximum of 100 m² (1,076 ft²) and
- geothermal energy systems.

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ZONING

It is not intended that the full range of system types or the maximum system scale shall be permitted in every zone. In zones where small scale *alternative and/or renewable energy systems* are permitted, the Area Zoning By-Law shall include provisions to restrict the type and scale of such systems and ensure compliance with Provincial and Federal requirements. These provisions may include size and height limitations, minimum lot areas and setbacks, location of buildings and structures, maximum generation capacities, parking and access and any other controls necessary to limit the overall size and scale of such systems and associated off-site impacts.

Small scale *alternative and/or renewable energy systems* that do not comply with the specific type and scale restrictions of this section, may only be permitted through a site specific amendment to the Area Zoning By-Law, provided that Area Council is satisfied that the proposed system would otherwise comply with these policies.

SITE PLAN CONTROL

Small scale *alternative and/or renewable energy systems* may be subject to site plan control to address those matters noted above and other relevant site design considerations.

LARGER SCALE ALTERNATIVE AND/OR RENEWABLE ENERGY SYSTEMS

Alternative and/or renewable energy systems, which do not comply with the policies for small scale systems, may only be permitted within a designated *settlement* in accordance with the policies for industrial uses.

Larger scale *alternative and/or renewable energy systems* will generally require a site specific amendment to the Area Zoning By-Law, supported by planning or technical studies required to demonstrate that the proposed use will comply with all local, Provincial and Federal Requirements and will not create an adverse effect or safety concern for surrounding uses, to the satisfaction of the Area Municipality.

Wind energy systems and larger scale *alternative and/or renewable energy systems* that, in the opinion of Area Council, may represent a significant health or safety risk to the public, employees or the environment by reason of pollution or other adverse effect shall not be permitted.

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3.2.8 Environmental Constraints

INTRODUCTION

Environmental constraints are defined as either naturally occurring or man-made characteristics of the land, water or air which may adversely affect people and property both on and off-site. Such constraints may render an area unsuitable for active use or *development* and/or may require specific studies and mitigative measures to overcome the identified constraint to *development*. Environmental constraints include:

- lands prone to flooding;
- erosion hazard areas;
- unstable soils.

OBJECTIVES

IDENTIFY CONSTRAINT AREAS

To identify lands subject to potential environmental constraints and to establish review criteria, and supporting studies required prior to *development*.

MINIMIZE HAZARDS

To permit only those *developments*, in areas affected by environmental constraints, which do not endanger property or the health or safety of occupants or the public.

POLICIES

SPECIAL PROTECTION CATEGORY

Lands identified as erosion hazard areas and unstable soils, are illustrated on Schedule C-2, with floodplain mapping shown on the Land Use Schedules for each Area Municipality. These environmental constraints will be interpreted as a special protection category in which the lands may be utilized in accordance with the underlying land use designation subject to the policies of this Section.

INTENT TO UPDATE ENVIRONMENTAL CONSTRAINTS DATABASE

New information may result in the identification of additional lands that are subject to environmental constraints and hence the policies of this Section. Where new information is provided that identifies lands subject to the environmental constraints, such lands will be included on the Development Constraints Schedule, C-2 without amendment to this Plan and shall be subject to the policies of this Section.

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3.2.8.1 Flood Plains

POLICY INTENT

The County of Oxford is located within the watersheds of four Conservation Authorities: the Grand River, the Long Point Region, the Catfish Creek and the Upper Thames River as depicted on Figure 5 and Schedule C-1. In addition to the following Official Plan policies, flood plain lands are subject to Fill, Construction and Alteration to Waterways Regulations administered by the relevant Conservation Authority pursuant to the Conservation Authorities Act.

Watercourses with a drainage of less than 125 hectares (309 acres) may not be regulated under the Fill and Construction Regulations pursuant to the Conservation Authorities Act. These areas are, however, subject to the following policies.

REGULATORY FLOODLINE

The Regulatory Floodline is determined by the Conservation Authority with jurisdiction as follows:

Grand River	- Regional Storm (Hurricane Hazel)
Long Point Region	- 100 Year Event
Catfish Creek	- Regional Storm (Hurricane Hazel)
Upper Thames River	- Regulatory Storm (1937 Upper Thames flood)

and is generally depicted on the Land Use Schedules. Lands within the Regulatory Floodline are known as the regulatory flood plain and are designated Open Space.

FLOOD PLAIN MAPPING

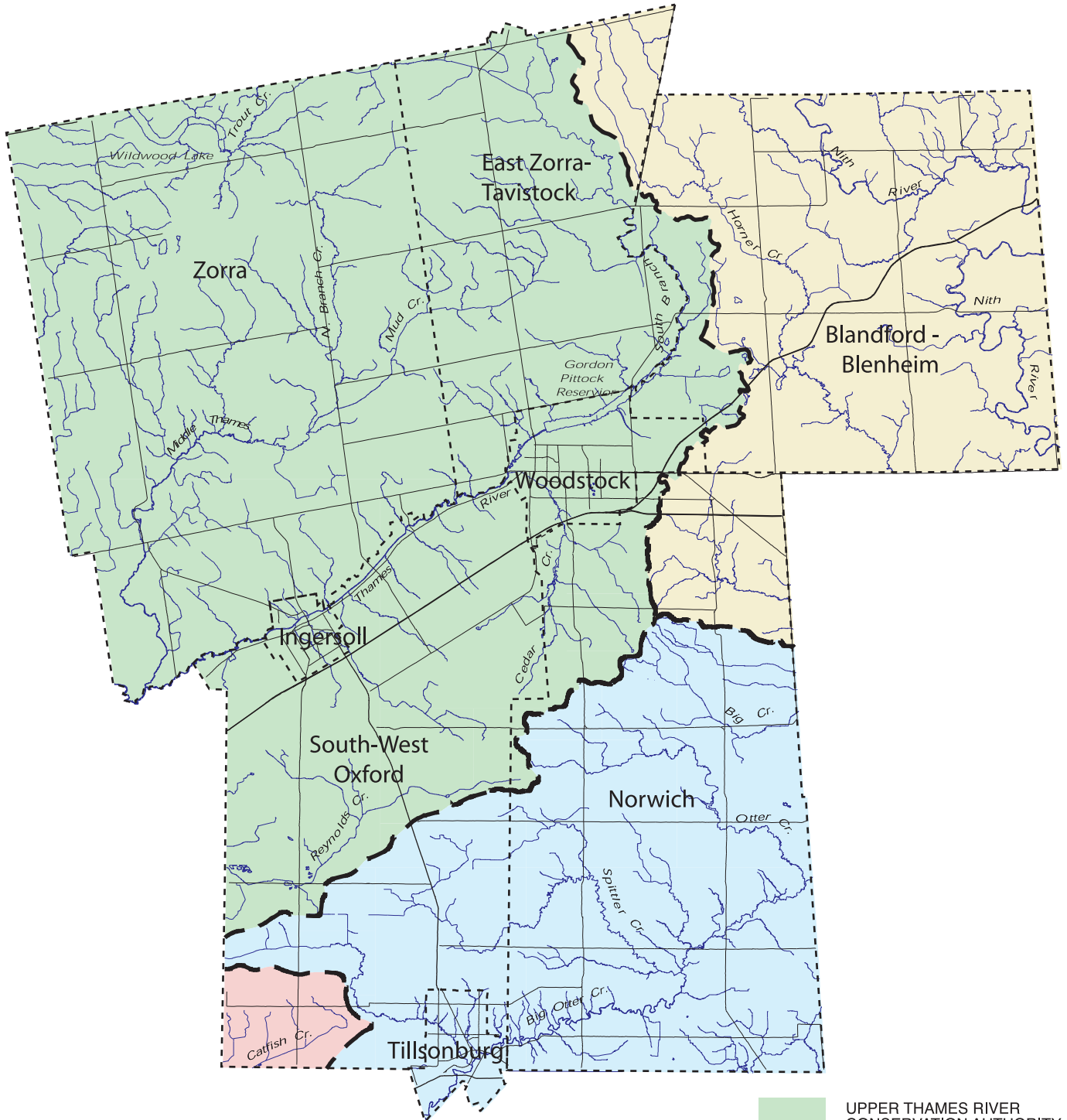
The precise delineation of the regulatory flood plain can be determined from flood plain mapping available from the Conservation Authority with jurisdiction.





As new or revised flood plain mapping is made available from time to time by any Conservation Authority with jurisdiction in the County, such mapping will be used to illustrate the lands identified as being subject to environmental constraints associated with flooding. Where there is a difference between Conservation Authority mapping and an Official Plan Schedule, the Conservation Authority mapping will be deemed to represent the most recent flood plain delineation for the purposes of this Section.

Where engineered flood plain mapping has not been completed, proponents may be required to complete such mapping to the satisfaction of the relevant Conservation Authority prior to *development*. Such mapping will be completed at the proponent's expense.

FIGURE 5

**COUNTY OF OXFORD
CONSERVATION AUTHORITY WATERSHEDS**



-  UPPER THAMES RIVER CONSERVATION AUTHORITY
-  GRAND RIVER CONSERVATION AUTHORITY
-  LONG POINT REGION CONSERVATION AUTHORITY
-  CATFISH CREEK CONSERVATION AUTHORITY



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ZONING OF FLOOD PLAIN AREAS

All lands identified as regulatory flood plain areas shall be identified in the Zoning By-Law in a manner that reflects susceptibility to flooding and restricts the range of uses permitted to those consistent with this Section.

On lands that are zoned to reflect susceptibility to flooding, zone lines may follow actual property lines where practical rather than floodline contours.

SITE PLAN CONTROL

Any lands that are zoned to reflect potential susceptibility to flooding may be subject to site plan approval by Area Councils to ensure that all facilities, works or other matters required to mitigate flooding effects are provided and maintained.

AGREEMENTS/ CONDITIONS OF APPROVAL

Any *development* that is approved in accordance with this Section may be subject to agreements or conditions of approval as permitted in relevant legislation to address flood risk mitigation measures. County Council and/or Area Council may stipulate the following measures as part of any required agreement or condition of approval:

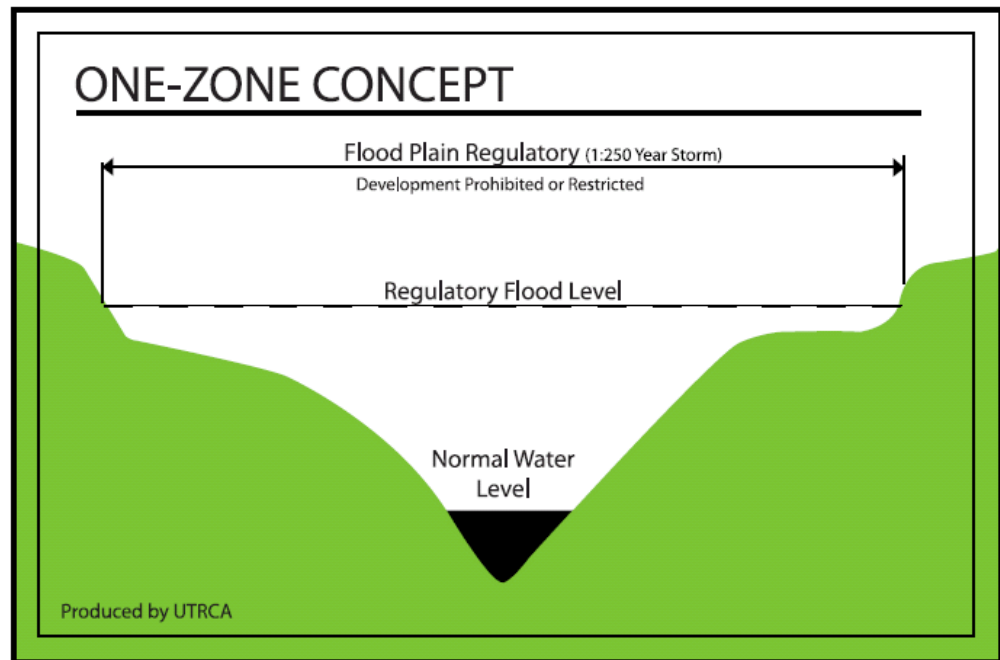
- upon completion of any foundation and prior to further above grade construction that a certificate from an Ontario Land Surveyor or Professional Engineer be provided verifying that all habitable floor space elevation is located above the Regulatory Flood level;
- upon completion of a building or structure that a letter of compliance be provided by a Professional Engineer certifying that all flood proofing measures have been implemented as required.

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3.2.8.1.1 One Zone Flood Plain Policies

DESCRIPTION

In keeping with the Provincial Policies relating to the regulation of development in flood plain areas, the whole of the County of Oxford shall be subject to the following One Zone Flood Plain policies except for those areas identified on Schedules B-4, Village of Plattsville Two Zone Flood and I-5, Town of Ingersoll Two Zone Flood, as Two Zone Flood Plain areas. The graphic below illustrates the concept of a One Zone Flood Plain.



PERMITTED USES

Uses which may be permitted within the regulated flood plain will be limited to:

- flood and/or erosion control structures;
- facilities which by their nature must locate near water or traverse *watercourses*, such as roads, bridges, railways, and other *public services* having an approved hydraulic design acceptable to the Conservation Authority with jurisdiction;
- land uses which are of a passive, non-structural nature and do not adversely affect the ability of the flood plain to pass flood waters, such as recreational trails.

PROHIBITED USES

All other *development* or *site alteration* not explicitly permitted in this Section shall be prohibited in the regulatory flood plain.

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EXISTING USES

Minor expansions or alterations to buildings or accessory structures existing in the regulatory flood plain at the time of adoption of this Plan (December 13, 1995) may be undertaken provided that:

- no adverse effects on the hydraulic characteristics of flood plains will occur as determined by the Conservation Authority with jurisdiction;
- no new dwelling units are created except where the Two Zone Flood Plain policies apply;
- such renovations, additions and alterations including mechanical and electrical services are generally flood proofed to the Regulatory Flood Level, to the satisfaction of the Conservation Authority with jurisdiction;
- a permit is obtained from the Conservation Authority with jurisdiction.

REPLACEMENT STRUCTURES

Structures which are replaced or reconstructed as a result of fire or other loss due to natural causes will generally be flood proofed to the Regulatory Flood elevation to the satisfaction of the Conservation Authority with jurisdiction.

Where a structure is being replaced, a change in the existing building footprint may be considered provided such change would maintain or improve the hydraulic characteristics of the original structure and the footprint is not greater than that of the original structure.

SEPTIC SYSTEMS

Where *development* or redevelopment on private services is permitted by this Plan, private septic systems will be located outside the regulatory flood plain, where feasible. Where such systems cannot be located outside of the regulatory flood plain, approval of the Conservation Authority with jurisdiction and the Board of Health will be required.

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3.2.8.1.2 Two Zone Flood Plain Policies

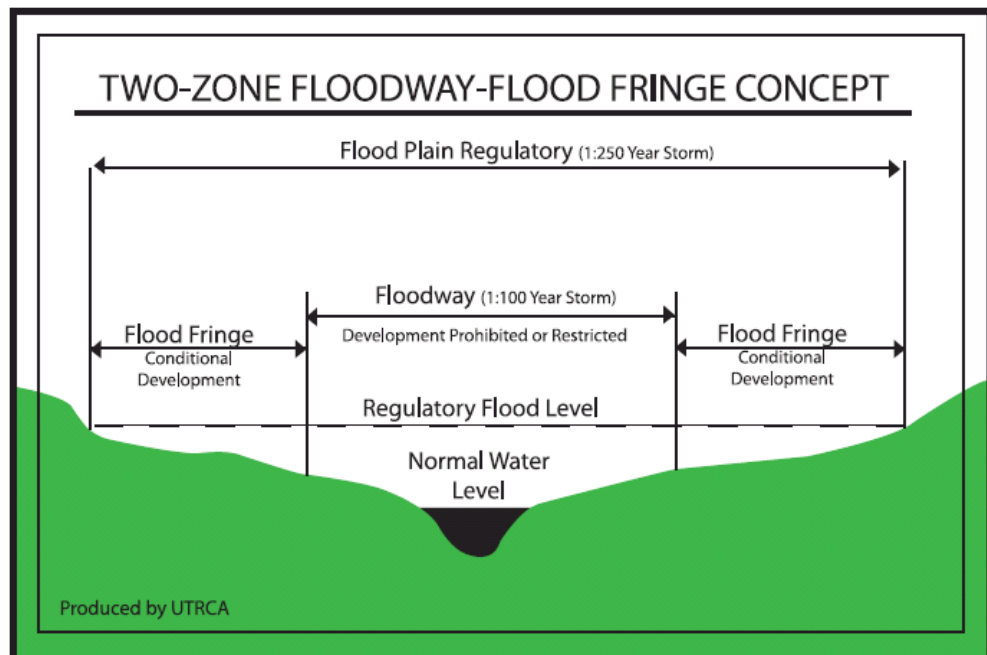
DESCRIPTION

In keeping with the Provincial Policies relating to the regulation of *development* in flood plain areas, Two Zone Flood Plain Policies have been adopted for areas of existing *development* identified on Schedules B-4 and I-5. Any additional Two Zone Flood Plain areas approved during the planning period will be incorporated into this Plan by amendment. Lands within the flood plain in the Two Zone Flood Plain Policy area will be divided into two zones - the *Floodway* and *Flood Fringe* defined as follows and illustrated in the graphic below:

DEFINITIONS

Floodway: the hazardous portion of the flood plain where flood depths and/or velocities are considered to be such that they pose a significant threat to life and/or property. The floodway is that area of the flood plain required for the safe passage of flood flows. In all circumstances the floodway will be approved by the Conservation Authority with jurisdiction based on depth or a combination of depth and velocity parameters.

Flood Fringe: the portion of the outer flood plain between the limits of the floodway as established by the Conservation Authority with jurisdiction and the Regulatory Floodline establishing the limits of the flood plain. Flood depth and velocity is generally less severe in this portion of the flood plain.



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PERMITTED USES - FLOODWAY

Development in the *floodway* will be consistent with the policies of the One Zone Flood Plain area in Section 3.2.8.1.1.

PERMITTED USES - FLOOD FRINGE

The use of the Two Zone Flood Plain concept for lands identified on Schedules B-4 and I-5 may allow for some *development* within the *flood fringe* areas of the flood plain. *Development* in the *flood fringe* will be restricted to infilling, redevelopment, replacement and additions or alterations of buildings and structures existing as of the date of adoption of this Plan (December 13, 1995).

Conversions of non-residential buildings to residential use in the *flood fringe* may be permitted, provided that all of the development criteria of this Section are satisfied.

All *development* in the *flood fringe* will be in conformity with the underlying land use designation.

CRITERIA FOR DEVELOPMENT IN THE FLOOD FRINGE

Prior to permitting *development* on lands identified in Schedules B-4 and I-5 as being within the *flood fringe*, County Council and/or Area Council will ensure that the following criteria are satisfied:

FILL/ALTERATION/ CONSTRUCTION PERMIT

A permit is issued by the Conservation Authority with jurisdiction under the Fill, Construction and Alteration to Waterways Regulation.

FLOODPROOFING

All *development* is suitably floodproofed to the Regulatory Flood Level as determined by the Conservation Authority with jurisdiction.

HABITABLE FLOOR SPACE

All habitable floor space will be constructed above the Regulatory Flood elevation and all essential building services, for example, telephone, electrical, heating will be constructed above or protected to the Regulatory Flood Levels.

UNINHABITABLE FLOOR SPACE

The creation of uninhabitable floor space associated with multiple unit residential, commercial, industrial or other non-residential *development* may be permitted below the Regulatory Flood Elevation. Such areas in multiple unit residential *development* may include foyers, recreation rooms, laundry rooms, storage areas or other uninhabitable floor space typically associated with such *development*. All such floor space will be flood proofed to the Regulatory Flood Level.

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INGRESS/EGRESS

Ingress/egress for all new buildings occupied on a temporary or permanent basis located in the *flood fringe* shall be such that vehicular and pedestrian movement is not prevented in the case of flooding in order that safe access or evacuation is ensured.

3.2.8.1.2.1 Specific Development Policies for Two Zone Areas

In order to provide additional guidance for specific Two Zone Flood Plain Areas, the following policies will take precedence:

PLATTSVILLE

Notwithstanding the criteria for *development* in the *flood fringe*, infilling lots will be permitted to be developed to one metre (3 feet) below the Regulatory Flood Level with the approval of the Grand River Conservation Authority.

Notwithstanding the criteria for *development* in the *Floodway*, vacant lots of record existing at the date of adoption of this Plan (December 13, 1995) which are located in the *Floodway* as identified on Schedule B-4 will be permitted to be developed in accordance with the following:

- a permit pursuant to the regulation made under Section 28 of the Conservation Authorities Act is obtained from the Grand River Conservation Authority;
- basements will not be permitted;
- floodproofing to a minimum of one metre (3 feet) below the Regulatory Flood Level is provided to the satisfaction of the Grand River Conservation Authority; and

3.2.8.1.3 Special Policy Areas

DESCRIPTION

County Council and/or Area Council in accordance with the Provincial Flood Plain Planning Policy, may apply to the Province for the approval of a Special Policy Area status for specific *settlements* or areas of a *settlement*. *Special Policy Area status is intended to recognize unique circumstances whereby portions of the flood plain can be developed or redeveloped in relative safety through adequate attention to flood proofing with minimal adverse effects on the watershed.*

OFFICIAL PLAN
AMENDMENT

On approval of any Special Policy Area, this Plan will be amended to incorporate appropriate policies and schedules to address the following matters:

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- the circumstances under which new *development* will be considered;
- the minimum level of floodproofing required;
- the permitted types and locations of new *development*;
- alternative measures or means of providing increased levels of flood protection; and
- minimum elevations for the provision of safe ingress and egress and for safe haven areas within the Special Policy Area.

3.2.8.2 *Erosion Hazard and Unstable Soils*

POLICY INTENT

Erosion hazards mean the loss of land, due to human or natural processes, that pose a threat to life and property. The *erosion hazard limit* is determined using the one hundred year erosion rate and includes allowances for toe erosion, slope stability and access during emergencies. The erosion hazard component of river and stream systems is intended to address river and stream bank erosion as well as slope stability issues related to the valleys through which rivers flow.

Unstable soils include organic and peat soils formed by the decomposition of vegetative and organic materials into humus. This rotting process can create methane gas and results in soils that erode easily and compress so much they may not be able to support structures.

It is the intent of these policies to permit *development* only where the effects of erosion hazards and unstable soils can be avoided or, in the case of existing *development*, successfully mitigated.

IDENTIFICATION OF CONSTRAINTS

Erosion hazard lands are shown on the Development Constraints Schedule, C-2. *Development* proposed on erosion hazard lands will be subject to the requirements of this Section.

Notwithstanding such identification, County Council and/or the Area Council may impose the requirements of this Section for areas not identified on Schedule C-2, Development Constraints, where erosion hazard potential or unstable soils are identified during the *development* review process.

Unstable soils are identified as organic soils and areas associated with *wetlands* on Schedule C-2, Development Constraints.

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3.2.8.2.1 Erosion Hazard

PERMITTED USES

Land uses that are in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of this Section, except for those uses that are explicitly prohibited.

Existing buildings and structures shall be recognized as permitted uses.

PROHIBITED USES

New institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*, including the storage of manure, shall be prohibited in areas subject to erosion hazard.

DEVELOPMENT REVIEW CRITERIA

Prior to permitting proposed new *development* in areas identified as erosion hazard lands on Schedule C-2, County Council and/or the Area Council will be satisfied that potential erosion hazards can be avoided or acceptably mitigated.

A geotechnical study, completed by a qualified geotechnical engineer, shall be prepared to the satisfaction of the Conservation Authority with jurisdiction. For new *development*, the geotechnical study shall satisfy that the erosion hazards can be avoided. In the case of existing *development* undergoing expansion or change of use, such study will determine how the erosion hazard can be mitigated.

As part of the *development* review process, County Council and/or the Area Council, will require proponents to provide a geotechnical report containing the following information:

- the delineation of the *erosion hazard limit* for the subject property;
- for new *development* proposals, a clear indication of that the proposed *development* or *site alteration* can avoid the *erosion hazard limit*; and
- for expansions or change in use to existing *development*, proposed methods to overcome or mitigate the erosion hazard in a manner consistent with accepted resource management and engineering standards and procedures.

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Such report will be prepared by a qualified geotechnical engineer at the proponent's expense and will be consistent with criteria established in the Ministry of Natural Resource's "Natural Hazards Training Manual", or other applicable Ministry guideline and the applicable Conservation Authority policies.

CONSULTATION

County Council and/or the Area Council will consult with the Conservation Authority with jurisdiction prior to *development* approval to:

- confirm the methodology used by the geotechnical engineer to determine the location of the *erosion hazard limit* is satisfactory;
- advise as to whether the erosion hazard can be safely avoided or addressed in accordance with established policies, standards and procedures;
- indicate whether new hazards will be created or existing hazards aggravated as a result of the proposed *development* or *site alteration*;
- confirm that no *negative impacts* will result from the proposed *development* or *site alteration*; and
- confirm that people have a way of safely entering and exiting the subject property during times of flooding, erosion or other emergencies.

Should such consultation result in a fee, the applicant will be required to pay such fee at the time the review is completed and prior to *development* approval.

DEVELOPMENT APPROVAL

Where the Conservation Authority with jurisdiction has confirmed that the consultation criteria identified above can be satisfied for the proposed *development* or *site alteration*, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Where the proposal is considered to be in conformity with this Plan, County Council and/or the Area Council shall consider implementing the mitigation measures recommended by Conservation Authority with jurisdiction, through conditions of subdivision, land severance or site plan control or other legislated means.

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3.2.8.2.2 Unstable Soils

PERMITTED USES

Land uses which are in conformity with the underlying land use designation may be permitted in proximity to or associated with unstable soils, subject to satisfying the criteria of this Section, except for those uses which are explicitly prohibited.

Existing buildings and structures shall be recognized as permitted uses.

PROHIBITED USES

New institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*, including the storage of manure, shall be prohibited in areas identified as containing organic or peat soils.

DEVELOPMENT REVIEW CRITERIA

Due to the variable and complex nature of organic and peat soils, the proponent will be required to prepare a study to verify the location and extent of the unstable soils and to determine the appropriateness and/or feasibility of placing *development* within or over top of organic and/or peat soils. Measures to overcome or mitigate the hazards associated with unstable soils will be identified in the study.

Such study will be prepared by a qualified individual at the proponent's expense and will be consistent with criteria established in the "Natural Hazards Training Manual" and the "MNR Technical Guide for Hazardous Sites" or other applicable Ministry guideline.

CONSULTATION

Where *development* is proposed in proximity to or associated with unstable soils, County Council and/or the Area Council will consult with the Conservation Authority with jurisdiction prior to *development* approval to:

- confirm the location of the unstable soils hazard limit;
- advise as to whether the hazard associated with unstable soils can be avoided or safely addressed in accordance with established standards and procedures;
- indicate whether new hazards will be created or existing hazards aggravated as a result of the proposed *development* or *site alteration*;
- confirm that no *negative impacts* will result from the proposed *development* or *site alteration*;
- confirm that people have a way of safely entering and exiting the subject property during times of flooding, erosion or other emergencies; and

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- identify conditions to *development* approval that will ensure that all facilities, works or other matters stipulated in the study will be provided and maintained.

Should such consultation result in a fee, the applicant will be required to pay such fee at the time the review is completed and prior to *development* approval.

DEVELOPMENT APPROVAL

Where the Conservation Authority with jurisdiction has confirmed that the consultation criteria identified above can be satisfied for the proposed *development* or *site alteration*, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Where the proposal is considered to be in conformity with this Plan, County Council and/or the Area Municipal Council shall consider implementing the mitigation measures recommended by Conservation Authority with jurisdiction, through conditions of subdivision, land severance or site plan control or other legislated means.