

**COUNTY OF ELGIN**

**By-Law No. 24-17**

**“A BY-LAW TO PROVIDE FOR THE ADOPTION OF THE OFFICIAL PLAN FOR THE  
COUNTY OF ELGIN”**

WHEREAS Subsection 17(22) of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, states that when the requirements of Subsections 17(15) and 17(21), as appropriate, have been met, and a council is satisfied that an official plan is suitable for adoption, that council may by by-law adopt all or part of the said plan, and submit it for approval to the Minister of Municipal Affairs and Housing; and

AND WHEREAS the County of Elgin has prepared a new official plan to replace the existing County of Elgin Official Plan that is currently in effect;

AND WHEREAS Council of the Corporation of the County of Elgin considers it desirable and in the interest of the County to adopt a new official plan for the County of Elgin;

AND WHEREAS all statutory requirements for the preparation and adoption of an official plan have been met;

NOW THEREFORE, the Council of the Corporation of the County of Elgin enacts as follows:

1. THAT the document attached hereto as Schedule ‘A’ to this By-law is hereby adopted as the Official Plan for the County of Elgin.
2. THAT the Clerk of the County of Elgin is hereby authorized and directed to give notice of the adoption of the Official Plan for the County of Elgin in accordance with Subsection 17(23) of the Planning Act, R.S.O. 1990, Chapter P. 13.
3. THAT the Clerk of the County of Elgin is hereby authorized and directed to forward the Official Plan for the County of Elgin, and the associated statutory record, to the Minister of Municipal Affairs and Housing for approval in accordance with Subsection 17(31) of Planning Act, R.S.O. 1990, Chapter P. 13.
4. THAT the Official Plan for the County of Elgin shall take effect on the day it is approved by the Minister of Municipal Affairs and Housing in accordance with Subsection 17(38.1) of Planning Act, R.S.O. 1990, Chapter P. 13.
5. THAT the current Official Plan for the County of Elgin, and all amendments thereto, are hereby repealed on the day the new Official Plan is approved by the Minister of Municipal Affairs and Housing.
6. THAT this by-law shall come into force and effect on the date of its final passing by the Council of the Corporation of the County of Elgin.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14<sup>th</sup> DAY OF MAY, 2024.

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Blaine Parkin,  
Chief Administrative Officer.

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Edward Ketchabaw,  
Warden.

**SCHEDULE "A"**



ElginCounty

# OFFICIAL PLAN

May 2024



**Explanatory Note**

On May 14, 2024, County Council passed By-law No. 24-17 to adopt a new Official Plan for the County of Elgin (County Official Plan). The new County Official Plan replaces the County's previous Official Plan approved in 2013.

This document, consisting of the following text and schedules constitutes the consolidated version of the Official Plan of the County Elgin approved on (insert date) by the Minister of Municipal Affairs and Housing.



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# 1.0 Introduction

**An official plan is a municipality's statement of planning policy, and this document constitutes the Official Plan for the County of Elgin and applies to all lands within the corporate boundaries of the County of Elgin, save and except for the lands within the boundaries of the City of St. Thomas, which is a separate city governed and administered independently. The legislative authority and requirements for an official plan are found in Sections 16 and 17 of the Ontario Planning Act, and its regulations. Under subsection 17(13) of the Act, the County of Elgin is required to prepare and maintain this Plan. Specifically, the County Official Plan is intended to:**

- a) Establish a county-wide planning framework for managing growth and land use, and addressing planning issues of county-wide importance and scope until 2044;**
- b) Provide direction for the responsible management of the natural environment and natural resources, including the County's agricultural land base;**
- c) Ensure that planning in the County occurs in an orderly and logical manner that supports the creation of healthy, liveable, and vibrant communities;**
- d) Provide direction to local municipalities in the preparation of their own official plans, zoning by-laws, and other planning documents, as well as local infrastructure decisions; and**
- e) Ensure a consistent approach to the review of all applications under the Planning Act at both the County and local levels.**





## 1.1 County Overview

Elgin County is located in Southwestern Ontario along the shore of Lake Erie in the traditional territories of the Wyandot, Anishinaabe, Haudenosaunee, Attiwonderonk, and Mississauga Nations who have occupied these lands for thousands of years. While European explorers began surveying the region in the 17th century, permanent European settlement of what was to become Elgin County only began in earnest in the early 19th century after Treaty 2 (the McKee Purchase Treaty of 1790), and Treaty 3, (the Between the Lakes Purchase Treaty of 1792), were signed between the Crown and the Wyandot, Anishinaabe, and Mississauga Nations. This resulted in extensive clearing of the County for farming and the establishment of towns and villages for settlers. The arrival of the railway in the mid-19th century and Highway 401 in the mid-20th century saw the County's towns and villages grow extensively along with major manufacturing operations.

Geographically, the County consists of three distinct components. The first being the interface between the land and Lake Erie shoreline, which extends 85 kilometres along the County's southern border. This shoreline provides extraordinary views and vistas from the County's unique bluffs that rise 15 to 45 metres above the water. As such, much of the shoreline area remains undeveloped. Secondly, are the many rivers that flow into Lake Erie from the north, west, and east which, over time, have cut into the landscape to create extensive valley systems that are home to significant populations of wildlife and natural areas. These watercourses have also created opportunities for the development of the County's many ports along the shoreline. These communities

have been instrumental in attracting tourism and recreational living to the County. The third defining element of the County's geography is the extensive prime agricultural lands which cover most of the County and are considered to be some of the best agricultural lands in the country.

The County's economic base remains heavily focused on both agriculture and manufacturing, supplemented with continued growth of the tourism sector. The County is home to several large agricultural operations, as well as many smaller family-owned farms. It is also home to significant industrial operations, including food processing plants, manufacturing, and warehousing and logistics operations, while its natural beauty and quaint, historical towns and villages regularly attract visitors from across the broader region, particularly to established tourist destinations like Port Stanley, Sparta, and Port Burwell.

**“There is a particular pride in the County’s agricultural traditions, and the small-town and rural lifestyles it offers.”**

The social composition of the County is becoming increasingly diverse and is characterized by a strong sense of community and history. There is a particular pride in the County's agricultural traditions, and the small-town and rural lifestyles it offers. In recent years, central areas of the County have

seen significant population growth due to their proximity to the Cities of St. Thomas and London, and major transportation facilities and corridors including Highway 401, while peripheral areas of the County have experienced lower rates of population growth. Like most regions of Ontario, declining birth rates mean that the County will become increasingly reliant on immigration in the future.

Overall, Elgin County is a vibrant and diverse place that is rich in history, culture, natural beauty, and economic opportunity. Its central location, excellent access to large markets, and inter-regional transportation infrastructure position it well for future growth.

## 1.2 This Plan and Ontario's Planning System

**a) Provincial Level** – The Province of Ontario establishes the planning system used throughout the entire province. This system is composed primarily of: the Planning Act, which establishes the legislative basis for planning in the province; the Provincial Policy Statement (or PPS), which establishes the policy basis for planning in Ontario; provincial plans including regional growth plans (where applicable); and various ministerial guidelines, implementation policies, and regulations that implement the policies found in the PPS and provincial plans. All planning decisions in Ontario must 'be consistent' with the direction of the PPS and must conform to the provisions of the Planning Act. The Province is the approval authority of the County Official Plan, and any amendments to it.

**b) County Level** – The County of Elgin is mandated by the Province to maintain a county-wide official plan, and to act as approval authority for local official plans and official plan amendments, as well as all forms of land division. The County's planning system is composed primarily of: the County Official Plan and the County's authority to permit land division (severances, plans of subdivision / condominium, etc.). All planning decisions made in the County of Elgin must conform to the County Official Plan, and all other applicable by-laws.

**c) Local Level** – Local municipalities in the County are responsible for all other aspects of the planning system. Local planning frameworks in Elgin are primarily composed of: a local official plan that provides detailed / neighbourhood level planning policies; zoning by-laws to implement both the local and county official plans; and site plan control by-laws. In some cases, the local framework may also include: community improvement plans, secondary plans, development charge by-laws, and parkland dedication by-laws. All decisions made in Elgin must conform to the local official plan, local zoning by-law, and all other applicable local by-laws.

Prior to proceeding with any development application, a development proponent should ensure they familiarize themselves with Ontario's overall planning framework or retain a qualified professional in the field of urban and regional planning to assist with understanding and addressing the relevant components of the overall planning system.



applications for which the County is approval authority; and the protection of provincial interests as mandated by the Planning Act. Local official plans (sometimes referred to as a 'lower-tier' official plan) are intended to complement the County Official Plan by addressing issues that are local in nature such as: detailed planning of urban areas; local infrastructure and servicing; local transportation; and urban design.

### 1.4 Plan Structure

This official plan is composed of three interrelated parts:

**a) Strategic Directions** – These are high level policy directions that have been identified as being of importance to planning and development in the County. In some cases, the Province of Ontario has mandated the County to implement the Province’s own strategic directions (known in the Planning Act as ‘provincial interests’). Each strategic direction outlined in this Plan forms a chapter of the Plan and contains associated objectives to be achieved over the duration of its implementation. The strategic directions for this Plan address the following matters:

- Growth Management
- Economic Development
- Housing
- The Rural Area
- Settlement Areas
- The Natural System
- Transportation & Infrastructure Systems

### 1.3 Focus of County Official Plan

As a county official plan (sometimes referred to as an ‘upper-tier’ official plan), the primary focus of this document is on matters and issues of county-wide or regional importance and on matters that are cross-jurisdictional in nature such as: protection of the natural environment; the county’s agricultural system; intra-regional transportation; growth management; natural resource management; regional economic development; the review and evaluation of Planning Act

- Natural Resource Management Areas
- Natural & Human-made Hazards
- Cultural Heritage

**b) Policies & Designations** – To implement the Plan’s strategic directions and associated objectives, are a series of policies that are detailed in each chapter. In some cases there may also be a map (also called a ‘land use schedule’) associated with each chapter. These maps designate lands throughout the County for various land uses and purposes. They also identify and designate features which impact, or are impacted by land uses, including: natural environmental features; major infrastructure facilities; hazardous lands and sites; and the transportation network. The beginning of each chapter will tell the reader if they also need to review an associated map.

**c) Implementation Policies & Processes** – This part describes how this Plan is to be implemented, primarily through the development review process of Planning Act applications and the development and approval of local official plans. It also addresses how certain authorities granted to the County under the Planning Act are to be used, as well as how this Plan should be interpreted, reviewed, and updated.

## 1.5 How to Read this Plan

Each chapter of this Plan is structured around the strategic directions and their associated objectives, followed by implementing policies and maps. After assessing each

applicable designation, map, and policy, the reader should refer to the Plan’s implementing policies and processes to understand how the Plan will be implemented and applications reviewed. This Plan is intended to be read in its entirety and the relevant parts are to be applied to each situation. In most cases, multiple components of this Plan will be relevant to a given situation, and as such, they will need to be considered jointly. There is no implied priority in the organization of this Plan.

## 1.6 Required Conformity

As per the requirements of the Planning Act, County Council and the local councils shall not undertake any public work or pass any by-law that does not conform to the intent and policies of this Official Plan.

## 2.0 Growth Management

**Growth management refers to the way in which Elgin County oversees long-term changes in population and economic activity to ensure the efficient use of land, resources, and public infrastructure investment. This is based on the recognition that the County's long-term prosperity, environmental health, and social well-being depends on wisely managing change and promoting efficient land use and development patterns. To that end, the following objectives have been identified as they relate to growth management:**

- a) Conduct regular monitoring and updating of population and employment projections to ensure that the County has a sufficient land base to accommodate anticipated growth;**
- b) Direct most new growth and development to settlement areas that can accommodate it with sufficient levels of servicing and infrastructure;**
- c) In settlement areas, establish minimum density and intensification targets, and require appropriate justifications to support the expansions of urban boundaries to avoid urban sprawl and ensure the efficient use of public infrastructure; and,**
- d) Restrict non-agricultural and non-resource extraction development outside of settlement areas to prevent the ad hoc fragmentation of the land, and urbanization of the countryside.**



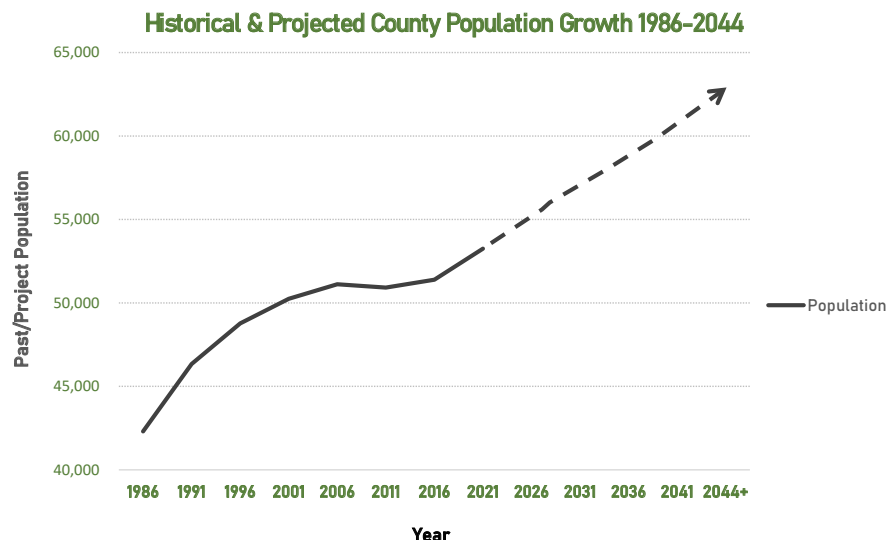
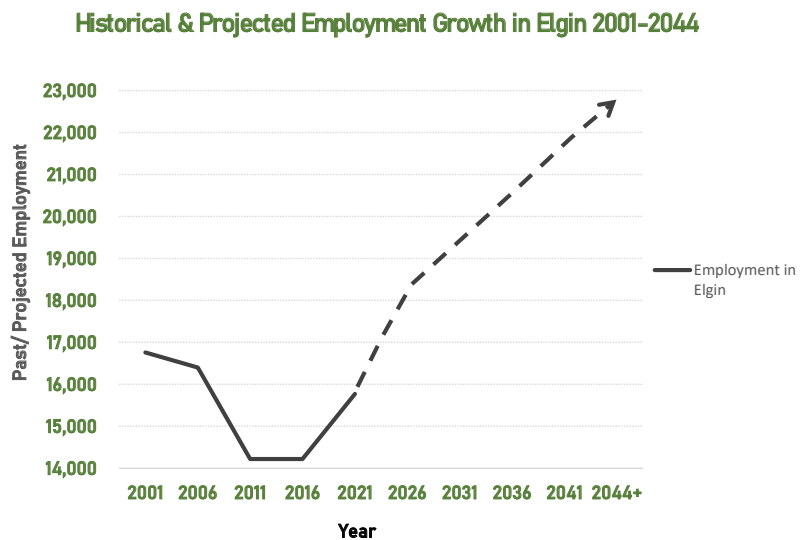


Figure 1: Historical & Projected County Population Growth 1986-2044

Figure 2: Historical & Projected Employment Growth in Elgin 2001-2044

Local Municipality	Gross Developable Land Needs (ha)	Surplus or Deficit of Land Supply
Aylmer	58.3	-20.8
Bayham	29.6	93.2
Central Elgin	105.9	36.7
Dutton Dunwich	20.6	47.5
Malahide	58.1	29.4
Southwold	33.0	75.8
West Elgin	19.5	81.3
Elgin County	324.9	343.3

Table 1: Residential Land Surplus / Deficit as of 2024 by Municipality



In addition to the other policies of this Plan, the following policies apply to growth management in the County:

## 2.1 General Policy

It is recognized by this Plan that growth management is a key strategy to ensuring the efficient use of land and infrastructure in the County and is foundational to the creation of complete liveable communities. It is also key to preserving the County's Natural System, agricultural land base, and protecting agricultural operations from the encroachment of conflicting land uses. To that end, it is the policy of this Plan to direct the majority of population growth to the County's Settlement Areas, particularly those Settlement Areas on full municipal services, with adequate levels of commercial, employment, and institutional uses needed to serve this growth.

**“Growth Management is foundational to the creation of complete livable communities.”**

## 2.2 County Structure Plan

Schedule 'A' of this Plan constitutes the County Structure Plan and illustrates the urban boundaries of the County's settlement areas where population and employment growth are planned to be accommodated in the County until 2044. Due to historical planning approvals, the lands contained within these urban boundaries have the capacity to accommodate more population and employment growth than the County is projected to need

by 2044, with the exception of the Town of Aylmer where there is a deficit of lands.

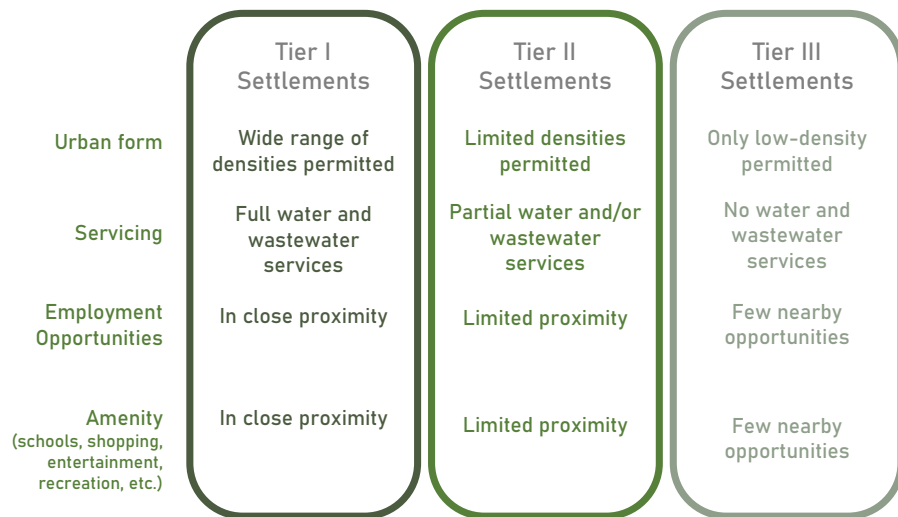
## 2.3 Managing Urban Land Supplies

It is recognized that having significant over or under supplies of urban lands can negatively impact a local municipality's ability to accommodate growth, or efficiently service it, and can inadvertently encourage land speculation and other negative land development practices. To that end, the County will cooperatively work with local municipalities to assist in managing their land supplies with the goal of ensuring that all municipalities have a sufficient land supply located and serviced appropriately.

## 2.4 Phasing of New Development in Designated Growth Areas

Designated growth areas refers to lands within the County's settlement areas that are designated in an official plan for growth, but which have not yet been fully developed (e.g., undeveloped, or vacant lands designated for residential, employment, or commercial uses). As almost all local municipalities have a significant oversupply of residential and employment lands, and to ensure that growth management objectives of this Plan are achieved, local official plans shall be required to incorporate phasing policies for designated growth areas. These policies shall:

- a) Ensure that new development extends logically from existing built-up areas;
- b) Ensure the orderly progression of new development



**Figure 3:** Figure 3: Settlement Area Tiers

and the timely provision of the infrastructure and public service facilities required to accommodate it;

- c) Where there is fragmented land ownership, ensure the efficient use of land by requiring the consolidation of development parcels, or by requiring the development of a master plan or secondary plan;
- d) Identify a local council's priority areas for growth where priority areas exist; and,
- e) Address circumstances where cost-sharing, front-ending, or other financial contributions are required for the extension or upgrading of infrastructure and servicing.

## 2.5 Hierarchy of Settlement Areas

Within the County Structure Plan, a hierarchy of settlement areas and their associated urban boundaries have been established based on the scale, function, and the level of services that exist. This hierarchy is comprised of three tiers of settlement areas, as detailed below:

- a) **Tier I Settlements** – generally have the largest populations in the County, full municipal services (municipal water and sewage services), and the highest levels of amenities and employment opportunities. The boundaries of these settlement areas are shown on the County Structure Plan. Given the level of infrastructure provided in these settlement areas and their ability to accommodate growth, this Plan directs most new growth to these settlements.
- b) **Tier II Settlements** – includes those settlement areas which are generally smaller in population than Tier I Settlements. Tier II Settlements have limited municipal services, amenity levels, and employment opportunities. Limited development is permitted in these settlement areas given the absence of full municipal services and the lower levels of amenity and employment.
- c) **Tier III Settlements** – are generally composed of the smallest communities in the County. They are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services).. Development in these settlements is limited to minor infilling and rounding out of the existing built area given

the absence of full municipal services and limited urban amenities and employment opportunities.

Every local official plan shall contain policies addressing the scale and phasing of new development in settlement areas based on servicing levels and general amenity available in each tier of settlement within the municipality.

## 2.6 Redesignation of the Rural Area

To protect against the ad hoc urbanization of the countryside, lands in the Rural Area designated as agricultural in a local official plan may only be redesignated for the purposes of expanding a settlement area boundary in accordance with provincial policy, the policies of this Plan, and the relevant local official plan.

## 2.7 Settlement Area Expansions & Establishing New Settlement Areas

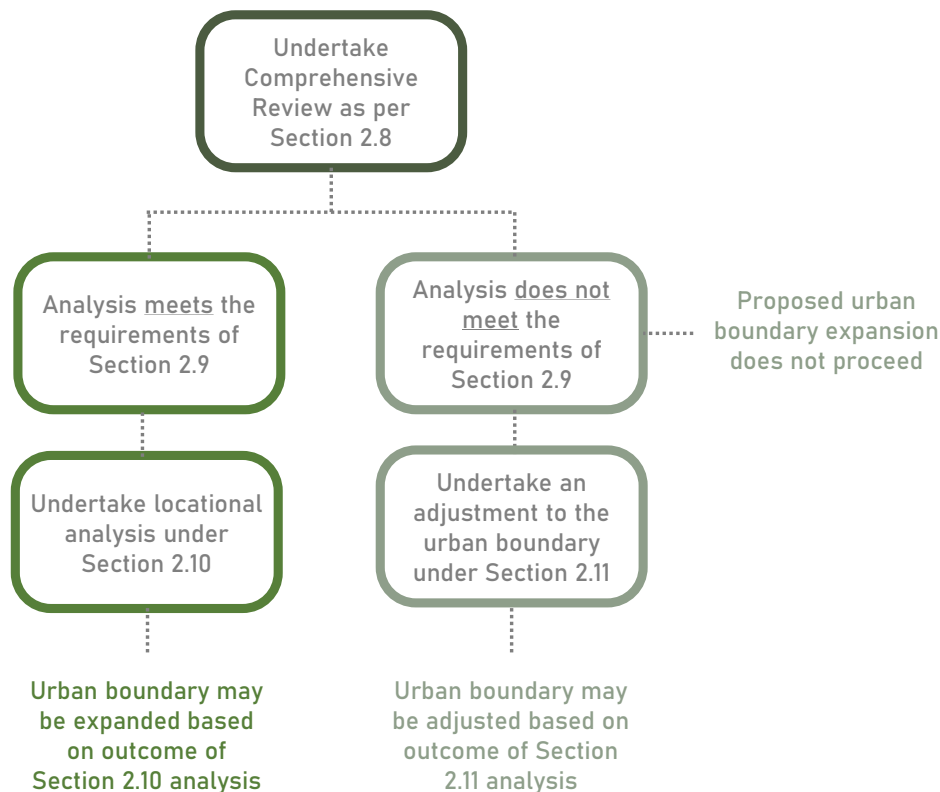
The County's long-term prosperity, environmental health and social well-being depends on wisely managing change and promoting efficient land use and development patterns. To help ensure the efficient use of the County's existing urban land base, the establishment of new settlement areas is not permitted and no expansions of Tier II or III settlement areas shall be permitted until full municipal services are available to service that settlement area. Proposals to expand a Tier I settlement area boundary may be initiated by a local municipality or a development proponent but must satisfy the requirements of Subsections 2.8, 2.9, and 2.10 as well as any other requirements contained in a local official plan.

## 2.8 Comprehensive Review Requirement

Settlement area expansions should not be considered on a piecemeal basis, but through a comprehensive analysis of a local municipality's land needs. To that end, settlement area expansions may only be considered through a comprehensive review study which:

- a) is based on a review of population and employment projections and which reflect projections and allocations by the County and provincial plans, where applicable;
- b) considers alternative directions for growth or development and determines how best to accommodate the development while protecting provincial and county interests;
- c) utilizes opportunities to accommodate projected growth or development through intensification and redevelopment, and considers physical constraints to accommodating the proposed development within existing settlement area boundaries;
- d) is integrated with planning for infrastructure and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- e) confirms sufficient water quality, quantity, and assimilative capacity of receiving water are available to accommodate the proposed development;
- f) confirms that sewage and water services can be provided in accordance with the policies of this Plan; and,
- g) considers cross-jurisdictional issues.

In undertaking a comprehensive review, the level of detail of the assessment should correspond with the complexity and scale of the proposed expansion.



**Figure 4:** Settlement Area Expansion Process

## 2.9 Justification of Settlement Area Expansions

Where a comprehensive review study has been undertaken in support of a settlement area expansion it must demonstrate that:

- a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment, and existing designated growth areas to accommodate the County's projected needs over the identified planning horizon;
- b) the timing of the expansion and the phasing of the development within the expansion area will not adversely affect the achievement of, nor undermine, the intensification targets in this Plan;
- c) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- d) the long-term financial impact on local municipalities and the County resulting from the expansion will be minimized;
- e) the settlement area to which lands would be added is serviced by municipal water and sewage service, and there is sufficient reserve capacity in both systems to service the lands;
- f) the lands subject to the expansion do not comprise speciality crop areas, as defined by provincial policy;
- g) there are no reasonable alternatives which avoid prime agricultural areas or lower priority agricultural lands;
- h) the expanding settlement area complies with the minimum distance separation formulae (see Subsection 5.6 for more information);
- i) impacts from the expanding settlement area on

agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible; and,

- j) potential impacts on the Natural System as a result of the expansion have been thoroughly assessed and can be appropriately mitigated.

## 2.10 Locational Criteria for Settlement Area Expansions

Where a settlement area expansion has been justified, the expansion must:

- a) serve as a logical extension to the existing built-up area and should not be separated from existing development by undevelopable lands, unless such lands form part of the Natural System;
- b) provide for the integration of new development within the fabric of the existing built-up area from a neighbourhood, transportation, and open space perspective;
- c) be easily accessed by, and connected to, the existing transportation network; and,
- d) be located so that it can benefit from existing community facilities or alternatively, be serviced by new community facilities that are developed in a timely manner.

## 2.11 Settlement Area Boundary Adjustments

Notwithstanding the requirements of Subsections 2.8 and 2.9, adjustments of a settlement area boundary outside a comprehensive review study may be permitted subject to

demonstrating:

- a) there would be no net increase in land within the local municipality's settlement areas;
- b) the adjustment would support the ability to meet the County's intensification and redevelopment target;
- c) the lands subject to the adjustment do not comprise specialty crop areas;
- d) the proposed adjustment complies with the minimum distance separation formulae (see Subsection 5.7 for more information);
- e) impacts on agricultural operations which are adjacent or close to the proposed adjustment are mitigated to the extent feasible; and,
- f) the locational criteria established in Subsection 2.10 are met.

## 2.12 Settlement Area Expansions, When an Amendment is Required

An amendment to this Plan will be required for a settlement area expansion. Notwithstanding this, an amendment to this Plan may not be required for an amendment to a local official plan that provides for a minor settlement area boundary adjustment that does not result in new uses being brought into or established in a settlement area.

## 2.13 Residential Intensification & Redevelopment

Intensification and redevelopment of existing residential areas is a key strategy to managing growth in the County and ensuring the efficient use of land and infrastructure. As such, the County will target 16% of all new residential development to be achieved through intensification and redevelopment. To achieve this the County will:

- a) Require all local official plans to develop policies advising how this target will be achieved in a way that respects the County's urban character;
- b) Encourage local municipalities to 'up-zone' or 'pre-zone' sites for residential intensification and redevelopment in their zoning by-laws;
- c) Examine opportunities to fund redevelopment and intensification projects through community improvement programming; and
- d) Report annually to County Council on the progress in meeting the intensification and redevelopment target.



## 3.0 ECONOMIC DEVELOPMENT

Economic development refers to the County's efforts to attract and retain business and industry in the County, provide high quality employment opportunities to residents, and expand the County's tax assessment base. Ensuring a healthy regional economy also means protecting important facilities and corridors that are critical to business and industry. To that end, the following objectives have been identified as they relate to economic development in the County:

- a) Identify and protect regionally significant employment areas, transportation corridors, and infrastructure facilities;
- b) Ensure that the County has an ample supply of industrial lands to accommodate all forms and scales of industrial uses;
- c) Encourage a strong and vibrant agricultural industry by protecting both agricultural operations and associated facilities and corridors needed for their operation;
- d) Reinforce the function of the County's main streets, downtowns, and waterfront areas as cultural, administrative, entertainment, retail, and social focal points; and,
- e) Preserve and enhance historic, unique, and scenic routes, buildings, and communities that are defining features of the County and important to attracting tourism.





In addition to the other policies of this Plan, the following policies apply to economic development in the County:

### 3.1 General Policy

It is the general policy of this Plan to support the retention, expansion, and establishment of new employment uses, agricultural operations and industry, and tourism, as key drivers of the County's economy, subject of the policies of this Plan and the local official plan. To that end, the County will prioritize these uses by protecting them from conflicting land uses and coordinating and implementing economic development programming.

### 3.2 Employment Land Supply

The County shall ensure there is an adequate supply of designated and serviced employment lands in the County to accommodate 25 years' of employment growth. To that end, the status of the County's inventory of employment lands will be monitored and reported annually to County Council.

### 3.3 Strategic Employment Areas

It is recognized that industries such as manufacturing, processing, the trades, research and development, and distribution and logistics, will continue to be major drivers of economic growth in the County. It is also recognized that certain major employment areas in the County are of importance not just to the local municipality's economy, but to the broader regional and/or the provincial economy. As such, it is imperative that these strategic employment areas be identified and protected from conversion and incompatible

development. Strategic employment areas are employment areas that are:

- a) large in scale and designed to accommodate large industrial users and/or operations with significant employment requirements;
- b) located in close proximity to major transportation corridors or routes, including highways, railways, airports, and marine ports; and
- c) ideally serviced by both municipal water and sanitary sewer service.

Strategic employment areas are designated with a symbol on Schedule 'A' of this Plan. The actual extent of the strategic employment shall be delineated in each local official plan.

### 3.4 Protecting Strategic Employment Areas

As noted above, it is the intent of this Plan that strategic employment areas be protected from conversion and incompatible development. To that end, the County will not permit the conversion of lands in strategic employment areas to other uses except where it is demonstrated that:

- a) the proposed conversion is minor and located on the periphery of the employment area;
- b) there is an immediate need and identified user for the conversion;
- c) the land is not required for employment purposes over the long term;
- d) the proposed use will not adversely affect the overall

- viability of the employment area; and
- e) existing or planned infrastructure and public service facilities are available to accommodate the proposed development.

An amendment to this Plan will be required to permit the conversion of a strategic employment area to a non-employment designation.

### **3.5 Uses Not Permitted in Strategic Employment Areas**

The following uses are not considered appropriate in strategic employment areas and will not be permitted:

- a) Residential uses and/or any other sensitive land use;
- b) Large-format retail commercial uses including as 'power centres' or 'big-box retail'; and,
- c) Large-format office uses, such as office complexes.

Nothing in the above is intended to prohibit accessory office or retail uses that form part of a larger employment operation such as administrative offices, showrooms, or factory outlets or the establishment of limited retail uses that directly serve industrial users.

### **3.6 Protecting Strategic Transportation Corridors & Facilities**

Direct or immediate access to regional, provincial, and national/international transportation corridors and facilities is a major locational consideration for large industrial users.

For the County these corridors and facilities are composed of a combination of:

- a) The county road system;
- b) The provincial highway system (including proposed highways);
- c) Multiple railways;
- d) Multiple marine ports; and
- e) The St. Thomas Municipal Airport.

Due to the importance of these corridors and facilities to the County's economy they will be protected from development that may negatively impact their functioning or the operation of industry. Development that could preclude or negatively affect the use of the corridor for the purposes for which it was identified and designed shall not be permitted.

### **3.7 Compatibility, Strategic Employment Areas & Corridors**

New development proposed on lands adjacent to strategic transportation corridors and facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate, or minimize negative impacts on the corridor and transportation facilities.

### **3.8 High Quality Design in Strategic Employment Areas**

As economic gateways to the County, the County encourages local municipalities to develop and implement high standards

of urban design, architecture, and landscape architecture in strategic employment areas, reflective of their importance, to attract high quality employment opportunities.



**Figure 5:** Conceptual Agricultural System – The system’s approach recognizes the inter-connected nature of a thriving agricultural sector.

### 3.9 Protection of Other Employment Areas

It is the intent of this Plan to ensure that the County and local municipalities have an adequate supply of employment land for a wide variety of employment uses. Recognizing the importance of all employment lands, proposals to convert lands within an employment designation that have not been

identified as strategic to another type of land use will be generally discouraged and only permitted in accordance with provincial policy. An amendment to this Plan will not be required to implement a non-strategic employment area conversion.

### 3.10 Agricultural Operations & Land Base

Being located amongst the rich agricultural soils of Southwestern Ontario, the County’s agricultural sector has been foundational to the development of the County and its economy. The regional, provincial, and national importance of the County’s agricultural operations to food security, and associated industries such as food processing, mean that protection of the County’s agricultural land base and operations are of strategic importance to the County. To that end, agricultural operations and the agricultural land base shall be protected over the long term.

### 3.11 Protecting the Agricultural System

The agricultural system is comprised of inter-connected elements that collectively create a viable, thriving agricultural sector and includes agricultural lands, farming operations, agriculturally-related uses, agri-tourism operations, supporting infrastructure, as well as employment uses that are related to, or rely on, agriculture (such as food processing). Due to the importance of the agricultural system to the County’s economy, it will be protected from development that may negatively impact its operations and its individual components. New development shall be compatible with, support, and protect the County’s agricultural system and its individual components and should be designed to avoid,

mitigate, or minimize negative impacts on the system or specific elements and operations in the system.

### 3.12 Protecting Against the Conversion of Agricultural Land

The conversion of lands designated agricultural to other uses shall not be permitted, except for the expansion of a settlement area boundary in accordance with provincial policy and the policies of this Plan.

### 3.13 Tourism

Tourism is a significant contributor to the County's economy due in part to its proximity to Lake Erie and major population centres. As such, the growth of the tourism industry is a strategic priority for the County and tourism uses shall generally be supported subject to the policies of this Plan and the local official plan.

### 3.14 Scenic Routes

To enhance the scenic qualities of the County, and to encourage tourism and the establishment of tourism operations, scenic routes are identified on Schedule 'B' of this Plan to connect Lake Erie ports and other tourism destinations with the high volumes of travellers along Highway 401. It is the policy of this Plan that:

- a) when undertaking public works along County Roads, the County shall, in consultation with the relevant local municipality, consider enhancements to the right-of-way including landscaping and wayfinding signage to improve

the scenic qualities of these routes; and

- b) the scenic nature of these routes be protected and/or enhanced by new development and include high quality site design, architecture, and landscape architecture that reflects the County's rural and urban character.
- c) "A key attraction to the County for visitors is its collection of quaint and picturesque downtowns, main streets, and waterfronts."

### 3.15 Supporting Downtowns, Main Streets, & Waterfronts

A key attraction to the County for visitors is its collection of quaint and picturesque downtowns, main streets, and waterfronts, many of which have a general historic value. As such, it is the policy of this Plan to:

- a) support ongoing efforts to revitalize, improve, and restore these areas with the aim of supporting local business and attracting tourism to the County, particularly through the development of urban design guidelines and/or master plans for these areas; and
- b) require market justification and/or market impact studies when new commercially designated areas are proposed that have the potential to negatively impact the role and function of downtowns, main streets, and waterfronts from a tourism or growth management perspective.

### 3.16 Supporting Placemaking Initiatives

Placemaking is an approach to planning, design, and the management of public spaces that seeks to capitalize on a

local community's physical assets and identity to create public spaces that encourages private sector investment, builds civic pride, and improves community well-being. Placemaking can include such initiatives as public art installations, development of programmed public spaces, and the improvement and beautification of infrastructure. While it is recognized that good placemaking is primarily community-driven and anticipated to occur at the local level, the County supports placemaking initiatives with the aim of attracting visitors to the County, stimulating local business, and creating a sense of civic pride within Elgin's local municipalities. To that end, the County will seek to identify opportunities to support local placemaking initiatives where there is an evident county-wide economic development or tourism benefit. Such initiatives may include: gateway signage and wayfinding, the creation of landmark public spaces, and public art installations.

### 3.17 Attracting the Creative Economy

The creative economy is composed of knowledge-based economic activities and includes sectors such as advertising, architecture, design, culinary arts, visual and performing arts, media, publishing, research & development, software, and computer gaming. Creative industries are among the most dynamic sectors in the world economy and attract a highly talented labour force. The County's proximity to major markets and economic centres has the potential to attract both businesses and talent who are seeking the lifestyle and quality of life advantages that Elgin's communities offer. To position the County has a destination of choice for businesses and individuals in the creative economy the County will:

- a) Protect and enhance the County's rural and urban character through the development process (see Subsections 5.3 and 6.4 for more information) ;
- b) Encourage the development of placemaking initiatives and events, festivals, and the promotion of the County's natural and cultural heritage; and,
- c) Encourage the creation of local policies and regulations, that seek to support and facilitate creative industries, business incubation, studio and workshop spaces, and the creation of creative hubs.

### 3.18 Community Improvement Planning

The community improvement powers under Section 28 of the Planning Act provide a wide range of powerful tools for local municipalities, including the ability to provide financial incentives that would be otherwise prohibited by the Municipal Act. While the County does not have the authority to create its own Community Improvement Plan (CIP), to support general physical improvement in the County and economic development, the County may consider funding or administering a CIP or multiple CIP with local municipalities that address the County's strategic economic development priorities including:

- a) Affordable housing development;
- b) Rural economic development;
- c) Downtown, main street, and waterfront revitalization;
- d) Cultural heritage tourism;
- e) Beautification on identified scenic routes;

- f) Placemaking initiatives;
- g) Attraction of creative industries; and
- h) Improvements to strategic employment areas.

Notwithstanding the above, County Council may identify additional community improvement strategic priorities not listed.

## 4.0 HOUSING

**Housing is a fundamental human requirement that encompasses a wide range of forms from emergency shelters, transitional housing, assisted living, supportive housing, community housing, affordable housing, and market-rate housing. Ensuring an appropriate supply and wide range of housing types and tenures is key to the County's overall vitality and wellbeing, both socially and economically. To that end, the following objectives have been identified as they relate to housing and housing development in the County:**

- a) Ensure a healthy supply of residentially designated lands, including redevelopment lands, for new housing opportunities;**
- b) Ensure an adequate mix of housing types and tenures to address the current and future needs of households in the County;**
- c) Ensure the development of housing that is affordable for most County households, including the protection of rental housing supply;**
- d) Support and encourage the development of special needs and supportive housing types; and,**
- e) Identify public real estate assets and funding opportunities from higher levels of government that could assist in the development of affordable housing.**

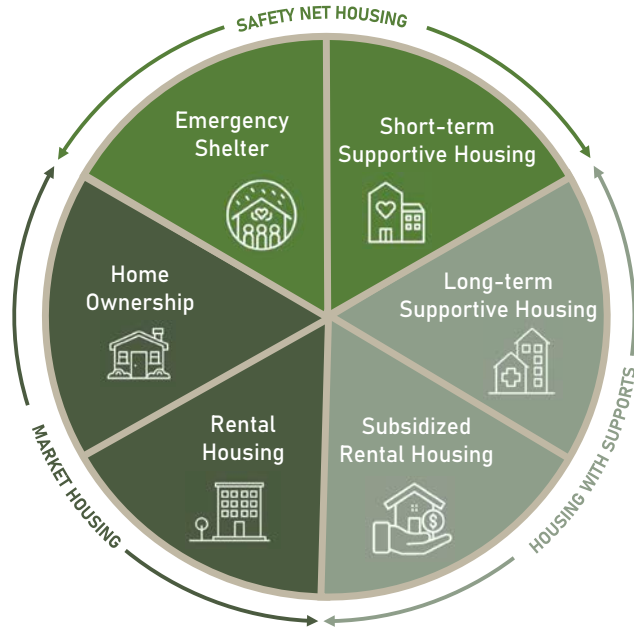




In addition to the other policies of this Plan, the following policies apply to housing in the County:

#### 4.1 General Policy

The County of Elgin recognizes the importance of housing to the social and physical health and well-being of residents, as well as the economic success of the County. To that end, the County will seek to ensure an appropriate and adequate supply of housing for residents regardless of their socio-economic condition, health, age, or ability.



**Figure 6:** The “Housing Wheelhouse” – The conceptual “Wheelhouse” model of housing provision recognizes that our housing stock must to reflect the diverse needs of the County’s residents, and that residents may move around the wheelhouse throughout their lives depending on personal, health, and/or economic circumstances.

#### 4.2 Residential Land Supply

The County shall ensure there is an adequate supply of residentially-designated land in the County to accommodate a minimum of 15 years of residential growth (including redevelopment and intensification opportunities, and ‘greenfield’ land). Further, local municipalities shall be required to maintain, at all times, land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned and (where available) serviced. The status of the County’s inventory of residential lands will be monitored and reported annually to County Council.

#### 4.3 Requiring a Mix of Housing

Providing for a range of housing typologies promotes affordability and ensures that the County maintains options for households at all stages of their lifecycle. In settlement areas where full municipal services are available, a range of housing typologies shall be provided. Where new residential development proposes single detached dwellings, they shall generally not comprise more than 70% of the dwelling mix. This requirement may be waived if:

- the proposed development constitutes infilling or intensification;
- the development is located on lands that are the subject of a local municipality’s secondary plan that identifies an alternative housing mix for the area;
- a local municipality’s official plan contains an alternative housing mix requirement; or,

- d) due to the scale of the development or servicing or engineering constraints, the provision of a mix of housing types is not feasible.

Where the feasibility of incorporating a mix of housing types is in question, it shall be incumbent on the applicant to demonstrate that the provision of a mix of housing types is not feasible.

#### 4.4 Additional Dwelling Units

Additional dwelling units are smaller apartments contained within a dwelling or accessory building on the same property and are referred to by various names including secondary suites, accessory apartments, or 'granny flats'. Local municipalities shall permit a minimum of two additional residential units as-of-right within residential zones in settlement areas where single detached, semi-detached, and/or rowhouse dwellings are permitted, subject to appropriate land use, size, and locational criteria, including servicing and access requirements.

#### 4.5 Demolition or Conversion of Rental Housing

Rental units are a key supply of affordable housing in the County and are an important to ensuring the County has a diverse supply of housing to meet the needs of its citizens. As such, the County strongly discourages their demolition or removal except where the demolition is required to address existing health and safety issues and will result in the reconstruction or replacement of the demolished units. The County shall not permit the conversion of rental units to ownership tenure through a plan of condominium, except

where:

- a) it has been determined through a market impact study that the rental unit(s) are not required to satisfy housing need in the local municipality; or,
- b) the conversion to ownership housing would result in the creation of affordable housing.

**“The County of Elgin recognizes the importance of housing to the social and physical health and well-being of residents, as well as the economic success of the County.”**

#### 4.6 Affordable Housing Target

Affordable housing is defined by provincial policy and its provision ensures that low- and moderate-income households can access both appropriately priced rental units and homeownership in the County. Based on the definitions under provincial policy, approximately 55% of the County's households are considered to be low- or moderate- income households and as such, a cumulative total of 55% of new residential units developed across the County shall be targeted as affordable under provincial policy. To assist in reaching this target the County will:

- a) Require all local official plans to develop policies advising how the local municipality will work towards achieving this target;
- b) Advise all applicants with residential development proposals of affordability price thresholds, and require all applications for plans of subdivision or condominium to demonstrate how their proposal works towards achieving Council's affordable housing target, and if the proposal does not include affordable housing, advising why it is not appropriate to incorporate it;
- c) Examine opportunities to fund affordable housing community improvement programming; and
- d) Report annually to County Council on progress in meeting the affordability target.

#### **4.7 Public Assets for Affordable Housing**

Prior to the disposal of surplus lands and facilities, the County shall review:

- e) Whether the land or facility would be suitable for affordable housing development; and,
- f) Whether a public or private body engaged in the provision of affordable housing has an interest in the land or facility.

Further, the County will consult with local municipalities, school boards, and federal and provincial agencies to identify surplus government lands and/or buildings that may be suitable for affordable housing development, including brown- and grey-field sites outside employment areas.

#### **4.8 Emergency Housing & Transitional Housing**

Emergency housing offers short-term crisis support to those who are experiencing homelessness and includes homeless shelters and shelters for those escaping domestic violence and intimate partner violence. Transitional housing includes group homes and other forms of temporary housing that aims to bridge the gap from homelessness to permanent housing and is normally used as a form of supportive housing for treatment, and mental health. Local official plans shall contain policies permitting emergency shelters and transitional housing in, at a minimum, all residential and institutional designations in settlement areas and describing the criteria or circumstances for their approval.

#### **4.9 Community Housing**

Community housing (sometimes called social or subsidized housing), is housing that is offered at below market rates to occupants and includes purpose-built low-income housing developments, subsidized units in market-rate buildings, or market-rate apartments paid for in part by provincial rent supplements. The County is supportive of efforts by community housing providers to develop more community housing across the County's settlement areas and will use best efforts to expedite approvals for proposed community housing developments subject to the other policies of this Plan.

#### **4.10 Location of Community Housing**

When proposed, community housing should be:

- a) located in settlement areas with full municipal services and adequate urban amenities for residents;

- b) near existing or planned transit (if available), including and active transportation facilities; and
- c) near public service facilities.

#### **4.11 Coordination with Higher Levels of Government**

Coordination with provincial and federal governments and agencies, including the Canada Mortgage and Housing Corporation, will be undertaken to advocate for sustained provincial and federal funding that:

- a) promotes the development of residential intensification, brownfield redevelopment and affordable housing options, including community housing and purpose-built rental units; and
- b) supports energy efficiency and sustainable housing design for new and existing residential units.

## 5.0 THE RURAL AREA

The Rural Area is a foundational characteristic and defining feature of Elgin County, both spatially and culturally. With some of the best soils in Canada and an extensive network of farming operations, processing facilities, and supporting industry, Rural Area's agricultural industry is one of Elgin County's most important economic engines. The long-term viability and resiliency of the County's agricultural land base and operations also has provincial and national implications. To that end, the following objectives have been identified as they relate to the Rural Area in the County:

- a) Preserve the agricultural and rural character of the County;
- b) Identify and protect the County's agricultural land base and protect agricultural operations from conflicting land uses;
- c) Ensure that lots are sized appropriately for servicing and sufficiently large enough to protect rural character and maintain flexibility for the agricultural industry;
- d) Ensure a vibrant Rural Area by permitting appropriate and compatible on-farm diversified uses and agriculturally-related uses; and,
- e) Encourage the use of environmental best practices for development and redevelopment.



In addition to the other policies of this Plan, the following policies apply to the Rural Area as described herein and designated on Schedule 'A' of this Plan:

### 5.1 Composition of the Rural Area

The Rural Area is composed of all lands outside of designated settlement areas and is made up of:

- a) The Agricultural Area, which constitutes the County's prime agricultural area under provincial policy; and
- b) Existing areas of non-agriculturally designated lands in local official plans.

### 5.2 Permitted Uses

Within the County's Rural Area the primary use of land shall be for agriculture. Secondary uses within the County's Rural Area are limited to: agriculturally-related uses, limited residential uses, home-based businesses and industries, agri-tourism operations, temporary outdoor special events, and lands that have been previously designated for non-agricultural uses in a local official plan.

### 5.3 Protecting & Enhancing Rural Character

Elgin County's rural character is defined by land uses and development patterns where farmlands, natural landscapes, and open spaces dominate. These patterns of land use and development support farming operations, agrarian and rural lifestyles, and rural- and resource-based economic activities. They also influence architectural styles that often reflect traditional farm vernacular, nature, and/or landscapes, and are

sited in ways that reinforce the pastoral nature of the Rural Area with expansive setbacks from neighbouring properties and roadways. The rural character in the County will be protected by:

- a) Directing urban uses, and uses that do not rely on a rural location to Settlement Areas;
- b) Protecting agricultural and resource-based uses from encroachments that may negatively impact their operations;
- c) Avoiding urban land use densities for non-agricultural and non-resource extraction development; and
- d) Encouraging the use of design concepts that reference or reflect the traditional architectural styles and/or the landscape of the Rural Area.

Development in Elgin County's Rural Area will protect and enhance this character and will prevent the urbanization or suburbanization of the countryside. Protection of rural character is not intended to require historic reproduction or to impede the efficiency of agricultural and resource-extraction operations, and to that end, innovative architectural styles and site layouts that protect the County's rural character, while facilitating efficient operations, are encouraged.

### 5.4 Protecting & Enhancing Rural Character, Exceptions

While the protection and enhancement of Elgin's rural character is a primary consideration when evaluating new development, it is recognized that some flexibility



in implementing these policies is desirable to reflect the individual circumstances of development proposals, and differences in local character. To that end, the policies of Section 5.3 shall not apply:

- a) where a local municipality has defined rural character in a local official plan, secondary plan, or through the adoption of rural design guidelines; or
- b) to agricultural or resource-extraction uses, not subject to site plan control.

In the case of proposals for agricultural or resource-extraction uses not subject to site plan control, applicants shall be encouraged to demonstrate how their proposal will be sensitively integrated with the surrounding context.

## 5.5 General Development Policies

Development in the Rural Area shall first and foremost protect agricultural land, agricultural operations, resource extraction operations, and rural character. In addition to the other policies of this Plan, the following policies will direct development in the County's Rural Area:

- a) Where permitted, non-agricultural development shall avoid removing lands under active cultivation or pasture;
- b) Lots shall be sized not just to accommodate required water and sewage service but to protect rural character through minimum lot areas and building setbacks. Specifically, when located in an agricultural designation in a local official plan, new lots will generally be a minimum of 40 ha or larger (for both the severed and

retained parcels);

- c) Development shall comply with the relevant transportation policies of Subsections 8.3 to 8.15 and the relevant servicing policies of Subsections 8.16 to 8.23.
- d) Development shall front onto, and will be directly accessed, by a public road that is maintained year-round by a public authority;
- e) Development will conform to the access policies of the relevant road authority;
- f) Development shall be required to make improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority;
- g) New development is encouraged to be planned and designed to mitigate and adapt to the impacts of climate change through incorporating sustainable construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development. For large development proposals, applicants may be required to demonstrate how this will be achieved.

## 5.6 Agricultural Uses

Agricultural uses include the widest range of activities that involve the growing of crops and/or raising of animals of varying sizes and intensities, with or without buildings, and with or without a residence. Given the importance of agriculture to the County's economic base, and its strategic provincial and national importance, it is the policy of this Plan

that the widest possible permissions be given to agricultural operations across the County.

### 5.7 Minimum Distance Separation (MDS) Formulae

MDS formulae are provincial planning formulae used to determine appropriate setback distances between livestock barns, manure storages, or anaerobic digesters and surrounding land uses, to minimize land use conflicts and nuisance complaints related to odour. Where livestock operations exist or are proposed, demonstrating that an MDS setback can be achieved may be required before a planning approval may be given. Development in the Rural Area shall generally comply with MDS Formulae I and II, and local municipalities shall be required to incorporate the Formulae into their zoning by-laws.

### 5.8 Residential Uses

For many people the Rural Area is, and will continue to be, a desirable place to live. However, the overpopulation of residential uses in the Rural Area can lead to the piecemeal urbanization of the countryside and the loss of rural character. It can also restrict the establishment and expansion of agricultural operations. As such, where a local official plan and zoning by-law permits residential uses in the Rural Area, only the following shall be permitted:

- a) one single detached dwelling per lot;
- b) one additional dwelling unit contained on the same lot as the single detached dwelling; and
- c) farm labour accommodations.

### 5.9 New Residential Lots in Agricultural Area

For the same reasons noted in the previous sub-section, no new residential building lots are permitted in an agricultural designation in a local official plan with the exception of a lot containing an existing dwelling that has become surplus to a farming operation because of a farm consolidation. Notwithstanding any other policies to the contrary, such a residence may be severed from the farm subject to:

- a) The lot containing the dwelling being limited in size to the area needed to accommodate the dwelling and on-site servicing only; and,
- b) All residential uses being prohibited on the remnant farm parcel by way of official plan amendment and / or zoning by-law amendment.

### 5.10 Additional Dwelling Units

Additional dwelling units are smaller apartments contained within a dwelling or accessory building on the same property and are referred to by various names including secondary suites, accessory apartments, or 'granny flats'. An additional dwelling unit shall be permitted in any Rural Area designation in a local official plan where a single detached dwelling is permitted, subject to ensuring that the accessory dwelling does not constitute a second principle dwelling on the property, and subject to local policies and regulations related to size, servicing, and access. In no case shall the County support the severance of an additional dwelling unit from the principle dwelling unit in an agricultural designation.

## 5.11 Farm Labour Accommodations

Certain types of farming operations require outside farm labour to function. As such, the establishment of accommodation for farm labour is permitted in the Rural Area provided it can be demonstrated:

- a) that the size and nature of the farm operation requires additional employment;
- b) that it is not practical or feasible to locate the accommodations within a settlement area;
- c) that the visual impacts on rural character are addressed through architecture, massing, and landscaping; and
- d) that adequate amenity space is incorporated into the development for the occupant(s).

To ensure orderly development and the protection of rural character, local municipalities are encouraged to apply site plan control to the development of farm labour accommodations.

## 5.12 Agriculturally-related Uses

Agriculturally-related uses are defined by provincial policy and are composed of farm-related commercial and industrial operations that support the County's agricultural sector, provide products and services directly to farming operations, and benefit from being near the farming operations they serve. These uses include warehousing and distribution associated with local farming operations, farm produce stands, grain dryers, agricultural research centres, wineries and cideries, abattoirs, flour mills, stock yards, farm equipment repair,

agricultural auction establishments, and feed, seed, and fertilizer suppliers. These uses will be permitted across the Rural Area subject to the other policies of this Plan and the following:

- a) when located in an agricultural designation in a local official plan, the total area of the use should generally be less than 1 ha in size, including all buildings, driveways, parking, and outdoor areas. Where a larger operation is proposed, the proponent will be required to demonstrate that there will be no negative impacts on farming operations or the rural character of the area;
- b) the use serves agricultural operations in the area;
- c) any buildings housing the agriculturally-related use are generally located within the existing farm-building cluster, if located on a farm property;
- d) there is no noise, lighting, dust, traffic, or odour from the business or industry that will have an adverse impact on adjacent properties or agricultural operations; and
- e) that rural character is maintained or enhanced through the development's architecture, massing, and landscaping.

Development will protect and enhance rural character and will prevent the urbanization or suburbanization of the countryside.

## 5.13 Home-based Businesses & Industries

Home businesses and industries are classified as on-farm diversified uses under provincial policy and include a wide range of small-scale enterprises that can operate discretely

out of a residence, or other building, by the resident of the property and include a range of professional services and the operations of tradespeople but do not include manufacturing, retail, or wholesale operations. Home-based businesses and industries will be permitted across the Rural Area subject to the other policies of this Plan and the following:

- a) the operator of the home-based business or industry permanently resides on the property;
- b) the building housing the home-based business or industry is generally located within the existing farm-building cluster, if located on a farm property;
- c) the floor area of the business or industry complements the size of the property, on-site buildings, and neighbouring properties and buildings, does not physically dominate the property, and is clearly a secondary use of the property;
- d) there is no noise, lighting, dust, traffic, or odour from the business or industry that will have an adverse impact on adjacent properties or agricultural operations;
- e) all machinery and equipment, with the exception of motor vehicles, are located within enclosed buildings;
- f) any open storage areas are hidden from the road or screened from view; and
- g) the number of employees is limited.

#### 5.14 Core Agri-tourism Operations

Agri-tourism operations are classified as on-farm diversified uses under provincial policy and include a wide-range of leisure-related uses or activities related to farming and

agriculture. Uses that are directly related to a farming operation such as 'pick-your-own' produce establishments, tasting rooms for a winery or cidery, sugar-shacks, petting zoos, tourist ranches, and produce markets shall be permitted across the Rural Area subject to the following:

- a) when located in an agricultural designation in a local official plan, the total area of the agri-tourism operation should generally be less than 1 ha in size, including all buildings, driveways, parking, and outdoor areas. Where a larger operation is proposed, the proponent will be required to demonstrate that there will be no negative impacts on farming operations or the rural character of the area;
- b) the operation will not negatively impact surrounding agricultural operations and does not undermine the agricultural nature of the area;
- c) the building housing the agri-tourism operation is generally located within the existing farm-building cluster, if located on a farm property;
- d) there is no noise, lighting, dust, traffic, or odour from the business or industry that will have an adverse impact on adjacent properties or agricultural operations; and
- e) that rural character is maintained or enhanced through the development's architecture, massing, and landscaping.

#### 5.15 Other Agri-tourism Operations

In some cases, agri-tourism operations may not have a direct relationship to a farm operation or agriculture but may still

be complementary to farming or rural character. These uses include farmers markets, antique markets, bed and breakfasts, and outfitters for hunting, fishing, and camping. They may also include spas, retreats, outdoor recreational uses, and special event venues whose programming is based around rural character and/or rural activities. These uses may be permitted on a case-by-case basis in the Rural Area subject to:

- a) The criteria established in Subsection 5.13;
- b) Completion of an agricultural impact assessment to evaluate potential impacts on agricultural operations and the agricultural system; and,
- c) At a minimum a zoning by-law amendment to ensure compatibility and appropriateness of the proposed use.

In undertaking any required agricultural impact assessment, the level of detail of the assessment should correspond with the scale and intensity of the proposed use.

### **5.16 Temporary Outdoor Special Events**

Because of its expansive open spaces, the Rural Area lends itself to hosting large-scale temporary outdoor events such as fairs, festivals, concerts, ploughing matches, historical re-enactments, weddings, swap meets. Nothing in this Plan is intended to prohibit the hosting of one-time, seasonal, or annual events in the Rural Area so long as:

- a) there are appropriate agreements in place between the host and the local municipality to see the lands restored or improved after the close of the event; and,
- b) all requirements of the public health authority having

jurisdiction are satisfied.

### **5.17 Adaptive Reuse of Non-agricultural Uses**

Historical development in the County has resulted in many instances of non-agricultural uses scattered across the Rural Area. These uses include schools, churches, municipal garages, gas stations, general stores, motels, and road-side diners. While some of these uses are still operational, some no longer serve their original function, or have been abandoned altogether. This Plan recognizes the value and utility these legacy developments have in supporting intended or alternative uses, and in reducing embodied carbon emissions from new construction. As such, the County will generally support the adaptive reuse of these buildings subject to the other policies of this Plan, and the policies of the local official plan, and may permit limited expansion of these developments that support their adaptive reuse. Specific consideration shall be given to evaluating the impacts on rural character and agricultural operations when reviewing development applications for adaptive reuse of non-agricultural uses.

### **5.18 Existing Designated Areas of Non-agricultural Uses**

Almost all local official plans in the County contain non-agricultural and non-resource extraction land use designations in the Rural Area, that are often the result of historic planning approvals. While these designations are not identified on the schedules of this Plan, there is nothing in this Plan that is intended to prohibit their existence, and a local municipality may continue to recognize these uses in their own official plan and zoning by-law. Notwithstanding anything in this section to

the contrary, existing non-agricultural designations in a local official plan shall be deemed as conforming designations by this Plan. Development proposals within these areas shall be evaluated based on the policies of this Section and the other relevant policies of this Plan.



## 6.0 SETTLEMENT AREAS

Settlement areas are composed of the County's towns, villages, and hamlets. These areas are centres for residential, commercial, industrial, and institutional development and provide important economic and social functions for the County's residents and businesses. To that end, the following objectives have been identified as they relate to settlement areas in the County:

- a) **Protect the unique small-town character of the County's settlement areas;**
- b) **Facilitate the creation of compact, complete, and pedestrian-friendly communities that provide equitable access to a range of local economic and social opportunities, centred around a vibrant main street or commercial core;**
- c) **Ensure that development and redevelopment utilizes land efficiently, as servicing will permit;**
- d) **Ensure that development is appropriately located, safely accessed, and adequately serviced; and,**
- e) **Encourage the use of environmental best practices for development and redevelopment.**





COMMUNITY HALL



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In addition to the other policies of this Plan, the following policies apply to the Settlement Areas as described herein and designated on Schedule 'A' of this Plan:

### 6.1 Composition of Settlement Areas

Settlement Areas are composed of all lands designated as such in this Plan and are made up of the County's towns, villages, and hamlets.

### 6.2 General Policy

It is the general policy of this Plan to support the creation of compact and complete communities that provide equitable access to a range of local economic and social opportunities centred around a vibrant main street or commercial core. It is recognized however that achieving this objective is largely anticipated to occur at the local level through the development of detailed policies in local official plans, the preparation of local zoning by-laws, implementation of site plan control, and through community improvement planning. To that end, the County's primary focus with respect to development within settlement areas shall be the protection of county and provincial interests as established in this Plan and through provincial policy. Otherwise, the County will generally defer to the vision, goals, and objectives of a local official plan with respect to the detailed organization and composition of individual settlement areas when appropriate.

### 6.3 Permitted Uses

Within the County's Settlement Areas the primary use of land shall be for the widest possible range of urban uses.

Secondary uses within the County's Settlement Areas include existing or interim Rural Area uses, and existing or interim Natural Resource uses. To that end, it will be at the discretion of local municipalities to establish the scope of land uses permitted in settlement areas within their local official plans and zoning by-laws, subject to the other policies of this Plan.

### 6.4 Protecting Urban Character

Elgin County's urban character is defined by small, human scale communities centred on a crossroads, main street, or small commercial core composed of concentrations of pedestrian-friendly (often older) built form, with a variety of retail, employment, residential, and civic uses. The land use patterns of Elgin's settlement areas have created largely walkable communities that encourage social interaction, the patronage of local businesses, and community-centric lifestyles. Development in Elgin County's Settlement Areas will protect and enhance this character and will prevent the suburbanization of the County's urban areas. To that end, urban character will be protected and/or enhanced by:

- a) Enhancing the pedestrian-friendly nature of the settlement area;
- b) Reinforcing and enhancing the sense of community through connectivity and integration with existing built areas, and the provision of community spaces and facilities;
- c) Using massing, scale, architectural, and/or urban design elements to reinforce the character of the settlement;
- d) Respecting the role and primacy of the settlement area's main street or commercial core and encouraging

the development and/or retention of local retail and commercial amenities; and

- e) Using design concepts that reference or reflect the history and/or historic character of the settlement area.

Protection and enhancement of urban character is not intended to require historic reproduction or to limit intensification or higher density development, rather innovative architectural styles and urban forms that protect and enhance the County's urban character and assist in sensitively integrating higher density development are encouraged. It shall be incumbent on an applicant to demonstrate how their proposal protects and enhances urban character, and to that end, an urban design brief may be required for certain proposals. It shall be at the discretion of the relevant approval authority to determine the need for an urban design brief and compliance with this policy.

## **“Elgin County’s urban character is defined by small, human scale communities.”**

### **6.5 Protecting & Enhancing Urban Character, Exceptions**

While the protection and enhancement of Elgin's urban character is a primary consideration when evaluating new development, it is recognized that some flexibility in implementing these policies is desirable to reflect the individual circumstances of development proposals, and

differences in local character. To that end, the policies of Section 6.4 shall not apply:

- a) where a local municipality has defined a settlement area or neighbourhood's character in a local official plan, secondary plan, or through the adoption of urban design guidelines; or
- b) to industrial / employment uses.

In the case of proposals for industrial / employment uses, applicants shall be encouraged to demonstrate how their proposal will be sensitively integrated with adjacent non-industrial / employment uses where applicable.

### **6.6 Settlement Areas Adjacent to Municipal Boundaries**

Notwithstanding Subsection 6.4, there are certain settlement areas in the County that were developed as a result of their proximity to an adjacent municipality's urban area, namely:

- a) the Central Elgin communities of Lynhurst, Norman Lyndale, and Eastwood abutting the City of St. Thomas
- b) non-agriculturally designated lands in Malahide abutting the Town of Aylmer; and,
- c) the Southwold community of North Port Stanley abutting the community of Port Stanley in Central Elgin.

These settlement areas exist because of their adjacency to a larger settlement area, and as such, they function differently than other settlement areas in the County. To that end, their character, design, and composition should support the urban

structure, function, and planned development pattern of the adjacent municipality's settlement area. The applicant of a proposed development within these settlement areas shall be required to demonstrate that their proposal is coordinated and integrated with development and/or infrastructure provision in the adjacent municipality.

### 6.7 Settlement Areas in Local Official Plans

It is the intent of this Plan to provide general policies related to the use, layout, and design of the County's settlement areas. To that end, local official plans shall contain policies that further detail the types of uses, layout, and design to reflect both local context, character, and needs of each local community.

### 6.8 Development in Tier I Settlement Areas

In addition to the protection of urban character, in cases where new development is proposed within a Tier I Settlement Area, it shall be demonstrated that the new development will:

- a) comprehensively develop the land in question, serve as a logical extension to the existing built-up area, be compact, and minimize the consumption of land and infrastructure;
- b) comply with the relevant transportation policies of Subsections 8.3 to 8.15 and relevant servicing policies of Subsections 8.16 to 8.23;
- c) where feasible, retain and integrate, mature trees into the development through the preparation of tree preservation plan and/or landscape plan, regardless of whether the trees form part of the designated Natural

System;

- d) achieve a minimum net density of 20 units/net hectare where residential development is proposed however, should the County or a local municipality be satisfied that this is not appropriate in certain circumstances due to geography, topography, or other similar factors, this requirement may be waived;
- e) front onto, and be directly accessed, by a public road that is maintained year-round by a public authority;
- f) conform to the access policies of the relevant road authority; and,
- g) make any required improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority.

### 6.9 Development in Tier II Settlement Areas

In addition to the protection of urban character, in cases where new development is proposed within a Tier II Settlement Area it shall be demonstrated that new development will:

- a) comprehensively develop the land in question, serve as a logical extension to the existing built-up area and minimize the consumption of land to the extent possible;
- b) comply with the relevant transportation policies of Subsections 8.3 to 8.15 and relevant servicing policies of Subsections 8.16 to 8.23;
- c) where feasible, retain and integrate, mature trees into the development through the preparation of tree

preservation plan and/or landscape plan, regardless of whether the trees form part of the designated Natural System;

- d) front onto, and be directly accessed, by a public road that is maintained year-round by a public authority;
- e) conform to the access policies of the relevant road authority; and,
- f) make any required improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority.

### 6.10 Development in Tier III Settlement Areas

In addition to the protection of urban character, in cases where new development is proposed within a Tier III Settlement Area, it shall be demonstrated that the new development will:

- a) comprehensively develop the land in question, serve as a logical extension to the existing built-up area and minimize the consumption of land to the extent possible;
- b) comply with the relevant transportation policies of Subsections 8.3 to 8.15 and relevant servicing policies of Subsections 8.16 to 8.23;
- c) where feasible, retain and integrate, mature trees into the development through the preparation of tree preservation plan and/or landscape plan, regardless of whether the trees form part of the designated Natural System;
- d) front onto, and will be directly accessed, by a public road that is maintained year-round by a public authority;

- e) conform to the access policies of the relevant road authority; and,
- f) make any required improvements to public roads, including any required road dedications, needed to facilitate safe ingress and egress and to meet the standards and requirements of the appropriate road authority.

### 6.11 Addressing Climate Change

New development in all Settlement Areas is encouraged to be planned and designed to mitigate and adapt to the impacts of climate change through incorporating sustainable construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development. For large development proposals, applicants may be required to demonstrate how this will be achieved.

## 7.0 THE NATURAL SYSTEM

The Natural System is composed of the County's natural environment, including: wetlands, woodlands, species and fish habitat, and water. The ecological features and functions of the County's Natural System supports overall environmental health and resiliency and underpins the overall sustainability of the County. To that end, the following objectives have been identified as they relate to the County's Natural System:

- a) Identify, protect, restore, and enhance, where possible, the Natural System including its ecological features and functions;
- b) Require development proposals within, or adjacent to, the Natural System to demonstrate that there will be no negative impact on the Natural System, in some cases prohibiting development outright;
- c) Minimize negative changes to the quality, quantity, and hydrological / hydrogeological functions of watercourses, lakes, aquifers, and wetlands; and
- d) Recognize that watersheds are the ecologically meaningful scale for planning and use it as the foundation for considering cumulative impacts of development.



In addition to the policies of this Plan, the following policies apply to the Natural System in the County as described herein and as may be designated on Schedule 'C' of this Plan:

### 7.1 Composition of the Natural System

The Natural System is composed of:

- a) Significant Wetlands;
- b) Significant Coastal Wetlands;
- c) Significant Woodlands;
- d) Significant Valleylands;
- e) Areas of Natural and Scientific Interest (ANSI);
- f) Significant Wildlife habitat;
- g) Fish habitat;
- h) Habitat of threatened or endangered species;
- i) Surface water; and,
- j) Ground water.

### 7.2 General Policy

The County of Elgin recognizes the importance of the Natural System to the overall health of the County and the negative social, environmental, and economic impacts that environmental degradation can have, particularly when coupled with the impacts of climate change. As such the County will prioritize the protection, enhancement, and rehabilitation of the Natural System.

### 7.3 Identification of the Natural System

It is recognized that the mapping of the Natural System in this Plan is approximate, and the policies of this section apply to all Natural System components regardless of whether they are identified on the schedules of this Plan. Changes to the limit or the significance classification of individual components of the Natural System may be considered through the findings of a sub-watershed study or environmental impact statement completed to the satisfaction of the County or local municipality. If a change to the limit or classification of a component of the Natural System has been demonstrated to be appropriate the revised limit or classification shall prevail, and no amendment to this Plan shall be required.

### 7.4 Watershed Planning

It is recognized the watershed is the ecologically meaningful scale for integrated and long-term planning and is a foundation for considering cumulative impacts of development. The basis for conducting planning at the watershed scale is through the preparation of a sub-watershed study, a technical report which provides comprehensive analysis of how surface water, groundwater, terrestrial, and aquatic ecosystems function in a sub-watershed, and recommends how land use can take place in a manner that protects and enhances the environmental health of the sub-watershed. To that end, the County may undertake a programme of preparing or updating sub-watershed studies for all sub-watersheds in the County to develop a more detailed understanding and approach to planning within each sub-watershed. Where these studies exist, they shall form the basis for planning in the Natural System. Further, where an environmental impact statement



is prepared in support of a development application it shall consider the sub-watershed implications of the proposed development.

### 7.5 Significance & the Natural System

Designating certain components of the Natural System as 'significant' affords these features greater protection under provincial policy. In the absence of a sub-watershed study or environmental impact statement, all lands identified as being part of the County's Natural System on Schedule 'C' are assumed to be significant under provincial policy until their significance is confirmed through either a sub-watershed study or environmental impact statement. If the significance of a part of the Natural System is called into question, it is the sole responsibility of the development proponent to demonstrate otherwise. For development applications for which the County is approval authority, the ultimate determination of significance will rest with the County. For development applications for which a local municipality is approval authority, the ultimate determination of significance will rest with the local municipality.

### 7.6 Permitted Uses

Areas designated Natural System are to be maintained in their natural and undisturbed state and development and site alteration shall only be permitted subject to the other policies of this Plan. Notwithstanding the above the following uses shall be permitted in the Natural System:

- a) Forestry uses;
- b) Conservation uses;

- c) Passive recreational uses (such as recreational trails);
- d) Animal sanctuaries;
- e) Angling and hunting operations;
- f) Environmental research and education uses; and
- g) Agricultural uses, without buildings or structures.

Other uses may be permitted on a site-by-site basis, subject to policies below and the other policies and land use designations of this Plan.

**“The County will prioritize the protection, enhancement, and rehabilitation of the Natural System.”**

### 7.7 Development In & Adjacent to Wetlands

Development and site alteration in significant wetlands and coastal wetlands is prohibited and is regulated by conservation authorities under the Conservation Authorities Act, with specific regard to interference with their hydrogeological function. Development proposed within 120 metres of a significant wetland or coastal wetland shall only be permitted subject to demonstrating, through an environmental impact statement, that there will be no negative impacts on the wetland's ecological features and functions, and a demonstration that the regulatory/permitting requirements of

the conservation authority having jurisdiction can be met.

### **7.8 Development In & Adjacent to Other Natural System Features**

Development and site alteration in significant woodlands, significant valleylands, ANSI, and significant wildlife habitat, shall be prohibited unless it can be demonstrated that:

- a) There is an appropriate rationale demonstrating why development should be located within the feature; or
- b) There is no feasible way to avoid development within the feature; and
- c) The proposed development will have no negative impacts on the site's ecological features and functions.

Development proposed within 120 metres of a noted Natural System feature shall only be permitted subject to demonstrating, through an environmental impact statement, that there will be no negative impacts on the Natural System's ecological features and functions.

### **7.9 Destruction & Alteration of the Natural System**

Destruction and/or alteration of the Natural System through the development process is generally prohibited and only permitted in accordance with:

- a) a Planning Act approval;
- b) a permit issued under the County's Tree Conservation By-law;
- c) a permit issued under the Conservation Authorities Act;

or

- d) another relevant provincial or federal approval.

Where destruction of a component of the Natural System will occur as a result of an approval or permit issued by a planning authority, or has occurred without a required permission, development proponents will be required, through the conditions of a Planning Act approval, to restore the feature or provide compensatory restoration of equal or greater ecological value within the same sub-watershed.

### **7.10 Development in Fish Habitat & the Habitat of Threatened or Endangered Species**

Development and site alteration within fish habitat or the habitat of threatened or endangered species will only be permitted in accordance with provincial and/or federal requirements. No planning approvals will be granted in either habitat until the County or a local municipality:

- a) has reasonable confirmation that development can proceed in accordance with provincial and/or federal requirements; and
- b) that any required development and mitigation measures can be adequately conditioned as part of an approval (i.e. through either the conditions of a decision, legal agreement, etc.).

Where the habitat of threatened or endangered species is suspected or known, applicants shall be required to conduct a species at risk (SAR) assessment prior to any development approvals being granted and any required mitigation measures

or other recommendations shall be carried out as a condition of any development approval.

### 7.11 Agricultural Uses in the Natural System

While agricultural uses in the Natural System are permitted, the incorporation of best practices as they relate to agriculture in natural systems is strongly encouraged where a planning approval is required to permit the use.

### 7.12 Development & Surface Water Features

Surface water features refer to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation, or topographic characteristics. While not necessarily mapped in this Plan, surface water features in the County are considered environmentally significant as they provide important drainage functions, species habitat, and have a direct impact on the overall environmental health of the County. As such, it is the intent of this Plan to protect all sensitive surface water features from incompatible development. To that end:

- a) Development and site alteration shall be restricted on or near sensitive surface water features as recommended in any relevant sub-watershed study, environmental impact statement, or as detailed in the relevant source water protection plan (see Subsection 8.25 for further information), such that these features and their related hydrologic functions including water quality and quantity will be protected, improved, or restored; and

- b) Mitigative measures and/or alternative development approaches may be required to protect, improve, or restore sensitive surface water features, and their hydrologic functions including water quality and quantity and shall be implemented through the development approvals process.

### 7.13 Development & Ground Water Features

Ground water features refer to water-related features below the earth's surface, including recharge/discharge areas, water tables, aquifers, and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations. Ground water features in the County are considered environmentally significant, and will be protected, as they provide drinking water, important drainage functions, and have a direct impact on the overall environmental health of the County. Additionally certain groundwater features are considered sensitive, such as highly vulnerable aquifers and significant groundwater recharge areas as illustrated on Schedule 'C'. These features shall be protected from incompatible development, and to that end:

- a) Development and site alteration shall be restricted in or near sensitive ground water features as recommended in any relevant sub-watershed study, hydrogeological assessment, or as detailed in the relevant source water protection plan (see Subsection 8.25 for further information), such that these features and their related hydrologic functions will be protected, improved, or restored;
- b) Development that proposes to use ground water as a

drinking water source may be required to demonstrate, through a hydrogeological assessment and cumulative groundwater impact assessment, prior to any approval, that there will be no negative impacts to ground water quality and quantity for other uses that draw their drinking water from the same ground water source;

- c) Development that proposes to use on-site septic systems for sewage treatment may be required to demonstrate, through a geotechnical assessment, prior to any approval, that the proposed system(s) will not negatively impact ground water quality for other uses that draw their drinking water from the same ground water source; and,
- d) Mitigative measures and/or alternative development approaches may be required to protect, improve, or restore sensitive ground water features, and their hydrologic functions and shall be implemented through the development approvals process.

The need for a hydrogeological study, cumulative groundwater impact assessment, geotechnical report, or any other report or plan required to demonstrate suitability of development will be determined by the relevant approval authority in consultation with the Province.

### **7.14 Natural System Policies & Local Official Plan**

This Plan represents the minimum standards for the identification and protection of the Natural System. A local municipality may include additional criteria or higher standards related to the identification and protection of the system. In

such cases, the County will defer to the standards and policies that afford the greatest protection to the Natural System.

### **7.15 Increasing Forest Coverage**

The County recognizes the critical role that woodlands play in maintaining ecological balance, mitigating the impacts climate change, and sustaining biodiversity within the County's watersheds. As such, it is policy of this Plan to target an increase in forest coverage in the County to 30% of its land base by 2044. The County will work towards achieving this target by:

- a) Requiring all local official plans to develop policies advising how the local municipality will work towards achieving this target;
- b) Requiring development proponents to demonstrate how their development proposal will assist in achieving this goal where there is an existing woodland on-site;
- c) Encouraging development proponents to incorporate naturalized woodlands into development proposals where on-site woodlands have been previously cleared;
- d) Working with local municipalities, Indigenous nations, public/private organizations and intuitions, and industry to encourage and supporting tree planting on public and private lands; and,
- e) Monitoring and reporting to County Council annually on progress towards achieving this goal.

### **7.16 Expanding the County's Protected Land Base**

The County recognizes that there are many mechanisms available to protect, enhance, and/or restore the Natural System across the County. To that end, the County will support the establishment of land trusts, conservation areas, and the use of mechanisms such as conservation and stewardship easements that protect or expand protections for the Natural System.

### **7.17 Land Division & the Natural System**

It is recognized that the protection and management of the Natural System is more effectively accomplished when natural features and areas are managed and/or owned contiguously. Despite this, historical land division in the County, dating back to the original township surveys, has often had little regard for the protection and management of the Natural System. As such, applications for all forms of land division shall demonstrate regard for the effective management and stewardship of the Natural System and will minimize subdivision of the Natural System to the furthest extent feasible, balancing the need for the orderly and efficient development of land. Applications for land division to facilitate the protection of the Natural System by a public body, conservation organization, or land trust will be permitted and generally supported, subject to the other policies of this Plan.

### **7.18 Monitoring Health of the Natural System**

To ensure that the County's Natural System is protected and enhanced over the lifecycle of this Plan, the County will develop metrics to monitor the overall health of the Natural System, to be reported annually to County Council.

## 8.0 TRANSPORTATION & INFRASTRUCTURE SYSTEMS

The County's transportation system is composed of trails, local and county roads, provincial highways, railways, marine ports, and an airport. These corridors and facilities are critical to the County's economy, public health and safety, and the day-to-day needs of residents and visitors. Infrastructure systems primarily relate to water, wastewater, and stormwater management systems, but also include waste management, and power generation facilities. These systems comprise the backbone of both urban and rural development in the County. To that end, the following objectives have been identified as they relate to the County's transportation and infrastructure systems:

- a) Establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including automobiles, trucks, public transit, cycling, and walking;
- b) Ensure that the construction of all infrastructure, or expansions to existing infrastructure, occurs in a manner that is compatible with adjacent land uses and with a minimum of social and environmental impact;
- c) Encourage the development of public facilities in appropriate locations at the right time to meet the needs of present and future residents; and,
- d) Ensure the safe and effective operation of the County's transportation and infrastructure systems, by respecting the standards, requirements, and guidelines of the authorities that operate and/or regulate these systems.



In addition to the other policies of this Plan, the following policies apply to transportation and infrastructure systems as described herein and as may be designated on Schedule 'B' of this Plan:

### 8.1 Composition of the Transportation & Infrastructure System

The Transportation and Infrastructure System is composed of:

- a) Provincial Highways;
- b) County Roads;
- c) Local Roads;
- d) Pedestrian and Cycling Trails;
- e) Municipal Drinking Water Systems;
- f) Municipal Sanitary Sewage Systems;
- g) Stormwater Management & Drainage Systems;
- h) Sourcewater Protection Areas;
- i) St. Thomas Municipal Airport;
- j) Railways;
- k) Marine Ports;
- l) Waste Management Operations;
- m) Telecommunications Facilities;
- n) Energy Generation Facilities; and
- o) Linear Infrastructure Corridors (e.g. pipelines, electricity transmission corridors, etc.).

### 8.2 Transportation & Infrastructure Permitted

Public service facilities, transportation infrastructure, and all other forms of infrastructure are permitted in all land use designations, with the general exception of areas designated as hazardous or Natural System, and subject to any regulatory requirements such as the provisions of the Endangered Species Act, etc.

### 8.3 Right-of-Way Widths

New roads and re-constructed roads under the County's jurisdiction shall be developed to comply with the classification, function and general design standards and requirements outlined in Tables 2 and 3 of this Plan and land dedications for roads and/or road widening purposes shall be dedicated to the County at no expense. Where ranges of a standard are provided, it shall be at the sole discretion of the County to determine the appropriate standard. Deviations from these standards and requirements may be considered when:

- a) the location of an identified cultural heritage resource limits design options; and / or
- b) the presence of a natural system feature or mature trees limits design options.

The right-of-way width for any public road may allow for the placement of travel lanes, turning lanes, utilities, infrastructure, high occupancy vehicle lanes, sidewalks, paths, bicycle lanes, medians, streetscaping and landscaped boulevards, where appropriate.



### 8.4 Right-of-Way Widths, Daylighting Triangles

In addition to the road right-of-way widths set out in Tables 2 and 3, the County may, without the need for an amendment to this Plan, require the dedication of lands to be used for 'daylight triangles', to provide sufficient sight distances and turning lanes to provide safe and appropriate access where major traffic generators intersect. Where additional land is required for intersection improvements, such land shall be dedicated to the County at no expense.

### 8.5 Right-of-Way Widths, Exceptions

Notwithstanding Subsection 8.3, the County recognizes that the reconstruction of roads to approved minimum standards in some existing developed areas may not be appropriate from a community design perspective or may not be economically or physically feasible. Any attempt to reconstruct such roads to minimize deficiencies shall only be undertaken after a study to determine a right-of-way which will result in a streetscape which minimizes impacts on abutting properties and is appropriate to the character of the area, while serving anticipated traffic volumes. No amendment to the Plan shall be required to implement such a modification to the right-of-way.

### 8.6 Dedication for Road Widening

As a condition of a development approval, land for road widenings shall be conveyed at no expense to the County in accordance with the provisions of the Planning Act. As a general principle, required road widenings will be taken equally from both sides of the right-of-way. Unequal road widenings may be considered by the County where the area is

affected by a topographic feature which is difficult to overcome or costly to develop for road purposes.

### 8.7 County Road Environmental Assessments

It is the policy of this Plan that an Environmental Assessment (EA) for any county road widening or extension project shall address whether there are other transportation alternatives, and how the project would implement the transportation goals, objectives, and policies of this Plan.

### 8.8 Road Design Standards

The 'Elgin County Transportation Master Plan', as amended, will serve as the basis for the construction and design of county roads, including policies limiting direct access to county roads where access is available by a local road. County Council may consider alternative design standards to provide for the more efficient use of land in newly developing areas of the County. Changes to standards and design criteria for such roads and facilities may be permitted without an amendment to this Plan.

### 8.9 Development Adjacent to a County Road

The primary role of the County Road Network is to accommodate high volumes of traffic (including truck traffic) at reasonably high rates of speed in a safe, efficient, and convenient manner. Notwithstanding this, the County Road Network also functions as a primary gateway to and from the County, and as the main street and gateway to the county's settlement areas. To that end, the following shall apply to the design of development abutting a county road:

- a) Development shall respect the role and function of the

county road that it is located on from a use, access, visibility, and design perspective (including both engineering and site design);

- b) Development shall be setback a sufficient distance based on local context, ultimate planned build-out of the road, and rates of speed;
- c) Potential negative impacts from the County Road Network such as noise and lighting on sensitive land uses shall be mitigated through site and building design;
- d) Development should be sited in ways that creates a welcoming and visually appealing experience for both pedestrians and drivers through the use of landscaping, window streets, or other similar approaches, while complementing and respecting the road's primary function;
- e) Development should generally avoid rear-lotting or backing onto county roads; and,
- f) Surface parking lots should be sited and designed to reduce the visual dominance of paved areas along county roads.

The County's transportation and infrastructure systems comprise the backbone of both urban and rural development in the County.

### 8.10 Public Transportation

This Plan recognizes the importance of local and regional public transportation in reducing carbon emissions and ensuring equitable access to transportation for residents, visitors, and workers and as a general policy, the County will

support the exploration, establishment, and /or expansion of the feasibility of public transportation in the County. This includes the establishment or expansion of conventional public transportation services (local and regional), as well as on-demand micro-transit, car / bike share programmes, and other innovative forms of public transportation service delivery.

### 8.11 Road Closure

County Council may stop-up and close existing county roads and/or road related facilities, subject to the provisions of the Municipal Act, without the need to amend this Plan.

### 8.12 Traffic Calming

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

### 8.13 Private Roads

Private roads are lanes, driveways, roads, or rights-of-way maintained by private individuals or bodies. It is the policy of this Plan to limit new development on private roads. The creation of a new lot for any purpose on a private road outside of a plan of condominium is not permitted, unless specifically permitted in a local official plan.

**Table 2:** Road Characteristics by Functional Road Classification: Rural Roads

Characteristic	Rural Major Arterial	Rural Minor Arterial	Rural Collector	Rural Local
<b>Strategic Value/Connectivity</b>				
Service Function	Traffic movement primary consideration	Traffic movement major consideration	Traffic movement and land access of equal importance	Traffic movement secondary consideration
Desirable Connections	Provincial highways, arterials, collectors	Provincial highways, arterials, collectors	Provincial arterial roads, arterials, collectors, locals	Collectors, locals
Access	Private driveways discouraged	Private driveways permitted, subject to design controls	Private driveways permitted, subject to design controls	Private driveways permitted
<b>Road Segment Characteristics</b>				
Right-of-Way Width	36.5 m	30-36.5 m	20-30 m	20 m
Typical Lane Width	3.5-3.7 m	3.5-3.7 m	3.5-3.7 m	3-3.7 m
No. Through Lanes	2-4	2	2	2
Parking Restrictions	Few restrictions	Few restrictions	Few restrictions	Few restrictions
<b>Other Road Users</b>				
Typical Cycling Facilities, where Provided	Buffered paved shoulders or separate path	Buffered paved shoulders or separate path	Paved shoulders or separate path	Shared operating space
Pedestrian Facilities, where Provided	None (low pedestrian volumes)	None (low pedestrian volumes)	None (low pedestrian volumes)	None (low pedestrian volumes)
Transit Services	Permitted	Permitted	Permitted	Generally avoided

**Table 3:** Road Characteristics by Functional Road Classification: Urban Roads

Characteristic	Urban Major Arterial	Urban Minor Arterial	Urban Collector	Urban Local
<b>Strategic Value/Connectivity</b>				
Service Function	Traffic movement primary consideration	Traffic movement major consideration	Traffic movement and land access of equal importance	Traffic movement secondary to land access
Desirable Connections	Provincial highways, arterials, collectors	Provincial highways, arterials, collectors	Provincial arterial roads, arterials, collectors, locals	Locals, collectors
Access	Private driveways discouraged	Private driveways generally discouraged	Private driveways permitted, subject to design controls	Private driveways permitted
<b>Road Segment Characteristics</b>				
Right-of-Way Width	20 (retrofit) - 36.5 m	20 (retrofit only) - 36.5 m	20-30 m	20 m
Typical Lane Width	3.5-3.7 m	3.3-3.7 m	3.3-3.7 m	3-3.5 m
No. Through Lanes	2-4	2	2	2
Parking Restrictions	Prohibited (or peak period restrictions)	Peak period restrictions	Few restrictions except peak period	No restrictions or restrictions on one side only
<b>Other Road Users</b>				
Typical Cycling Facilities, where Provided	Physically separated bikeway	Designated operating space, e.g. bike lanes	Designated operating space, e.g. bike lanes	Shared or designated operating space
Pedestrian Facilities, Where Provided by Local Municipality	Sidewalks separated from traffic lanes	Sidewalks separated from traffic lanes	Sidewalks on one or both sides	Sidewalks on one or both sides
Transit Services	Permitted	Permitted	Permitted	Generally avoided

## 8.14 Provincial Highways

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within Ministry of Transportation's (MTO) Permit Control Area under the Provincial Transportation and Highway Improvement Act are subject to MTO approval. Any new areas in the County identified for future development that are located adjacent to, or in the vicinity of, a provincial highway or interchange / intersection within MTO's Permit Control Area will be subject to MTO policies, standards, and requirements. Direct access to a provincial highway is normally discouraged or prohibited and is only permitted at the sole discretion of the MTO. While provincial highways are delineated in this Plan, the reader should refer to the MTO's Corridor Management Office to determine the extent of the MTO's permit control area and to assess any restrictions, or requirements for development within the permit control area.

## 8.15 Pedestrian & Cycling Routes & Facilities

Local municipalities are encouraged to develop interconnected systems of cycling and walking routes providing access to major activity and employment areas and to future public transit. To plan for, and encourage walking and cycling, local municipalities are encouraged to:

- a) consider the provision of safe and convenient cycling and walking routes in the review of all development applications;
- b) require the provision of sidewalks in settlement areas, where appropriate;
- c) coordinate the installation of sidewalks on both sides of county roads within settlement areas;
- d) investigate and provide for cycling lanes wherever possible in the construction or reconstruction of roads and bridges;
- e) encourage and support measures which will provide for barrier-free design of pedestrian facilities;
- f) ensure that lands for bicycle/pedestrian paths are included with the land requirements for roads;
- g) ensure that the rights and privacy of adjacent property owners are factored into the design process for pedestrian and cycling routes; and,
- h) ensure that all pedestrian and cycling routes are designed to be safe.

## 8.16 Water & Sewage Servicing Hierarchy

Provincial policy establishes a hierarchy of water and wastewater servicing, and new development in the County shall be evaluated based on this hierarchy as detailed below in order of preference:

- a) **Full municipal services** – development connected to both a municipal water service and municipal sewage service;
- b) **Communal services** – development connected to a private communal water system and private communal sewage system;
- c) **Individual services** – development connected to a private individual on-site water system and private individual on-site sewage disposal system;

- d) Partial services – development connected to a municipal water service and private sewage system, or connected to a municipal sewage service and private water system.

### 8.17 Servicing in Settlement Areas & the Rural Area

In accordance with the provincial water and wastewater servicing hierarchy established in Subsection 8.16, new development in the County will be serviced as follows:

- e) **In Tier I settlement areas** – all new development shall proceed on the basis of full municipal services, except in cases of minor infilling of existing developed areas where private or partial servicing may be considered.
- f) **In Tier II and Tier III settlement areas** – all new development shall proceed on the basis of the servicing hierarchy established in Subsection 8.16.
- g) **In the Rural Area** – development is anticipated to proceed on the basis of private communal or private individual on-site servicing.

### 8.18 Justifying Proposed Servicing

Where development in any settlement area is not proposed to be connected to full municipal services, a servicing options study or brief containing a servicing options analysis based on the hierarchy of servicing established in Subsection 8.16 is generally required. The study or brief shall examine all forms of servicing and recommend a preferred servicing option that is suitable for the long-term provision of the service or services, and complies with the other policies of this Plan, particularly the policies of Subsections 7.13 and 8.25. In

undertaking any required servicing options study or brief, the level of detail should correspond with the scale and intensity of the proposed use. It shall be at the general discretion of the local municipality, in consultation with the County, to determine the need for the study or brief, its scope, and the preferred servicing option based on the policies of this Plan and the local official plan.

### 8.19 Full Municipal Services, Confirmation of Servicing Capacity

For new development proposed to be connected to municipal water and/or sanitary sewage services, no approval by the County shall be granted until the local municipality has confirmed that there is sufficient uncommitted reserve capacity in the system to accommodate the proposed development. In cases where development is proposed in response to the planned establishment or expansion of municipal servicing, no approval by the County shall be granted until:

- a) an Environmental Assessment Act approval has been given for the facilities; and,
- b) the facilities are completed or near completion, prior to the commencement of construction of the development.

Notwithstanding the above, it is recognized that in certain circumstances the construction of municipal servicing is dependent on development being approved concurrently, in which case, the County must have reasonable assurances in place that the proposed development will be fully coordinated with the installation of servicing and that sufficient protections

are in place to prevent premature development or occupancy of the proposed development.

## 8.20 Communal Servicing, Municipal Responsibility

For new development proposed to be connected to communal sewage services, where municipal ownership of the communal service or services is not proposed, the applicant and the local municipality will be required, in accordance with the requirements of the Province, to enter into a municipal responsibility agreement whereby the local municipality accepts ownership of the communal service in the event of default by the private owner.

## 8.21 Private Servicing, Confirmation of Suitability

For new development proposed to be connected to private water and/or sanitary sewage services, confirmation that on-site conditions, including lot size, are suitable for the long-term provision of such services, with no negative impacts, is generally required. In undertaking any assessment or analysis of on-site conditions, the level of detail should correspond with the scale and intensity of the proposed use. It shall be at the general discretion of the local municipality, in consultation with the County, to determine the need for any analysis and its scope based on the policies of this Plan and the local official plan.”

## 8.22 Partial Servicing, When & Where Permitted

In accordance with provincial policy, partial services are only permitted:

- a) where they are necessary to address failed individual on-site water and sewage services in existing development;

or

- b) Within settlement areas to allow for infilling and minor rounding out of existing development, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

## 8.23 Stormwater Management & Drainage Systems

Stormwater management and drainage systems includes a local municipality’s network of storm sewers, drainage swales, municipal drains, retention ponds, and erosion control measures. These components work together to mitigate flood risks, protect water quality, enhance resilience, and are important components to the creation of sustainable and resilient development. Stormwater management and drainage systems in the County shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible, and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of climate change through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property, and the environment; and
- e) maximize the extent and function of vegetative and pervious surfaces.

Local municipalities are encouraged to incorporate policies in their official plans that promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

### **8.24 Servicing Policies in Local Official Plans**

Local official plans will be required to develop detailed policies with respect to servicing of development in both the Rural Area and Settlement Areas including policies that address, at a minimum:

- a) overall municipal goals and objectives related to servicing for both Settlement Areas and the Rural Area;
- b) the long-term planning of water, wastewater, and stormwater management systems including expansions and phasing of municipal and/or private systems; and
- c) the establishment of monitoring programmes for municipal and/or private systems including the monitoring of reserve capacity in municipal systems and monitoring of impacts on groundwater.

### **8.25 Source Water Protection**

The Clean Water Act mandates the creation and maintenance of regional source water protection plans. These plans are administered by conservation authorities and are intended to ensure the protection of municipal drinking water sources, whether they originate from groundwater or from Lake Erie, through a multipronged approach including education and training, public awareness, and the regulation and permitting of development. While source water protection areas are

delineated on Schedule 'B' of this Plan, the reader should refer to the applicable source water protection plan, the local municipality's official plan, and local zoning by-law to assess any restrictions, or requirements for development. In no case shall the County grant any approval in contravention of an applicable source water protection plan, or implementing policies or regulations contained within a local official plan or zoning by-law.

### **8.26 Source Water Protection, Local Official Plans**

To ensure that the directives of the applicable source water protection plan are appropriately implemented all local official plans shall identify any source water protection intake areas and incorporate any policies mandated by the relevant source water protection plan, to provide sufficient direction ensuring that land uses or developments associated with threat activities will be prohibited or managed.

### **8.27 St. Thomas Municipal Airport & Land Use Compatibility**

The St. Thomas Municipal Airport is a public airport located within the Municipality of Central Elgin and identified on Schedule 'B' of this Plan, along with the Airport's associated Noise Exposure Forecast / Noise Exposure Projection (NEF/NEP) contours, which are established by Transport Canada. The Airport is planned to be a fully equipped, certified airport facility that accommodates charter passenger and air cargo facilities and services, business charter services, flight training, recreational flying and aviation related industrial/commercial business facilities. Airports must be appropriately designed, buffered and/or separated to prevent adverse effects



from noise, odour, and other contaminants. To protect the St. Thomas Municipal Airport from incompatible development, the following policies shall apply:

- a) New residential development and other sensitive land uses will not be permitted in areas above 30 NEF;
- b) Redevelopment of existing residential uses and other sensitive land uses may be considered above 30 NEF/NEP, if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;
- c) New development in areas below 30 NEF/NEP, but near the St. Thomas Municipal Airport lands, may be required to address the noise and vibration and/or land use compatibility. This may include a review and update of the NEF/NEP contours in accordance with the standards prescribed by Transport Canada; and,
- d) New development permitted within the airport lands and other areas above the 30 NEF/NEP may be subject to a noise analysis to identify noise reduction features and other mitigation measures in accordance with the policies and guidelines of Transport Canada Aviation.

### 8.28 Marine Ports

The County will continue to promote and support the viability of the many ports along Lake Erie as important economic resources and locations for tourism and recreation. This Plan recognizes the potential of the various ports as gateways to the County and important components of a broader transportation system. The County encourages the pursuit of appropriate opportunities for the expansion of port facilities

and the establishment of supporting commercial and industrial uses and marine transportation infrastructure, subject to the other policies of this Plan.

### 8.29 Railway Operations & Land Use Compatibility

The railways that traverse the County are recognized as important economic and transportation corridors and land use controls will be used to protect these corridors. Where the County is approval authority, the County will consult with railway authorities when sensitive land uses are proposed in proximity to active rail corridors. To protect these corridors from incompatible uses, and to ensure new development is designed in a manner that protects safety and mitigates potential nuisance from rail operations. Development proposed within the County shall be generally required to conform to the national guidelines for new development in proximity to railway operations. Alternative approaches / guidance may be considered in certain circumstances dependant on:

- a) The use(s) being proposed;
- b) Completion of relevant studies and analyses that demonstrate alternative approaches are appropriate; and,
- c) Implementation of appropriate alternative safety measures.

All of which shall be to the satisfaction of the County, in consultation with the local municipality and relevant railway operator.

### 8.30 Railway Setbacks & Influence Areas

Minimum recommended building setbacks for new sensitive land uses in proximity to railway operations, based on national guidelines, shall be incorporated in local zoning by-laws to ensure that the entirety of the County's railway rights-of-way are protected for potential rail expansion. Where sensitive land uses are proposed within 75 metres of an active railway the County will require a vibration study to be completed. Additionally, noise studies shall be required for development within:

- a) 1,000 metres of a freight rail yard;
- b) 500 metres of a principal main railway line;
- c) 250 metres of a secondary main railway line;
- d) 150 metres of a principal branch line; and
- e) 100 metres of a secondary branch line or spur line.

Such studies shall be prepared to the satisfaction of the County, in consultation with the appropriate railway operator, and recommended measures from said studies shall be implemented through development approvals.

### 8.31 Individual Railway Operator Requirements

It is recognized that there are multiple railway operators with facilities and operations in Elgin County, each with their own respective requirements. To that end, it is the general policy of the County to generally defer to, and implement, the requirements of each rail authority with respect to matters such as:

- a) the construction and maintenance of safety berms and fencing and other mitigation measures; and
- b) requirements for notices on title, warning clauses, and/or environmental easements.

In some cases, a railway operator may request grade separation between the rail corridor and a local or county road, or provincial highway as a condition of a development approval for which the County is approval authority. The need for grade separation as a condition of approval shall be determined by the relevant road authority in consultation with the County, local municipality, the relevant railway operator, and Transport Canada as the case may be.

### 8.32 Linear Infrastructure Corridors

Linear infrastructure corridors include major above or below grade corridors for the provision, generation, transmission, distribution and storage of electricity, fuel, or accommodation of communication facilities / infrastructure. Such corridors may be associated with gas, oil, or electric power, as well as broadcast, telecast, fiberoptic, or optical wireless mediums essential to the energy and telecommunication needs of the County, Province, and Country. To that end, new or existing corridors shall be protected from incompatible development by consulting with the relevant corridor authority during the development review process and incorporating appropriate setbacks and development standards into development proposals.

### 8.33 Telecommunications Facilities

Where companies subject to federal or provincial control propose new utility installations, it is the policy of this Plan to encourage where feasible and appropriate:

- a) the screening of antennas and towers from view from roads or scenic vistas through landscaping, fencing or other architectural screening;
- b) the use of innovative design measures such as the integration of such uses with existing buildings and/or streetscape features such as gateways, lamp posts and signs;
- c) the co-location clustering of different utilities to minimize impacts;
- d) the use of existing infrastructure where possible such as water towers or utility poles; and,
- e) the siting of utilities away from sensitive land uses.

### 8.34 Alternative & Renewable Energy Systems

As a source of clean and independent energy, alternative and renewable energy systems can significantly reduce carbon emissions and improve the resiliency of the County's energy supply. As such, the County encourages the use of wind, water, biomass, methane, solar, and geothermal energy. New or expanded alternative or renewable energy systems should be designed and constructed to minimize impacts on adjacent land uses to prevent adverse impacts from odours, noise and other contaminants and minimize risk to public health and safety. Sites for large-scale alternative or renewable energy systems should have sufficient area to provide appropriate

setbacks from sensitive residential and institutional land uses to provide safety and/or minimize other potential impacts in accordance with all applicable legislation.

### 8.35 Waste Management Operations

Waste management operations include, landfills, transfer stations, composting facilities, recycling facilities, septage haulage and disposal sites, and waste materials haulage and disposal. These facilities may only be operated, expanded, or closed in accordance with the policies of this Plan, the applicable local official plan, and provincial requirements. New or expanding waste management operations may be permitted, subject to the policies of the applicable local official plan, and the following:

- a) the proposed operation shall be located in either the Rural Area, excluding agriculturally-designated lands in a local official plan, or in an employment designation;
- b) any required approval under the Environmental Protection Act and Environmental Assessment Act shall be received prior to any local or county approval being given;
- c) the proposal shall be supported by appropriate environmental studies in accordance with provincial guidelines and requirements, to ensure negative impacts on surrounding lands are mitigated and/or eliminated to the satisfaction of the County and the local municipality;
- d) New operations shall be located where they are compatible with adjacent land uses (existing and designated);

- e) Site development shall provide for progressive rehabilitation and reuse of the site;
- f) New or expanding waste disposal sites, shall generally be located a minimum of 500 metres from a settlement area boundary, and any sensitive land uses, as per provincial guidelines;
- g) Where a sensitive land use is proposed within 500 metres of an existing waste disposal site, land use compatibility shall be evaluated as per provincial guidelines.

Notwithstanding the above, small scale recycling facilities, composting facilities, or transfer stations do not require an amendment to this Plan to establish, subject to conformity with the applicable local official plan and zoning by-law.

### **8.36 Waste Disposal Sites & Local Official Plans**

In order to implement these policies, local municipal official plans shall contain policies requiring zoning by-laws to restrict the development of new uses or new/ enlarged buildings or structures on lands within the 500-metre assessment area in accordance with this Plan, through the use of a holding symbol or other zoning mechanism. The lifting of a Holding symbol permitting the development of any new use or new or enlarged buildings or structures within the assessment area shall not occur until Council is satisfied that all of the studies required by the Municipality and County have been completed.



## 9.0 NATURAL RESOURCE MANAGEMENT AREAS

Natural resources management means the responsible extraction of mineral, petroleum, mineral aggregate, and salt resources in the County. These resources exist in varying degrees across the County and are important to the County and Province's economic prosperity.

Natural resource extraction operations also have many complex locational and operational requirements that necessitate careful consideration and planning, both at the beginning and end of their lifecycle. To that end, the following objectives have been identified as they relate to the County's Natural Resource Management Areas:

- a) Identify and protect, where possible, natural resource deposits, areas where potential deposits exist, and extraction operations throughout the County;
- b) Encourage sustainable extraction practices and incorporate responsible rehabilitation of natural resource extraction operations into county planning approvals where possible; and,
- c) Ensure that extractive activities are carried out in a manner that minimizes environmental and social impacts.



In addition to the policies of the subject land use designation, the following policies apply to Natural Resource Management Areas in the County as described herein and as may be designated on Schedule 'E' of this Plan:

### 9.1 Composition of the Natural Resource Management Area

The Natural Resource Management Area is composed of:

- a) Areas of potential aggregate resource;
- b) Areas of potential mineral resource;
- c) Areas of potential petroleum resource; and,
- d) Natural resource extraction operations.

### 9.2 General Policy

It is the general policy of this Plan to ensure that known natural resource deposits, and extraction operations are identified and protected in the long term, and to direct incompatible development away from known deposits and extraction operations. Local municipalities will be required to develop more detailed policies and regulations regarding natural resources and extraction operations in their official plans and zoning by-laws to further address the protection of these uses, and natural resource extraction development and the rehabilitation of former extraction operations.

### 9.3 Permitted Uses

In areas designated as an area of aggregate resource; area of mineral resource; and / or area of petroleum resource, the primary use of land shall be for natural resource

extraction operations, and those uses permitted in the land use designations identified in Schedule 'A', of this Plan. Notwithstanding the above, uses which would preclude or hinder the establishment, expansion, or continued use of mineral aggregate operations or access to mineral aggregate resources shall not be permitted. The following uses shall be permitted as accessory uses for natural resource extraction operations:

- a) Accessory office uses;
- b) Aggregate processing operations; and
- c) Recycling of aggregate.

### 9.4 Identification of Natural Resources

It is recognized that the mapping of potential natural resource areas in this Plan is approximate and known resources deposits are not mapped. The policies of this section apply to all natural resource areas and deposits, regardless of whether they are identified in this Plan.

### 9.5 Development & Known Resource Deposits

Non-resource extraction development in, or within 300 metres, of known aggregate, mineral, and petroleum deposits, which would preclude or hinder the establishment of new operations or access to these resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety, and environmental impact are addressed.



## 9.6 Extraction Operations

The development of new extraction operations is subject to the policies of the applicable local official plan and may require an amendment to permit the use. Petroleum exploration and production under the Oil, Gas and Salt Resources Act is not permitted in Settlement Areas.

## 9.7 Extraction Operations in the Agricultural Area

On lands designated Agricultural in this Plan, natural resource extraction is permitted as an interim use provided rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored. On these lands, complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of mineral aggregates below the water table warranting extraction; or
- b) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and,
- c) other alternatives, including resources in areas of Canada Land Inventory Class 4 to 7 soils and resources on prime agricultural lands where rehabilitation is feasible, have been considered by the applicant and found unsuitable; and,
- d) agricultural rehabilitation in remaining areas will be maximized.

## 9.8 Development & Extraction Operations

Extraction operations shall be protected from incompatible development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact. Existing extraction operations shall be permitted to continue without the need for an amendment to this Plan or a local official plan or zoning by-law. Non-resource extraction development proposed within 300 metres of an existing mineral or aggregate extraction operation shall demonstrate through an aggregate impact assessment that:

- a) the proposed development will not preclude or hinder the existing extraction operation or the establishment of new operations;
- b) impacts such as noise, dust, vibration can be mitigated through design; and,
- c) where residential and other sensitive land uses are proposed adjacent to an extraction operation, the applicant shall demonstrate that the quality and quantity of groundwater is, and will be, suitable for the proposed development considering the current and fully approved capacity and extent of the adjacent extraction operation.

Development proposed adjacent to existing petroleum extraction operations (wells) shall be set back 75 metres or as required under the Oil, Gas and Salt Resources Act.

## 9.9 Rehabilitation of Extraction Operations

Where a natural resource extraction operation has ceased, rehabilitation to accommodate subsequent land uses shall be required to promote land use compatibility, recognize the interim nature of the extraction operation, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land uses and approved land use designations into consideration. Progressive rehabilitation should be undertaken wherever feasible and comprehensive rehabilitation planning is encouraged where there is a concentration of natural resource extraction operations. To that end, a rehabilitation plan shall be required in advance of any municipal planning approvals for new or expanding extraction operations.

## 9.10 Wayside Pits and Quarries

In accordance with provincial policy, wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined by the County or local municipality to be incompatible with extraction and associated activities. Further, it is the policy of the County to require restoration of the site when such facilities are no longer required.”



## 10.0 DEVELOPMENT HAZARDS

Natural and human-made hazards have the potential to impact public health and safety and create risks to private property and public infrastructure. Hazards can include floodplains, shoreline erosion, unstable slopes and soils, contaminated sites, former natural resource extraction operations, and former landfills. To that end, the following objectives have been identified as they relate to development hazards in the County:

- a) Direct development to areas outside hazardous lands regulated by conservation authorities;
- b) Prohibit development on, or adjacent to, contaminated sites, former landfills, and abandoned petroleum wells except in accordance with provincial guidelines and regulations;
- c) Respect the guidelines and regulations of conservation authorities and the Province as it related to both natural and human-made hazards; and,
- d) Consider and prepare for increase the risk associated with natural hazards due to climate change.



In addition to the policies of the subject land use designation, the following policies apply to development hazards in the County as described herein and as may be designated on Schedule 'D' of this Plan:

### 10.1 Composition of Development Hazards

Development hazards are composed of:

- a) Hazardous lands, including floodplains, dynamic beach hazards, and erosion hazards;
- b) Hazardous sites;
- c) Former waste disposal sites;
- d) Contaminated and potentially contaminated sites;
- e) Oil, Gas, and Salt Hazards;
- f) Wildland Fire Hazards;
- g) Former Natural Resource Extraction Operations; and,
- h) Abandoned petroleum wells.

### 10.2 General Policy

Hazardous lands are lands that could be unsafe for development due to naturally occurring processes. Along the shoreline of Lake Erie, this means the land, including land covered by water and the furthest landward limit of the flooding hazard, erosion hazard, or dynamic beach hazard limits. Along river, stream, or small inland lake systems, this means the land, including land covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. Hazardous sites include lands that could be unsafe for development due to naturally occurring hazards

such as unstable soils including sensitive marine clays (leda) or organic soils, or unstable bedrock (karst topography). As such, it is the general policy of this Plan that development and site alteration be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

### 10.3 Role of Conservation Authorities

It is the policy of this Plan to recognize and respect the role that conservation authorities play, through their legislative mandate and authority in regulating development and alteration activities within natural hazards. This is often referred to as a 'regulation area or limit', being the area subject to the Prohibited Activities, Exemptions and Permits Regulation under the Conservation Authorities Act. As such, it is the policy of the County to generally defer to, and implement, the requirements of the conservation authority having jurisdiction with respect to development and alteration activities in hazardous lands and sites.

### 10.4 Identification of Hazardous Lands & Sites

It is recognized that the mapping of hazardous lands and sites in this Plan is approximate. The policies of this section apply to all hazardous lands and sites regardless of whether they are identified in this Plan. Changes to the limit of hazardous lands and sites may be considered through the findings of a geotechnical report, hydrogeological report, or slope stability study completed to the satisfaction of the County and the conservation authority having jurisdiction. If a change to the limit of hazardous lands and sites has been demonstrated

to be appropriate, the revised limit shall prevail, and no amendment to this Plan shall be required.

### 10.5 Permitted Uses

In areas designated as hazardous lands on Schedule 'D' of this Plan, hazardous sites, former waste disposal site, or identified as a contaminated or potentially contaminated site, the use of land shall be those uses permitted in the land use designations identified in Schedule 'A', of this Plan, subject to the policies of this section.

### 10.6 Hazardous Lands & Sites

Development in hazardous lands and sites shall generally not be permitted and only considered where the following are demonstrated and achieved:

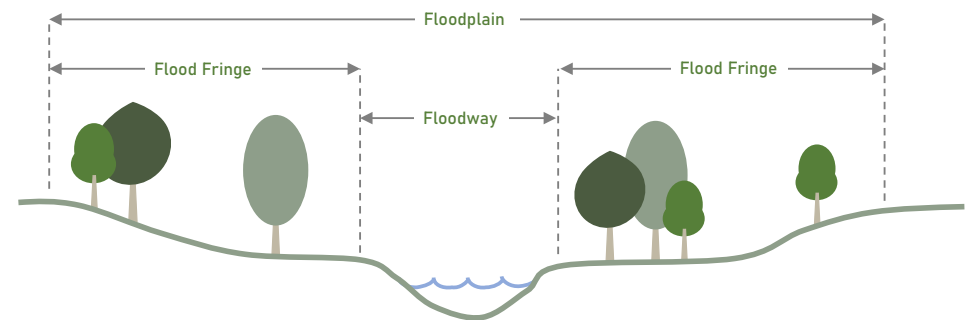
- a) a justification is provided as to why it is not possible to locate the development outside of the hazard;
- b) development and site alteration is carried out in accordance with erosion and floodproofing standards, protection works standards, and access standards of the conservation authority having jurisdiction;
- c) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
- d) new hazards are not created, and existing hazards are not aggravated; and
- e) no adverse environmental impacts will result.

Notwithstanding the above, institutional uses; essential

emergency services; and /or uses associated with the disposal, manufacture, treatment, or storage of hazardous substances shall be prohibited from locating in hazardous lands and sites.

### 10.7 Floodplains

It is the intent of this Plan that no development or site alteration be permitted within the floodplain of a river or stream system to minimize and eliminate any risks to life and property resulting from flooding, in accordance with relevant conservation authority regulations except within a flood fringe where a two-zone floodplain management concept has been approved or where authorization has been obtained from the relevant conservation authority. Buildings and structures are not permitted within the floodplain, except where authorization has been obtained from the appropriate conservation authority. In no case shall development be permitted in a floodway.



**Figure 7:** Composition of Floodplain

### 10.8 Dynamic Beach Hazards

Dynamic beach hazards are composed of inherently unstable accumulations of shoreline sediments along Lake Erie, as identified by provincial standards. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance. No development or site alteration shall be permitted in a dynamic beach hazard.

### 10.9 Erosion Hazards

Erosion hazards are areas of land that are subject to land regression or retreat from a combination of geologic, seismic, hydrologic, or humanmade factors, and as such they pose a potential threat to safety, property, and infrastructure. To that end, development shall be directed to an area outside of the erosion hazard limit of a riverine valley slope. The use of stabilization works to adjust the erosion hazard limit or development setbacks for the purposes of increasing the potential development envelope or permitting new development and/or site alterations within the limit shall not be permitted.

### 10.10 Determining the Erosion Hazard Limit

The erosion hazard limit will be determined by the conservation authority having jurisdiction on a site-by-site basis in consultation with the County and the relevant local municipality. Provincial guidelines related to natural hazards will be used as a basis for determining the limit.

### 10.11 Lake Erie Shoreline Erosion Hazard Limit

The high bluff reaches of the shoreline of Lake Erie in the County experience severe rates of erosion. Notwithstanding Subsection 10.10, the Lake Erie erosion hazard limit shall be determined by the conservation authority having jurisdiction on a site-by-site basis in consultation with the County and the relevant local municipality using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a 100-year time span), an allowance for slope stability, and an erosion/erosion access allowance. New development shall not be permitted within the Lake Erie shoreline erosion hazard limit. Replacement and/or relocation of existing buildings or structures located within the Lake Erie shoreline erosion hazard may be permitted subject to the approval of the relevant conservation authority.

### 10.12 Hazardous Lands & Climate Change

Severe weather associated with climate change is anticipated to cause increased instances of flooding, erosion, and stormwater runoff as it adversely impacts precipitation levels. As such, the County, local municipalities, and conservation authorities must adapt to protect safety, property, and infrastructure from increased risks of flooding and erosion. To that end, the County, in consultation with the relevant conservation authority, will:

- a) Encourage the use of vulnerability or risk assessments, when appropriate, to consider potential increased erosion rates, water levels, and extreme weather events and their potential impact on development;
- b) Encourage the incorporation of adaption strategies for



new development that account for changing erosion patterns, flooding, and related climate impacts;

- c) Encourage the protection and restoration of natural buffers such as riparian vegetation which can mitigate erosion hazards and enhance resilience;
- d) Ensure that when infrastructure must be located on hazardous lands, it is designed to withstand increased erosion, flooding, and extreme weather events; and
- e) Participate in monitoring programmes and the development of climate change adaptation strategies with conservation authorities.

### **10.13 Development Subject to a Planning Act Approval**

Where development is subject to a Planning Act approval, it may be exempted from the regulatory process of a conservation authority under provincial legislation. If this is the case, the County shall be satisfied that all planning, development, and site alteration considerations regarding any proposed development or site alteration of hazardous lands and sites shall be incorporated into the conditions of approval or through a development agreement, in consultation with the conservation authority having jurisdiction prior to the granting of any approval for which the County is approval authority.

### **10.14 Development & Former Waste Disposal Sites**

Former (closed) waste disposal sites are shown with a symbol on Schedule 'D'. The development of new uses or new/enlarged buildings or structures within 500 metres from the fill area of the former waste disposal site may be permitted, provided an assessment in accordance with provincial

guidelines, is completed to determine:

- a) whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the former waste disposal site; and,
- b) the impact of leachate migration from the landfill site on the proposed use.

To implement these policies, local municipal zoning by-laws shall restrict the development of new uses on lands within the 500-metre assessment area in accordance with this Plan, which may include the use of a holding symbol. Any amendment to permit the development of any new use within the assessment area shall not occur until the appropriate council is satisfied that all studies required by the local municipality and County have been completed.

### **10.15 Development & Contaminated or Potentially Contaminated Sites**

Contaminated or potentially contaminated sites are composed of any site where future use is affected by real or perceived environmental contamination from a current or previous use of the site for commercial, industrial, or institutional use. These sites are often called 'brownfields' and are not mapped in this Plan. If the site of a proposed development is, in the opinion of the County, a local municipality, or other authority known or suspected to be a contaminated site, prior to permitting development on the site, the proponent shall complete the following to the satisfaction of the County and or local municipality:

- a) Environmental Site Assessment (ESA) in accordance with provincial guidelines; and,
- b) site restoration in accordance with a remedial plan, where the need for remediation is identified.

Where an ESA has determined that contamination exists, no development shall be permitted until such time as the completion of any required decommissioning and/or remediation of the site, and a Record of Site Condition (RSC) has been prepared and filed by a qualified person confirming that site soil conditions meet provincial criteria for the proposed use.

### **10.16 Oil, Gas, and Salt Hazards & Former Natural Resource Extraction Operations**

Development on, abutting, or adjacent to lands affected by an oil, gas, or salt hazard or a former natural resource extraction operation may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The County shall encourage, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

### **10.17 Wildland Fire Hazards**

Wildland fire hazards refers to areas, assessed as being associated with the risk of high to extreme wildland fire by the

Province. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of wildland fire hazards and may only be permitted where the risk is mitigated in accordance with wildland fire assessment and mitigation standards. Where development is proposed within a wildland fire hazard, applicants may be required to undertake a site review to assess, to the extent possible, the level of wildland fire hazard and associated risk on and in the vicinity of the subject lands. Applicants pursuing development in lands with hazardous forest types may be required to identify measures that need to be taken to mitigate the risk in accordance with standards.”

### **10.18 Abandoned Petroleum Wells**

Associated with the County’s petroleum reservoirs and past extraction operations, there are numerous abandoned petroleum wells located throughout Elgin County, particularly in the western portions of the County. Where these wells are known to exist, they shall be identified in a local official plan. Further, as a condition of development, the County will require that improperly plugged (abandoned) wells that are known or discovered during development will be properly plugged, capped, or otherwise made safe in accordance with provincial requirements. Building locations should be examined for the presence of possible well sites using established standards and procedures, and areas where wells are located should be avoided when siting buildings, unless it can be demonstrated that development can safely occur.



## 11.0 CULTURAL HERITAGE

**Cultural heritage is a broad concept that includes built cultural heritage, such as buildings, structures, and monuments, as well as cultural heritage landscapes and districts such as parks, historic trading or transportation routes, main streets, residential neighbourhoods, and archaeological sites. Cultural heritage helps to tell our collective histories and stories, builds civic pride, and is a key component of developing unique communities that people desire to visit and live in. It is also an important component of reconciliation with Indigenous communities. To that end, the following objectives have been identified as they relate to cultural heritage in the County:**

- a) Encourage the identification of cultural heritage resources and protect, conserve, and enhance them;**
- b) Ensure that all new development occur in a manner that respects the County's rich cultural heritage;**
- c) Support the identification of archaeological resources and areas of archaeological potential; and,**
- d) Ensure that Indigenous communities have access to their own cultural heritage resources.**



In addition to the other policies of this Plan, the following policies apply to cultural heritage in the County:

### **11.1 Composition of the Cultural Heritage Resources**

Cultural heritage resources are composed of:

- a) built heritage resources;
- b) cultural heritage landscapes; and,
- c) archaeological resources.

### **11.2 General Policy**

It is the intent of this Plan that the County's built heritage resources, cultural heritage landscapes, and archaeological resources be identified, conserved, and enhanced, and that all new development occur in a manner that respects the County's rich cultural heritage. This is largely anticipated to occur at the local level through the development of detailed policies in local official plans, and through the municipal heritage designation process under the Ontario Heritage Act. Given the potential cross-jurisdictional nature of archaeological sites and resources and the County's role in land division, the County's primary focus with respect to cultural heritage shall be the identification and protection of archaeological resources.

### **11.3 Cultural Heritage Resources & Local Official Plans**

As noted above, while it is the intent of this Plan to require the conservation and protection of cultural heritage resources, it is recognized that this role largely rests with local municipalities. To that end, local official plans shall include policies to protect and conserve cultural heritage resources, including requirements for technical cultural heritage studies

(e.g. conservation plan, heritage impact assessment, and/or archaeological assessment) to be conducted by a qualified professional when development or site alteration has the potential to affect a protected heritage resource, a resource with potential cultural heritage value or interest, or for development proposed adjacent to a protected heritage resource or a resource with potential cultural heritage value or interest.

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

### **11.4 Supporting Local Cultural Heritage Conservation**

As cultural heritage conservation is largely anticipated to occur at the local level, it is the policy of the County to support local efforts to conserve cultural heritage resources through the designation process under the Ontario Heritage Act, and the use of authorities under the Planning Act such as zoning to conserve cultural heritage resources.

### 11.5 Development in Areas of Archaeological Potential

Development and site alteration will be permitted on lands containing archaeological resources or areas of archaeological potential only when the archaeological resources have been assessed, documented, and conserved. Archaeological assessments must be carried out by licenced archaeologists, prior to the permitting of development and any alterations to known archaeological sites will only be performed by licensed archaeologists.

### 11.6 Marine Archaeological Resources

If there is potential for the presence of partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft or other artifacts items of cultural heritage value or interest, a marine archaeological assessment shall be conducted by a licenced archaeologist pursuant to the Ontario Heritage Act.

### 11.7 Determining Areas of Archaeological Potential

In the absence of comprehensive mapping, to determine if a site is part of an area of archaeological potential, a development proponent shall conduct and submit an evaluation using the Province's Criteria for Evaluating Archaeological Potential and/or Criteria for Evaluating Marine Archaeological Potential for review and concurrence by the County prior to making application for development. Where one or more provincial criteria have been met the applicant shall be required to engage a licensed archaeologist to prepare an archaeological assessment prior to any ground disturbing activities.

### 11.8 Preparation of Archaeological Assessments

Where an archaeological assessment is required, development and site alteration shall not proceed until the assessment or assessments have been entered into the Ontario Public Register of Archaeological Reports, and where these reports conclude that:

- a) the assessment of the area is complete; and,
- b) all archaeological sites identified by the assessment are either of no further cultural heritage value or interest, or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.

### 11.9 Cemeteries & Burial Sites

Where development has the potential to impact a known or suspected cemetery or burial site, the relevant approval authority shall require an archaeological assessment by a licenced archaeologist. Provisions under both the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply. Development shall be guided by this legislation and in accordance with any directives from the Province.

### 11.10 Engaging with Indigenous Communities

The County shall engage with Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources. To that end the County will establish, together with Indigenous communities, protocols for sharing archaeological information received through the completion of an archaeological assessment or heritage impact assessment.

### 11.11 Indigenous Community Interests

Where a completed archaeological assessment identifies sites and archaeological resources of Indigenous interest, they shall be provided to the community of closest cultural affiliation to the site and/or resources, subject to any legislative requirements. To that end, the County shall:

- a) direct proponents to the appropriate Indigenous community and facilitate communication with the relevant community;
- b) require proponents to engage with Indigenous communities at the earliest opportunity and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources;
- c) require documentation that the proponent has provided a copy of any completed archaeological assessment report to those communities with the closest cultural affiliation to the identified archaeological resources and in whose traditional territories the archaeological resources were found; and
- d) notify, in advance, of on-site archaeological assessment work completed as part of County public works projects, Indigenous communities with the closest cultural affiliation to the project area and/or archaeological resources and in whose traditional territories the archaeological resources were located.

### 11.12 Unexpected Archaeological Discoveries

The County shall develop emergency protocols to address the unexpected discovery of archaeological resources during the development process and include standard clauses addressing emergency protocols in all draft plan approvals for which the County is approval authority.

### 11.13 Role of Local Municipalities

Local municipalities are encouraged to support conservation of archaeological resources by reviewing public works projects, regardless of whether they are subject to the Environmental Assessment Act, to determine impacts upon potential archaeological resources conducting an archaeological assessment if the lands are located within an area of archaeological potential, or where an archaeological site has been previously registered on the property.

### 11.14 Archaeological Management Plan

To develop a consistent and comprehensive approach to the identification and management of archaeological resources, the County may prepare and maintain a county-wide archaeological management plan to:

- a) Reduce the risk of unforeseen discoveries during development (such as disturbing a burial site);
- b) Increase public awareness of archaeological resources;
- c) Advise current and prospective property owners where archaeological investigations will be required in order to develop or redevelop a site;



- d) Give the public greater insight into their collective histories and the opportunity to appreciate its heritage more fully; and
- e) Allow for the identification and interpretation of greater numbers of cultural heritage resources, which may offer opportunities for increased tourism.

## 12.0 REVIEW OF DEVELOPMENT APPLICATIONS

Under the Planning Act, Elgin County is the approval authority for all forms of land division within County limits including plans of subdivision, condominium, and land severances (also called 'consents'). The County is also approval authority for all local official plans and amendments to local official plans. The authority to approve all other Planning Act applications is held by the County's local municipalities, and in that respect, the County acts as commenting body. To that end, the following objectives have been identified as they relate to the review of development applications in the County:

- a) Foster efficient and timely development approvals without compromising the integrity of the planning process and development review;**
- b) Develop clear and consistent processes and criteria for the review of Planning Act applications for which the County is approval authority;**
- c) Ensure that applications are accompanied by sufficient, high-quality information, prepared by qualified professionals, where appropriate, to assist county staff and County Council in making informed recommendations and decisions; and,**
- d) Ensure that the public and Indigenous communities are appropriately consulted on decisions that impact them.**



The following policies apply to the processing and review of Planning Act applications in the County:

### 12.1 General Policy

The County of Elgin recognizes the important role that Planning Act applications play in facilitating development, while protecting the public interest. To that end, the County will seek to ensure the implementation of efficient planning processes that provide timely decisions to applicants while protecting the public interest and meeting the objectives of this Plan by:

- a) investigating and implementing measures to eliminate duplication, consolidate responses, and reduce unnecessary time delays;
- b) enforcing reasonable timelines for feedback, input, and comment by outside agencies and the public;
- c) encourage and/or mandate development proponents to pre-consult with county and municipality staff prior to submitting Planning Act applications; and,
- d) monitoring approval processes and setting time-frame targets for processing applications.

### 12.2 Land Division Applications

All applications for land division shall be evaluated based on the following general criteria:

- a) Compliance with the requirements of the Planning Act, and any other applicable piece of legislation;
- b) Demonstrated consistency with the Provincial Policy Statement, as amended;

- c) Demonstrated conformity with the policies and land use designations of this Plan and of the applicable local official plan;
- d) Demonstrated conformity with a local zoning by-law, or a demonstration that conformity will be achieved, prior to final approval;
- e) The ability of the application to address and satisfy the comments and input received by commenting agencies and bodies;
- f) Demonstration that any input from the public has been reviewed and considered; and
- g) Demonstration that the application is in the public interest.

### 12.3 Plan of Subdivision vs Consent

Land division in fee simple normally proceeds by way of either plan of subdivision or severance (also known as a 'consent'). Under the provisions of the Planning Act, all land division must proceed by way of plan of subdivision, unless it is determined that a plan of subdivision is not necessary for the orderly and efficient development of the land. To that end, lot creation by plan of subdivision is generally required if:

- a) the extension of existing infrastructure (i.e. servicing or roads) or the development of new infrastructure is required;
- b) the area that is proposed to be developed is not considered to be infilling;
- c) more than five lots including the retained lands are being created; and/or

- d) the owner is retaining sufficient lands for the development of additional lots in accordance with the land use designation in the local official plan.

#### 12.4 Technical Consents, No New Lot Created

In some cases the division of land is required to address a technical matter such as the adjustment of a lot boundary, the creation of an easement, to register a lease of over 21-years, or to register or discharge a mortgage on a part of a parcel of land. In these cases, the consent does not result in the creation of a new lot. Applications for a consent for a technical reason may be granted subject to the County being satisfied that the consent will not negatively affect the planned use and function of the subject properties.

#### 12.5 Technical Consents, New Lot Created

In some cases the division of land is required to address situations

where two or more lots have merged on title. Such new lots may be permitted, provided the County is satisfied that:

- a) the merging of the lots was unintentional and was not merged as a requirement of a previous planning approval;
- b) the new lot is generally of the same shape and size as the lot which once existed as a separate conveyable lot;
- c) the new lot can be appropriately serviced;
- d) the new lot fronts on, and will be directly accessed, by a public road that is maintained year-round by a public authority;

- e) the new lot will conform to the access policies of the relevant road authority; and
- f) there is no public interest served by maintaining the property as a single conveyable parcel.

#### 12.6 Exempted Plans of Condominium

Under the Condominium Act, an application for approval of a condominium follows the same planning approval process as a plan of subdivision. Notwithstanding this, the Condominium Act permits the County to 'exempt' applications from going through the draft plan approval process and proceed directly to final approval. The County will consider applications for eligibility under the exempted condominium process subject to the following:

- a) The proposed condominium has obtained site plan approval undergone a review/approval by the local municipality;
- b) The Plan conforms to the County and the relevant local official plan;
- c) The Plan conforms to, and complies with, the Zoning By-law;
- d) A development agreement has been entered into between the local municipality and the applicant, and it is registered against title to the lands;
- e) There are no outstanding municipal or agency matters that are required to be addressed before final approval is given;
- f) All matters under the Planning Act have been addressed; and,

- g) There are no provincial, municipal, County or agency concerns requiring conditions of draft approval.

## 12.7 Exemption from Part Lot Control

The part lot control provisions of the Planning Act have the effect of preventing the division of land in a registered plan, other than that allowed for in the approved plan of subdivision (without further approvals). Notwithstanding this, the Act permits the County to provide site-specific exemptions to this prohibition. An exemption from part lot control is appropriate when several land transactions are involved, but the resulting changes will not affect the nature or character of the proposed subdivision. As such, the County will consider exempting the following types of applications from part-lot control:

- a) the creation of lots for dwellings with common walls (e.g. semi-detached, rowhouses, etc.) within an approved plan of subdivision;
- b) minor lot realignments within a plan of subdivision;
- c) technical severances, such as additions to lots, easements, or land dedications within a plan of subdivision; and,
- d) the creation of lots within blocks in a plan of subdivision that were clearly indicated and intended to be further subdivided at the time the application was considered by a local council.

The creation of additional lots in a plan of subdivision through part lot control exemption, due to changes to market conditions may be considered, provided that a local council and the County is satisfied the resulting changes will not affect

the nature or character of the proposed subdivision, and the changes do not require further technical review of the plan of subdivision.

## 12.8 Local Official Plans & Amendments

All local official plans and applications for official plan amendments shall be evaluated based on the following general criteria:

- a) Compliance with the requirements of the Planning Act, and any other applicable piece of legislation;
- b) Demonstrated consistency with the Provincial Policy Statement, as amended;
- c) Demonstrated conformity with the policies and land use designations of this Plan;
- d) Demonstrated conformity with the overall intent, goals, and objectives of local official plan;
- e) The ability of the application to address and satisfy the comments and input received by commenting agencies and bodies;
- f) Demonstration that input from the public has been reviewed and considered; and
- g) Demonstration that the plan or amendment is in the public interest.

## 12.9 Applicant Pre-consultation

It is the policy of the County to require pre-consultation for all Planning Act applications for which the County is approval authority. Prior to the submission of an application under

the Planning Act for which the County is approval authority, applicants are required to meet jointly with the County, the local municipality, and relevant agencies to:

- a) determine what studies, plans, and materials are required to support an application in accordance with this section of the Plan; and,
- b) Provide preliminary comments and feedback to the applicant regarding their proposal.

### 12.10 Complete Application Requirements

To ensure that both local and County Councils can make an informed decision on any Planning Act application, and to ensure that the public understands the implications of an application, studies, reports, and/or plans are required to be submitted as part of what is referred to under the Planning Act as a 'complete application'. In addition to the application requirements of the Act, and the supporting studies, reports, or plans that may be detailed as required within this Plan, the following may be required to support any application for which the County is approval authority:

- a) Aggregate Resource Assessment;
- b) Aggregate Impact Assessment;
- c) Agricultural Impact Assessment;
- d) Archaeological Assessment;
- e) Comprehensive Review Study;
- f) Concept or Demonstration Plan;
- g) Cumulative Groundwater Impact Assessment;

- h) Draft Plan of Subdivision or Condominium;
- i) Energy & Emissions Strategy;
- j) Environmental Impact Study;
- k) Environmental Site Assessment;
- l) Financial Impact Assessment;
- m) Functional Servicing Report;
- n) Geotechnical Assessment;
- o) Heritage Impact Assessment;
- p) Heritage Conservation Plan;
- q) Hydrogeological Assessment;
- r) Land Use Compatibility Assessment;
- s) Market Impact Study;
- t) Market Justification Study;
- u) Master Servicing Study;
- v) Noise & Vibration Study;
- w) Odour Assessment;
- x) Planning Rationale;
- y) Parking Assessment;
- z) Reference Plan or Real Property Survey;
- aa) Rehabilitation Plan (natural resource extraction);
- ab) Servicing Options Study;
- ac) Species at Risk Assessment;
- ad) Stormwater Management Plan;
- ae) Sub Watershed Study;

- af) Sun & Shadow Study;
- ag) Sustainability Strategy;
- ah) Topographic Survey;
- ai) Traffic Impact Assessment;
- aj) Urban Design Brief.

It is at the sole discretion of the County to determine what studies, reports, or plans are required to form a complete application for which the County is approval authority.

### 12.11 Qualified Professionals

All studies, reports, and plans required by the County shall be carried out by qualified professionals retained by, and at the sole expense of, the applicant. To that end, a qualified professional means an individual who has a provincially recognized degree, certification, licence, registration, or other requirements that apply to the areas in which the individual is providing their professional opinion or services. The County shall determine, at its sole discretion, who constitutes a qualified professional.

### 12.12 Review of Studies, Reports, and Plans

The acceptance of a complete application by the County does not constitute concurrence with the contents of the application. To that end, the County may require independent peer reviews of studies, reports, and plans by an appropriate public agency or by a professional consultant retained by the County at the proponent's sole expense. Alternatively, studies may be carried out by a qualified professional retained by the County at the

expense of the proponent.

### 12.13 Public Participation & Consultation

It is a policy of this Plan that public participation should be an integral component of any planning process. On this basis, before making any planning decision, County Council shall be satisfied that:

- a) adequate public notice has been given in accordance with the Planning Act;
- b) enough information to enable the public to reasonably understand the nature of the proposal and its impacts is available prior to any public meeting;
- c) all public and agency comments have been reviewed and analyzed; and,
- d) their decision will appropriately balance the overall public interest against the private interests expressed in the application.

Proponents shall be encouraged to pre-consult with neighbouring landowners and residents to obtain their views before a formal application is submitted.

### 12.14 Indigenous Consultation

The County will explore opportunities for collaboration on common objectives and build relationships with Indigenous communities to advance reconciliation and other joint interests. To that end, the County will:

- a) create, in collaboration area Indigenous communities and local municipalities, an engagement protocol to be



applied when engaging and coordinating with Indigenous communities on planning matters;

- b) have regard for the consultation protocols of Indigenous communities that have traditional territory in the County when engaging on planning matters or public works projects; and
- c) engage with Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources, planning for sustainability and climate change, and the Natural System.

## 13.0 IMPLEMENTATION & ADMINISTRATION

**This section of the Plan contains policies pertaining to the administration and implementation this Plan. Specifically, this section addresses how the Plan is to be interpreted, reviewed, updated, and monitored. To that end, the following objectives have been identified as they relate to the implementation and administration of this Official Plan:**

- a) Clarify how the policies and land use designations of this Plan, as well as references to the legislation, policies, regulations, and guidelines of other authorities and levels of government are to be interpreted;**
- b) Identify a framework for the regular review and updating of this Plan to ensure it continues to respond to the needs of the County and issues of importance to County Council; and,**
- c) Identify a framework for monitoring progress on achieving the goals and objectives of this Plan and the implementation of its policies.**

MUSEUM

ARCHIVES

COUNTY OF ELGIN



The following policies apply to the implementation and administration of this Plan:

### 13.1 Minimum Policies & Standards

Nothing in this Plan shall prevent the local municipalities from adopting more restrictive policies or standards than those outlined in this Plan, provided such policies are consistent with the general intent of this Plan.

### 13.2 County Official Plan Amendments

It is the intent of this Plan to serve as the basis for managing change in the County until 2044. Any amendment proposed to this Plan shall conform to the Plan's overall intent as set out in the objectives of this Plan. The Plan may be altered to correct errors in the text or schedules without an amendment, provided the alterations do not change the effect of the objectives and policies of the Plan. Following the adoption of this Plan, County Council shall determine the need to revise the Official Plan in whole or in part in consultation with prescribed public bodies and hold a special meeting of Council that is open to the public, at intervals of not more than every five years. In considering the need for revisions, the County shall also consider Section 26 of the Planning Act which requires that the Official Plan:

- a) conforms to any provincial plans;
- b) has regard to the matters of provincial interest listed in the Planning Act; and,
- c) is consistent with policy statements issued under the Act.

### 13.3 Local Official Plans & Amendments

Local official plans shall conform to this Plan. However, it is recognized, that some time may pass between the adoption of this Plan and the conformance exercise of a local official plan or a statutory review. In the event of a conflict between the provisions of a local official plan and the provisions of this Plan in the interim period, the provisions of this Plan shall prevail.

### 13.4 Local Zoning By-laws

When this Plan or any part thereof takes effect, every local zoning by-law shall be updated by the local municipalities to conform with this Plan. Any amendments to zoning by-laws should occur after the local official plan has been amended to conform to this Plan. Notwithstanding the above, this Plan is not intended to prevent the continuation, expansion, or enlargement of legally existing uses which do not conform to the designations and provisions of this Plan. At their sole discretion, the council of a local municipality may zone to permit the continuation, expansion, or enlargement of legally existing uses, or variations to similar uses, provided that such uses:

- a) have no adverse effect on present uses of surrounding lands or the implementation of the provisions of this Plan; and
- b) are subject to any conditions that may be contained in a local official plan.

### 13.5 Planning Advisory Committee

The Planning Act mandates that the County of Elgin establish

a planning advisory committee. To that end, the mandate of the committee shall be to provide County Council with advice regarding key planning matters in the County. Members will provide input on issues that impact the long-term vision for development the County. This mandate will be fulfilled by considering and providing input on matters such as:

- a) Proposed new or revised plans, legislation and initiatives from provincial ministries, federal departments, and other agencies that affect planning issues in the County;
- b) Updates and amendments to the County Official Plan;
- c) Monitoring the implementation of this Plan; and
- d) Other studies warranting additional consideration, as referred by County Council.

### 13.6 Monitoring Plan Implementation

The purpose of monitoring is to evaluate the effectiveness and relevance of the Plan in meeting the County's goals and objectives. The County will develop indicators to assist with regular monitoring of this Plan and undertake annual reporting to Council on implementation. At minimum annual monitoring to County Council will include details on:

- a) Ensuring an overall 25-year supply of urban lands across the County;
- b) Progress towards meeting the Plan's residential infilling and intensification target;
- c) Ensuring the minimum supply of residentially-designated lands, and supply of vacant, zoned, and serviced residential lands;

- d) Progress towards meeting the Plan's affordable housing target;
- e) Ensuring a 25-year employment lands supply;
- f) Metrics to ensure that the County's Natural System is protected and enhanced including progress towards meeting the Plan's forest coverage target;
- g) Investments leveraged by any community improvement funding committed to by County Council;
- h) Targets and performance for processing applications; and,
- i) Any other metrics that County Council has identified as being relevant to the monitoring of this Plan.

To assist with monitoring and plan review, the County, in cooperation with local municipalities, will maintain an information system to allow for appropriate analysis of the changes in the social, economic, environmental, and technological conditions in the County.

### 13.7 Interpretation, General

This Plan is the County of Elgin's statement of land use policy. As a statement of policy, some general flexibility in interpretation may be required from time-to-time to address site-specific or unforeseen circumstances. Where flexibility is warranted it may be considered at the sole discretion of County Council provided that the intent of the policies and objectives of this Plan are maintained.

### 13.8 Interpretation, Defined Terms

Where a word or term in is not defined or described in the body of this Plan, the reader shall refer to the Planning Act, Provincial Policy Statement, or the appropriate county or provincial implementation guideline for its definition. Where there is no definition found, the common definition of the word or term shall be used.

### 13.9 Interpretation, Land Use Designations

The boundaries between land uses designated on the schedules to this Plan are considered approximate except where they meet with roads, railway lines, rivers, transmission lines, lot lines or another clearly defined physical feature. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

### 13.10 Interpretation, Settlement Area Boundaries

The boundaries of the settlement areas identified on the schedules of this Plan are intended to be representative of the boundaries as delineated in local official plans. As such, local official plans should be consulted for the most accurate delineation of a boundary. Where a settlement area boundary has been revised in a local official plan, Schedule 'A' of the County Official Plan shall be updated by way of amendment except:

- a) where the settlement area boundary in a local official plan has been determined to be a conceptual boundary, in which case, it may be refined without amendment to this Plan so long as the total existing area of the

settlement is not increased as a result of the revision; or

- b) where a revised settlement area boundary has been approved by the County as a result of the adoption of a new official plan by a local municipality, or a statutory update of a local official plan.

In such cases, the County shall update Schedule 'A' through a housekeeping exercise either independently, or as part of a statutory update to this Plan. Until such time as the County Plan has been updated, the revised boundary as illustrated in the local official plan shall be deemed to conform to this Plan."

### 13.11 Interpretation, Natural System Boundaries

It is recognized that the boundaries of the Natural System, are approximate or may not reflect the current boundary of the system or feature due to the dynamic nature of the system or feature. Interpreting the limits of Natural System shall be in accordance with Subsection 7.3 of this Plan.

### 13.12 Interpretation, Hazardous Sites & Lands

Like the Natural System, the limits of hazardous sites and lands are approximate or may not reflect the current boundary of the site or lands due to the dynamic nature of these hazards. Interpretation of the limits of hazardous lands and sites shall be in accordance with Subsection 10.4 of this Plan.

### 13.13 Interpretation, Features Not Mapped

In some cases, some features noted in this Plan may not be mapped due to lack of complete data, such as natural system features, aggregate resource areas, and contaminated /

potentially contaminated sites. Additionally, a feature may not be mapped due to sensitivity of a feature such as the habitat of threatened or endangered species. The policies of this Plan apply to the relevant features regardless of whether they are mapped on the schedules of this Plan and no official plan amendment shall be required to identify these features.

### **13.14 Interpretation, Road Locations**

The location of the roads as illustrated on the schedules of this Plan shall be considered as approximate. Amendments to this Plan will not be required to make minor adjustments or deviations to the locations of roads provided that the general intent of the Plan is maintained.

### **13.15 References to Legislation, Policies, & Guidelines**

Where this Plan makes reference to any act, regulation, policy, or guideline of any planning authority, such reference shall be deemed to include any subsequent amendments or successor document.

### **13.16 Accessory Uses**

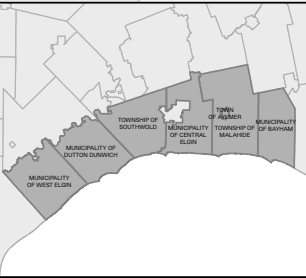
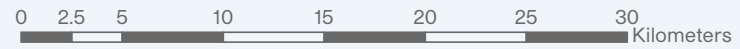
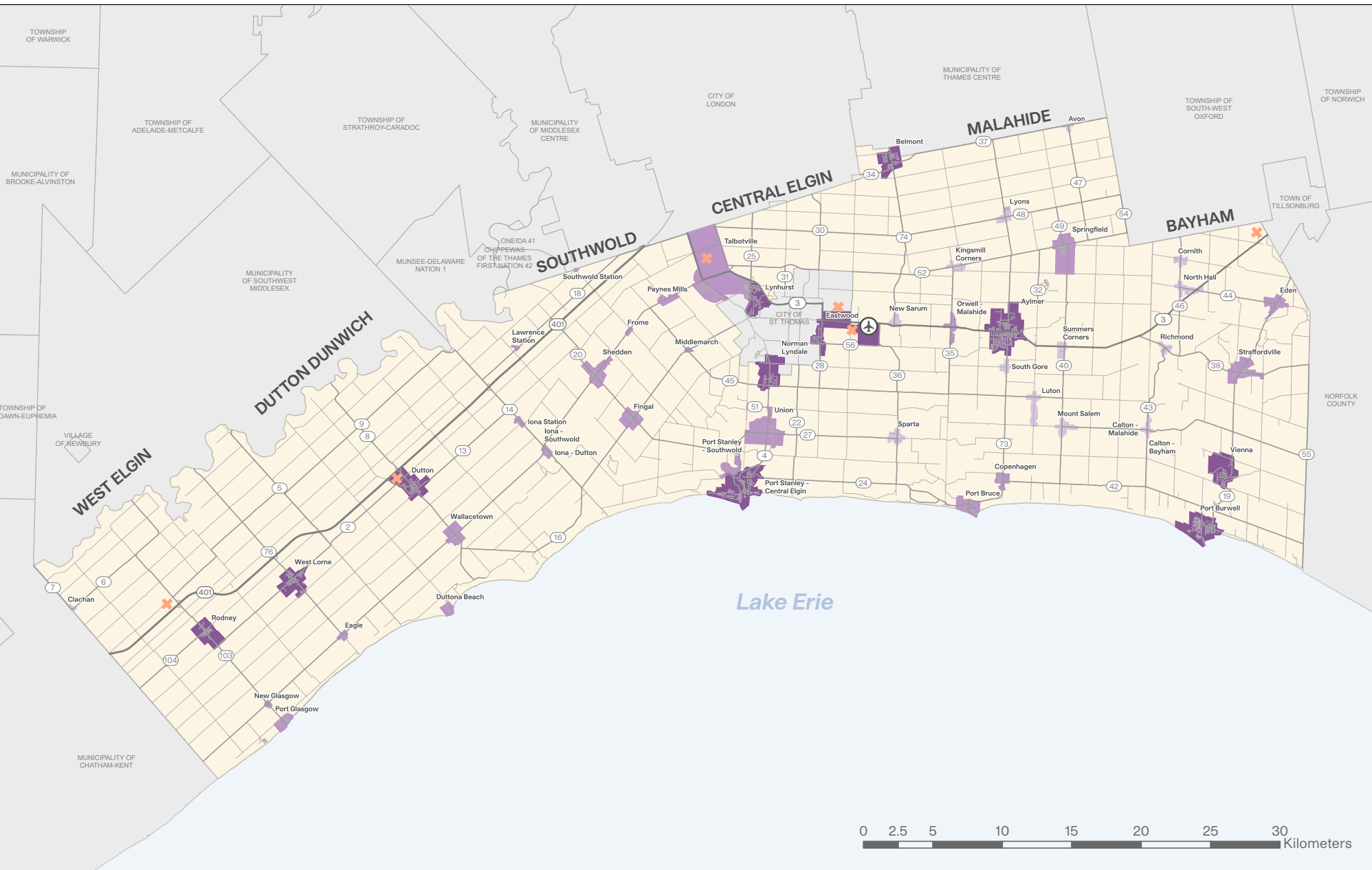
Whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

### **13.17 Discrepancies in the Plan**

If there is a discrepancy between policies of any section of this Plan or a local official plan, the more stringent policy, standard, or criteria shall prevail. Alternatively, the matter may be referred to County Council for clarification.

## Official Plan Schedules

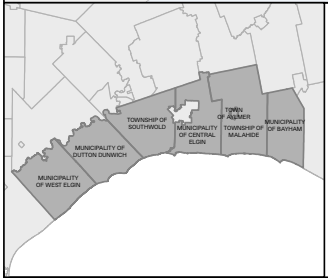
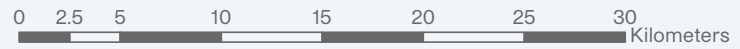
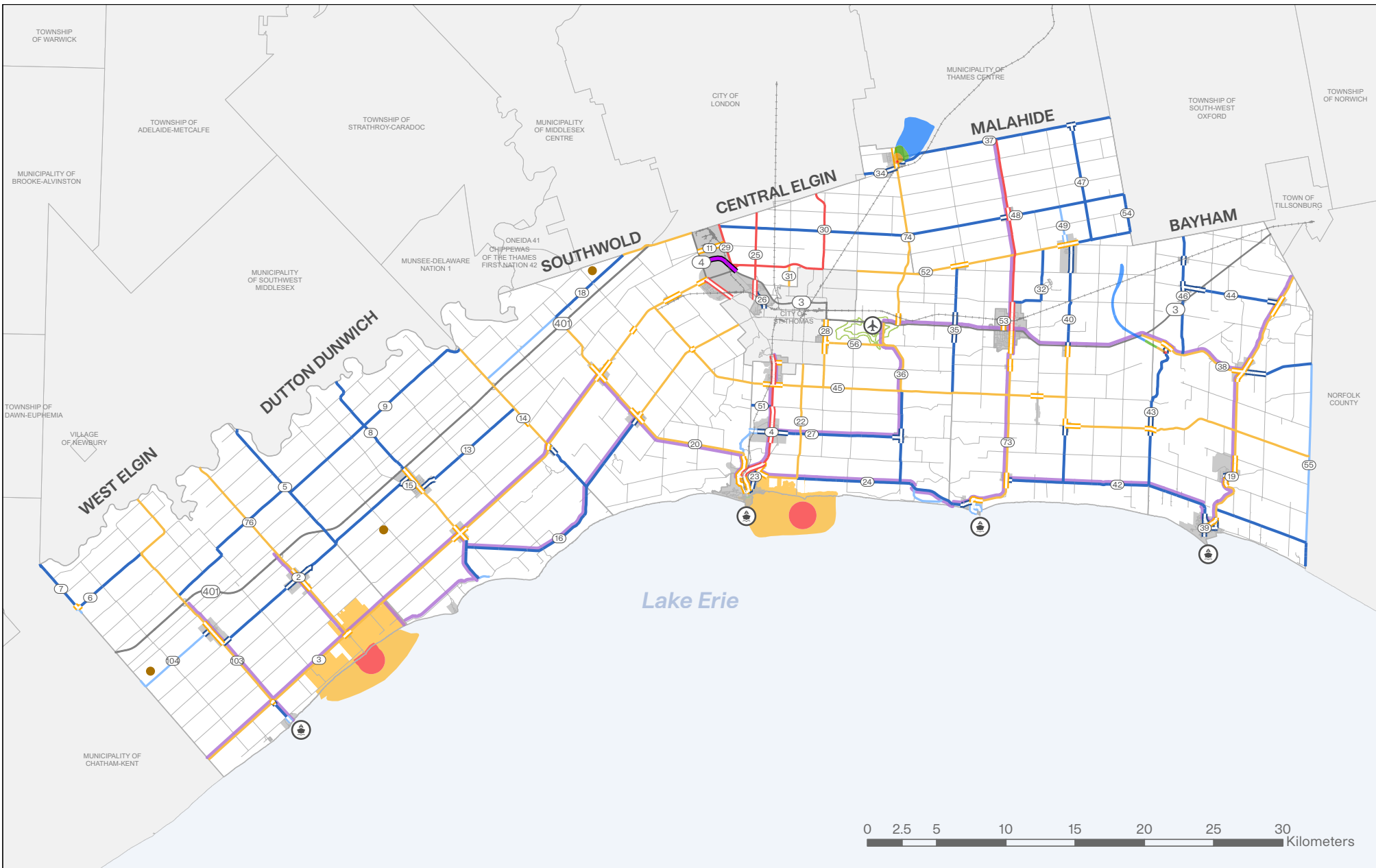




**Schedule 'A' - County Structure Plan**

- Settlement Areas
  - Tier 1
  - Tier 2
  - Tier 3
- Agricultural Area
- Strategic Employment Areas
- Provincial Roads
- County Roads
- Local Roads
- ✈ Airport

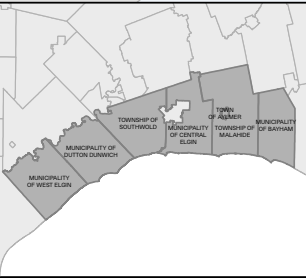
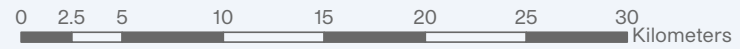
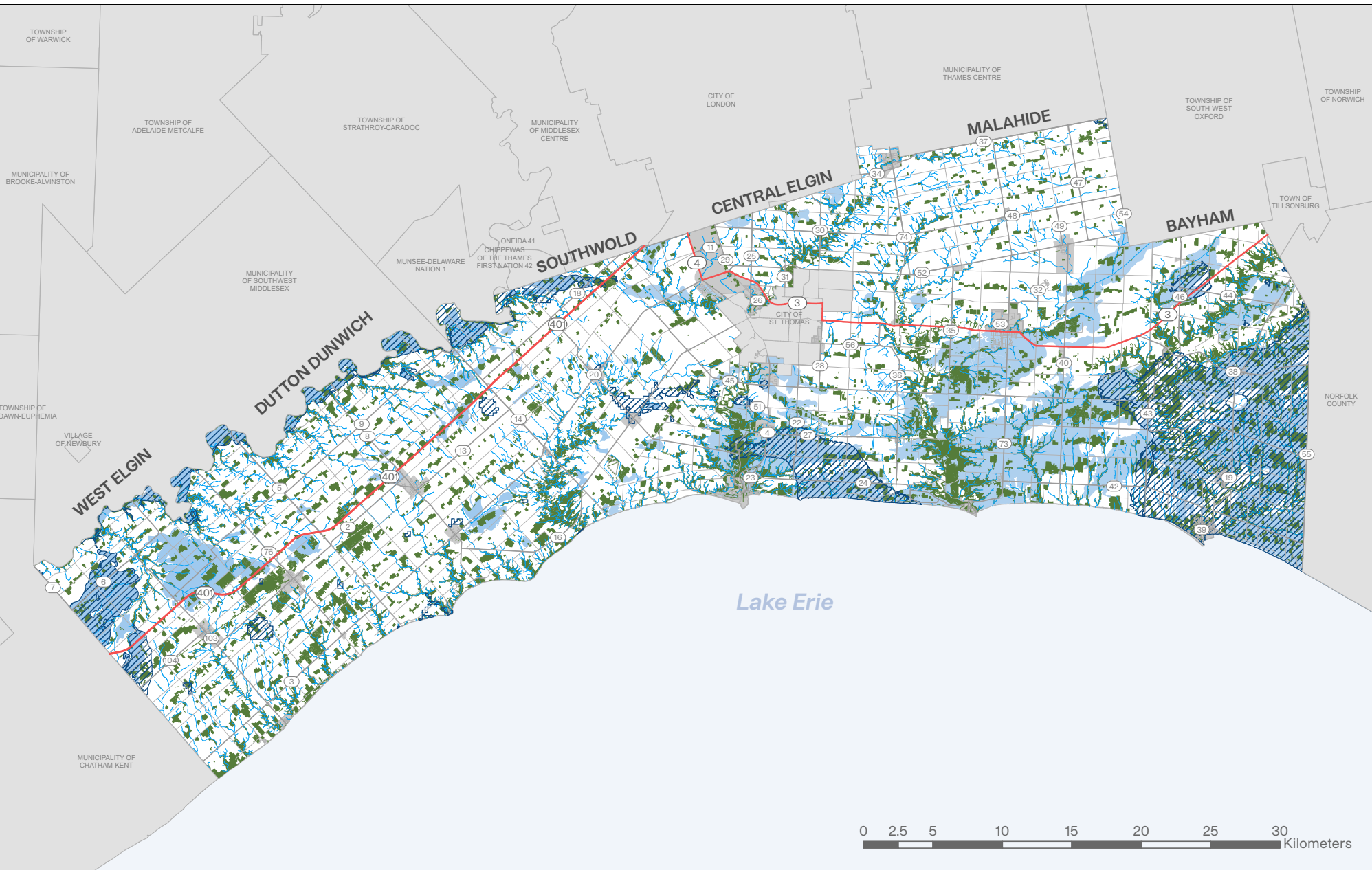




### Schedule 'B' - Transportation & Infrastructure Systems

- |                         |                                  |                      |                       |
|-------------------------|----------------------------------|----------------------|-----------------------|
| Sourcewater             | Active Rail Line                 | Rural Collector      | Provincial Roads      |
| Protection Intake Areas | Proposed Transportation Corridor | Rural Local          | Local Roads           |
| Airport                 | Urban Collector                  | Rural Major Arterial | Settlement Boundaries |
| Marine Ports            | Urban Local                      | Rural Minor Arterial |                       |
| Active Landfills        | Urban Minor Arterial             | NEF / NEP Contours   |                       |
|                         | Urban Major Arterial             | Scenic Routes        |                       |

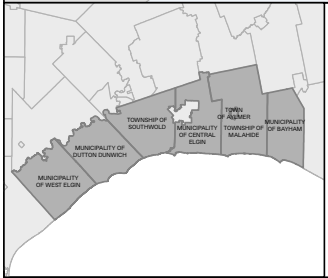
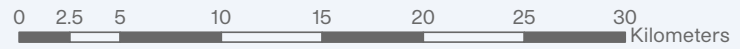
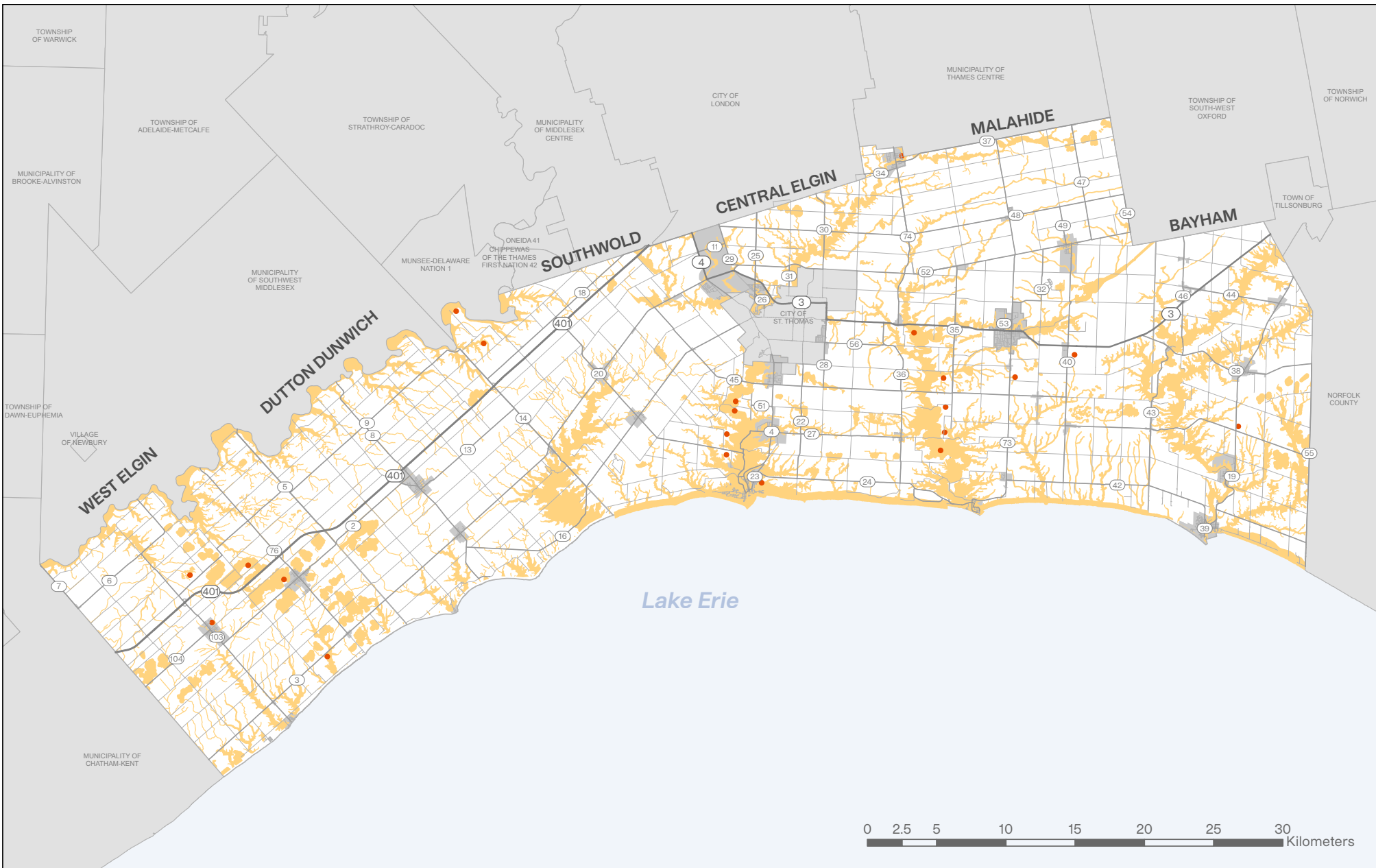




**Schedule 'C' - The Natural System**

- Natural Heritage System
- Significant Groundwater Recharge Area
- Watercourse
- Highly Vulnerable Aquifer
- Provincial Highway
- County Roads
- Local Roads

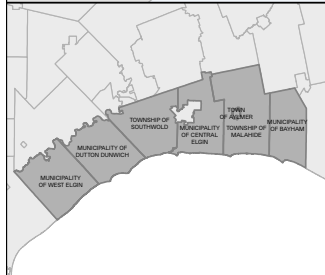
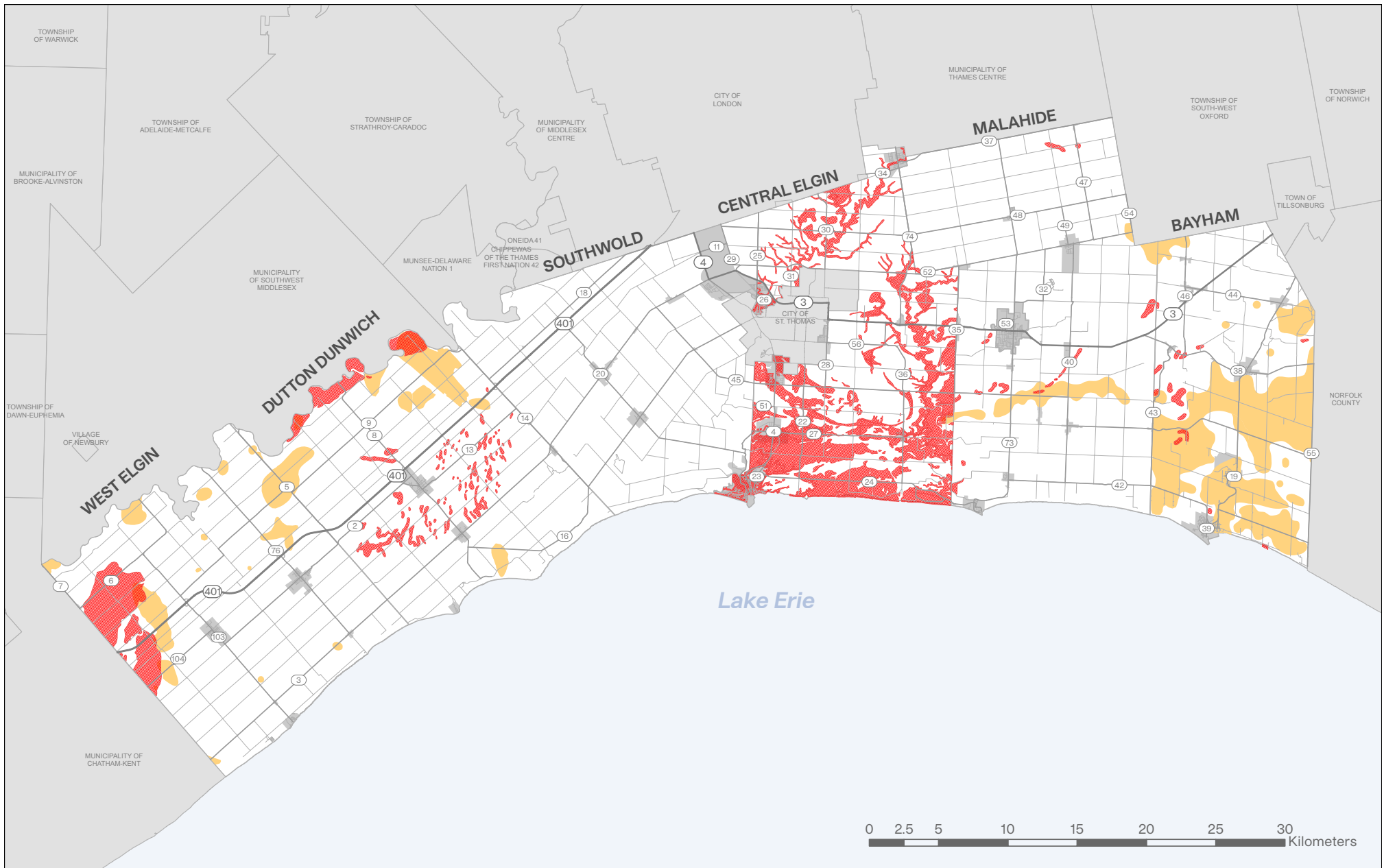




**Schedule 'D' - Development Hazards**

- Former Landfill Sites
- Provincial Roads
- Conservation
- County Roads
- Authority Regulation Limits
- Local Roads





### Schedule 'E' – Natural Resource Management Areas

- Areas of Aggregate Resource
- Areas of Petroleum Resource
- Provincial Roads
- County Roads
- Local Roads



