

## Schedule A to By-00-2019

### Tree Canopy and Natural Vegetation Protection and Enhancement Policies Contained in the County of Essex Official Plan and Town of Kingsville Official Plan

#### 3.4 NATURAL ENVIRONMENT

This section contains the general directive, goals and policies for the County of Essex *natural heritage system*. The components of the *natural heritage system* are listed in Table 3, and where appropriate, mapped on the Schedules to this Plan. For ease of review, the *natural heritage system* is found on the following Schedules to this Plan:

- a) Lands designated "Natural Environment" are mapped on Schedule "A1", while Schedule "B1" contains a breakdown of the features within this designation. Lands designated "Natural Environment" are a Provincially *significant wetland* or are *significant* terrestrial features that are designated as a *natural heritage feature* in a local Official Plan, or meet 5 out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.
- b) Schedule "B2" contains an overlay of secondary priority *natural heritage features* in the County that meet 1 to 4 of the 11 criteria outlined in the ERNHSS report.
- c) Schedule "B3" contains an overlay of Restoration Opportunities including priority and secondary restoration lands that meet either 3 to 5 (Priority) or 1-2 (Secondary) of the 11 criteria outlined in the ERNHSS report.

**Table 3: Natural Environment Types**

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
1	<b>Significant wetlands and significant coastal wetlands</b>	MNR	<b>Delineating wetland</b> reviewing and approving the work of others in accordance with the Ontario Wetland Evaluation System.	Existing Feature within the "Natural Environment" designation on Schedule "A1" and Provincially significant wetlands designation on Schedule "B1".	<b>Development and site alteration shall not be permitted.</b>
2	<b>Significant habitat of endangered species and threatened species</b>	MNR	Delineating/ describing, reviewing and approving the work of others or establishing methods such as training and standards that ensures the work of others will be acceptable	Not specifically mapped on Schedules.	<b>Development and site alteration shall not be permitted.</b>
3	<b>Lands adjacent to significant wetlands and significant coastal wetlands and significant habitat of endangered species and threatened species</b>	County of Essex or local municipalities	A 20 metre adjacent lands width is identified from the extent of the identified feature.	Not specifically mapped on Schedules.	<b>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</b>
4	<b>Lands designated in local Official Plans for natural</b>	County of Essex	Identified in local Official Plans.	High Priority Existing Feature within the "Natural Environment".	<b>Development and site alteration shall not be permitted.</b>



	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
	heritage protection			designation on Schedule "A1" and within the <i>Significant Terrestrial Features</i> designation on Schedule "B1".	
5	Other High Priority Existing Natural Features	County of Essex through ERCA & LTVCA	Existing natural features that satisfied between 5 and 11 criteria in the Essex Region Natural Heritage System Strategy.	High Priority Existing Feature. Designated "Natural Environment" on Schedule "A1" and as categorized on Schedule "B1".	<i>Development and site alteration shall not be permitted.</i>
6	Fish habitat	Appropriate Conservation Authority and Fisheries and Oceans Canada	Identified through pre-consultation with appropriate Conservation Authority and Fisheries and Oceans Canada.	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1", "B2", and "B3".	Pre-consultation with local Conservation Authority based on approved criteria.
7	Significant woodlands	County of Essex through ERCA and LTVCA	All woodlands 2 hectares in size or larger using the size criteria recommended in the Natural Heritage Reference Manual (MNR, 2010) and as per the Essex Region Natural Heritage System Strategy. Smaller woodlands may be considered significant if they exhibit	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</i>



	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
			composition, age or quality that is uncommon in the municipality or the region.		
8	<b>Significant areas of natural and scientific interest</b>	MNR	In accordance with the <i>areas of natural and scientific interest</i> confirmation process. Policies apply to both Earth and Life science <i>areas of natural and scientific interest</i> .	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
9	<b>Significant wildlife habitat</b>	County of Essex through ERCA and LTVCA	Using criteria recommended in the Natural Heritage Reference Manual (MNR, 2010), the Significant Wildlife Habitat Technical Guide and the Eco-Region Criteria Schedules and using Ecological Land Classification.  <i>Significant wildlife habitat</i> has been divided into four broad categories (1) seasonal concentration areas, (2) rare vegetation communities or specialized habitats for wildlife, (3) habitat of species of conservation concern (excluding the habitat of <i>endangered</i> and <i>threatened species</i> ), and (4) animal movement corridors.	Not specifically mapped on Schedules.	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .

	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
10	<i>Significant valleylands</i>	County of Essex through ERCA and LTVCA	<p><i>Significant valleyland</i> features are identified utilizing guidelines provided in the Natural Heritage Reference Manual (MNR, 2010) and are based on the following features:</p> <p>A) more or less continuous natural areas providing connections within the watershed;</p> <p>B) contains a diversity of native species, natural communities and landscapes;</p> <p>C) provides <i>ecological functions</i> such as habitat, passage, refuge, hydrological flow, and buffering from <i>adjacent</i> areas.</p>	High or Secondary Priority Existing Feature. Located within the designations on Schedules "A1", "B1" or "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
11	Identified significant existing natural heritage feature	County of Essex through ERCA and LTVCA	Existing natural feature that satisfied between 1 and 4 of 11 criteria in the Essex Region Natural Heritage System Strategy.	Secondary Priority Existing Feature. Located within designations on Schedule "B2".	<i>Development and site alteration</i> shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .
12	<i>Adjacent lands to significant woodlands, significant valleylands, Provincial and regional ANSIs,</i>	County of Essex through ERCA and LTVCA	A 120 metre <i>adjacent lands</i> width is identified and referenced for all <i>natural heritage features</i> with the exception of Earth Science ANSI which have a recommended 50 metre <i>adjacent lands</i> width.	Not specifically mapped on Schedules.	<i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage feature</i> and areas unless the <i>ecological function</i> of the <i>adjacent lands</i> has been evaluated and it has been demonstrated that there



	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
	and significant wildlife habitat and lands designated in local Official Plans for natural heritage protection and other high priority existing natural features				will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i> .
13	Unevaluated wetlands	MNR	Unevaluated wetlands can be identified using ELC or OWES. Unevaluated wetlands can be identified through processes such as EIA's or candidate natural heritage studies. Once an unevaluated wetland is identified, the next step is to complete a wetland evaluation. The wetland evaluation will result in a determination of significance for the wetland, i.e., Provincially or locally significant. The methodology used to determine significance of wetlands is the Ontario Wetland Evaluation System. Wetlands can be identified and evaluated by MNR staff or other qualified professionals provided that they use the approved OWES	Not specifically mapped on Schedules.	Development and site alteration will not be permitted until the significance of the feature has been determined using OWES. For wetlands determined to be Provincially significant see Item #1 of this table for the policies that will apply. For wetlands that have been determined to be locally significant, development and site alteration shall not be permitted unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .



	<b>Natural Heritage Feature</b>	<b>Agencies determining significance</b>	<b>Criteria and methods used to determine significance</b>	<b>Schedule</b>	<b>Policy</b>
			methodology and have received MNR training in the use of the Province's <i>wetland</i> evaluation system. All <i>wetland</i> evaluations must be sent to MNR regardless of the preliminary determination of significance. The MNR is responsible for reviewing and approving all <i>wetland</i> evaluations.		
14	Prioritized Restoration Opportunities	County of Essex through ERCA and LTVCA	Prioritized Restoration Opportunities that satisfied between 3 and 5 criteria in the Essex Region Natural Heritage System Strategy.	Prioritized Restoration Opportunity on Schedule "B3".	<p>Provide for a focused approach towards the implementation of the <i>natural heritage system</i>.</p> <p>Supported options may include focused land securement, stewardship activities, and volunteer restoration.</p>
15	Prioritized Restoration Opportunities	County of Essex through ERCA and LTVCA	Prioritized Restoration Opportunities that satisfied 1 or 2 criteria in the Essex Region Natural Heritage System Strategy.	Prioritized Restoration Opportunity on Schedule "B3".	<p>Provide for a focused approach towards the implementation of the <i>natural heritage system</i>.</p> <p>Supported options may include focused land securement, stewardship activities, and volunteer restoration.</p>

### 3.4.1 General Directive

This Plan acknowledges the importance of *natural heritage features* and considers them as integral parts of a healthy and vibrant community. Once destroyed, *natural heritage features* are difficult, if not impossible, to replace. The vision for lands designated “Natural Environment” and other areas with *natural heritage features* and lands *adjacent* to areas with *significant natural heritage features* is one which includes a strong commitment to protect, preserve and enhance those areas that exist within the County. Because many natural areas have been converted into farm land over the years (approximately six percent of the land in Essex County continues to contain *natural heritage features*) those areas that remain are relatively few in number. Accordingly, the protection of all *natural heritage features* and the consideration of priority and secondary restoration opportunity areas will enhance the ecological form and function of the County’s *natural heritage system*.

Lands identified as Provincially *significant wetlands*, *significant* habitat of *endangered* and *threatened species*, lands designated in local Official Plans for natural heritage protection, and other high priority existing *natural heritage features* meeting 5 of the 11 criteria in the County of Essex Natural Heritage System Strategy shall be designated as “Natural Environment” in this Plan as identified on Schedule “A1” and further detailed in Schedule “B1”. These lands shall also be identified in a comparable designation in local Official Plans and Zoning By-laws.

Existing Secondary Priority *natural heritage features* that meet between 1 to 4 of the 11 criteria in the Essex Region Natural Heritage System Strategy shall be identified in an overlay designation on Schedule “B2” of this Plan. Land uses follow the underlying designation; however, specific policies apply to these lands when subject to *development* review of a Planning Act application. These existing features, such as *woodlands/woodlots*, *areas of natural and scientific interest*, *valleylands* and *wildlife habitat* have, at a minimum, local or regional significance and they should be identified in local Official Plans. The County encourages *local municipalities* to undertake Candidate Natural Heritage Studies to identify additional Provincially, regionally and locally *significant natural heritage features* and to incorporate those areas into their Official Plan and Zoning By-law.

Priority and Secondary restoration opportunity areas have been identified in an overlay designation on Schedule “B3” of this Plan. The intent of this overlay designation is to promote opportunities to enhance the County’s *natural heritage system* through policy, stewardship and education.

The goals and policies below are considered the minimum standards necessary to protect the County’s *natural heritage features* and *natural heritage system*. *Local municipalities* are encouraged to go beyond the policies contained within this Plan and Provincial Policy to preserve, protect and enhance the natural environment of Essex County.



### 3.4.2 Goals

The County encourages and supports the enhancement of the *natural heritage system*. The *natural heritage system* contains potential linkages and corridors as well as expansions to the core existing *natural heritage features*. Further information on the County's *natural heritage system* can be found in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

The following goals apply to the County's *natural heritage system*:

- a) To facilitate and support the preservation, protection and enhancement of existing *natural heritage features*.
- b) To recognize the Essex Region Natural Heritage System Strategy as a means of providing technical direction towards the location and establishment of the County's *natural heritage system* as per 2005 Provincial Policy 2.1.2.
- c) To establish the framework with which the County and *local municipalities* will incorporate comprehensive and innovative policies in local Official Plans in an attempt to work with private property owners toward preserving and enhancing natural features. The County encourages *local municipalities* to develop implementation mechanisms to protect high priority restoration opportunity areas (as outlined in the Essex Region Natural Heritage System Strategy). The most appropriate implementation mechanism is the local Official Plan and Zoning By-law; however, other mechanisms include, but are not limited to, voluntary landowner stewardship policies, financial programs, bonusing policies, and attaching conditions to *development* approvals.
- d) To increase the size of core natural areas and to create and protect linkages and corridors as part of a linked *natural heritage system* connecting *wildlife habitat* areas to each other, human settlements to human settlements and people to nature. Inter-municipal co-ordination to accomplish this goal is encouraged.
- e) Support partnerships with local *Conservation Authorities*, *local municipalities*, and other partners, that result in plans to appropriately manage ecologically *sensitive* lands that are in public ownership, discourage the introduction and spread of invasive species, and promote a high level of biodiversity.
- f) The County encourages private individuals and businesses to participate in tree planting, restoration and stewardship programs and opportunities. The County further encourages the inclusion of policies in local Official Plans that will achieve this goal and ultimately enhance the *natural heritage system*.

- g) To recognize that vegetated buffers along municipal drains enhances the *natural heritage system* and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains. This can be achieved by working with local drainage superintendent associations during the preparation of drainage reports under the Drainage Act that includes vegetated buffers for new municipal drains and updates that are within the “Restoration Opportunities Overlay” Schedule “B3”.
- h) The County supports the creation of new or expanded linkages between *natural heritage features*, where feasible. Corridors link isolated *natural heritage features* or enhance existing linkages, improve or enhance the *ecological functions* of designated *natural heritage features*, and strengthen the overall *natural heritage system*. Corridors and linkage areas will be identified in consultation with the *Conservation Authorities*, non-government organizations and private landowners. Some corridors or linkages may need to be developed over time through initiatives such as reforestation or regeneration projects.

### 3.4.3 Natural Environment Policies

The following policies apply to those lands designated as “Natural Environment” on Schedule “A1” as further detailed on Schedule “B1” of this Plan.

- a) *Development and site alteration* is not permitted on lands designated “Natural Environment”.

These lands include Provincially *significant wetlands* and *significant habitat of endangered species and threatened species*, lands designated in local Official Plans, and high priority existing *natural heritage features* that meet five out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. Lands designated “Natural Environment” may also contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, and significant valleylands*.

- b) Permitted uses on lands designated “Natural Environment” shall be limited to passive recreational uses, and activities that create or maintain *infrastructure* authorized under an environmental assessment process or work subject to the Drainage Act.
- c) Nothing in this Plan is intended to limit the ability of existing *agricultural uses* to continue on lands within the “Natural Environment” designation as well as lands designated “Agricultural” and that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*. However, the construction of greenhouses and other agricultural buildings within areas designated “Natural Environment” is prohibited.



- d) Some natural environment areas may contain features and/or functions that result in the area meeting the qualifications of more than one of the classifications in Table 3. In those instances where an area qualifies as being in more than one of the classifications, the environmental impact assessment that requires the higher level of detail shall be required and the larger *adjacent lands* setback shall apply.
- e) The *significant* habitat of *endangered species* and *threatened species* is not shown on the Land Use Schedules; however, it can occur in *natural heritage features and areas* mapped on the Official Plan Schedules.

Species at Risk are identified as extirpated, *endangered*, *threatened* or species of special concern on the Species at Risk in Ontario List. The Ministry of Natural Resources (MNR) administers the Endangered Species Act, 2007 (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the MNR is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement, 2005 (PPS). For the purposes of the PPS, MNR is responsible for approving the delineation of *significant* habitat of *endangered species* and *threatened species*.

Environmental Impact Studies or other planning reports may help with identifying the extent of the habitat of *endangered species* and *threatened species*.

The *significant* habitat of *endangered species* and *threatened species* will be based on a consideration of the following:

- i) Assessments reviewed and approved by the Ministry of Natural Resources regarding the extent of the species' habitat;
- ii) Habitats or areas delineated by MNR and/ or regulated under the ESA; and,
- iii) Habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

#### **3.4.4 Natural Environment Overlay Policies**

The following policies apply to those lands identified as "Natural Environment Overlay" on Schedule "B2" of this Plan.

- a) **Development and site alteration** is not permitted on lands within the “Natural Environment Overlay” unless it has been demonstrated to the satisfaction of the approval authority and/or the *local municipality*, in consultation with the relevant *Conservation Authority*, that there will be no *negative impacts* on the natural features or their *ecological functions*.

These lands may be *adjacent* to lands designated “Natural Environment” and/or may contain *fish habitat, significant woodlands, areas of natural and scientific interest, significant wildlife habitat, significant valleylands*, and secondary priority existing natural features that meet 1 to 4 of the 11 *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.

*Adjacent lands* are defined as generally those lands within 120 metres of the “Natural Environment” designation and “Natural Environment Overlay”. Assessment of *negative impact* is to be determined by conducting an environmental impact assessment in accordance with Appendix Three to this Plan which will be required prior to consideration of any Planning Act application.

- b) Permitted uses on lands within the “Natural Environment Overlay” shall be in accordance with the underlying land use designation.
- c) The County encourages activities that preserve and enhance the features contained within the “Natural Environment Overlay”. Examples include tree preservation, tree planting, establishing and improving linkages.
- d) Harrow Site Esker ANSI

Earth science features are the physical elements of the natural landscape created by geological processes. These features are classed into geological themes and the best representative sites, not occurring in Provincial Parks, are considered Provincially *significant areas of natural and scientific interest* (ANSI). The Harrow Site Esker ANSI occurs in Lot 11, Concession II and Lot 14, Gore Concession and contains ill-defined esker-like ridges. The exact relationships of these features are not fully known; however, they may represent the oldest in Ontario. Earth ANSI's are generally less sensitive to disturbance than Life ANSI's. *Ecological functions* do not need to be considered and mitigation should focus on the need to conserve topography, stratigraphy and geological features for which the area was identified. The approval authority will pre-consult with the Ministry of Natural Resources prior to approving planning applications that may impact the Esker ridges.



### **3.4.5 Restoration Opportunity Overlay Policies**

The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule "B3" to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The "Restoration Opportunities Overlay" applies to lands that do not contain existing *natural heritage features*; however, they have been identified as potential areas to enhance the fragmented system in the County.

- a) Prior to the approval of any local Official Plans, Official Plan amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for *infrastructure*, an Environmental Impact Assessment shall be undertaken that evaluates the following:
  - i) Opportunities to restore and enhance the *natural heritage features* in the area, including the establishment of linkages.
  - ii) The incorporation of Low Impact Development elements into the project.
  - iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
  - iv) Opportunities to set aside strategic areas for restoration and enhancement.
  - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's *natural heritage system*.
  - vi) Public acquisition.
  - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the "Restoration Opportunities Overlay" as shown on Schedule "B3" of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the *natural heritage system*.

### **3.4.6 General Policies**

The following general policies apply to those lands designated as "Natural Environment" on Schedule "A1" of this Plan as well as areas designated "Agricultural" and "Settlement Areas" and that have *significant natural heritage*

*features* or are *adjacent* to areas containing *significant natural heritage features* as shown on Schedules "B1" and "B2".

a) Environmental Impact Assessments

- i) The purpose of an environmental impact assessment is to:
  - i. collect and evaluate information to provide a more complete understanding of the boundaries, attributes and functions of *natural heritage features* and associated ecological and hydrological functions that exist;
  - ii. determine whether there are any additional *natural heritage features* on the lands and *adjacent lands*; and,
  - iii. make an informed decision as to whether the proposed *development* and/or *site alteration* will have an impact on the *natural heritage features* and ecological and hydrological functions.
- ii) The preparation of all environmental impact assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The environmental impact assessment is to be prepared in accordance with the guidelines in Appendix 3 of this Plan and on the basis of the natural features or the *ecological function* for which the area has been identified in Table 3 and the Schedules to this Plan. For example, if this Plan identifies a site as an ANSI or a *significant woodland*, the environmental impact assessment shall be prepared on the basis of that environmental classification.
- iii) When conducting the environmental impact assessment, the environmental professional must acknowledge in the report any new information, such as findings of rare or *significant* species not previously known to exist on the site, and the impact which may result from any proposed *development*. The County, *local municipality* and/or other approval authority shall have regard to such new information in its decisions regarding planning applications. If, based on the new information, the approval authority, in consultation with the relevant *Conservation Authority*, concludes that the "Natural Environment" classification should be altered, this Official Plan and/or the local Official Plan depending on the significance of the change and its impact on the ability of the County to meet the goals of this Plan, will require amendment to implement the change.
- iv) Before *development* is approved in the area subject to the environmental impact assessment, the environmental impact



assessment shall demonstrate that the relevant policies of this Plan and the local Official Plan are met. The environmental impact assessment should also demonstrate that the *development* and *site alteration* will not have an impact on *significant natural heritage features* and related *ecological functions*.

- v) Where an environmental impact assessment has been completed, the County, as the approval authority for land use planning applications, must be satisfied that the assessment demonstrates that there will be no *negative impacts* on the natural features or their *ecological functions*.
- vi) A site inspection may be needed where there is insufficient natural heritage data to determine whether an environmental impact assessment is triggered. The purpose of the site inspection is to identify potential *significant natural heritage features* and areas that may require further study and evaluation. Once the significance is determined, the appropriate policies of this Plan apply.
- vii) If a site is identified as having a higher or lower classification by the Province or relevant *Conservation Authority*, or by a *local municipality* through a special planning study which is completed in accordance with Provincial guidelines, this Official Plan and/or the local Official Plan will require amendment to implement the change. The aforementioned amendments will generally occur at the five year review of the County Official Plan. In the interim, where the lands are identified as having a higher classification, this Plan will apply the relevant policies as if these lands had been designated as "Natural Environment" on Schedule "A1" of this Plan. In all cases, the approval authority shall have regard to the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with *natural heritage features* and/or functions.
- viii) Removal of a *natural heritage feature* for the purpose of lowering the "Natural Environment" classification in this Plan and/or otherwise affecting the Environmental Impact Assessment, will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the Environmental Impact Assessment.
- ix) In areas other than those designated "Natural Environment" on Schedule "A1" of this Plan, altering the state of the *natural heritage features* as a result of conducting permitted uses, i.e., clearing lands for *agricultural uses*, will not be considered negatively by the approval authority. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April

2000 and 2010 aerial photography as one of the tools to establish the alteration in relation to the enlargement or retraction of a feature.

- x) The extent and diversity of *natural heritage features* in an area, and the natural connections between them, should be preserved and enhanced where possible. The development of policies to protect and enhance natural connections is encouraged. *Local municipalities* are encouraged to identify natural connections through initiatives such as the preparation of Biodiversity Conservation Strategies. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions that create hazards and will also generally follow the woodlots in the rural areas of the County. The completion of the Chrysler Canada Greenway natural restoration, riparian buffering and other similar initiatives are encouraged.
- b) In addition to the above policies, *local municipalities* are also encouraged to undertake the following in consultation with the relevant *Conservation Authority*:
  - i) Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries.
  - ii) Establish goals and strategies to increase the amount of *natural heritage area*. One way to achieve this is to have a "State of the Environment Report" prepared and presented to Council on a regular basis.
  - iii) Require that when considering *development* proposals, the approval authority may require the land owner to enter into an agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a *development* approval, the use of a variety of indigenous species of vegetation is encouraged.
- c) To recognize woodlots as viable components of farming operations.
- d) On lands designated "Agricultural" that have *significant natural heritage features* or are *adjacent* to areas with *significant natural heritage features*, the construction of greenhouses and other agricultural buildings is strongly discouraged. In most instances the construction of greenhouses and large agricultural buildings within such areas will have *negative impact* and therefore would not be permitted. Other locations on the farm can be used for such purposes.



- e) The participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts, the Managed Forest Tax Incentive Program and the Conservation Land Tax Incentive Program will be encouraged.
- f) The natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by a *Conservation Authority* or any other conservation group or agency.
- g) The County will encourage the development of policies and programs to support *local municipalities* and partners to protect and enhance *natural heritage features* and *natural heritage systems*.
- h) During the preparation of local Official Plans, the County encourages additional refinement of the *natural heritage system* and the implementation of tools to enhance the system such as more detailed land use designations, overlay designations, promotion of stewardship and voluntary landowner actions.

## **Town of Kingsville Official Plan**

### **4.2 NATURAL HERITAGE FEATURES**

The Town of Kingsville encourages the protection and enhancement of natural heritage features. Schedule "B" identifies many of the significant natural heritage features that represent a legacy of the natural landscape of the municipality and as a result have important environmental and social values for this and future generations. The table below provides the natural heritage classifications based on the Provincial Policy Statement, along with their land use classification within this Plan and identifies adjacent land provisions.



<b>Natural Heritage Feature Classification Based on the PPS</b>	<b>Land Use Classification Policy Approach</b>	<b>Adjacent Lands</b>
<b>Significant Habitat of Endangered and Threatened Species</b>	<b>Environmental Protection Areas</b>	<b>120 metres</b>
<b>Significant Wetlands</b>	<b>Environmental Protection Areas</b>	<b>120 metres</b>
<b>Significant Coastal Wetlands</b>	<b>Environmental Protection Areas</b>	<b>120 metres</b>
<b>Significant Woodlands Significant Valleylands Significant Wildlife Habitat</b>	<b>Environmentally Significant Areas</b>	<b>120 metres</b>
<b>Areas of Natural and Scientific Interest – life science</b>	<b>Environmentally Significant Areas</b>	<b>120 metres</b>
<b>Areas of Natural and Scientific Interest – earth science</b>	<b>Environmentally Significant Areas</b>	<b>50 metres</b>
<b>Fish Habitat</b>	<b>Adjacent underlying Land Use Designation</b>	<b>120 metre</b>

Natural Heritage Features shown on Schedule "B" are divided into two categories "Environmental Protection Areas" and "Environmentally Significant Areas".

"Environmental Protection Areas" include significant habitat of endangered and threatened species, Significant Wetlands and significant coastal wetlands, and a portion of privately owned land within an Environmentally Significant Area. It should be noted that the Town may also identify additional areas that are of local and/or regional significance for protection.

"Environmentally Significant Areas" include significant woodlands significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest.

Adjacent areas are generally those lands within 120 metres of a natural heritage feature as shown on Schedule "B" of this Plan. Assessment of negative impact is to be determined by conducting an Environmental Impact Assessment (EIA) in accordance with Appendix "A" and the MNR's Natural Heritage Reference Manual and will normally be required prior to consideration of any Planning Act application. The Town will require pre-consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority prior to considering any Planning Act application.

### **Goals**

The following goals apply to Natural Heritage Feature areas, as depicted on Schedule "B" of this Plan, are to:

- a) facilitate and support the preservation, protection and enhancement of natural heritage feature areas;
- b) protect lands adjacent to areas with significant natural heritage features from land uses that would negatively impact the natural features; &

### **Policies**

The following policies apply to the Natural Heritage Features as depicted on Schedule "B" of this plan:

- a) the diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of the natural heritage system should be maintained, restored or where possible improved, recognizing linkages between and among natural heritage features. Natural connections will generally follow watercourses and the lakeshore with their associated flood and erosion susceptible areas, unstable lands, steep slopes and other physical conditions, including groundwater features and will also generally follow the woodlots and hedgerows in the rural areas of the Town;
- b) the Town supports strategies that strive to increase the amount of natural area coverage. As such a "State of the Environment Report" will be prepared and presented to Council on an annual basis;



- c) when considering development proposals, the Town may require the land owner to enter into a site plan agreement regarding the preservation and enhancement of the trees and vegetation on the property. Where forest cover is to be provided as a condition of a development approval, the use of a variety of indigenous species of vegetation is encouraged;
- d) this Plan recognizes woodlots as viable components of farming operations;
- e) the participation of woodlot owners in voluntary stewardship agreements, and where eligible, in conjunction with compensation programs such as Ecogifts is encouraged;
- f) normal farm practices, including but not limited to, agroforestry and spraying, are permitted in all areas. If tree harvesting is to occur it should be based on acceptable forest management practices as prepared by a Registered Professional Forester;
- g) hunting, fishing and trail use activities by the property owner, or with the permission of the property owner, are permitted in all areas and in accordance with Provincial and Federal legislation and regulation;
- h) the natural areas under private ownership continue to be private and their identification as natural areas in no way increases their accessibility to the public or their eligibility for acquisition by the Town, the Conservation Authority or any other conservation group or agency.

#### **4.2.1 Environmental Protection Areas**

"Environmental Protection Areas" include significant habitat of endangered and threatened species, significant wetlands and significant coastal wetlands, and a portion of privately owned land within an Environmentally Significant Area. It should be noted that the Town may also identify additional areas that are of local and/or regional significance for protection.

Significant habitat of endangered and threatened species includes lands which are necessary for the maintenance, survival and/or recovery of naturally occurring or reintroduced populations of endangered or threatened species and where those areas of occurrence are occupied or habitually occupied by the species during all or any part of its life cycle.

Significant wetlands and significant coastal wetlands are lands identified by the Ministry of Natural Resources as being provincially significant.

The following policies apply to lands shown as "Environmental Protection Areas" on Schedule "B" to this plan:

- a) development and site alteration shall not be permitted in "Environmental Protection Areas";
- b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas designated as "Environmental Protection", unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated to the satisfaction of the municipality, in consultation with the Essex Region Conservation Authority, that there will be no negative impacts on the natural features or on their ecological functions. Demonstration of negative impact on adjacent lands will only be required for uses that require approval under the Planning Act;
- c) assessment of negative impacts is to be determined by conducting an Environmental Impact Assessment in accordance with Appendix "A" of this Plan which will be required prior to consideration of any Planning Act application or issuance of any building permit. Adjacent lands mean within 120 m of an "Environmental Protection Area";
- d) activities that create or maintain infrastructure authorized under an environmental assessment process or work subject to the Drainage Act are not to be considered development or site alteration for "Environmental Protection Areas". However, where possible these activities should occur outside of areas identified as "Environmental Protection Areas".

#### **4.2.2 Environmentally Significant Areas**

"Environmentally Significant Areas" include significant woodlands significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest.



Significant woodlands are functionally important due to their contribution to the broader landscape based on size, location and the amount of forest cover in the surrounding planning area. They are economically important due to site quality, species composition and past management history. In the Essex Region woodlands that are larger than 2 hectares in size are assessed for their Provincial natural heritage significance.

Wildlife habitat is one of the primary ecological functions provided by natural heritage features. Significant wildlife habitat is an area where plants, animals and other organisms live and find adequate amounts of food, shelter, water and the space need to sustain their populations. All plants and animals have individual habitat requirements which vary at different periods in their life cycles.

Significant Valleylands in the Town are those areas which have been identified and mapped by the Essex Region Conservation Authority. Significant Valleylands provide important ecological functions in the drainage system of watersheds.

Areas of significant and scientific interest are areas of land and water which contain natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

The following policies apply to the lands shown as "Environmentally Significant Areas" on Schedule "B" to this plan:

- a) development and site alteration may be permitted within "Environmentally Significant Areas" as identified on Schedule "B" if it has been demonstrated to the satisfaction of the Town in consultation with the Essex Region Conservation Authority that there will be no negative impacts on the natural features or on their ecological functions;
- b) development and site alteration, as defined in the Provincial Policy Statement, shall not be permitted on lands adjacent to areas designated as "Environmentally Significant Areas" unless it has been demonstrated, to the satisfaction of the Town, in consultation with the Essex Region Conservation Authority, that there will be no negative impacts on the natural features or on their ecological function.
- c) nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on lands within or adjacent to those areas identified as "Environmentally

Significant Areas". New Agricultural uses that require approval under the Planning Act will be permitted within "Environmentally Significant Areas" or on adjacent lands, if it has been demonstrated to the satisfaction of the municipality, in consultation with the Essex Region Conservation Authority, that there will be no negative impact on the natural heritage features or their ecological functions.

- d) assessment of negative impact is to be determined by conducting an Environmental Impact Assessment in accordance with Appendix "A" and the MNR's Natural Heritage Reference Manual and will normally be required prior to consideration of any Planning Act application. The Town will require pre-consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority prior to considering any Planning Act application. Any development and site alteration proposed must also be in accordance with the underlying land use designation on Schedules "A", "A-1" and "A-2" of this Plan;
- e) linkages and corridors, whether woodlands, wetlands or other natural heritage features, provide movement corridors within a wildlife habitat for various local animal species. Recreational trails or other similar uses are discouraged unless it is demonstrated that such a use will not harm the wildlife habitat.

#### **4.2.3 Fish Habitat**

The Town recognizes that the health of the aquatic environment is a fundamental indicator of the health of the overall ecosystem. Fish habitat protection and restoration opportunities throughout the Town are significant due to the number of watersheds which outlet into Lake Erie. Fish habitat restoration opportunities may be implemented through sub-watershed studies, secondary plans, and on an individual lot basis. The harmful alteration, disruption or destruction of fish habitat is prohibited under the Fisheries Act.

The Town will apply the following policies when considering impacts to fish habitat areas:

- a) development will only be permitted provided that it does not harmfully alter, disrupt or destroy fish habitat. The goal of "no net loss of productive capacity of fish habitat" and where possible a "net gain of productive capacity of fish habitat" using a fish habitat mitigation / compensation assessment through consultation with the Essex Region Conservation Authority and the Department of Fisheries and Oceans (DFO);

- b) any development or change in land use near or adjacent to (within 120 metres) to an existing or potential fish habitat area will be reviewed by the Essex Region Conservation Authority in consultation with DFO with respect to its potential impact. Any proposal shall be subject to an assessment to determine if it will result in a reduction of the fish habitat to sustain the fisheries resource;
- c) The Town in conjunction with the Essex Region Conservation Authority will determine the minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed;
- d) Where it has been determined by the Essex Region Conservation Authority in consultation with DFO that the development or change in land use will affect the natural functions of the fish habitat, the preparation of a fish habitat mitigation/compensation assessment will be required. The assessment should be based on the guidelines which are included in Appendix A of this Plan.

#### **4.2.4 Environmental Impact Assessments**

The preparation of all Environmental Impact Assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional. The Environmental Impact Assessment is to be prepared on the basis of the natural features or the ecological function for which the area has been identified and in the manner stipulated in Appendix "A" of this Plan. For example, if this Plan identifies a site as an "Area of Natural and Scientific Interest" (ANSI), the Environmental Impact Assessment shall be prepared on the basis of that environmental classification.

When conducting the Environmental Impact Assessment, the environmental professional must acknowledge in the report any new information such as findings of rare or significant species not previously known to exist on the site, and the impact which may result from any proposed development. The municipality and/or other approval authority shall have regard to such new information in its decisions regarding planning applications and shall be consistent with the Provincial Policy Statement. If, based on the new information, the Approval Authority, in consultation with the Ministry of Natural Resources and the Essex Region Conservation Authority, concludes that the natural environment classification should be altered, this Official Plan shall be amended to reflect the change. Similarly, if a site is identified as having a higher or lower classification by the Province or Conservation Authority, or by the municipality through a special planning study which is completed in accordance with Provincial Guidelines, this



**Official Plan shall be amended to reflect the change. The approval authority shall ensure consistency with the Provincial Policy Statement when making decisions regarding any planning applications affecting areas with natural environment features and/or functions.**

**Removal of a natural heritage feature for the purpose of lowering the natural environment classification in this Plan and/or otherwise affecting the environmental impact assessment will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the environmental impact assessment.**

**In areas other than those shown as “Environmental Protection Areas” on Schedule “B” of this Plan, altering the state of the natural environment features as a result of conducting permitted uses (i.e. clearing land for agricultural purposes) will not be considered negatively by the approval authority but shall not be deemed to facilitate future development proposals. To assist with determining the alteration of a natural environment area over time, the approval authority will use the April, 2000 photography as one of the tools to establish the baseline from which the alteration will be assessed.**