



THE CORPORATION OF THE TOWN OF ST. MARYS

DISCUSSION PAPER #11

NATURAL HERITAGE & HAZARDS

- DRAFT -

Presented to the Town of St. Marys Planning Advisory Committee on
March 19, 2018

NATURAL HERITAGE & HAZARDS

St Marys Official Plan Review - Draft

NATURAL HERITAGE

Introduction

The Town of St. Marys Official Plan was adopted by Council on September 22, 1987. The Official Plan was approved in part by the Minister of Municipal Affairs and Housing on February 2, 1993 with 15 modifications and two deferrals. Final approval from Minister of Municipal Affairs and Housing was received on April 30, 1999. Following a five-year review of the document, Council approved the current consolidated copy of the Official Plan on October 1, 2007.

This is the eleventh of a series of Discussion Papers prepared to assist in the 5-year review of the Town of St. Marys Official Plan as per the Planning Act Section 26(1). The purpose of a Section 26 review is to ensure that the Official Plan conforms with provincial plans (or does not conflict with them), has regard to matters of provincial interest and is consistent with policy statements, such as the Provincial Policy Statement which was updated in 2014. In addition to meeting statutory requirements under the Planning Act, this review is also intended to ensure that the policies in the Official Plan are in keeping with the goals and objectives of the community and provides the opportunity to identify opportunities and issues that can be addressed through the Official Plan.

This Discussion Paper will identify areas and topics as they relate to the natural heritage and hazards in the Town. This Discussion Paper is intended to bring information to Planning Committee for review and consideration when making recommendations to Town Council.

Part V - Policies of the Provincial Policy Statement (PPS) contains a number of policies geared to direct and manage growth of urban areas such as the Town (those Sections in the grey highlighting are from the 2014 Provincial Policy Statement).

Planning Background

The most recent version of the Provincial Policy Statement (PPS) came into effect on April 30, 2014. Section V- Policies of this PPS contains a number of policies that direct and manage growth of urban areas such as St. Marys. The policies of Section 2.0 (wise use and management of resources) are particularly relevant in guiding and managing change to promote efficient land use and development patterns.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

The PPS defines Natural heritage features and areas to mean features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest (ANSIs), which are important for their environmental and social values as a legacy of the natural landscapes of an area.

There are no known significant wetlands, valley lands, wildlife habitats, areas of natural or scientific interest, habitat of endangered and threatened species in the Town, however policies are required in the Official Plan to provide direction with respect to the identification and protection of such areas and features.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.

As St Marys is located in Ecoregions 6E and 7E1 for the purposes of Section 2.1 of the PPS, the natural heritage systems policies of Section 2.1.3 are applicable.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E1, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.

Natural Heritage Systems include:

- (a) the core areas which are capable of providing and sustaining ecological functions and may consist of one or more features. Some of the attributes of a core area may include, its size, integrity and degree of naturalness, shape, habitat and species diversity, presence of interior habitat, presence of rare habitats and species, and potential for connectivity;
- (b) linkages and corridors that may accommodate the natural movement patterns of plants and animals necessary for biodiversity conservation and the long term viability of ecological systems; and
- (c) natural heritage features and areas, including significant wetlands, significant woodlands, and significant valley lands, fish habitats, significant habitats for endangered and threatened species, significant wildlife habitats, and ANSIs.

While the natural heritage system policies apply in St. Marys, the Province also recognizes that natural heritage systems will vary in size and form in settlement areas, and that there may be limited opportunities for linkages.

2.1.4 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E1; and
- b) *significant coastal wetlands*.

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*.

3.1.2 *Development and site alteration* shall not be permitted within:

areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and

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a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river*, *stream* and *small inland lake systems*:

- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

PPS - 1.7.1 Long-term economic prosperity should be supported by:

- i) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;

PPS - 1.6.11.2 Planning authorities should promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

Species at Risk Act (SARA)

The Species at Risk Act (SARA) is one part of a three part strategy the Government of Canada has implemented for the protection of wildlife species at risk. It was proclaimed in June 2003 and it provides legal protection of wildlife species and conservation of biological diversity.

The purpose of the Act is to prevent Canadian indigenous species, subspecies and distinct populations from becoming extirpated or extinct. It aims to provide the tools necessary for the recovery of threatened and endangered species. It also encourages management of other species to prevent them from becoming at risk. SARA is the result of the implementation of the Canadian Biodiversity Strategy.

Permits are required for persons conducting activities that may affect species listed on Schedule 1 of SARA, as extirpated, endangered or threatened. Depending on the species and its location, the permit should be directed to the appropriate authority. Applications regarding activities outside of Parks Canada protected heritage areas or of non-aquatic species, are to be completed and submitted to the appropriate Environment Canada regional office.

With regard to enforcement, Provinces and Territories are responsible for enforcing prohibitions for the conservation of species at risk under their jurisdiction. Species within protected heritage areas are protected by Parks Canada and the Department of Fisheries and Oceans protect aquatic species.

Endangered Species Act

The Endangered Species Act (ESA) was enacted to protect Ontario wildlife species at risk for future generations. The purpose of the Act is to:

1. Identify species at risk based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge;
2. To protect species that are at risk, including their habitats, ;
3. And to promote stewardship activities to assist in the protection and recovery of species that are at risk.

The Minister of the Natural Resources and Forestry has the ability to issue permits or authorizations for activities which would otherwise be prohibited that involve species listed on the Species at Risk in Ontario List as extirpated, endangered or threatened species. Different types of authorizations include agreements, regulatory exemptions and permits. There are 5 types of permits issued under the Endangered Species Act: health and safety, protection or recovery, social or economic benefit to Ontario, Aboriginal, and overall benefit.

The ESA is enforced by conservation officers, park wardens and other persons appointed or designated by the Minister as enforcement officers.

Conservation Authorities Act

Under the Conservation Authorities Act, conservation authorities regulate development and other activities through a permitting process for purposes of natural hazard management and prevention. A permit from the local conservation authority is required for development in areas related to water-based natural hazards, such as floodplains or shorelines and for any activity that could interfere with or alter a watercourse or wetland.

Throughout the Town there are lands that are subject to flooding and/or erosion. These lands are associated primarily with the flood plain and erosion prone areas of the North Thames River, and Trout Creek and their associated tributaries. These watercourses, and their adjacent valley lands fall within the jurisdiction of the Upper Thames River Conservation Authority (UTRCA).

In several of these flood prone areas, the Conservation Authority has prepared detailed flood line mapping. While the specifics of the various studies may differ, they are common in that they identify flood line elevations for the 1:100 year storm and the Regulatory Flood Standard. The Regulatory Flood Standard for the Upper Thames River Conservation Authority is the Regulatory Storm (1937 Observed Flood) which represents a 1:250 year storm event.

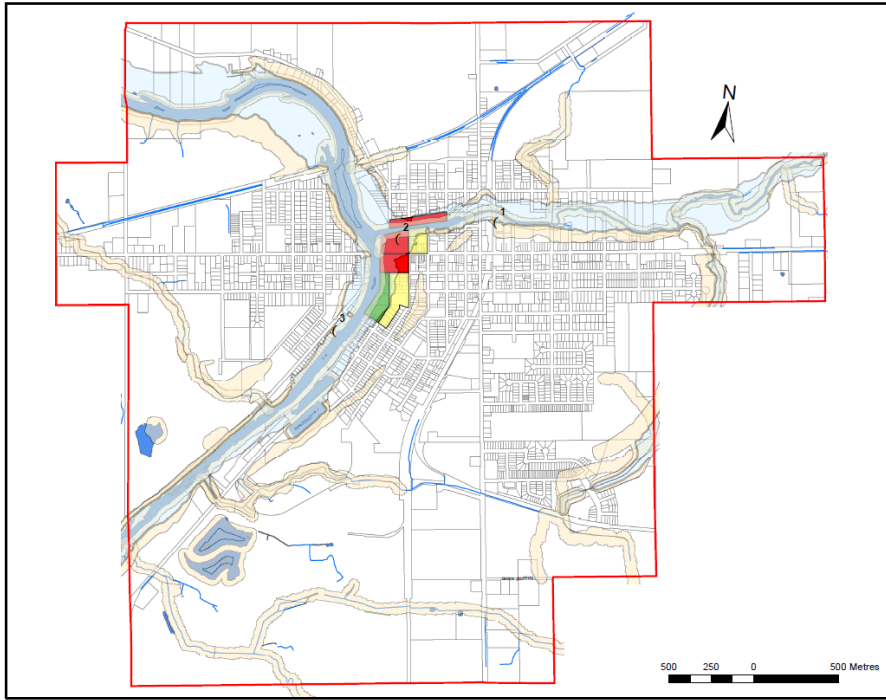
In areas where flooding has been experienced and where detailed regulatory flood line information is available, it is important that the potential hazards associated with such flooding be recognized and that lands subject to the flooding be appropriately designated in municipal planning documents. The subject "Natural Hazards" designation has been established for the purpose of addressing flooding concerns and related issues in those areas where detailed regulatory flood line information is available.

The Conservation Authority is also responsible for the ongoing identification and remediation of erosion hazards by encouraging prevention, protection and management of erosion issues.

A Special Policy Area designation, affecting a defined area throughout of the Town, was approved by the Province in 1997 to permit controlled development and redevelopment at a level that is less than required to withstand the Regulatory Flood for the purpose of sustaining the economic viability of the Central Commercial area. The policies of the Special Policy Area have been incorporated into this Official Plan with the lands affected along with the Flood Plain, and the Natural Hazards Constraint Areas displayed on Map 1 below.

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G:\GIS\ArcView\GIS\GIS Projects\Planning\St Marys\OPI\2206-08-22 SCHEDULE C

**Town of St Marys
Official Plan
Map 1**

Legend

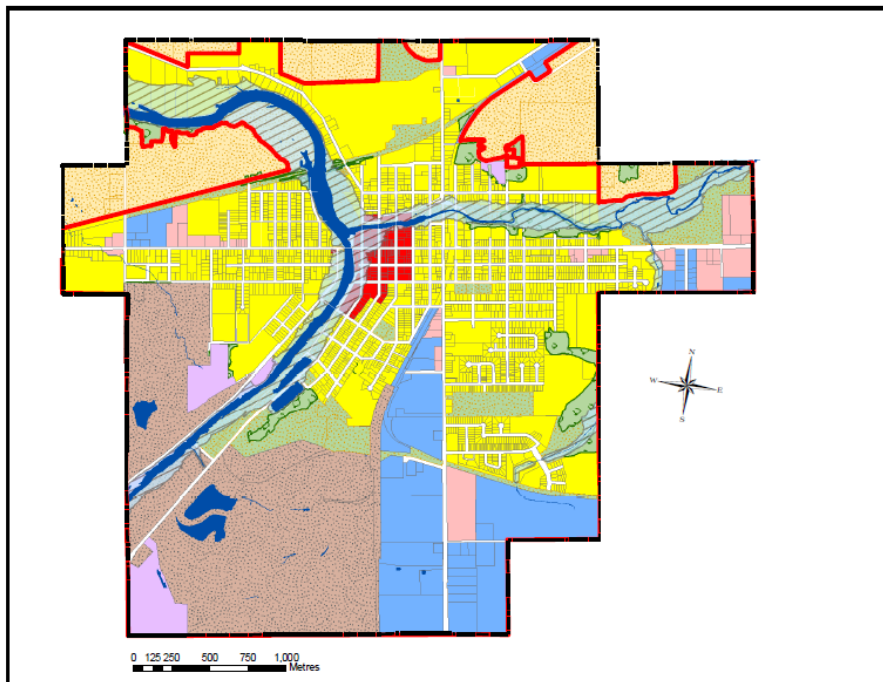
- Sub Area A
- Sub Area B
- Sub Area C
- Flood Plain
- Natural Hazards Constraint Area
- Water
- Water Course
- Municipal Pumping Well
(Well size not to scale)



August 2006

Land Use Designation – Natural Heritage


The Natural Heritage designation applies to a limited number of smaller areas spread throughout the Town.



**Town of St Marys
Official Plan
Schedule 'A'
Land Use Plan**

Designation

- Settlement Area Boundary
- Town Boundary
- Water
- Residential
- Central Commercial
- Highway Commercial
- General Industrial
- Extractive Industrial
- Environmental Constraint
- Recreational
- ▨ Flood Plain
- Natural Heritage
- Agriculture



October 2007

Policy Recommendations – Natural Hazards

The following is a discussion regarding the recommended changes to the existing policies found in the Natural Hazards designation of the Town’s Official Plan. Those Sections in the grey highlighting are from the 2014 Provincial Policy Statement. The charts are broken into three sections, comments across the top, existing policy on the left side and proposed policy on the right.

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.*

Comment	
<p>Existing Policy</p> <p>3.8. <u>NATURAL HAZARDS</u></p> <p><i>Being situated at the scenic confluence of the Thames River and Trout Creek, the citizens of St. Marys enjoy the benefits of beautiful vistas and scenic landscapes but they are also aware of the natural hazards associated with this setting.</i></p> <p><i>In the Town there are steeply sloped lands that are susceptible to erosion and valley lands that are susceptible to flooding from time to time. These lands are primarily located along the Thames River, Trout Creek, and Birches Creek and include a significant portion of the downtown business area. These watercourses fall within the jurisdiction of the Upper Thames River Conservation Authority (UTRCA) who have assisted the Town with the development and implementation of a comprehensive set of policies to protect</i></p>	<p>Proposed Policy</p> <p>3.8. <u>NATURAL HAZARDS</u></p> <p><i>Being situated at the scenic confluence of the North Thames River and Trout Creek, the citizens of St. Marys enjoy the benefits of beautiful vistas and scenic landscapes but they are also aware of the natural hazards associated with this setting.</i></p> <p><i>In the Town there are steeply sloped lands that are susceptible to erosion and valley lands that are susceptible to flooding from time to time. These lands are primarily located along the Thames River, Trout Creek, and Birches Creek and include a significant portion of the downtown business area. These watercourses, and their associated valley lands fall within the jurisdiction of the Upper Thames River Conservation Authority (UTRCA) who have assisted the Town with the development and</i></p>

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life and property in the flood prone areas. The UTRCA uses the 1937 - Observed Flood Storm Event as its Regulatory Flood level.

The Town has developed, with the assistance of the UTRCA, the Ministry of Natural Resources and Forestry, and the Ministry of Municipal Affairs, a Special Policy Area for the downtown business area where it is recognized and warranted that development and redevelopment need to occur to a standard of flood protection which is less than that required to withstand the Regulatory Flood. Specific policy for this Special Policy Area has been developed for the downtown business area.

In addition to the development of a Special Policy area, the Town also uses a Two-Zone Concept approach that allows limited development in the "flood fringe" portion of the flood plain. Specific policy for the "flood fringe" has been developed to regulate uses in this area.

3.8.1 OBJECTIVES

3.8.1.1 To assist in identifying those lands that are subject to flooding hazards and/or erosion hazards.

3.8.1.2 To prevent the needless destruction of property from flooding by prohibiting new development and regulating the redevelopment and expansion of existing development.

3.8.1.3 To develop a flood plain management program which will ensure proper land use and prevent or minimize

implementation of a comprehensive set of policies to protect life and property in the case of a regulatory (1:250 year) flood event flood-prone areas. The UTRCA uses the 1937 - Observed Flood Storm Event as its Regulatory Flood level.

~~The Town has developed, with the assistance of the UTRCA, the Ministry of Natural Resources and Forestry, The Ministry of Municipal Affairs and the Ministry of Housing have approved a Special Policy Area for the downtown business area where it is recognized and warranted that development and redevelopment need to can occur to a standard of flood protection which is less than that required to withstand the Regulatory Flood. Specific policy for this Special Policy Area has been developed for the downtown business area.~~

In addition to the development of a Special Policy area, the Town also uses a Two-Zone Concept approach that allows limited development in the "flood fringe" portion of the flood plain. Specific policy for the "flood fringe" has been developed to regulate uses in this area.

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3.8.1.2 To prevent the needless destruction of property from flooding by prohibiting new development and regulating the redevelopment and expansion of existing development.

3.8.1.3 To develop a flood plain management program which will ensure proper land use and prevent or minimize

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the risk of property damage, loss of life, and disruption from hazards and/or erosion hazards.	the risk of property damage, loss of life, and disruption from flood hazards and/or erosion hazards.
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Comment Update to Name of Ministry.	
Existing Policy 3.8.1.4 To encourage and promote cooperation amongst the Ministry of Natural Resources, the Conservation Authority, the Town, and individual property owners in dealing with issues and concerns related to flooding hazards and/or erosion hazards within the identified “Natural Hazards” areas.	Proposed Policy 3.8.1.4 To encourage and promote cooperation amongst the Ministry of Natural Resources and Forestry , the Conservation Authority, the Town, and individual property owners in dealing with issues and concerns related to flooding hazards and/or erosion hazards within the identified “Natural Hazards” areas. The intent of these policies is to protect life and property from risks associated with natural hazards, ensure people and vehicles are able to safely travel during emergencies, and ensure that no new hazards are created.

Comment	
Existing Policy 3.8.1.5 To preserve, conserve, and enhance the distinct natural environment associated with identified “Natural Hazards” areas. 3.8.1.6 To provide natural and man made recreational opportunities.	Proposed Policy No Change.

Comment Policy Added to address the role this designation has in the functions of the natural heritage system.	
Existing Policy No Policy.	Proposed Policy 3.8.1.7 To recognize that the “Natural Hazard” areas are part of the Town’s natural heritage system.

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3.1.2 Development and site alteration shall not be permitted within:

areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

Comment	
<p>Existing Policy No Policy.</p>	<p>Proposed Policy 3.8.2 PERMITTED USES</p> <p>The permitted uses of land in the floodway portion of the “Natural Hazard” designation shall be forestry, conservation uses, flood or erosion control works/infrastructure, agriculture, utilities, and outdoor recreation uses, including seasonal small craft access areas. The flood fringe area will function as an "overlay" area and the permitted uses of land in the flood fringe shall be those uses permitted in accordance with the applicable policies of the underlying land use designations established by this Plan provided they receive the appropriate approval/permit from both the Town and the Conservation Authority.</p>

Comment	
<p>Existing Policy 3.8.2 POLICIES</p>	<p>Proposed Policy Section Renumbered from 3.8.2 to 3.8.3</p>

Comment	
<p>Existing Policy 3.8.1 A number of properties in the Town of St. Marys are situated within the floodplains of the</p>	<p>Proposed Policy 3.8.3.1 A number of properties in the Town of St. Marys are situated within the floodplain and</p>

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<p>Thames River, Trout Creek, and other small watercourses. In addition to the applicable policies associated with their respective land use designations, these properties shall be subject to the policies of the Upper Thames River Conservation Authority.</p>	<p>erosion hazard of the North Thames River, Trout Creek, and other small watercourses. In addition to the applicable policies associated with their respective land use designations, these properties are shall be subject to the policies of the Upper Thames River Conservation Authority.</p>
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3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flood hazard* elevation or another *flood hazard* standard approved by the Minister of Natural Resources.

Comment	
<p>Existing Policy</p> <p>3.8.2.2 Where the two-zone concept applies, the flood plain shall consist of the floodway and flood fringe. The floodway is the inner portion of the flood plain, representing that area required for the safe passing of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. The outer portion of the flood plain is called the flood fringe where depths and velocities of flooding are generally less severe than those experienced in the floodway. The flood fringe is the area where development and site alteration may be permitted, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Ministry of Natural Resources.</p> <p>3.8.2.3 The Regulatory Flood Line shall be determined by the Upper Thames</p>	<p>Proposed Policy</p> <p>3.8.3.2 Where the two-zone concept applies, the flood plain shall consist of the floodway and flood fringe. The floodway is the inner portion of the flood plain, representing that area required for the safe passing of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. The outer portion of the flood plain is called the flood fringe where depths and velocities of flooding are generally less severe than those experienced in the floodway. The flood fringe is the area where development and site alteration may be permitted, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Ministry of Natural Resources and Forestry.</p> <p>3.8.3.3 The Regulatory Flood Line</p>

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<p>River Conservation Authority with regard to the natural heritage and natural hazard policies as outlined under the Provincial Policy Statement and with regard to the regulations made pursuant to the Conservation Authorities Act.</p>	<p>shall be determined by the Upper Thames River Conservation Authority with regard to the natural heritage and natural hazard policies as outlined under the Provincial Policy Statement and with regard to the regulations made pursuant to the Conservation Authorities Act.</p>
<p>The development or redevelopment of properties below the Regulatory Flood Elevation shall be discouraged.</p>	<p>The development or redevelopment of properties below the Regulatory Flood Elevation shall be discouraged.</p>
<p>In those situations, in the Special Policy Area, where development and redevelopment is deemed necessary by the Town and the Conservation Authority, it shall be flood proofed to a minimum of the 1:100 year flood elevation. Development and redevelopment should, where feasible, be flood proofed to the Regulatory flood elevation. The level of flood proofing shall be determined by the Town and the Conservation Authority.</p>	<p>In those situations, in the Special Policy Area, where development and redevelopment is deemed necessary by the Town and the Conservation Authority, it shall be flood proofed to a minimum of the 1:100 year flood elevation. Development and redevelopment should, where feasible, be flood proofed to the Regulatory flood elevation. The level of flood proofing shall be determined by the Town and the Conservation Authority. as per the approved Special Policy Area policies.</p>

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

<p>Comment</p>	
<p>Existing Policy</p>	<p>Proposed Policy</p>
<p>3.8.2.4 Notwithstanding any other policy in this plan:</p>	<p>3.8.3.4 Notwithstanding any other policy in this plan, development shall not</p>

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a) new development associated with substances of a chemical, hazardous or toxic nature, which would pose an unacceptable threat to public safety, if damaged as a result of flooding or failure of flood proofing measures, is not permitted to locate in the floodplain;

b) new development associated with institutional uses, such as hospitals, nursing homes and schools, which would pose a significant threat to the safety of the inhabitants (e.g. the sick, the elderly, the disabled or the young), if involved in an emergency evacuation situation as result of flooding or failure of flood proofing measures, is not permitted in the floodplain; and

c) new development associated with essential services, such as police, fire and ambulance stations and electrical substations, which must continue to function during a flood emergency, are not permitted to locate in the floodplain, if as a result of flooding or failure of flood proofing measures, delivery of the service would be impaired.

be permitted to locate in hazardous lands and hazardous sites where the use is:

a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;

b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or

c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

~~a) new development associated with substances of a chemical, hazardous or toxic nature, which would pose an unacceptable threat to public safety, if damaged as a result of flooding or failure of flood proofing measures, is not permitted to locate in the floodplain;~~

~~b) new development associated with institutional uses, such as hospitals, nursing homes and schools, which would pose a significant threat to the safety of the inhabitants (e.g. the sick, the elderly, the disabled or the young), if involved in an emergency evacuation situation as result of flooding or failure of flood proofing measures, is not permitted in the floodplain; and~~

~~c) new development associated with essential services, such as police, fire and ambulance stations and electrical substations, which must continue to function during a flood emergency, are not permitted to locate in the floodplain, if as a result of flooding or failure of flood proofing measures, delivery of the service would be impaired.~~

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3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:

a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or

b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

Comment	
<p>Existing Policy</p> <p>3.8.2.5 SPECIAL POLICY AREA In accordance with 3.8.2.2, the Town of St. Marys, the Upper Thames River Conservation Authority, the Ministry of Natural Resources and the Ministry of Municipal Affairs agree that a higher flood risk than normally acceptable is warranted for those lands designated as a Special Policy Area on Schedule “C” to this Plan.</p> <p>This Special Policy Area designation may permit controlled development and redevelopment to a standard of flood protection less than that required to withstand the Regulatory flood. This higher flood risk is necessary to sustain the economic viability of St. Marys’ central commercial areas.</p> <p>Except for the flood proofing criteria described in Section 3.8.2.4, the minimum level of flood protection within the Special Policy Area is the 1:100 flood elevation.</p> <p>a) notwithstanding Sections 3.8.2.3 existing land uses, including residences</p>	<p>Proposed Policy</p> <p>3.8.3.5 SPECIAL POLICY AREA In accordance with 3.8.2.2, the Town of St. Marys, the Upper Thames River Conservation Authority, the Ministry of Natural Resources and Forestry, and the Ministry of Municipal Affairs agree that a higher flood risk than normally acceptable is warranted for those lands designated as a Special Policy Area on Schedule “C” to this Plan.</p> <p>This Special Policy Area designation may permit controlled development and redevelopment to a standard of flood protection less than that required to withstand the Regulatory flood. This higher flood risk is necessary to sustain the economic viability of St. Marys’ central commercial areas.</p> <p>Except for the flood proofing criteria described in Section 3.8.3.4, the minimum level of flood protection within the Special Policy Area is the 1:100 flood elevation.</p> <p>a) notwithstanding Sections 3.8.3.3</p>

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and institutions, are recognized within the floodplain.

b) furthermore, in the event of fire or other disaster, redevelopment of such uses shall be permitted at similar densities. However, where there is mutual agreement between the affected property owner and the Conservation Authority, redevelopment should be flood proofed to the Regulatory Flood elevation, where this is not possible redevelopment should incorporate as much flood proofing as feasible.

3.8.2.6 SPECIAL POLICY AREAS (SUB AREAS)

Given that the extent and type of redevelopment contemplated within the Special Policy Area is varied, three sub-areas have been established. These sub-areas are labeled A, B, and C, as delineated on Schedule "C" and are subject to the specific flood proofing criteria outlined as follows:

With regard to each sub-area, development and redevelopment and their associate flood proofing criteria may take place subject to the following criteria:

a) ALL SUB-AREAS

Proposed commercial, residential or institutional uses subject to Section 3.8.2.4 of this Plan are permitted in all sub-areas provided:

- i) the land use designations on Schedule "A" permit such uses;
- ii) vehicular and pedestrian access is achieved to the extent that new ingress/egress routes shall be equal

existing land uses, including residences and institutions, are recognized within the floodplain. The intensification of existing uses, however, is generally not permitted.

b) furthermore, in the event of fire or other disaster, redevelopment of such uses shall be permitted at similar densities. However, where there is mutual agreement between the affected property owner and the Conservation Authority, redevelopment should be flood proofed to the Regulatory Flood elevation, where this is not possible redevelopment should incorporate as much flood proofing as feasible.

3.8.3.6 SPECIAL POLICY AREAS (SUB AREAS)

Given that the extent and type of redevelopment contemplated within the Special Policy Area is varied, three sub-areas have been established. These sub-areas are labeled A, B, and C, as delineated on Schedule "C" and are subject to the specific flood proofing criteria outlined as follows:

With regard to each sub-area, development and redevelopment and their associate flood proofing criteria may take place subject to the following criteria:

a) ALL SUB-AREAS

Proposed commercial, residential or institutional uses subject to Section 3.8.3.4 of this Plan are permitted in all sub-areas provided:

- i) the land use designations on Schedule "A" permit such uses;
- ii) vehicular and pedestrian access is achieved to the extent that new ingress/egress routes shall be equal

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<p>to the elevation of the existing Municipal roadway with which they intersect;</p> <ul style="list-style-type: none">iii) living spaces and building or window openings are not situated below the 1:100 year flood elevation;iv) mechanical, electrical and heating services are not situated below the 1:100 year flood elevation unless flood proofed;v) new sanitary sewers are tight against inflow below the 1:100 year flood elevation;vi) structural integrity is achieved to withstand hydrostatic, hydrodynamic, and buoyant loading associated with the 1:100 year flood elevation; andvii) parking lots associated with proposed residential or institutional uses are constructed in accordance with the policy of Section 3.8.2.3 and in no case shall be lower than that obtained for the provision of access as outlined in Section 3.8.2.5 above. <p>b) SUB AREA "A" (FORMERLY Sub Areas A1, A2 and D)</p> <p>There shall be no development or redevelopment of the properties:</p> <ul style="list-style-type: none">i) bounded on the south side of Trout Creek by Trout Creek, the Thames River, Jones Street, and Wellington Street;ii) bounded on the north side of Trout Creek by Trout Creek, Peel Street, and Wellington Street; andiii) abutting the north side of Trout Creek between Water and Wellington Street. <p>unless proofed to a minimum of 1:100</p>	<p>to the elevation of the existing Municipal roadway with which they intersect; (update)</p> <ul style="list-style-type: none">iii) living spaces and building or window openings are not situated below the 1:100 year flood elevation;iv) mechanical, electrical and heating services are not situated below the 1:100 year flood elevation unless flood proofed;v) new sanitary sewers are tight against inflow below the 1:100 year flood elevation;vi) structural integrity is achieved to withstand hydrostatic, hydrodynamic, and buoyant loading associated with the 1:100 year flood elevation; andvii) parking lots associated with proposed residential or institutional uses are constructed in accordance with the policy of Section 3.8.2.3 and in no case shall be lower than that obtained for the provision of access as outlined in Section 3.8.2.5 above. <p>b) SUB AREA "A" (FORMERLY Sub Areas A1, A2 and D)</p> <p>There shall be no development or redevelopment of the properties:</p> <ul style="list-style-type: none">i) bounded on the south side of Trout Creek by Trout Creek, the Thames River, Jones Street, and Wellington Street;ii) bounded on the north side of Trout Creek by Trout Creek, Peel Street, and Wellington Street; andiii) abutting the north side of Trout Creek between Water and Wellington Street. <p>unless flood proofed to a minimum of the</p>
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<p>regulatory elevations.</p> <p>For any attached structures fronting on Queen St, between Water St. and Wellington St., redevelopment should be flood proofed to the Regulatory flood elevation. Where this is not feasible structures must be flood proofed to a minimum of 1:100 year flood elevation. Regard should be had for maintaining consistency with the facades of adjacent properties and for maintaining compatibility with the existing densities of second and third storey residential units.</p> <p>c) SUB-AREA "B" (<i>FORMERLY Sub Areas B AND E</i>)</p> <p>Most properties in this sub area are already protected to the 1:100 year flood elevation. The policies of Section 3.8.2.6.a) apply.</p> <p>d) SUB-AREA "C"</p> <p>Development or redevelopment in this sub-area is feasible through the placement of fill and/or structural flood proofing to an amount which provides flood proofing to the minimum of the 1:100 year flood elevation.</p> <p>3.8.2.7 In accordance with Section 3.8.2.2, a two-zone designation shall apply to those lands which are below the Regulatory flood line and outside the Special Policy Area designation on Schedule "C" of this Plan. The boundaries of this two-zone designation should be the Regulatory flood line as identified on Schedule "C".</p> <p>In the floodway, it is a policy of this Plan that development shall generally be discouraged. However, buildings and</p>	<p>1:100 regulatory elevations.</p> <p>For any attached structures fronting on Queen St, between Water St. and Wellington St., redevelopment should be flood proofed to the Regulatory flood elevation. Where this is not feasible structures must be flood proofed to a minimum of 1:100 year flood elevation. Regard should be had for maintaining consistency with the facades of adjacent properties and for maintaining compatibility with the existing densities of second and third storey residential units.</p> <p>c) SUB-AREA "B" (<i>FORMERLY Sub Areas B AND E</i>)</p> <p>Most properties in this sub area are already protected to the 1:100 year flood elevation. The policies of Section 3.8.3.6.a) apply.</p> <p>d) SUB-AREA "C"</p> <p>Development or redevelopment in this sub-area is feasible through the placement of fill and/or structural flood proofing to an amount which provides flood proofing to the minimum of the 1:100 year flood elevation.</p> <p>3.8.3.7 In accordance with Section 3.8.3.2, a two-zone designation shall apply to those lands which are below the Regulatory flood line and outside the Special Policy Area designation on Schedule "C" of this Plan. The boundaries of this two-zone designation should be the Regulatory flood line as identified on Schedule "C".</p> <p>In the floodway, it is a policy of this Plan that development shall generally be discouraged. However, buildings and</p>
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structures for flood control purposes, public works purposes, and active and passive recreation may be permitted. In addition, limited development associated with existing uses located in the floodway may be permitted where the circumstances warrant the development. Where buildings and structures are permitted, they shall be subject to the approval of any flood proofing measures required by the Upper Thames River Conservation Authority.

In the flood fringe, development shall be permitted subject to the following:

- a) the approval of the Upper Thames River Conservation Authority for the erection of buildings and structures and the placement of fill;
- b) all buildings and structures erected shall be flood proofed to withstand the Regulatory flood; and
- c) safe access, pedestrian and vehicular, must be available for all new residential uses.

3.8.2.8 In considering development or redevelopment applications within the Special Policy Area and anywhere else within the floodplain, the Town and the Conservation Authority shall both be satisfied that the application includes feasible flood proofing measures, to the extent required under Sections 3.6.3, 3.6.5.1, and 3.6.5.4 of this Plan.

3.8.2.9 It is essential that some form of public notification be given to signify the potential flood risks and flood proofing methods which may be necessary for any new development or redevelopment proposed on these flood prone lands.

structures for flood control purposes, public works purposes, and active and passive recreation may be permitted. In addition, limited development associated with existing uses located in the floodway may be permitted where the circumstances warrant the development. Where buildings and structures are permitted, they shall be subject to the approval of any flood proofing measures required by the Upper Thames River Conservation Authority.

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- a) the approval of the Upper Thames River Conservation Authority for the erection of buildings and structures and the placement of fill;
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- c) safe access, pedestrian and vehicular, must be available for all new residential uses.

3.8.3.8 In considering development or redevelopment applications within the Special Policy Area and anywhere else within the floodplain, the Town and the Conservation Authority shall both be satisfied that the application includes feasible flood proofing measures, to the extent required under Sections 3.6.3, 3.6.5.1, and 3.6.5.4 of this Plan.

3.8.3.9 It is essential that some form of consultation notification be given to signify the potential flood risks and flood proofing methods which may be necessary for any new development or redevelopment proposed on these flood prone lands.

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<p>Implementation of these flood protection policies shall be provided through a separate zone category in the Town’s comprehensive zoning by-law which, among other matters, will establish provisions that regulate basements, the locations of buildings and structures, and the minimum elevations of windows and doors, outside storage, and building setbacks as necessary to achieve the flood proofing requirements of this plan for development within the Special Policy Area.</p> <p>3.8.2.10 Site plan control, pursuant to Section 41 of the <u>Planning Act, RSO 1990</u>, shall also be applied to regulate development or redevelopment within the Special Policy Area.</p> <p>3.8.2.11 The Town in conjunction with the Conservation Authority shall consider means of improving the level of flood protection within the Special Policy Area and throughout the floodplain through remedial works, where feasible, and by continuing its flood advisory and warning program.</p>	<p>Implementation of these flood protection policies shall be provided through a separate zone category in the Town’s comprehensive zoning by-law which, among other matters, will establish provisions that regulate basements, the locations of buildings and structures, and the minimum elevations of windows and doors, outside storage, and building setbacks as necessary to achieve the flood proofing requirements of this plan for development within the Special Policy Area.</p> <p>3.8.3.10 Site plan control, pursuant to Section 41 of the <u>Planning Act, RSO 1990</u>, shall also be applied to regulate development or redevelopment within the Special Policy Area.</p> <p>3.8.3.11 The Town in conjunction with the Conservation Authority shall consider means of improving the level of flood protection within the Special Policy Area and throughout the floodplain through remedial works, where feasible, and by continuing its flood advisory and warning program.</p>
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<p>Comment For consistency with other Section of the Official Plan Section 3.8.2.12 has moved to the newly numbered Section 3.8.3.16 (formerly 3.8.2.16.7)</p>	
<p>Existing Policy</p>	<p>Proposed Policy Policy Deleted.</p>

<p>Comment</p>	
<p>Existing Policy 3.8.2.13 Generally, consents for the purpose of creating new lots for development within the “Natural Hazards”</p>	<p>Proposed Policy 3.8.3.12 Generally, consents for the purpose of creating new lots for development within the “Natural Hazards”</p>

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<p>designation shall be prohibited. However consents for the purpose of creating lots for public use such as municipal parks and open space areas or for flood or erosion control may be permitted. Consent may also be granted for lot boundary adjustments/corrections provided that such adjustments/corrections are minor in nature. Consideration shall be given to the provisions of Sections 50(3) and (5) of the Planning Act, RSO 1990 and to the provisions of the implementing Zoning By-law when dealing with such applications.</p> <p>When reviewing such Consent applications, input is to be obtained from the Upper Thames River Conservation Authority prior to the Committee of Adjustment making its decision.</p>	<p>designation shall be prohibited. However consents for the purpose of creating lots for public use such as municipal parks and open space areas or for flood or erosion control may be permitted. Consent may also be granted for lot boundary adjustments/corrections provided that such adjustments/corrections are minor in nature. Consideration shall be given to the provisions of Sections 50(3) and (5) of the Planning Act, RSO 1990 and to the provisions of the implementing Zoning By-law when dealing with such applications.</p> <p>When reviewing such Consent applications, input is to be obtained from the Upper Thames River Conservation Authority prior to the Committee of Adjustment making its decision.</p>
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<p>Comment Policy added to permit recreational opportunities and to introduce the requirement that open space and recreational uses are permitted only if they do not have a negative impact on the functions of the natural heritage features or systems.</p>	
<p>Existing Policy 3.8.2.14 The floodplain areas provide an excellent opportunity for both active and passive open space uses through the development of a park system which could extend throughout the Town. The development of walking and bicycle trails along the watercourses will continue to be encouraged. Council will continue to explore opportunities to further expand the existing parks and open spaces in the floodplain and may initiate a program for land acquisition along the water front in conjunction with the Upper Thames River</p>	<p>Proposed Policy 3.8.3.13 The floodplain areas provide an excellent opportunity for both active and passive open space and recreational uses through the development of a park system which could extend throughout the Town. Where no negative impacts on the form and function of natural heritage feature/systems have been identified by the appropriate environmental impact assessment, the development of walking and bicycle trails along the watercourses will continue to be encouraged. Council will continue to explore opportunities to</p>

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<p>Conservation Authority.</p>	<p>further expand the existing parks and open spaces in the floodplain and may initiate a program for land acquisition along the water front in conjunction with the Upper Thames River Conservation Authority.</p>
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<p>Comment</p>	
<p>Policy added to permit new open space uses but only if they do not have an negative impact on the functions of the natural heritage features or systems.</p>	
<p>Existing Policy 3.8.2.15 Open Space uses in private ownership, such as golf courses and sports fields, are also permitted in the floodplain areas.</p>	<p>Proposed Policy 3.8.3.14 Open Space uses in private ownership, such as golf courses and sports fields, are also permitted the floodplain areas. Proponents seeking the establishment of new open space uses shall demonstrate through an environmental impact assessment that such development shall have no negative impacts on the form and functions of the natural heritage feature/systems.</p>

<p>Comment</p>	
<p>Existing Policy 3.8.2.16 Natural Hazards Constraint Areas The “Natural Hazards Constraint Area” overlay shall apply to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as “Natural Hazards” in this Official Plan. 3.8.2.16.1 Scope The “Natural Hazards Constraint Area” overlay is not intended to be a separate land use designation, but rather is intended to be superimposed over and above other land use designations established by this Official Plan. The</p>	<p>Proposed Policy 3.8.3.15 Natural Hazards Constraint Areas The “Natural Hazards Constraint Area” overlay shall apply to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as “Natural Hazards” in this Official Plan. 3.8.3.15.1 Scope The “Natural Hazards Constraint Area” overlay is not intended to be a separate land use designation, but rather is intended to be superimposed over and above other land use designations established by this Official Plan. The</p>

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policies for the "Natural Hazards Constraint Area" shall apply in addition to all applicable policies for the underlying land use designation.

3.8.2.16.2 Boundaries

In the absence of more detailed mapping, the boundaries for the "Natural Hazards Constraint Area" designation as shown on attached Schedule "C" are to be considered as general and not absolute. These boundaries are based on the approved flood line mapping criteria of the Upper Thames River Conservation Authority and aerial photograph interpretation.

3.8.2.16.3 Permitted Uses

The permitted uses in areas located within a "Natural Hazards Constraint Area" shall be in accordance with the applicable land use policies for the underlying land use designation as identified on Schedule "A" to this Official Plan only to the extent that they do not conflict with the policies established for the "Natural Hazards Constraint Area" designation.

3.8.2.16.4 Studies

Where detailed floodline information or hazard related information is required to assess the development proposal, the development proponent shall be responsible for preparing a study to the satisfaction and the approval of the Upper Thames River Conservation Authority and the Town. The purpose of this study is to locate the hazardous area and avoid it for new development.

policies for the "Natural Hazards Constraint Area" shall apply in addition to all applicable policies for the underlying land use designation.

3.8.3.15.2 Boundaries

In the absence of more detailed mapping, the boundaries for the "Natural Hazards Constraint Area" designation as shown on attached Schedule "C" are to be considered as general and not absolute. These boundaries are based on the approved natural hazard mapping criteria of the Upper Thames River Conservation Authority and aerial photograph interpretation. It should be noted that CA regulated areas are text based. In the event of a discrepancy between the mapping and the text of the policy, the text shall prevail.

3.8.3.15.3 Permitted Uses

The permitted uses in areas located within a "Natural Hazards Constraint Area" shall be in accordance with the applicable land use policies for the underlying land use designation as identified on Schedule "A" to this Official Plan only to the extent that they do not conflict with the policies established for the "Natural Hazards Constraint Area" designation.

3.8.3.15.4 Studies

Where detailed floodline information or hazard related information is required to assess the development proposal, the development proponent shall be responsible for preparing a study to the satisfaction and the approval of the Upper Thames River Conservation Authority and the Town. The purpose of this study is to locate the hazardous area and avoid it for new development.

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<p>3.8.2.16.5 Setbacks Where the nature of a hazard and the physical characteristics of a site warrant it or an assessment study deems it appropriate, setbacks for buildings and structures from areas located within a “Natural Hazards Constraint Area” shall be imposed. The extent of such setbacks shall be determined in consultation with the Upper Thames River Conservation Authority and will be implemented through the Town’s implementing Zoning By-law, where appropriate.</p> <p>3.8.2.16.6 Rehabilitation Council encourages the reestablishment of vegetation cover and buffer areas along the watercourses that are located within a “Natural Hazards Constraint Area”. The advice and assistance of the Ministry of Natural Resources and the Upper Thames River Conservation Authority may be sought to assist Council in regard to such matters.</p>	<p>3.8.3.15.5 Setbacks Where the nature of a hazard and the physical characteristics of a site warrant it or an assessment study deems it appropriate, setbacks for buildings and structures from areas located within a “Natural Hazards Constraint Area” shall be imposed. The extent of such setbacks shall be determined in consultation with the Upper Thames River Conservation Authority and will be implemented through the Town’s implementing Zoning By-law, where appropriate.</p> <p>3.8.3.15.6 Rehabilitation Council encourages the reestablishment of vegetation cover and buffer areas along the watercourses that are located within a “Natural Hazards Constraint Area”. The advice and assistance of the Ministry of Natural Resources and Forestry, and the Upper Thames River Conservation Authority may be sought to assist Council in regard to such matters.</p>
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PPS - 1.7.1 Long-term economic prosperity should be supported by:

i) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;

PPS - 1.6.11.2 Planning authorities should promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

<p>Comment The Official Plan should contain provisions for the establishment of alternative energy sources. While the Green Energy Act removes most of the local municipality’s abilities to regulate such uses, smaller scale systems could be permitted in the “Natural Hazards”</p>	
<p>Existing Policy No Policy.</p>	<p>Proposed Policy 3.8.3.16 Small-scale hydro electrical generation facilities along the North Thames River and Trout Creek may be permitted subject to the applicable policies of the UTRCA, Ministry of Natural</p>

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	Resources and Forestry, the Ministry of the Environment and Climate Change and all other applicable regulations.
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Comment	
Existing Policy No Policy.	Proposed Policy 3.8.3.17. Utility Uses Utility uses are permitted in accordance with the policies of Section 7.1

Comment For consistency with other Section of the Official Plan Section 3.8.2.12 has being combined to Section 8.8.2.16.7 and this Section renumbered	
Existing Policy 3.8.2.16.7 Zoning By-law The implementing Zoning By-law shall be the principle tool to execute the policies of the “Natural Hazards Constraint Area” overlay through the establishment of zones classification to regulate the development in its various forms. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height) and shall contain provisions consistent with the policies for the “Natural Hazards Constraint Area” as set forth in this Official Plan.	Proposed Policy 3.8.3.18 The implementing Zoning By-law shall be the principle tool to execute the policies of the “Natural Hazards” designation and “Natural Hazards Constraint Area” overlay through the establishment of zones classification to regulate the development in its various forms. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height) and shall contain provisions consistent with the policies for the “Natural Hazards” designation and “Natural Hazards Constraint Area” as set forth in this Official Plan.

Policy Recommendations

The following is a discussion regarding the recommended changes to the existing policies found in the “Natural Heritage” designation of the Town’s Official Plan. Those Sections in the grey highlighting are from the 2014 Provincial Policy Statement. The charts are broken into three sections, comments across the top, existing policy on the left side and proposed policy on the right.

<p>Comment</p> <p>3.9 Natural Heritage</p>	
<p>Existing Policy</p> <p>3.9 Natural Heritage</p> <p><i>The natural resources of the Town have been altered and fragmented since settlement in order to meet the needs of the community. Little remains of the original natural condition and what does remain has generally been reduced to below the thresholds needed to sustain themselves.</i></p> <p><i>Council proposes to develop a strategy to identify the environmentally significant features, functions, and linkages within the Town in order to protect and enhance the remaining natural heritage features in the Town.</i></p> <p><i>The “Natural Heritage” designation is intended to apply to locally and provincially significant wetlands, locally significant woodlands, significant portions of the habitats of endangered and threatened species, fish habitats, natural</i></p>	<p>Proposed Policy</p> <p>3.9 Natural Heritage</p> <p><i>The natural resources of the Town have been altered and fragmented since settlement in order to meet the needs of the community. Little remains of the original natural condition and what does remain has generally been reduced to below the thresholds needed to sustain themselves.</i></p> <p><i>Council proposes to develop a strategy to identify the environmentally significant features, functions, and linkages within the Town in order to protect and enhance the remaining natural heritage features in the Town.</i></p> <p><i>The Natural Heritage system is an ecologically based delineation of nature and natural functions which need a coordinated approach to integrate the various components in a comprehensive manner.</i></p> <p><i>The “Natural Heritage” designation is intended to apply to locally and provincially significant wetlands, locally significant woodlands, significant portions of the habitats of endangered and threatened species, fish habitats, natural watercourses, significant</i></p>

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<p>watercourses, significant valley lands, significant wildlife habitats, Areas of Natural and Scientific Interest (ANSIs), and ground water recharge areas.</p> <p>Locally and provincially significant wetlands, significant portions of the habitats of endangered and threatened species, significant valley lands, significant wildlife habitats, and Areas of Natural and Scientific Interest (ANSIs) have not been identified in the Town; however, it is recognized that a Natural Heritage Study of the Town may determine whether any of these features exist in the Town and need protection.</p> <p>Where such Natural Heritage Features are identified, such areas shall be appropriately recognized and policies will be developed by Official Plan Amendment.</p>	<p>valley lands, significant wildlife habitats, Areas of Natural and Scientific Interest (ANSIs), and ground water recharge areas.</p> <p>Locally and provincially significant wetlands, significant portions of the habitats of endangered and threatened species, significant valley lands, significant wildlife habitats, and Areas of Natural and Scientific Interest (ANSIs) have not been identified in the Town; however, it is recognized that a Natural Heritage Study of the Town may determine the extent of other Natural Heritage features remaining in the Town that can be protected and enhanced whether any of these features exist in the Town and need protection.</p> <p>Where such Natural Heritage Features are identified, such areas shall be appropriately recognized and policies will be developed by Official Plan Amendment.</p>
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<p>Comment</p> <p>3.9.1 Objectives Section 3.9.1.1 thru 3.9.1.4 provides the objectives for the “Natural Heritage” designation. The existing objectives appear appropriate.</p>	
<p>Existing Policy</p> <p>3.9.1 OBJECTIVES</p> <p>3.9.1.1 To assist in identifying environmentally significant features, functions, and linkages within the Town.</p>	<p>Proposed Policy</p> <p>3.9.1 OBJECTIVES</p> <p>3.9.1.1 To assist in identifying natural heritage systems through a science based study which measures their features, functions, and linkages within the Town.</p>

<p>Comment</p> <p>Adding policy objective to protect the natural heritage system.</p>
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Existing Policy	Proposed Policy 3.9.1.2 To assist with the protection of natural heritage systems and their functions and linkages within the Town from incompatible activities.
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Comment	
Existing Policy 3.9.1.2. To preserve, conserve, and enhance the distinct natural environment associated with identified “Natural Heritage” areas.	Proposed Policy 3.9.1.3 To preserve, conserve, and enhance the distinct natural environment associated with identified “Natural Heritage” areas.

Comment Add policy objective to provide policy to evaluate land use applications.	
Existing Policy	Proposed Policy 3.9.1.4 To establish a set of policies to evaluate land use applications in, near, or regarding/relating to natural heritage features.

Comment A new Section that describes the location and general type of uses permitted is suggested.	
Existing Policy No Policy	Proposed Policy 3.9.2 PERMITTED USES Lands located within the “Natural Heritage” designation should generally be undisturbed from development but subject to the policies of Section 3.8, uses that may be permitted within the “Natural Heritage” designation corresponding to significant natural heritage features and areas will be regulated to the following: (a) activities that create or maintain infrastructure authorized under an approved environmental assessment

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	<p>process;</p> <p>(b) buildings or structures intended for flood or erosion control or management of the natural feature approved by the Town and the UTRCA;</p> <p>(c) use of the area for an approved wildlife, wetland or fishery management project as approved by the Town and the Upper Thames River Conservation Authority and/or the Ministry of Natural Resources and Forestry ;</p> <p>(d) use of the area for passive recreation, such as recreational walking trails and passive environmental education and research; and</p> <p>(e) minor additions to existing buildings developed and located on existing cleared land in accordance with the Town's implementing Zoning By-Law.</p>
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Comment

Add a policy that defines “significant” in the St Marys context.

Existing Policy

3.9.2 POLICIES

Proposed Policy

New Section

3.9.3 POLICIES

3.9.3.1 Significant

The Province has provided guidance through the PPS as to the definition of “significant” based on the identified feature. Council recognizes that the original natural condition of the Town has been degraded and those natural features which do remain have generally been reduced below the thresholds of significant as defined by the Province. Council may move beyond the criteria as recommended by the Province and identify some Natural Heritage features as locally significant and needing protection, preservation, conservation, and enhancement.

Comment

The Official Plan provides no guidance as to various components of the Natural Heritage System. While this component has currently not been found in St. Marys, policy direction is needed if such features are identified.

Existing Policy

Proposed Policy

3.9.3.3 Significant Wetlands

There are no known Significant Wetlands within the Town limits. Where wetlands are identified, Council will seek advice from the Upper Thames River Conservation Authority for their protection.

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Comment	
<p>Existing Policy</p> <p>3.9.2.2 Wood Lands/Significant Wood Lands</p> <p>Significant Wood Lands, as shown on Schedule “A” to this Official Plan, represent those areas of the Town where larger wood land areas remain relatively undisturbed. Development and site alterations within significant wood lands shall not be permitted unless the proponent of development can demonstrate that there will be no negative impacts on the ecological function of the wood land.</p> <p>Council recognizes that little of the natural woodland cover remains in the Town; however, efforts to preserve, maintain, and enhance this feature will be promoted by Council. Development and site alterations involving wood lands identified on Schedule “A” may be permitted provided that as much of the wood land, as possible, is preserved. Council may, as a condition of development approval, require the replacement of wood land equal to that destroyed by the development or site alteration.</p>	<p>Proposed Policy</p> <p>3.9.3.4 Woodlands/Significant Wood Lands</p> <p>Council has engaged the Upper Thames River Conservation Authority to complete a Natural Heritage Study.</p> <p>In accordance with Provincial Policy, significant wood lands are characterized by the Province on the basis of the size and ecological functions (such as amount of interior, buffering, or water quality), characteristics (such as unique species, vegetation communities, habitat, or age of the wood land), and economic and social functional values.</p> <p>Council recognizes that little of the natural wood land cover remains in the Town however, efforts to preserve, maintain, and enhance this feature will be promoted by Council. and when determining what constitutes a significant wood land, the scarcity of this important feature has led Council to move beyond the minimum wood lands criterion as recommended by the implementation guidelines of the Provincial Policy Statement in an effort to preserve, maintain, and enhance as much of the woodland areas as possible.</p> <p>Significant Wood Lands, as shown on Schedule “A” to this Official Plan, represent those areas of the Town where larger wood land areas remain relatively undisturbed. Development and site alterations involving wood lands identified on Schedule “A” shall not be permitted unless the development is supported by an environmental impact study or other appropriate study to assess the impact of development and that there will be no</p>

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	<p>negative impacts on the ecological function of the wood land and as much of the wood land, as possible, is to be preserved and enhanced. Council may, as a condition of development approval, require the replacement of wood land equal to three times the area that is destroyed by the development or site alteration.</p> <p>Adjacent lands shall be defined as those lands within 30 metres of an identified Wood Lands/Significant Wood Lands.</p> <p>Development and site alterations involving wood lands identified on Schedule "A" may be permitted within the 30 metres adjacent land/buffer area provided that such development will not result in negative impacts on the significant wood lands. An environmental impact study or other appropriate study may be required in order to assess the impact of development.</p>
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Comment

The Official Plan provides no guidance as to various components of the Natural Heritage System. While this component has currently not been found in St. Marys, policy direction is needed if such feature is identified.

Existing Policy

Proposed Policy

3.9.3.5 Significant Valley Lands

There are no known Significant Valley Lands within the Town limits. Council recognizes the value of the Valley Lands associated with the Thames River and Trout Creek and that further study of the Valley Land areas is required in order to determine whether any of the Valley Land areas are considered to be significant. Where significant Valley Land areas are identified, such areas shall be appropriately recognized and specific policies for such areas will be developed through the Official Plan Amendment process

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<p>Comment The Official Plan provides no guidance as to various components of the Natural Heritage System. While this component has currently not been found in St. Marys, policy direction is needed if such feature is identified.</p>	
<p>Existing Policy</p>	<p>Proposed Policy 3.9.3.6 Significant Wildlife Habitat</p> <p>There are no known Significant Wildlife Habitats within the Town limits. Where such habitats are identified through an Environmental Impact Study, Council will seek advice from the Ministry of Natural Resources and Forestry or other expert for their protection.</p>

<p>Comment The Official Plan provides no guidance as to various components of the Natural Heritage System. While this component has currently not been found in St. Marys, policy direction is needed if such feature is identified.</p>	
<p>Existing Policy</p>	<p>Proposed Policy 3.9.3.7 Significant Areas of Natural of Scientific Interest (ANSI)</p> <p>There are no known Earth Science or Life Science ANSIs within the Town limits. Where such areas are identified, they shall be appropriately recognized and specific policies for such areas will be developed through the Official Plan Amendment process.</p>

<p>Comment</p>	
<p>Existing Policy 3.9.2.1 Fish Habitats</p> <p>Fish Habitats are locations of spawning grounds, nurseries, feeding areas, and migration areas on which fish depend upon for survival. Such habitats are governed under the Federal Fisheries Act and administered by Fisheries and Oceans Canada or their delegate. The</p>	<p>Proposed Policy 3.9.3.8 Fish Habitats</p> <p>Fish Habitats are locations of spawning grounds, nurseries, feeding areas, and migration areas on which fish depend upon for survival. Such habitats are governed under the Federal Fisheries Act and administered by Fisheries and Oceans Canada or their delegate.</p>

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<p>Upper Thames River Conservation Authority is currently delegated as the Level II approval authority in these matters.</p> <p>Specific policies for fish habitat areas are as follows:</p> <p>(a) Development proponent must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Fisheries and Oceans Canada or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent may be required to submit an environmental impact study or other appropriate study for review by the Fisheries and Oceans Canada or their delegate;</p> <p>(b) Development and site alterations shall not adversely affect any fish habitat. Generally, development or site alterations are most likely to create adverse impacts within 30 metres of the water body. Development will not be permitted within 15 metres of a watercourse. Where development is proposed within 30 metres of a water body, it must be demonstrated that there is no negative impact;</p> <p>(c) Extensions or enlargements of existing buildings and structures in the adjacent land area may be permitted provided that it is demonstrated to the satisfaction of the Ministry of Natural Resources or</p>	<p>Specific policies for fish habitat areas are as follows:</p> <p>(a) Development proponent must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Fisheries and Oceans Canada or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent may be required to submit an environmental impact study or other appropriate study for review by the Fisheries and Oceans Canada or their delegate;</p> <p>(b) Development and site alterations shall not adversely affect any fish habitat. Generally, development or site alterations are most likely to create adverse impacts within 30 metres of the waterbody. Development will not be permitted within 15 metres of a warm water watercourse or within 30 metres of a cold water watercourse.. Where development is proposed within 30 m of a watercourse it must be demonstrated that there will be no negative impact;</p> <p>(c) Extensions or enlargements of existing buildings and structures in the adjacent land area may be permitted provided that it is demonstrated to the satisfaction of the Department of Fisheries and Oceans or other</p>
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<p>other appropriate regulatory agency that such extension or enlargement will have no negative impact on the fish habitat;</p> <p>(d) When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat;</p> <p>(e) The Town's implementing Zoning By-laws shall zone fish habitats and their adjacent land areas to preclude development and site alteration excepting that permitted above.</p>	<p>appropriate regulatory agency that such extension or enlargement will have no negative impact on the fish habitat;</p> <p>(d) When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat. An EIS or other appropriate study may be required in order to assess the potential impact of the work;</p> <p>(e) The Town's implementing Zoning By-laws shall zone fish habitats and their adjacent land areas to preclude development and site alteration excepting that permitted above.</p>
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<p>Comment</p>	
<p>Existing Policy</p>	<p>Proposed Policy 3.9.3.9 Zoning By-law The implementing Zoning By-law shall be the principal tool to execute the policies of this designation through the establishment of zones classification to regulate development.</p>