By-law Number 2019-029

A by-law to adopt a Policy with respect to the manner in which the Corporation of the County of Bruce will protect and enhance the tree canopy and natural vegetation in the municipality

The Municipal Act, 2001, S.O. 2001, C. 25 provides that every municipality shall establish policies with respect to the manner in which it will protect and enhance the tree canopy and natural vegetation in the municipality.

The Tree Canopy and natural vegetation in Bruce County are protected by the County’s Official Plan and Forest Conservation By-Law.

The Council for the Corporation of the County of Bruce enacts By-law 2019-029 as follows:

1. That the Council of the County of Bruce hereby confirm that the policies set out in Section 4.3 of the County Official Plan, as well as in the Forest Conservation By-law 4071, shall constitute the policy as required by Section 270 (1) 7 of the Municipal Act, 2001.

2. That the provisions and the continued enforcement of the County’s Forest Conservation By-law (4071) also helps to protect the tree canopy and natural vegetation in the County.

3. That the continued sustainable management of the County’s Forests also helps to protect and enhance the tree canopy and natural vegetation in the County.

4. That this By-law shall come into effect on June 13, 2019.

Passed this 13th day of June, 2019

Mitch Twolan
Warden

Donna Van Wyck
Clerk
4.3 THE ENVIRONMENT

4.3.1 Objectives

i) Identify and protect the County's unique natural resources and environment;

ii) Identify, conserve, and where possible enhance the natural environment to ensure that natural systems are sustained, which will also serve to maintain human health;

iii) Maintain, enhance and protect aquatic habitat in and around Bruce County;

iv) Promote environmentally sound watercourse management that enhances the quality of lakes and rivers;

v) Protect ground and surface water quality;

vi) Work in conjunction with local conservation authorities, local municipalities and the public to develop a long-term comprehensive drinking water source protection plan for the County;

vii) Recognize the role of forests and wetlands in ground and surface water rehabilitation;

viii) Protect headwater areas of rivers and streams;

ix) Protect identified significant woodlands;

x) Protect natural areas along shorelines and rivers;

xi) Restrict or prohibit development on lands subject to environmental hazards;

xii) Ensure that growth does not exceed the carrying capacity of the natural environment;

xiii) Maintain the character of the Niagara Escarpment, a World Biosphere Site by abiding by the Niagara Escarpment Plan and the Niagara Escarpment Planning and Development Act;

xiv) Collaborate with adjacent municipalities in the preservation of the natural environment;

xv) Deleted and replaced by BCOPA #204-16-00. Encourage the use of alternate energy sources, such as wind, solar, biomass and hydroelectric; (xv) Encourage the use of alternate energy sources, such as solar, biomass and hydroelectric;

xvi) Discourage land uses and activities which are noxious in nature and may contribute to air, water or land pollution;

xvii) Identify, protect and enhance all Provincially significant wetlands and Areas of Natural and Scientific Interest (ANSI’s);

xviii) Identify and preserve areas of environmental or ecological significance;

xix) Encourage the preservation of locally significant Environmentally Significant Areas (E.S.A.’s);
xx) Protect the habitat of endangered and threatened species;
xxi) Encourage the preparation of watershed and subwatershed plans, where they are deemed necessary; and
xxii) Discourage the extraction of groundwater that exceeds the recharge capacity of the aquifer.

4.3.2 General Policies

.1 The natural resources of the County shall be protected and managed in order to maintain and preserve a healthy living environment for existing and future generations.

.2 County Council recognizes that natural areas or features within Bruce County provide a wide range of benefits to the residents of the County. Those areas shall be protected from the negative effects of development.

.3 Some natural features, such as ANSI and Provincially Significant Wetlands, Escarpment Natural Areas, some Locally Significant Wetlands and areas of Karst topography have been identified and are shown on the Schedules of this Plan. Other features, such as significant ravines, valley, river and stream corridors, significant woodlands, significant portions of threatened and endangered species habitat, significant fish habitat and significant wildlife habitats have not been specifically identified. Dynamic beaches are considered to be significant natural features, yet may or may not be mapped. As more detailed mapping of these natural features becomes available, the appropriate Schedules will be updated to include this more detailed information.

.4 In the absence of mapping showing the various components of the natural areas, this Plan will rely on Environmental Hazard mapping, ANSI mapping and Wetland mapping to achieve much of the County’s environmental goals and objectives. Therefore, new development proposed in or adjacent to these areas must also address all of the applicable natural environment features.

.5 For some environmentally sensitive areas new development may be permitted within and adjacent to them, provided it can be demonstrated that the development will not have an adverse or negative impact on the area. For other areas such as Environmental Hazard Lands significant habitat of threatened and endangered species and Provincially Significant Wetlands, new development and site alteration is not permitted.

.6 In the review of site development proposals the proponent and/or review agencies may identify natural heritage features, which have not been incorporated in the Schedules to the Plan. In these instances, the policies of Section 4.3 and 5.8 will apply and the applicant must demonstrate protection of the natural heritage functions and features.

4.3.2.1 Cold and Warm Water Streams

No development shall be permitted within 30 metres of the banks of a cold water stream or 15 metres of a warm water stream. Landowners are encouraged to forest
the area within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream and to increase natural connections.

4.3.2.2 Drinking Water Source Protection

.1 The Province of Ontario has established the Drinking Water Source Protection (DWSP) program that is guided by the Clean Water Act, 2006. The purpose of this Act is to protect existing and future sources of drinking water. Under this program, it is the responsibility of a Source Protection Committee to develop Assessment Reports and Source Protection Plans for a Source Protection Region.

.2 This program is generally designed to protect Municipal Wellhead Protection Areas (WHPA), and Intake Protection Zones (IPZ), as well as Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA). The Assessment Reports will delineate these areas, determine their vulnerability, and identify and assess threats to these areas. The Source Protection Plans will include policies to be followed by municipalities, landowners, and others, to address significant threats to these areas.

.3 The County will support the work of the Source Protection Committee as it prepares Source Protection Plans. Once the Source Protection Plans have been completed (legislated deadline: Aug 2012) and approved, the County will assist with the implementation of the Plan by incorporating the appropriate Source Protection Plan policies into the Official Plan.

4.3.2.3 Areas of Natural or Scientific Interest (ANSI)

.1 County Council recognizes that most ANSI are held in private ownership. The objective of the policies of this section will therefore be to provide for the continued private use while encouraging landowners to voluntarily protect and manage the unique environmental resources of their land. This encouragement can be achieved by demonstrating wise environmental management of public land, the distribution of information concerning the establishment of new ANSI and the management of environmental features found within the ANSI.

.2 County Council is in a position to influence the nature of development occurring within and contiguous to ANSI. The policies of this Plan seek to protect and improve the natural environment of ANSI affected by the development of land in recognition of the fact that:

i) The protection, management and renewal of ANSI is essential if the County’s natural heritage is to survive;

ii) Some forms of development may be accommodated within and contiguous to ANSI;

iii) When development and environmental objectives cannot be reconciled, the County shall attempt to protect the affected area by requesting a public agency or non-profit Corporation or the Conservation Authority to acquire the land, or to permit re-evaluation of the ANSI designation, or refuse to approve the development;

iv) The policies and objectives of this Section can complement the actions of other agencies in the protection and wise management of the natural environment;

v) The distribution of information on the state of environmental conditions is essential to ensure the survival of the County’s natural heritage.
.3 County Council has designated on Schedule C those areas identified and judged by the Province of Ontario as Areas of Natural or Scientific Interest (ANSI) of Provincial significance.

.4 County Council is prepared to consider mapping of ANSI at an improved scale to more accurately represent or determine the lands designated ANSI on Schedule C. Such mapping shall be used in the application of policies associated with this Plan and shall be revised as improved information and Environmental Impact Statements indicate more precise boundaries. Where more accurate mapping becomes available, this mapping will be incorporated by Amendment to this Plan.

.5 It is the policy of County Council to consider the use of land within an ANSI identified on Schedule C in accordance with the underlying land use designation on Schedule A, provided it can be shown that the development would not adversely impact upon the ANSI. In order to further clarify the intent of this policy, the following use of land and buildings as they existed on the date of adoption of this Plan may continue:

i) Farming operations and the expansion of the same in accordance with the Minimum Distance Separation Formula;
ii) Management and harvesting of timber in accordance with sound forest management practices;
iii) Construction or expansion of a residence on a legally separated parcel of land existing on the date of the adoption of this Plan, provided that measures are taken to minimize negative impacts on the ANSI and subject to other policies of this Plan, the local Municipal Zoning By-Law and the applicable policies and regulations of other agencies or Government ministries; and,
iv) The existing use of the area for public recreational uses.

.6 It is the policy of County Council that when a change in the use of land not in conformity with the above policy is proposed for lands within the ANSI such that adverse effects on the ANSI are likely to occur, a full, scoped or check list, Environmental Impact Studies (EIS) in regard to the merits of the proposal as determined by the appropriate Council, shall be prepared prior to the consideration of approval of the proposal according to the policies of Section 4.3.3 [Requirements for Environmental Impact Studies]. Where it cannot be shown that the development proposal will have minimal impacts on the ANSI, such proposal shall be refused.

.7 ANSI are identified by the Province of Ontario. It is the policy of County Council to ensure that an EIS is reviewed with respect to the merits of the proposal. A recommendation will then be submitted to the County and/or local municipality for consideration of the proposed change in the use of the land.

.8 It is the policy of County Council that the lands identified as ANSI, which are privately owned, are not free and open for the public to use. Public access to ANSI on privately owned lands may occur by permission of the land owner, and the use of other mechanisms such as Land Trusts or Conservation Easements.

.9 County Council recognizes that the existing statutory powers of the County to fully achieve the objectives of environmental protection are inadequate.

.10 In order to supplement the provisions of the above policies, County Council may from time to time consider:
i) The acquisition (by donation) of ANSI that may be suitable for the extension of existing County forests or for the establishment of new County forests;

ii) Negotiating with the owners of an ANSI to have all or part of it privately preserved or managed in accordance with sound environmental practices, or conveyed by the owner to a public authority;

iii) The use of conservation measures such as Land Trusts or Conservation Easements; and,

iv) Requesting the public agency or non-profit Corporation, or the Conservation Authority, having jurisdiction to acquire such ANSI.

4.3.2.4 Locally Significant Wetlands

1. County Council shall encourage the protection of locally significant wetlands.

2. Development, which may have a significant impact on lands, located within locally significant wetlands, may require the preparation of an Environmental Impact Study, by the proponent, to ensure that the ecological function of the lands, and the ecological function of the lands, are not negatively impacted by the proposed development. An EIS shall be prepared in accordance with the policies of Section 4.3.3 [Environmental Impact Studies].

4.3.2.5 Provincially Significant Wetlands

1. Schedule C to this Plan identifies Provincially Significant Wetlands. The following policies apply to those wetlands.

2. It is the policy of County Council that development except for infrastructure permitted by the Provincial Policy Statement shall not be permitted within Provincially Significant Wetlands.

3. It is the policy of County Council that development may be permitted on adjacent lands only if it does not result in any of the following:

   i) A loss of wetland function;
   ii) Subsequent demand for future development, which will negatively impact on existing wetland functions;
   iii) Conflict with existing site specific wetland management practices; and
   iv) Loss of contiguous wetland areas.

4. Wetland Area is a single continuous wetland, which may be composed of one or more wetland types.

5. Adjacent lands are those lands within 120 metres of an individual wetland area.

6. It is the policy of County Council that the policies of Section 4.3.2.5.3 i), ii), iii) and iv), shall be addressed by an Environmental Impact Study (EIS), prepared in accordance with established procedures and carried out by the proponent. The EIS shall be subject to review and comment by the appropriate Provincial authority, the Conservation Authority, where one exists, and other public authorities having jurisdiction.

7. Development proposals may be considered on adjacent lands without an Amendment to this Plan, in accordance with the abutting land use designation if supported by a site specific EIS indicating how the above policy has been met.
It is the policy of County Council that wetlands shall be designated in local Official Plans where they exist, and that policies be included to preclude new development within Provincially Significant Wetlands.

It is the policy of County Council that Provincially Significant Wetlands shall be zoned in the local Municipal Zoning By-Law to preclude new development within Provincially Significant Wetlands.

4.3.2.6 Significant Woodlands

.1 It is the intent of County Council to protect significant woodlands as they are one of the key components of our natural heritage areas. Woodlands provide significant economic value as well as habitat for wildlife, erosion control and maintenance of the ‘cold water’ for fish habitat.

.2 Although significant woodlands have not been mapped in this Plan, the following policies shall apply to the protection of woodlands:
   i) For Townships with less than 30% forest cover, wood lots of 40 hectares or greater are considered significant. Prior to development being permitted in these areas the proponent of the development shall be required to undertake an Environmental Impact Study.
   ii) For municipalities with greater than 30% forest cover, an Environmental Impact Study shall only be required for developments that propose four or more lots in one development, or that involve the removal of more than 1.0 ha of forest cover in a single proposal. In certain instances, where the County may be concerned about cumulative losses to a significant wood lot, an EIS may also be required.

.3 Where it cannot be demonstrated through the preparations of an Environmental Impact Study that the proposed development will not impact on the habitat/resource function of the wood lot, the development shall be refused.

.4 The County recognizes that the evaluation of significant woodlots on a case-by-case basis may no longer be adequate. In this regard, the County shall endeavour to undertake a countywide evaluation of woodlands, provide required mapping, and update this section as required.

4.3.2.7 Threatened and Endangered Species

.1 Detailed mapping showing the significant portions of the habitat for threatened and endangered species in the county is not included on Schedule C to this Plan. Until such mapping becomes available and is incorporated in the Plan, these heritage resources shall require protection in accordance with the following policies where they are identified by the proponent and/or review agencies as being on or adjacent to a development proposal through individual review. The following policies apply to significant habitat of threatened and endangered species.

.2 When mapping does become available, it is the policy of County Council to designate such areas in the County Plan. It may be difficult to maintain up-to-date mapping showing significant habitat of endangered species and threatened species given that the listing of the species and their respective rankings change often. Reference should
be made to the Ministry of Natural Resources official species at risk list, as updated and amended from time to time.

.3 It is the policy of County Council that development except for infrastructure permitted by the Provincial Policy Statement shall not be permitted within significant portions of the habitat of threatened and endangered species.

.4 It is the policy of County Council that development and site alteration may be permitted on adjacent lands only if it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

.5 Adjacent lands are those lands within 50 metres of an identified area.

.6 Development proposals may be considered on adjacent lands without amendment to this Plan, in accordance with the abutting land use designation if supported by a site specific EIS indicating how the above policies have been met.

.7 It is the policy of County Council that significant habitat of threatened and endangered species be designated in local Official Plans where they exist, and that policies be included to preclude new development within such areas.

.8 It is the policy of County Council that significant portions of habitat of threatened and endangered species shall be zoned in the local Municipal Zoning By-law to preclude new development within such areas.

4.3.2.8 Significant Valleylands

.1 Detailed mapping showing significant valleylands is not included on Schedule C to this Plan. Until such mapping becomes available and is incorporated in the Plan, significant valleylands are identified on a case-by-case basis.

.2 When mapping does become available, it is the policy of County Council to designate such areas in the County Official Plan.

.3 It is the policy of County Council that no development or site alteration may be permitted within or adjacent (50 metres) to a significant valleyland unless it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or the ecological function of the significant valleylands.

4.3.2.9 Deer Wintering Areas

.1 Detailed mapping showing deer wintering areas in the County is not included on Schedule C to this Plan. The deer wintering areas are identified on a case-by-case basis.

.2 In the interim, it is the policy of County Council that development or site alteration may be permitted within or adjacent (120 metres) to deer wintering areas only if it has been demonstrated through an EIS, carried out by the proponent that there will be no negative impacts on the deer wintering area.

4.3.2.10 Significant Wildlife Habitat
Detailed mapping showing the significant wildlife habitat in the County is not included on Schedule C to this Plan. Until such mapping becomes available and is incorporated in the Plan, these heritage resources are identified on a case-by-case basis.

It is the policy of County Council that no development except for essential municipally owned infrastructure shall be permitted within areas of significant wildlife habitat provided no adverse environmental impact will result.

It is the policy of County Council that no development or site alteration may be permitted within 120 metres to significant wildlife habitat unless it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

4.3.2.11 Karst

The Bruce-Grey Regional Groundwater Study identifies areas of karst topography. This mapping is at a regional scale and therefore all areas may not be adequately shown. Development or site alteration in areas having karst topography shall not proceed in the absence of a detailed evaluation. The evaluation shall investigate the potential threat of the proposed development or site alteration on groundwater resources and shall be completed by an individual who specializes in karst topography. Development shall be prohibited unless it can be shown that these threats can be overcome through mitigation resources.

4.3.2.12 Headwater/Recharge Areas

It is the intent of County Council to protect headwater areas, groundwater recharge areas and aquifers as one means of protecting groundwater and surface water from degradation. In doing so, the County acknowledges that comprehensive mapping indicating the location of these areas for the entire County is not available from the appropriate Provincial authority. Where mapping or site specific studies or observations for headwater areas, groundwater recharge areas is made available by the proponent and/or review agencies, new development will be required to demonstrate protection of these sensitive water resources and that the associated environment and any water resource uses are not detrimentally impacted.

County Council will encourage consultation and communication between the County, local municipalities, the appropriate Provincial authority, interested agencies, and development interests to identify and protect headwater areas, groundwater recharge areas and aquifers.

4.3.3 Requirements for Environmental Impact Studies

In order to achieve County objectives for the protection of the natural environment, development proponents shall be required to prepare an EIS for any proposal that is:

i) In, or within 120 metres of, a provincially significant wetland;
ii) In, or within 60 metres of, a locally significant wetland;
iii) In, or within 120 metres of, the habitat of threatened or endangered species;
iv) In, or within, 120 metres of, a significant woodland, significant valleyland, significant wildlife habitat, deer wintering areas;
v) In, or within 120 metres of, fish habitat;
vi) Within the ‘100 Metre Buffer Zone’ or ‘2 Year Time of Travel (WHPA-B)’ for Wellhead Protection Areas or within a ‘Intake Protection Zone 1 (IPZ-1)’ or ‘Intake Protection Zone 2 (IPZ-2)’ for Intake Protection Zones;

vii) Within known areas of karst topography;

viii) In, or within 50 metres of Areas of Natural and Scientific Interest (ANSI) Earth Science.

.2 Regardless if any of the above appear on Schedules of this Plan or are identified by the proponent and/or review agencies.

.3 The EIS shall be prepared prior to any development approvals and any site alteration (except as may be necessary for the preparation of pre-development studies or surveys) or development. In considering the loss of functions or features, particularly with regard to wetlands and fish habitat, the proponent is also advised to consult with the First Nations to determine potential impacts on resource, utilization, aboriginal interests, and other cultural values.

.4 The proponent is encouraged to consult early in the application process with the County and other appropriate agencies regarding the specific EIS requirements.

.5 Should review of the EIS determine that the natural features or functions cannot be protected development will not be approved.

.6 An EIS shall be carried out as follows:

i) Be completed by a qualified professional;

ii) The study shall consist of:

a) A description of the purpose of the undertaking, the duration of impacts to the site, as well as the possible effects of the proposed undertaking;

b) A description and statement of the rationale for:

1) The undertaking;
2) The alternative methods of carrying out the undertaking; and,
3) The alternatives to the undertaking.

c) A description of:

1) The environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
2) The effects that will be caused or that might reasonably be expected to be caused to the environment; and
3) The actions that are necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects or the effects that might reasonably be expected upon the environment by the undertaking.

d) An evaluation of the undertaking’s advantages and disadvantages.

e) The cost for preparing an EIS shall be the responsibility of the proponent.

.7 It is the policy of County Council to involve the affected Conservation Authority, the Province, and the local municipalities whenever an EIS is required.

.8 The County may allow for the waiving of the requirement for the preparation of an EIS when: a) a development is subject to a duplicate or similar environmental assessment process; or b) a development is minor in nature; or c) the site conditions for a
development are such that the preparation of an EIS would serve no useful purpose for the protection of the significant environmental features. The County may seek outside independent advice as to whether the proposed development is minor OR advice as to whether an EIS would serve any useful purpose.

4.3.4 Conservation Authority Regulations

Written permission maybe required from the applicable Conservation Authority pursuant to Ontario Regulations - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses where development or site grading is proposed within a Regulated Area as shown on schedules filed with the Conservation Authority where such mapping exists or otherwise generally within or near the Hazard Lands designation.