

3.8.3 Parkland Dedication in Shoreline Areas

Along the Lake Ontario waterfront, land shall be provided to meet recreational needs by acquiring five percent of all land proposed for residential development in shoreline areas or a suitable cash equivalent where the size or location of the site being developed makes such acquisition inappropriate, in accordance with Section 51.1 of the *Planning Act*.

3.8.4 Public Waterfront Access

Wherever possible, public waterfront access to Lake Ontario shall be provided. A system of public and private parks shall be provided where Council deems it desirable. Public parks shall contribute to Lake Ontario Waterway and Waterfront Trust increasing public access to Lake Ontario.

The Municipality of Brighton shall identify municipal public lands available for development as waterfront access points and further investigate the acquisition of adjacent private lands to complement such areas with a view to providing adequate recreational open space adjacent to the shoreline residential areas. Such waterfront access areas shall only be developed in a manner compatible with adjacent residential uses having regard for the provision of buffer planting and fencing and adequate off-street parking. New public access routes shall not be located in environmentally sensitive areas or wetlands.

3.9 PROTECTION OF THE NATURAL ENVIRONMENT

In order to properly manage and enhance the existing built settlement areas, while protecting or improving the quantity and diversity of the natural environment, the Municipality endeavours to take a strategic approach to planning for the long range development of the Municipality of Brighton.

Natural heritage features and areas, together with natural hazard features and areas are important elements of the Municipality's ecosystem, which require proper conservation and management in order to maintain the environmental health of the community. Owners of lands that are limited by natural hazards will be encouraged to manage these lands wisely, as set out in Section 3.9.1 herein. Owners of lands that contain natural heritage features and/or areas will be encouraged to be good land stewards, in accordance with the policies of Section 3.9.2 of this

Plan. It is intended that important environmental features and areas be conserved and protected to the greatest extent possible, including public ownership, if feasible.

The implementation of the Municipality's planning approach to the natural environment shall be achieved through fostering of strong relationships between the Municipality and the local conservation authorities.

The Municipality and the Conservation Authority will co-ordinate their efforts in the review of development applications and the creation of long range planning policies. The co-ordination of these bodies will develop an approach to planning that reflects the desired growth patterns of the Municipality and the needs of the natural environment in the context of the policies of this Plan and the Provincial Policy Statements issued under Section 3 of the *Planning Act*.

3.9.1 Objectives

- i) Natural features and areas shall be protected for the long term.
- ii) 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.
- iii) Incompatible land uses within significant and sensitive environmental features and areas will be prohibited.
- iv) The general public and the private development industry will be encouraged to participate in the co-ordination and implementation of sound management initiatives and practices as they relate to the identified natural environmental features of the Municipality.
- v) In consultation with the MNR and the local LTRCA having jurisdiction, significant woodlands and valleylands and significant wildlife habitat will be identified by the municipality for the purposes of protection as specified in the PPS. This Plan may be amended accordingly to recognize significant woodlands and valleylands and significant wildlife habitat when mapping of these features is available.

- vi) The Environmental Protection designation identifies natural hazards, such as hazardous lands and hazardous sites, which may pose a threat to life and property due to inherent characteristics such as flooding hazards, erosion hazards, dynamic beach hazards and steep slopes. Natural hazards may also be subject to the regulations administered by Lower Trent Conservation. Development and site alteration shall not be permitted within natural hazards or on lands adjacent to natural hazards that are regulated by Lower Trent Conservation until written authorization is obtained from the Conservation Authority. Natural hazards will be placed in a separate zoning category in the municipal zoning by-law, or identified by the addition of a zone suffix or prefix, as an area where land use regulations are applied by the Conservation Authority and the Municipality to prevent hazard risks.

Nothing in Section 3.9 of this Plan is intended to limit the ability of existing agricultural uses to continue.

3.9.2 Natural Hazards

The Environmental Protection designation identifies hazardous lands which may pose a threat to life and property due to inherent characteristics such as floodplains, erosion and dynamic beach hazards, and steep slopes.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shoreline of Lake Ontario, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shoreline of Lake Ontario, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave up-rush and other water-related hazards;

b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

1. The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. The one hundred year flood; and
3. A flood which is greater than 1 or 2 which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Hazardous sites: means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

3.9.3 Natural Environmental Features

The Municipality recognizes the need to develop policies that will protect and where possible enhance the significant natural heritage features within the Municipality of Brighton.

Natural heritage features and areas: means 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, which are important for their environmental and social values as a legacy of the natural landscapes of an area. Provincially significant wetlands, locally significant wetlands and areas of natural and scientific interest within the Municipality are shown on Schedule “C” to this Plan.

Natural heritage system: means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

3.9.4 General Policies

Decisions made by the Municipal Council affecting natural heritage features and areas shall be consistent with the provisions of Section 2.1 - *Natural Heritage* of the Provincial Policy Statement.

3.9.5 Requirement for Environmental Impact Study

Development and site alteration shall not be permitted within provincially significant wetlands, significant woodlands, significant wildlife habitat, significant valleylands and significant areas of natural and scientific interest unless it has been demonstrated, through an Environmental Impact Study (EIS) in accordance with this Section of the Plan, that there will be no negative impacts on the natural features or their ecological functions. In this case the need for an EIS is triggered by any development or site alteration proposals within or adjacent to any of these features.

The EIS report will be completed by a qualified professional at an appropriate time of year, and will be reviewed by the Municipality, the Conservation Authority, or the Province.

All EIS reports shall be approved by the Municipality in consultation with the local Conservation Authority and shall address the following:

- i) A detailed description of the development proposal;

- ii) A description of existing on-site and adjacent land uses including the land use designations identified on Schedule “A” of this Plan;
- iii) The identification of all land uses or activities that may negatively impact on the natural environmental feature or their ecological functions;
- iv) The delineation of the environmental features of the lands subject to the development proposal;
- v) A detailed description of the mitigation measures and monitoring program to be undertaken as part of the development proposal which will ensure no negative impacts to the features or their ecological functions; and
- vi) Any other site-specific information deemed necessary by the Municipality in consultation with the local Conservation Authority.
- vii) A species list (species at risk, birds, mammals, reptiles plants, amphibians and other wildlife, fishes, etc.). This requires a level of inventory through the growing season (Spring to late summer ideally) but provides a clearer picture of what exists on site.

Adjacent lands generally mean those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

3.9.6 Wetlands

For the purposes of this Plan, and in accordance with the PPS, **Wetlands** are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to, or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be wetlands for the purpose of this Plan.

3.9.6.1 Provincially Significant Wetlands

Provincially significant wetlands are identified as provincially significant by the Ontario MNR using evaluation procedures established by the Province from time to time. The policies of Section 3.9.6.1 of this Plan shall apply to significant wetlands within the Municipality. Provincially significant wetlands identified within the Municipality are shown on Schedule “C” to this Plan.

Development and Site Alteration:

- i) Shall not be permitted in provincially significant wetlands, including significant coastal wetlands; and,
- ii) Shall not be permitted on adjacent lands to provincially significant wetlands, including significant coastal wetlands, unless the ecological function of the adjacent lands has been evaluated through an Environmental Impact Study (EIS), as per Section 3.9.5 of this Plan, and it has been determined that there will be no negative impacts on the natural features or their ecological functions.

Adjacent lands to a provincially significant wetland shall generally mean those lands within 120 metres of the wetland, which are contiguous to it and where it is likely that development or site alteration would threaten the health and integrity of the wetland and its natural features and ecological function. The municipality, in consultation with the Conservation Authority and the MNR where appropriate, may reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.6.2 Other Wetlands

Wetlands which have not been identified as Provincially Significant are nonetheless important at a regional or local level. The Municipality recognises that the Conservation Authority limits or prohibits development and site alteration within the lands adjacent to other wetlands, where such development could have an adverse impact on the ecological and hydrological functions of the wetland.

The Municipality shall ensure these areas are protected for the long term by maintaining, improving, or where possible, restoring these wetlands and their ecological and hydrological functions.

Notwithstanding the above, wetlands that have not been identified on Schedule “C” are still subject to the policies of this Plan.

Hydrologic function means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.

3.9.7 Areas of Natural and Scientific Interest

Areas of Natural and Scientific Interest (Earth Science and Life Science) are identified on Schedule “C” to this Plan:

Areas of Natural and Scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

The following policies shall apply to the significant ANSIs within the Municipality.

- i) Development and site alteration shall not be permitted in significant ANSIs unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- ii) Development and site alteration shall not be permitted on adjacent lands to significant ANSIs unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- iii) For the purposes of this policy, “adjacent lands” shall mean those lands within 50 metres of identified significant earth science ANSIs and 120 metres of significant life science ANSIs. The municipality may, in consultation with the Conservation Authority, reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.8 Fish and Wildlife Habitat

Known areas of fish habitat and significant wildlife habitat are illustrated on Schedule “A” of this Plan. The Municipality may undertake additional studies and surveys to identify and designate, in accordance with the MNR, Conservation Authority and Fisheries and Oceans Canada,

additional fish habitat and significant wildlife habitat areas for protection and conservation from incompatible land uses and activities.

For the purposes of this Plan:

Fish habitat: as defined in the *Fisheries Act*, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

The following policies shall apply to the identified fish habitat and significant wildlife habitat within the Municipality:

- i) Development or site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. The Municipality shall consult with the MNR, the Conservation Authority or Fisheries and Oceans Canada to determine such requirement.
- ii) Where development or site alteration is proposed within 120 metres of a water body or watercourse, an EIS will be required to assess the potential impact on fish habitat. Development and site alteration shall not be permitted within 120 metres of fish habitat unless the ecological function of the adjacent lands have been evaluated through an EIS, as per Section 3.9.5 of this Plan, and it has been determined that there will be no negative impacts on the natural features or their ecological function.
- iii) Development shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions as a result of the proposed development.
- iv) Development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

- v) For the purposes of this policy “adjacent lands” shall mean those lands within 120 metres of identified significant wildlife habitat. The municipality may, in consultation with the Conservation Authority, reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.9 Significant Habitat of Endangered & Threatened Species

The following policies shall apply to the significant habitat of endangered species and threatened species within the Municipality:

- i) Development and site alteration shall not be permitted in the significant habitat of endangered species and threatened species.
- ii) The location of the significant habitat of endangered and threatened species is not specifically identified on Schedule “A” of this Plan. The Municipality will review development applications using the best and most up-to-date available information on endangered and threatened species location that is available from the MNR.
- iii) Development and site alteration shall not be permitted on adjacent lands to the significant habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- iv) For the purposes of this policy “adjacent lands” shall mean those lands within 120 metres of an identified significant habitat of endangered species and threatened species. The municipality may, in consultation with the Conservation Authority, reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.10 Significant Woodlands

Wooded areas within the Municipality have not yet been evaluated to determine their significance. Prior to the next municipal comprehensive review of this Plan, the Municipality will work with the Ministry of Natural Resources to identify provincially significant woodlands within the Municipality. In the interim, all wooded areas larger than 0.5 hectares within the Municipality shall be considered as having the potential to be provincially significant. Proponents of development proposals within these areas shall be

required to submit a preliminary Environmental Impact Study (EIS) completed by a qualified professional to determine the significance of the woodland as part of the application requirements. The preliminary EIS shall consider the recommended Significant Woodland Evaluation Criteria and Standards in Table 7-2 of MNR's Natural Heritage Reference Manual.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) of significant woodlands unless it has been demonstrated that there will be no negative impacts on the woodland or its ecological functions.

3.9.11 Significant Wildlife Habitat

Significant Wildlife Habitat areas within the Municipality have not yet been identified. Prior to the next municipal comprehensive review of this Plan, the Municipality will work with the Ministry of Natural Resource to identify significant wildlife habitat areas within the Municipality. In the interim, Council shall require development proponents to undertake studies completed by a qualified professional to confirm the presence/absence of significant wildlife habitat, to determine if the proposed development and/or site alteration within or adjacent to (within 120 metres) of the significant wildlife habitat will result in negative impact on the habitat or its ecological functions, and to recommend appropriate mitigative measures. These studies should reference MNR's Significant Wildlife Habitat Technical Guide for study requirements and guidance.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions, in accordance with policies 2.1.4 and 2.1.6 of the Provincial Policy Statement.

3.9.12 Significant Valleylands

Valleylands within the Municipality have not yet been identified. Prior to the next municipal comprehensive review of this Plan, the Municipality will work with the Ministry of Natural Resource to identify provincially significant valleylands within the Municipality. Once identified, Council shall require development proponents to undertake studies

completed by a qualified professional to confirm the presence/absence of significant wildlife habitat, to determine if the proposed development and/or site alteration within or adjacent to (within 120 metres) of the valleyland will result in negative impact on the valleyland or its ecological functions, and to recommend appropriate mitigative measures. These studies should reference MNR's Significant Wildlife Habitat Technical Guide for study requirements and guidance.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) significant valleylands, unless it has been demonstrated that there will be no negative impacts on the valleyland or its ecological functions.

3.9.13 Definitions of Development and Site Alteration

For the purposes of this Plan, the following definitions of “development” and “site alteration” shall apply:

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- Activities that create or maintain infrastructure authorized under an environmental assessment process;
- or
- Works subject to the *Drainage Act*.

Site alteration means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site, but does not include works directly associated with the continuation of existing agricultural uses.

3.10 ENERGY CONSERVATION

It is the intent of this Plan to provide for energy conservation through effective land use planning in all areas of the Municipality. Wherever feasible and practicable, development will be encouraged which serves to minimize energy related costs and which emphasizes the use of renewable energy sources.