

Non-Negotiables – What Must Change in the Draft Lambton County Official Plan

March 2017

Map / Section	What Must Change?	Why?
Map #1 & #2	Inform all landowners of the proposed land designation change(s) to their land -- particularly those whose property is now within or adjacent to a Natural Heritage System (Group A, B or C) and within the Recreation Conservation Area.	<u>It is public theft to change a land designation to achieve environmental objectives without properly notifying the landowner and securing assent.</u> These landowners may experience hardship as a result. Many are not aware that this OP will impose changes to their land. If these properties are so significant to the Natural Heritage System, they should be expropriated properly and the landowner compensated at full market value.
Map #2 & Section 8.1.1	Natural Heritage System Map – Remove all secondary corridors (yellow) from this map.	Secondary corridors should not be included in this map because it makes them enforceable. If secondary corridors are indeed optional, they should not be treated the same as protected natural features. Section 8.1.1 states that “Development will generally be directed away from the Natural Heritage System.”
Map #2	Natural Heritage System Map – <u>Remove all wetlands from this map that are used for agricultural purposes</u> and no longer exhibit wetland characteristics.	Much productive farm land has been designated as a wetland on this map.
Map #1	Growth Strategy Map – Reinstate “Rural Settlement” designations that are in the current OP map.	Several “Rural Settlements” have been upgraded to “Urban Settlements.” The OP indicates that all <u>Urban Settlements are to have centralized water and sewer systems in the future.</u>
Definition	<u>Clearly define “development” as projects requiring site plan approval</u> , that is, a subdivision with five or more houses. Make it clear that a building permit does not require site plan approval at any time and is not subject to the new obligations placed on “development.”	The obligations/restrictions applying to “development” (such as Environmental Impact Studies if within 400 feet of a natural feature, etc.) should not be required of building a house, adding a garage, building a shed, etc. <u>Staff indicate that there are times when projects not requiring site plan approval may be subject to the new obligations.</u>
Definition	Reduce the restrictions on “site alteration” <u>to only those areas clearly identified in the PPS.</u>	Expanding the restrictions on “site alteration” <u>will limit economic advancement.</u>
Repeated	<u>Remove reference to expanding buffer strips, linkages and corridors</u> in Sections 8.1.1, 8.1.7, 8.1.11, 8.4, 8.4.14, 8.6.10, 8.6.20, 8, 8.8.2.4, 8.8.3.1, etc.	This wording will prohibit or <u>severely restrict development approvals and/or site alteration</u> of existing developed lots.
Definition	Define “adjacent” lands the same as the PPS (rather than the unenforceable Natural Heritage Reference Manual) as follows: “those lands contiguous to a specific natural heritage feature or area <u>where it is likely</u> that development or site alteration would have a <u>negative impact on the feature or area.</u> ”	<u>Restrictions placed on adjacent lands throughout Chapter 8 are significant and can be onerous</u> even where the proposed development or site alteration is minor and even if no negative impacts are anticipated. This definition change allows for improvements that are not likely to impact the natural feature. <u>It should rest on the government’s should to prove that there WILL BE negative impact rather than the landowner’s obligation to prove that there WILL NOT BE negative impact.</u>

Definition	Clarify that the use of the word “improve” does not mean “to expand.” “Improve” should be defined as increasing the utility or enhancing the existing Natural Heritage features or systems and <u>will not include “expansion” unless specifically identified.</u>	<u>Staff has indicated that their interpretation of “improve the natural feature” could mean “to expand” it.</u> This is not consistent with the PPS. This OP sets objectives to “improve” linkages, corridors, sewage collection systems, Group A & B features, wildlife habitat, shoreline vegetation, etc.
Section 8.3	Remove reference to expanding wetlands in Section 8.3. <u>Add the following wording from the PPS, “Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetland for the purposes of this definition of wetlands.”</u>	There is no remaining public land available on which to expand wetlands. <u>It must be made clear that this objective will only be achieved voluntarily and will never be required of private property owners.</u>
Section 8.4	Remove all references to expanding woodlands in Section 8.4.	There is no remaining public land available on which to expand woodlands. <u>It must be made clear that this objective will only be achieved voluntarily and will never be required of private property owners.</u>
Section 8.5.2	Include wording in Section 8.5.2 that Lambton County <u>does not support “Managed Retreat”</u> along the shoreline.	<u>This policy restricts repairs, maintenance and replacement of buildings and septic systems along the lakeshore.</u>
Section 1.6	<u>Define a vision for economic growth</u> in the Official Plan rather than conceding that population will fall by 11.6% and the workforce will fall by 24.6% by 2031.	This plan would lead to <u>dramatic economic loss</u> and must change before it is passed.
Maps	Define all acronyms and symbols on maps.	<u>Most people do not recognize these acronyms and symbols.</u>
Appendix Map A	<u>Choose different colours</u> on the Source Protection Maps so that the areas are <u>distinguishable.</u>	It is difficult to distinguish the various areas on this map. Needs to be clear and legible.
Section 2.3.12	In Section 2.3.12, <u>reduce the target for intensification from 20% to 10%.</u>	This is not a reasonable intensification target when there is <u>no projection for population growth.</u>
Section 2.5.8	Split Section 2.5.8 into two sections and modify the language <u>to ensure that development is not directed away from moderate to low risk Source Protection Areas</u> (see legal letter).	This section has <u>high potential for misinterpretation.</u>
Section 2.7	<u>Remove the Climate Change title and goals</u> in Section 2.7.	<u>Climate change is not within the jurisdiction of the County but rather the province and the federal government.</u> The policies of this OP should relate to land use and development patterns rather than issues that are outside the County’s jurisdiction. Must provide wording that the County has no jurisdiction to force private property owners to comply with Climate Change initiatives.
Section 4.1.17	<u>Remove reference to supporting the “extension of municipal piped water to Agricultural Areas”</u> in Section 4.1.17.	Unless there is a shortage of quality and quantity water in an area, this should not be an objective of the County. <u>History in Lambton County has proven that many houses will be torn down resulting in struggling towns (stores, schools, churches, etc.) and there will be a population decrease.</u>
Section 7.3.8	Change wording in Section 7.3.8 to “Where parkland is required to be dedicated <u>as a condition to an approval for a plan of subdivision,</u> lands may be required to be dedicated for trail purposes where appropriate.	The current wording <u>allows the County to require trail dedications on all development</u> and not just plans of subdivision. This <u>over-reaches Section 51.1 of the Planning Act</u> which is the source of this authority.

Section 7.10	The following wording in Section 7.10 <u>should be removed: “To minimize development on private services” and “expand collection and treatment systems ...”</u>	<u>This OP places undue emphasis on municipal water and sewer systems without giving due regard for the cost of this infrastructure.</u> Much of the County is rural and utilizes private water and septic in a way that is safe; sustainable; financial viable. The PPS recognizes the role and benefit of private septic systems.
Section 8.1.7	<u>Add the following wording to Section 8.1.7, “Nothing in this section shall obligate landowners to sell or transfer privately held lands to the County or other public agencies to expand Natural Heritage Systems including woodlands, wetlands, buffer strips, linkages, corridors or wildlife habitat.”</u>	The current OP wording directs municipalities to determine ways to re-establish linkages and corridors between natural heritage features. They may impose buffer strips, establish wildlife habitats, use Planning Act tools, use the development approvals process, etc. (The OP Committee has dealt with this partially but not fully.)
Section 8.1.12	To be consistent with the PPS, the word “existing” should be removed from Section 8.1.12. which <u>only protects “existing” agricultural uses.</u>	All agricultural uses should be protected. Please note that non-agricultural uses on agricultural land is not protected nor is rural property that is non-agricultural.
Section 8.1.13	Add this statement to the end of the last sentence in Section 8.1.13, “... <u>and any such acquisition shall compensate the landowner at full market value”;</u>	Although reference is made to acquiring significant/sensitive lands to manage natural heritage features, there is <u>no mention of fully compensating the landowner at full market value.</u>
Section 8.2	Add the following to Section 8.2, “ <u>while protecting private land ownership to function without pressure to release land to expand these features.”</u>	This Section states lofty goals for expanding natural features <u>without providing protection for rural landowners</u> to be shielded against government pressures to release land.
Section 8.2.2	Section 8.2.2 <u>expands the imposition of an expensive (\$10,000 to \$50,000) EIS to all Group B features.</u>	This section states as follows, “Development proposals and site alteration within the Group B features described in the introduction to Chapter 8, including adjacent lands, will not be permitted unless it can be demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions.” <u>The definition of “adjacent lands” must be limited to that provided in the PPS and above.</u> This section requires property owners with lands which are <u>already developed</u> and within 120 metres (400 feet) of Group B features to incur the costs of a full EIS in every circumstance, including where this is a <u>site alteration</u> proposed. This includes minor alterations and circumstances where there is <u>no likely concern about negative impacts</u> from the proposed alteration. This <u>sterilizes the use and value of already developed land</u> within the County.
Section 8.2.4	Remove Section 8.2.4 which <u>empowers the County to expand protected natural features on the basis of any study</u> without public vetting for accuracy.	This section states as follows: “Significant natural areas shall include features and boundaries that are identified or evaluated as further studies or evaluations are completed subsequent to the adoption of this Plan ...” (Dangerous!)
Section 8.2.7	<u>Remove the 10% slope criteria in for valleylands in Section 8.2.7 and replace it with the PPS definition</u>	<u>A significant amount of Lambton County acreage has a 10% slope.</u> Additional environmental controls

	of valleylands: “a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.”	would be placed on this land if this language is approved.
Section 8.4.2	<u>The definition of “woodlands” in Section 8.4.2 should be replaced with the definition from the PPS (not the Natural Heritage Reference Manual).</u> Remove all additional criteria included in this draft OP.	This OP significantly exceeds the PPS definition of “woodlands.” The Natural Heritage Reference Manual is a policy document and is not enforceable. <u>We should not unnecessarily limit opportunities in the County.</u>
Section 8.4.3	Section 8.4.3 <u>introduces a dangerous expansion of “adjacent land” restrictions to areas not required under the PPS.</u>	<u>Remove reference to protecting lands not specifically identified in the PPS.</u> “Adjacent” must be defined as explained, above.
Section 8.4.8	In Section 8.4.8, <u>any changes to the Woodlands Conservation By-Law should be done in a separate process</u> that allows for notice, public participation and consultation.	It exceeds the County’s jurisdiction to pre-emptively decide that the Woodlands Conservation By-law shall be amended to conform with the OP.
Section 8.6.10	The following wording needs to be added to Section 8.6.10, <u>“However, where land along watercourses is privately owned, landowners will not be required to create vegetated buffer.”</u>	This Section states the following, “Local municipalities are encouraged to promote vegetated buffers and/or other vegetated areas along all watercourses through both urban and rural settings, with the specific buffering requirements to be addressed in local planning documents.” Private land ownership needs to be protected from government pressure to naturalize their land.
Section 8.6.11	Add the following wording to Section 8.6.11, <u>“Nothing in this Official Plan shall prohibit development within moderate to low risk Sourcewater Protection areas. In accordance with both Sourcewater Protection Plans (SPP) impacting Lambton County (Ausable Bayfield Maitland SPP and Thames Sydenham SPP), low to moderate threats to drinking water should be handled with education and outreach rather than regulation.”</u>	The wording of this section could be interpreted as directing development away from low and moderate risk areas which is not the intent of the SPPs. <u>Much area in the County is shown as low and moderate risk to drinking water.</u>
Section 8.8.3.1	<u>The wording in Section 8.8.3.1 needs to change to shift the burden to the County/Municipality to show a “likely risk of negative impact” rather than leave the responsibility 100% on private land owners to prove the negative.</u> The definition of “adjacent” should be in accordance with the wording, above.	This will prevent the <u>necessary imposition of an EIS</u> in circumstances where it is not warranted.
Section 8.8.3.6	<u>The definition of “adjacent lands” in Section 8.8.3.6 should be changed to comply with the PPS.</u> Also, amend the section to read consistently 8.8.3.7 and confirm that an EIS will not be required for <i>site alteration</i> unless an exception or alternative requirement has been given in this Plan.	<u>The PPS does not require a 400’ buffer zone on lands that are “adjacent” to a protected natural feature.</u> This is over-reaching and will hinder economic advancement.
Section 8.8.3.7	In the first sentence of Section 8.8.3.7, add <u>“Notwithstanding anything else in this Official Plan, no Environmental Impact Study will be required ...”</u> and remove <u>“due to special circumstances.”</u>	If no negative impacts are anticipated, that is sufficient to avoid the cost associated with an EIS. <u>Requiring no anticipated negative impacts plus special circumstances is too onerous and is not justified in the circumstances.</u>

Section 8.9.3	Change wording in Section 8.9.3 to state, <u>“Except for agricultural development or development supporting agricultural uses, new development will generally be ...”</u>	
Assumptions	Include wording that it is the intention of Lambton County to <u>always balance the economy and environment.</u>	The objectives and the means of reaching these objectives in this draft OP make it clear that <u>the writers do not intend to balance the economy and the environment.</u>