

File No.: 23-OP-3888-042A
Municipality: City of Guelph
Subject Lands: All lands within the City of Guelph

Date of Decision: February 22, 2011
Date of Notice: February 23, 2011
Last Date of Appeal: March 15, 2011

NOTICE OF DECISION
With respect to an Official Plan Amendment
Subsection 17(35) and 26(1) of the Planning Act

A decision was made on the date noted above to approve, with modifications, Official Plan Amendment No. 42 for the City of Guelph adopted by By-law No. (2010)-19057.

Purpose and Effect of the Official Plan Amendment

Official Plan Amendment No. 42 constitutes the second phase of the 5 Year Review of the City's Official Plan. Official Plan Amendment No. 42 replaces the existing Core and Non-Core Greenlands policies and mapping contained within the City's Official Plan with a Natural Heritage System (mapping and policies).

When and How to File An Appeal

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group.

When the Decision is Final

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Other Related Applications: None

Getting Additional Information

Additional information about the Official Plan Amendment is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing office at the address noted below or from the County of Bruce Municipal Office.

Mailing Address for Filing a Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office - Western
659 Exeter Road, 2nd Floor
London ON N6E 1L3

Submit notice of appeal to the attention of
Dwayne Evans, Planner.

Tel: (519) 873-4695

Fax: (519) 873-4018

DECISION

With respect to City of Guelph Official Plan Amendment #42 Subsection 17(34) of the *Planning Act*

I hereby approve Official Plan Amendment 42 to the Official Plan for the City of Guelph, as adopted by By-law (2010)-19057, subject to the following modifications:

1. All references to the words “restoration”, “natural heritage features”, “natural heritage features and areas”; “development”, “site alteration”, “minimum buffers” and “ecological functions” in Official Plan Amendment No. 42 are hereby italicized and the italics on all references to the phrase “restoration areas” are hereby removed. Further, all references to the terms “native” and “non-native” in Official Plan Amendment No. 42 are hereby deleted and replaced with ‘indigenous’ and ‘non-indigenous’, respectively.
2. All references to the phrase “Guelph Wellington *Development Association*”, as amended, is hereby modified by removing the italics from the word ‘Development’.
3. All extra spaces between words and phrases throughout Official Plan Amendment No. 42 are hereby deleted.
4. The second line of the first paragraph of the subsection titled ‘Natural Heritage Strategy: Phase 2 (2007-2009)’ in Part A is hereby modified by deleting and replacing the term “floodplain” in with ‘flood plains’.
5. The second line of the second paragraph of the subsection titled ‘Location’ under the subheading ‘Draft Natural Heritage Mapping and Official Plan Policies: Phase 3 (2010)’ in Part A (The Preamble) is hereby modified by inserting the phrase ‘2,’ after the phrase “Schedules 1,”.
6. The first line of the first paragraph of the subsection titled ‘General Modifications’ under the subheading ‘Summary of Changes to the Official Plan’ in Part A (The Preamble) is hereby modified by deleting and replacing the word “policies” with ‘policies’.
7. Subsection 6.1.1 (Purpose) is hereby modified as follows:
 - Deleting the phrase “(including established and *minimum buffers*)” in the fourth paragraph and replacing with the phrase ‘(and the established and *minimum buffers*)’;
 - Removing the italics from the word “and” in subsection 6.1.1 (i);
and
 - Removing the italics from the phrase “for permanent protection or” in subsection 6.1.1. (ii).

8. Subsection 6.1.1 (1) is hereby modified by deleting and replacing the fourth bullet point with '*Surface Water Features and Fish Habitat*'.
9. Subsection 6.1.2 (a) is hereby modified by deleting the second "that" in the first line.
10. Subsection 6.1.2 (h) is hereby modified by deleting and replacing the word "resources" with 'features'.
11. Subsection 6.1.3 (6) is hereby deleted in its entirety and the subsequent subsections re-numbered accordingly.
12. Subsection 6.1.4 is hereby modified by inserting the following and re-numbering the subsequent subsections accordingly:

'4. If, through the preparation and review of a *development* application, it is found that important *Natural Heritage features* or functions have not been adequately identified or new information has become available, the applicant may be required by the City to prepare a scoped EIS of the *natural heritage features* and functions in consultation with the City of Guelph, and where appropriate the OMNR and the GRCA. If the *natural heritage features* or *ecological functions* meet the criteria of the NHS, the applicable Natural Heritage policies shall apply.'
13. Subsection 6.1.4 (5), as renumbered, is hereby modified by inserting the word 'heritage' between the words "natural" and "feature" in the second line and italicizing the new phrase "natural heritage feature".
14. Subsection 6.1.4 (6), as renumbered, is hereby modified by inserting the phrase '*and areas*' between the words "features" and "or" in the last line.
15. Subsection 6.1.4.1 (3) is hereby modified by deleting and replacing the phrase "studies" in the last line with 'plans'.
16. Subsection 6.1.4.1 (5) is hereby modified by deleting and replacing the phrase "natural feature" in the last line with '*natural heritage features and areas*'.
17. Subsection 6.1.4.1 (7) is hereby modified by deleting and replacing the word "or" with 'including'.
18. Table 6.1, including the notes, is hereby deleted in its entirety and is replaced as follows:

"Table 6.1 Minimum Buffers and Width of Adjacent Lands to the Significant Natural Areas and Natural Areas

Significant Natural Areas	Width of Minimum Buffers	Width of Adjacent Lands
<i>Significant Areas of Natural and Scientific Interest (ANSIs)</i>	To be established through an EIS or EA in consultation with the Ontario Ministry of Natural Resources (OMNR)	50 m -120m
<i>Significant Habitat for Provincially Endangered and Threatened Species</i>	To be established through an EIS in consultation with OMNR or Recovery Plans where available	120 m
<i>Significant Wetlands</i> i. <i>Provincially Significant Wetlands</i> ii. <i>Locally Significant Wetlands</i>	i. 30 m ii. 15 m	i. 120 m ii. 120 m
<i>Surface Water and Fish habitat¹</i> i. <i>Cold/cool water fish habitat</i> ii. <i>Warm water fish habitat, permanent and intermittent streams and undetermined fish habitat</i>	i. 30 m ii. 15m	i. 120 m ii. 120 m
<i>Significant Woodlands</i>	10 m from the drip line	50 m
<i>Significant Valleylands</i>	To be established by an EIS.	50 m
<i>Significant Landform</i>	No buffer required	50 m

<i>Significant Wildlife Habitat</i> i. Deer Wintering Areas and Waterfowl Overwintering Areas ii. Significant Wildlife Habitat iii. <i>Ecological Linkages</i>	i. To be established through an EIS. ii. No buffer required. iii. No buffer required	i. 50 m ii. 50 m iii. 50 m
Restoration Areas	No buffer required	No Adjacent Lands
<i>Other Wetlands</i>	To be established through an EIS.	30 m
<i>Cultural Woodlands</i>	To be established through an EIS.	50 m
Potential Habitat for Significant Species (excluding provincially <i>Endangered</i> and <i>Threatened Species</i>)	To be established through an EIS.	50 m

19. Subsection 6.1.4.2 (3) is hereby modified by inserting the word 'function' between the words "ecological" and "will" in the first sentence and further, this same subsection is hereby modified by deleting the second sentence which reads as follows: "Development or site alteration change the designation of the feature as part of the Natural Heritage System".
20. Subsection 6.1.4.4 (2) is hereby modified by removing all italics.
21. Subsection 6.1.4.4 (4) is hereby modified by deleting the phrase "are general" between the words "10A-E" and "and" in the first sentence.
22. Subsection 6.1.4.4 (5) is hereby modified by deleting and replacing the phrase "Environmental Impact Studies" with the acronym 'EIS'.
23. Subsection 6.1.4.4 (6) is hereby modified by inserting a comma after the word "including".
24. Subsection 6.1.5.2.2 (1) is hereby modified by deleting and replacing the phrase "that is listed or categorized as an Endangered or Threatened Species on the Ontario Ministry of Natural Resources Official Species at Risk List as updated and amended from time to time" with 'as approved by OMNR'.

25. Subsection 6.1.5.2.3 (1) is hereby modified by inserting the phrase 'in accordance with provincial requirements' after the phrase "Section 6".
26. Subsection 6.1.5.2.3 (2) is hereby deleted in its entirety and the subsequent sections re-numbered accordingly.
27. Subsection 6.1.5.3.1 (c) is hereby modified by deleting and replacing the phrase "i.e." with "e.g.,".
28. Subsections 6.1.5.3.2 (1), 6.1.5.3.2 (2) and 6.1.5.5.2 (3) are hereby modified by deleting and replacing the word "including" with "and".
29. Subsections 6.1.5.3.3 (3) and 6.1.6.1.3 (3) (ii) are hereby modified by deleting and replacing the word "functions" with the phrase 'ecological function'.
30. Subsection 6.1.5.3.3 (4) (ii) is hereby modified by deleting and replacing the phrase "*provincially significant wetland*" with the acronym 'PSW' and further, this same subsection is hereby modified by deleting and replacing the phrase "*locally significant wetland*" with the acronym 'LSW'.
31. The title of subsection 6.1.5.4 is hereby modified by inserting the word 'Features' between the words 'Water' and 'and'.
32. Subsections 6.1.5.4.2 (1), 6.1.5.4.2 (2) and 6.1.5.4.2 (3) are hereby modified by deleting and replacing "GRCA" with "OMNR/GRCA" and further, these same subsections are hereby modified by deleting and replacing the word "including" with 'and'.
33. Subsections 6.1.5.4.3 (1) and 6.1.5.4.3 (2) are hereby modified by deleting and replacing the phrase "Surface Water" with '*Surface Water Features*' and further, the title of Section 6.1.5.4 is hereby modified inserting the word 'Features' after the phrase 'Surface Water'.
34. Subsection 6.1.5.4.3 (3) is hereby modified as follows:
 - Inserting the acronym 'DFO' after the phrase "the Department of Fisheries and Oceans" in the third line;
 - Deleting and replacing the phrase "Fisheries and Oceans Canada" in subsection 6.1.5.4.3 (3) (iii) with the acronym 'DFO'; and
 - Deleting and replacing the phrase "Department of Fisheries and Oceans (DFO)" in subsection 6.1.5.4.3 (3) iii) with the acronym 'DFO'.

35. Subsections 6.1.5.4.3 (5) and 6.1.8.1 (d) are hereby deleted in their entirety and the subsequent sections renumbered accordingly.
36. Subsection 6.1.5.4.3 (5), as renumbered, is hereby modified by deleting the phrase "warm water".
37. Subsection 6.1.5.4.3 (6), as renumbered, is hereby modified by deleting the phrase "a surface water" and replacing with '*surface water features*'.
38. Subsection 6.1.5.4.3 (7), as renumbered, is hereby modified by inserting the phrase "shall be encouraged and supported" after the word "habitat".
39. Subsection 6.1.5.5.2 (1) is hereby deleted in its entirety and replaced as follows:
 - '1. *Woodlands* (not identified as *cultural woodlands* or *plantations*) of 1 ha or greater in size, and a 10 m *minimum buffer*'.
40. Subsection 6.1.5.5.2 (2) is hereby modified by deleting and replacing the phrase ", (FOD5), including" with 'and'.
41. Subsection 6.1.5.5.3 (4) (ii) is hereby modified by removing all italics.
42. Subsection 6.1.5.6.3 (2) (i) is hereby modified by inserting the word '*normal*' before the word "maintenance".
43. Subsection 6.1.5.6.3 (2) (iv) is hereby modified by deleting and replacing the word "facilities" with 'systems'.
44. Subsections 6.1.5.6.3 (2) (v) and 6.1.5.7.1 (a) (i) are hereby modified by inserting the word '*features*' after the phrase "surface water".
45. Subsection 6.1.5.7.1 (a) is hereby modified by italicizing the word "significant".
46. Subsection 6.1.5.7.1 (b) is hereby modified by inserting the phrase 'protect vulnerable surface water and ground water resources,' after the word "To".
47. Subsection 6.1.5.7.3 (1) is hereby modified by inserting the word 'the' between the word "within" and "*Significant*".

48. Subsection 6.1.5.8.3 (11) is hereby modified by deleting and replacing the word “study” with ‘plan’ and further, subsection 6.1.5.8.3 (11) (iv) is hereby modified by deleting and replacing “widthof” with ‘width of’.
49. Subsection 6.1.5.9 is hereby modified by deleting and replacing the word “were” and ‘where’.
50. Subsection 6.1.5.9.3 (3) is hereby modified by inserting the word ‘normal’ between the word ‘their’ and ‘maintenance’ in the second line and delete the second period.
51. Subsections 6.1.6.1.3 (1) (vi) and 6.1.6.3.2 (4) are hereby modified by inserting the phrase ‘(Dougan & Associates, Guelph Natural Heritage Strategy, March, 2009)’ after the phrase “Wellington County”.
52. Subsection 6.1.6.1.3 (3) (i) is hereby modified by inserting the phrase ‘from the limits of the *feature*’ after the phrase “15 m” and further, the italics is removed from the word “buffers”.
53. Subsection 6.1.6.1.3 (5) (i) is hereby modified by inserting the phrase ‘or integral to the scientific, educational or passive recreational use of the property’ after the word “system”.
54. Subsection 6.1.6.2.1 (c) is hereby modified by deleting and replacing the word “indigenous” with ‘non-invasive’.
55. Subsections 6.1.6.2.3 (3) to 6.1.2.3 (5), inclusive are hereby deleted in their entirety and replaced as follows:
 - 6.1.6.2.3.3 ‘Healthy non-invasive trees in *Cultural Woodlands* should be protected to the fullest extent possible.
 - 6.1.6.2.3.4 Buffers to *Cultural Woodlands* or portions thereof, that meet the criteria for *Significant Natural Areas* will be determined through an EIS or EA, to the satisfaction of the City.
 - 6.1.6.2.3.5 Storm water management facilities and structures may be permitted in the established buffers to *Cultural Woodlands* that meet the criteria for *Significant Natural Areas* where it has been demonstrated through an EIS or EA, to the satisfaction of the City that there will be no *negative impacts* to healthy non-invasive vegetation within the woodland.’
56. Subsection 6.1.6.2.3 (7) is hereby deleted in its entirety and replaced as follows:

'7. A *Vegetation Compensation Plan* shall be required for the replacement of all healthy, non-invasive trees measuring over 10 cm dbh, that are proposed to be removed. The *Vegetation Compensation Plan* requirements are addressed under the Urban Forest provisions of this Plan'.

57. Subsection 6.1.6.3 (2) is hereby modified by removing and deleting all footnotes.
58. Subsection 6.1.6.3.2 (3) is hereby modified by deleting and replacing the acronym 'OMNR' with 'NHIC'.
59. Subsection 6.1.8 is hereby modified deleting the phrase "that development may provide opportunities for enhancement and restoration of portions of these features, and/or integration of mature and healthy native trees within the proposed development" at the bottom of the third paragraph and replacing with 'that new *development* may provide opportunities for enhancement and *restoration* of portions of these *features*, and/or retention of mature and healthy non-invasive trees as part of the proposed *development* or *site alteration*'.
60. Subsection 6.1.8.2 (1) is hereby modified by deleting in its entirety and replaced as follows:
- '1. Healthy non-invasive trees within the *urban forest* shall be encouraged to be retained and integrated into proposed *development*. Where these trees cannot be retained, they will be subject to the *Vegetation Compensation Plan* addressed in Policy 6.1.9.'
61. Subsection 6.1.8 (2) is hereby modified deleted in its entirety and replaced as follows:
- '2. Where the City is undertaking infrastructure work, healthy non-invasive trees within the urban forest will be retained to the fullest extent possible. Where trees are required to be removed, relocation or replacement plantings will be provided by the City.'
62. Subsection 6.1.8.2 is hereby modified by the addition of the following subsection:
- '5. Invasive, non-indigenous trees, shrubs and ground covers, such as European buckthorn, will be encouraged to be eradicated without

the need for compensation through the *Vegetation Compensation Plan*.'

63. Subsection 6.1.8.2.1 (3) is hereby deleted in its entirety and replaced as follows:

'3. A Vegetation Compensation Plan shall be required for the replacement of all healthy non-invasive trees measuring over 10 cm dbh, proposed to be removed.'

64. Subsection 6.1.9 (4) is hereby modified by deleting and replacing the phrase "the development or site plan application" with 'any *development or site alteration*'.

65. Subsection 6.1.9 (5) is hereby modified by inserting the phrase 'will be' between the word "vegetation" and "required".

66. Subsection 6.1.10.2.1 (2) is hereby deleted in its entirety and replaced as follows:

'2. Plantings on municipal properties shall be indigenous species where feasible and appropriate, except where harsh environmental conditions would limit their survival.'

67. Subsection 6.1.10.2.1 (4) is hereby modified by inserting the phrase 'and *site alteration*' between the words "development" and "applications".

68. Subsection 6.1.10.2.3 (3) is hereby modified by deleting the first sentence in its entirety and replaced as follows:

'3. Opportunities for plant rescue activities for plants, other than those identified for habitat protection in accordance with the *Significant Natural Area* and *Natural Area* policies will be encouraged'.

69. Subsections 6.2.1, 6.2.2 and 6.2.3 are hereby modified as follows:

- Deleting and replacing all references to the phrases "Environmental Impact Studies" and "Environmental Impact Study" with the acronym 'EIS';
- Deleting and replacing all references to the phrase "Environmental Assessments" and "Environmental Assessment" with the acronym 'EA';
- Deleting the second "(EIS)" in the first line of subsection 6.2.1 (a); and

- Deleting the phrase “EA (EA)”, as modified, in the first line of subsection 6.2.1 (a) and replacing with ‘EAs’.
 -
70. Subsection 6.2.1 (b) is hereby modified by deleting and replacing the phrase “To ensure that *development* or *site alteration* does not negatively impact, in the short term or long term the Natural Heritage System” with ‘To ensure that *development* or *site alteration* does not result in negative impacts, in the short term or long term to the Natural Heritage System’.
71. Subsection 6.2.2 (7) is hereby modified by deleting and replacing the phrase “Environmental Implementation Report has been reviewed and approved by the City, in consultation with the Environmental Advisory Committee, and where applicable the Grand River Conservation Authority, and a ministry of the Province” with ‘Environmental Implementation Report (EIR) has been reviewed and approved by the City, in consultation with the Environmental Advisory Committee, and where applicable the GRCA and a provincial ministry or agency’.
72. Subsections 6.2.2 (9) to 6.2.2 (13), inclusive, are hereby deleted in their entirety and replaced as follows:
- ‘9. Environmental studies include:
 - i) EIS;
 - ii) EIR;
 - iii) EA; and
 - iv) Detailed EIS completed in conjunction with Secondary Plans.
 - 10. An EIS and EIR shall be carried out by professional(s) qualified in the field of environmental and hydrological sciences and shall be acceptable to the City, in consultation with the City’s Environmental Advisory Committee, the GRCA and provincial ministry or agency, as applicable.
 - 11. Prior to commencement of the study, terms of reference, acceptable to the City, shall be prepared in consultation with the Environmental Advisory Committee, GRCA, and provincial ministry or agency, as applicable.
 - 12. EIS and EIRs shall be completed in accordance with Guidelines prepared by the City, as updated from time to time and approved by the City.

13. Additional studies may be required to be submitted in conjunction with an EIS and/or EIR as determined by the City and in accordance with the complete application provisions of this Plan.'

73. The title of subsection 6.2.3, as modified, is hereby deleted and replaced with 'Environmental Impact Studies (EIS)'.
74. Subsection 6.2.3 (1) (iv) is hereby modified by deleting and replacing the phrase "*Natural Heritage System*" with 'a description of the Natural Heritage System'.
75. Subsection 6.2.3 (1) (xi) is hereby modified as follows:
- Inserting the word 'City's' between the words "the" and "Environmental" in second line;
 - Inserting the word 'provincial' between the words "any" and "ministry" in the second line; and
 - Removing the italics from the word "or" in the last line.
76. Subsection 6.2.5.1 (ii) is hereby modified by deleting the phrase "and indigenous shrubs" and inserting the word 'and' between the words "indigenous" and 'non-invasive' in the first line. Further, subsection 6.2.5 (1) (iii) is hereby deleted in its entirety and the subsequent subsections re-numbered accordingly.
77. Item 4 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "no development" in the first line of Subsection 5.2.3. Further, Item 4 of Official Plan Amendment No. 42 is hereby modified by deleting and replacing subsection 7.14.2 with:
- '7.14.2 The floodways of the Speed and Eramosa Rivers are defined as a component of the Natural Heritage System. The following policies are applicable to the floodway:'
78. Item 5 of Official Plan Amendment No. 42 is hereby modified by deleting the following definitions in their entirety: 'Adjacent lands'; Development Interference Regulation'; and 'Locally Significant Wetlands'.
79. Item 5 of Official Plan Amendment No. 42 is hereby modified by inserting the following definitions in alphabetical order:
- '**Environmental Assessment (EA)** means a planning process to determine the potential impacts of an infrastructure project as determined by the Environmental Assessment Act.

Feature (See Natural Heritage Features and Areas definition).

Normal Maintenance means activities undertaken in conjunction with public and private infrastructure including energy, communication, waste water, roads, railways, trails, water supply and storage, water management and storm water management to ensure regular operation parameters and public safety in accordance with the associated guidelines, regulations and maintenance policies, procedures and risk mitigation strategies for the infrastructure.

Special Concern means sensitive to human activities or natural events which may cause it to become endangered or threatened species.'

80. Item 5 of Official Plan Amendment No. 42 is hereby modified by amending the definitions for: Identified Habitat; Minimum Buffer; Paris Galt Moraine; and Passive Recreational Areas to read as follows:

'Identified Habitat means habitat identified through an EIS, EA or similar study in accordance with the Significant Wildlife Technical Guide (OMNR, 2000), as may be amended from time to time.

Minimum Buffer means the *minimum buffers* identified on Table 10.1 of this Plan.

Paris Galt Moraine means the geomorphic feature referred to as the Paris Galt Moraine Complex which is a 6.4 to 8 km wide belt that extends over most of the City's south end (south of Clair Road) and occurs in a few more isolated patches in the central portion of the City. The Paris and Galt Moraines were both deposited by the Ontario ice lobe during the Port Bruce Stadial (15,000-14,000 yr. B.P.)

Passive Recreational Activities means a range of outdoor activities and passive uses compatible with protecting the *Natural Heritage features* including, but not limited to, wildlife habitat, wetlands and woodlands. Activities and uses include bird watching, hiking, photography, snowshoeing, and may require the construction of a trail, benches or boardwalks in accordance with the Guelph Trail Master Plan or are integral to the scientific, educational or passive recreational use of a property.'

81. Item 5 of Official Plan Amendment No. 42 is hereby modified by deleting and replacing the word "Imperilled" in the **S-Ranks or Provincial Ranks** definition with 'imperiled'. Further, this same definition is hereby modified

by deleting the phrase "Natural Heritage Information Centre" and removing the brackets from "(NHIC)".

82. Item 6 of Official Plan Amendment No. 42 is hereby modified by inserting the following in alphabetical order:

'DFO Department of Fisheries and Ocean'

83. Item 7 of Official Plan Amendment No. 42 is hereby modified by deleting and replacing the definition for **Development** with:

'Development means:

- (a) The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*; and
(b) site alteration activities such as fill, grading and excavation that would change the landform and natural vegetative characteristics of a site.

Development does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the *Drainage Act*.

In spite of the above definition, for the Special Policy Area Flood Plain of this Plan, development means the construction, erection or placing of one or more buildings or structures on lands, or an addition or alteration to a building or structure which adds more than 50% of the existing ground floor area to the building or structure.'

84. Item 7 of Official Plan Amendment No. 42 is hereby modified by deleting subsection iv) of the **Negative Impacts** definition in its entirety.
85. Item 7 of Official Plan Amendment No. 42 is hereby modified by deleting the **Natural Heritage Features**, **Scoped Environmental Impact Study** and **Significant** definitions in their entirety and are replaced as follows:

Natural Heritage Features and Areas means features and areas, including *significant wetlands and other wetlands, significant habitats of endangered and threatened species, significant Areas of Natural and Scientific Interest, surface water features and fish habitat, significant woodlands, significant landform, significant valleylands, ecological linkages and significant wildlife habitat, habitat of significant species and cultural woodlands* as defined by the criteria for designation within the Natural Heritage System.

'Scoped Environmental Impact Study' means the form of study used in the context of assessing impact on *natural heritage features and areas* where *development* within or adjacent to a natural heritage feature is contemplated and a comprehensive study (EIS/EA/Subwatershed Plan) has been completed. In this instance an area or site specific study that addresses the issues of particular concern not previously addressed in sufficient detail in the comprehensive studies will be examined for the site specific *development* proposal.'

'Significant' means:

- i) in regard to the habitat of provincially endangered and threatened species, means the habitat, as approved by the OMNR, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupies by the species during all of any part(s) of its life cycle;
- ii) in regard to the habitat of significant species that are not provincially endangered or threatened species, means the habitat that is necessary for the maintenance or survival of naturally occurring populations, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- iii) in regard to landform, means the portions of the Paris Galt Moraine containing concentrations of 20% slopes, and closed depressions located in close proximity to other Significant Natural Areas of the NHS;
- iv) In regard to *natural heritage features or areas* meeting the criteria for one or more of the following NHS components:
 - a. *Areas of Natural and Scientific Interest (Earth and Life Science)*
 - b. *Habitat for Endangered and Threatened Species*
 - c. *Significant Wetlands*
 - d. *Surface Water Features and Fish Habitat*
 - e. *Significant Woodlands*
 - f. *Significant Valleylands*
 - g. *Significant Landform*
 - h. *Significant Wildlife habitat (including Ecological Linkages);*
- v) in regard to *wetlands* means:

- a. provincially significant wetlands as identified by the OMNR and determined to be provincially significant according to the *Ontario Wetland Evaluation System*; and
 - b. *locally significant wetlands* being (a) evaluated wetlands of at least 2 ha which are not considered to be provincially significant but are considered locally significant, or (b) unevaluated wetlands of at least 0.5 ha and less than 2 ha also considered locally significant;
- vi) in regard to wildlife habitat (including Ecological Linkages) means areas that are ecologically important in terms of features, functions, representation or amount where plants and animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations contributing to the quality and diversity of the natural heritage system. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non migratory species;
- vii) in regard to *woodlands* means *woodlands* that are ecologically important in terms of features such as species composition, age of trees and stand history, functionally important due its contribution to the broader landscape because of its location, size or due to the amount of remaining forest cover in the City;
- viii) in regard to valleylands means a *natural heritage feature or area* that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year. This includes regulatory flood plains/riverine flooding hazards, riverine erosion hazards and apparent/other valleylands ecologically important in terms of features, functions, representativeness, or amount, and contributing to the quality and diversity of an identifiable area or NHS;
- ix) in regard to vegetation types means vegetation types ranked as S, S2 or S3 by the NHIC of Ontario, as well as those determined through analysis to be uncommon or representative with the County of Wellington or City but not already captured as *significant wetlands* or *significant woodlands*.

86. Item 7 of Official Plan Amendment No. 42 is hereby modified by inserting the word 'areas' after the word "treed" in the first line of the **Woodlands** definition. Further, this same definition of Item 7 of Official Plan Amendment No. 42 is hereby modified by replacing the word "significant"

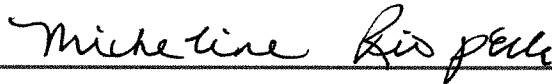
in the last line with 'significance' and subsection ii) is also modified by replacing "12" with '5'.

87. Item 7 of Official Plan Amendment No. 42 is hereby modified by inserting the following after the revised definition for "*Locally Significant Wetlands*":

~~Natural Areas (see *Natural Heritage Features and Areas* definition).~~

88. Item 8 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "Locally Significant".
89. Item 10 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "and development constraints" in the first sentence and further, Item 10 of Official Plan Amendment No. 42 is hereby modified by deleting the phrase "Schedule 10F: Development Constraints".

Dated at London this 22nd day of February, 2011



Micheline Riopelle
Director, Municipal Services Office-Western Region
Ministry of Municipal Affairs and Housing