

Rural Initiatives/Planning Advisory Committee Meeting

DRAFT Minutes (*subject to review and approval at the next meeting of the Rural Initiatives/Planning Advisory Committee)

Date: November 26, 2019
Location: Elgin County Administration Building, 450 Sunset Drive, St. Thomas
Human Resources Boardroom, 3rd Floor
Time: 2:00 p.m.

Attendees: *Members of the Rural Initiatives/Planning Advisory Committee*

Councillor Ed Ketchabaw
Councillor Sally Martyn
Councillor Dominique Giguère
2019 Warden Duncan McPhail
Heather Derks (Citizen Appointee)

Elgin County Staff

Chief Administrative Officer and County Clerk, Julie Gonyou (until 2:12 pm)
County Manager of Planning, Steve Evans

Consultant Team – Upper Thames River Conservation Authority (UTRCA)

Cathy Quinlan, Terrestrial Biologist, Project Coordinator
Terry Chapman, GIS Specialist
Tracy Annett, Manager Environmental Planning and Regulations

1. Call to Order

The Rural Initiatives/Planning Advisory Committee met this 26th day of November, 2019 in the Human Resources Board Room, at the County Administration Building, St. Thomas at 2:00 p.m., with County Chief Administrative Officer and County Clerk in the chair.

2. Appointment of Chair

Councillor Ketchabaw was nominated for the position of Chair by Warden McPhail. No further nominations were received for this position and nominations were declared closed. Councillor Ketchabaw accepted the nomination and members unanimously resolved to appoint Councillor Ketchabaw as Chair of the Rural Initiatives/Planning Advisory Committee.

Moved by: Warden McPhail
Seconded by: Councillor Martyn

Resolved that Councillor Ketchabaw be appointed as Chair of the Rural Initiatives/Planning Advisory Committee.

3. Approval of Agenda

Chief Administrative Officer and County Clerk, Julie Gonyou, as a matter of housekeeping, noted that the meeting agenda incorrectly referenced an “Elgin Natural Heritage Systems Study Meeting” and an amendment is required to clarify that the meeting is a “Rural Initiatives/Planning Advisory Committee Meeting”.

No further amendments to the agenda were noted.

The Chief Administrative Officer and County Clerk left the meeting at 2:12 p.m., with Councillor Ketchabaw in the chair.

4. Welcome and Introductions

Chairman Ketchabaw welcomed members and guests, provided a general overview of the purpose of the meeting – to provide the Steering Committee with a comprehensive update on the ENHSS Project and an opportunity for discussion.

5. Review of Minutes

Project Coordinator, C. Quinlan (UTRCA) reviewed the presentations, minutes and report recommendations from previous meetings.

6. Review key steps of the study and the three meetings

September 11, 2018: Project Kick-Off Meeting

Project Coordinator, C. Quinlan reviewed the presentation delivered at the Project Kickoff Meeting jointly to members of the Steering Committee and the Project Team on September 11, 2018. The presentation included an overview of the Elgin Natural Heritage Systems Study (ENHSS), review of the selection of UTRCA as consultants, the methodology used to map the vegetation units and the Ecologically Important Criteria applied to the vegetation units, and general implementation options.

- The woodland size criteria were raised as an issue that would need to be decided upon by the Project Team (i.e., 2 ha or 4 ha minimum size limit); was dealt with at the Dec. 6th Technical Workshop with the Project Team.
- A question was raised about the accuracy of the mapping and aerial photography interpretation; GIS Specialist, T. Chapman provided information with respect to the first Middlesex NHSS where ground-truthing was conducted. Results of field verification confirmed the use of aerial photo interpretation for identifying vegetation communities

and boundaries was appropriate for a landscape scale study. Staff completing the aerial photo interpretation has 15 years of experience with these studies. Staff has found the mapping is at least 90% accurate. It was explained that when land use change is proposed, verification of the vegetation boundaries and criteria met can be carried out at the site scale by the proponent. The mapping from this study provides information on possible natural heritage considerations up-front and early in the process, before detailed studies are contemplated.

- A question was raised about whether drain maintenance activities within 30m of significant features would be affected. Manager of Planning, S. Evans clarified that the activity would be covered under the Woodlands Conservation By-Law. Currently the By-Law allows for drain maintenance in these circumstances.
- A question was raised regarding phragmites and if this non-native wetland grass was identified differently than other native wetland vegetation communities. Project Coordinator, C. Quinlan confirmed that phragmites is not well distinguished on the photography from other marsh plants such as cattails. This is true of other non-native plants in woodlands and thickets as well. The mapping can't get to the species level. Strips of phragmites in ditches are not features identified in this study (i.e., a vegetation community must be $\geq 30\text{m}$ wide and ≥ 0.5 ha in area).

December 6, 2018: Ecological Criteria and other Technical Components

Project Coordinator, C. Quinlan reviewed highlights from the Dec 6, 2018 Technical Workshop Minutes (Project Team meeting). A question was raised with respect to Woodland Size cutoff: C. Quinlan explained that mapping showing the two scenarios for woodland size (4 ha and 2 ha) were provided to Project Team members to review. After much discussion and review of other nearby county studies, the Project Team agreed 4 ha was the suitable cutoff for Elgin County.

- A question was asked regarding a comment in the minutes from the Lower Thames Valley Conservation Authority regarding the Drainage Act in Chatham-Kent. Manager of Planning, S. Evans clarified that the comment from LTVCA was based on their experience in Chatham-Kent where there is very little forest cover.
- As a follow up, it was asked if an area such as Muskoka needed a natural heritage systems study too, given the significant amount of forest cover there. The answer is yes, it is a PPS requirement. Manager Environmental Planning and Regulations, T. Annett noted the Natural Heritage Reference Manual that is used to implement the natural heritage policies contained in the PPS, provides guidelines for minimum woodland size cutoffs depending on percent forest cover (e.g., the higher the amount of existing forest cover, the larger the woodland size cutoff can be, e.g. 10 or 20 ha).
- C. Quinlan reviewed the difference between those features identified in the PPS as Significant and those features that have been identified in the Elgin Natural Heritage Systems Study as "Ecologically Important".

- A question was raised about why we are looking at Ecologically Important features if it is not required? S. Evans and T. Annett clarified that the PPS requires a natural heritage system to be identified. The Ecologically Important features are important to the County and its local municipalities and are key in maintaining linkages that help make up the natural heritage system. Councillor Martyn pointed out that Central Elgin already has many of these features identified in their Official Plan.
- It was clarified that the Elgin County Woodlands Conservation By-law already affects all woodlands (≥ 1 ha). S. Evans provided an example where the conditions of a development approved in Port Stanley required replanting of the same area on another property to ensure no net loss as per the Woodlands Conservation By-Law. The ENHSS provides baseline data which will help in monitoring natural heritage cover over time and inform the effectiveness of policies at achieving the County's natural heritage objectives. It was also mentioned that the UTRCA has had success in partnering with industry to increase natural heritage cover (e.g., Toyota, Cami). Goal of the Province is to maintain natural vegetation cover – no net loss.

April 9th, 2019: Joint Steering Committee and Project Team Meeting

C. Quinlan reviewed the minutes of the April 9th, 2019 joint Steering Committee and Project Team meeting. The draft ENHSS report was reviewed on April 9, 2019, with a focus on the recommendations in Chapter 5. Some recommendations were revised based on the comments received during the meeting and follow-up submissions. It was noted that the revised report, dated June 5th, 2019 was made available to the Project Team for further review.

Cathy Quinlan reviewed the revised recommendations implementation measures (Chapter 5) in the June 5th Draft ENHSS report.

Section 5.1 Planning Recommendations

- S. Evans suggested the mapping from the study be included as an Appendix in the County's Official Plan. S. Evans explained that the natural heritage system features will not be shown as land use designations but will be provided for education and public awareness purposes.
- The EIS Guideline document in Appendix B of the Elgin County Official Plan (OP) will need to be updated.

Section 5.2 Other Implementation Measures

- There was a question about the last recommendation regarding an update to the watercourse layer to ensure smaller watercourses are mapped accurately and distinguished from swales, etc., and the Note (“...all open watercourses are considered to be potential fish habitat...”) and whether that might re-ignite debate over the Fisheries Act. After some discussion it was decided to leave the recommendation and note as is, as the note simply reminds the reader of the policies.

7. Discussion

- The purpose of the Natural Heritage Systems Study is a background document to inform the Official Plan. The OP policies will be part of the public consultation.
- Councillor Giguère recommended that the draft study be shared with the public prior to OP review.
- S. Evans indicated that staff can be directed to do so, but the science is defensible. He clarified that this will be one of several background studies for the OP review. The Official Plan is the document that requires public consultation and input.
- A question was asked “What is recommended for a public process?” S. Evans responded that the process is the review of the County Official Plan -- research is used to develop policies for the OP and the public then get the opportunity to review the OP through public consultation. The ENHSS report will become a reference document to the OP.
- Councillor Giguère rejects the statement that the science can’t be disputed as there can be different opinions/conclusions, etc. She feels the nature of this study is contentious and, based on lessons learned, feels that people would push back on the policy if they haven’t had a chance to review the study.
- Chairman Ketchabaw suggested that there is a high degree of confidence in this study and consultants and it would be dangerous ground to challenge the science. The general public does not have the means to review the science; what is important is to review the changes to the OP and to provide feedback to council.
- Councillor Martyn agreed that the public may assume that the ENHSS is the policy (if it is released for public input), and not that it simply informs the policy which is yet to be written. Scientific methods had to be used to do the study.
- Councillor Giguère feels we can’t assume the public can’t digest the study and that their concerns should not be diminished.
- H. Derks asked about the timeline for the 5-year review. S. Evans indicated that work on the OP policies should start in 2020. S. Evans stated that the study was completed by competent professionals and it provides the best information to take to the OP. The best time for the public to comment is through the OP review process.
- Warden McPhail agreed that the operative part is the OP. The ENHSS is a resource document that summarizes facts about the natural heritage system in Elgin.
- Councillor Martyn agreed that the study represents the facts about the natural heritage system. Going to the public outside of the OP process might be misinterpreted. Public

input is often about how it will affect them personally and they need to see the OP policy first to be able to understand how it affects them.

- Chairman Ketchabaw asked for a summary of the proposed next steps. S. Evans outlined that pending the final review of the study by the steering committee, the ENHSS report should be taken to Council for review to be used as a background document in the development of OP policies. It was clarified that the receipt of the study does not mean approval of the OP policies.
- S. Evans expected that a report to Council for a motion to initiate the OP process will be required to formally start the OP review process.
- Councillor Giguère asked whether there have been challenges to the science in other similar studies? Steve will look into it (e.g., Waterloo). C. Quinlan indicated there was concern in Perth County around implementation, but the scientific methodology was not questioned *per se*. In the end, Perth Council accepted the study.
- H. Derks agreed with the motion to present the report to County Council provided that additional wording be included to clarify that no new designations will be placed on land and that only those areas identified as Provincially Significant would be designated. The Natural Heritage System mapping will be included as an appendix for information.
- H. Derks wondered if clarification needs to be provided to answer the questions “What it means if a property is designated”. S. Evans clarified that the OP policies will reflect the Natural Heritage System Study, but the intent is not to designate. He also explained that any person can apply for an OP amendment through the planning process.

8. Public information posting on County website

- C. Quinlan reviewed the Frequently Asked Questions FAQ's and maps hosted on the County's website. The information was posted in the summer and no feedback from the public has been received.
- H. Derks wondered if some clarification wording can be added to the FAQs regarding 'designations' as discussed above. C. Quinlan and S. Evans to follow up.

9. Next Steps and Motions

The chair requested a resolution.

The following motion was passed at the November 27, 2019 meeting of the Rural Initiatives/Planning Advisory Committee in their role as Steering Committee for the Elgin Natural Heritage Systems Study.

Moved by: Councillor Sally Martyn
Seconded by: Heather Derks

Resolved that the Elgin Natural Heritage Systems Study 2019 (June 5th Draft) be presented to Elgin County Council by the Consultant (Upper Thames River Conservation Authority) at a date to be determined; and that the Rural Initiatives/Planning Advisory Committee (Steering Committee for this Study) forward the Study to Elgin County Council for its consideration with the proviso that lands that are mapped as ecologically important in the ENHSS shall not be designated as a land use on the County of Elgin Official Plan Land Use Schedule when the County completes its five year review of the Official Plan.

Motion Carried

10. Adjournment

Moved by: Heather Derks
Seconded by: Councillor Giguère

Resolved that the Rural Initiatives/Planning Advisory Committee meeting of November 26, 2019 adjourn.

11. Action Items:

- a. S. Evans will check on the Waterloo natural heritage study – for background.
- b. S. Evans to provide Warden McPhail with a hardcopy the study.